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**FILED**

MAR 21 2005

March 17, 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ADKT 244

Supreme Court Clerk's Office  
201 S. Carson St.  
Carson City, NV 89701

*Re: Settlement Conference Program - Comments on Final  
Evaluation Summary and Recommendations*

Dear Sir or Madam:

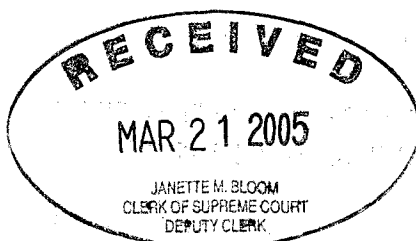
Enclosed herewith is a copy of my comments regarding the Final Evaluation Summary and Recommendation of the Settlement Conference Program.

If you have any questions, please feel free to contact me.

Very truly yours,

*Neil G. Galatz*  
Neil G. Galatz

NGG:lds  
Enclosure



**NEVADA SUPREME COURT  
SETTLEMENT CONFERENCE PROGRAM**

**COMMENTS ON EVALUATION REPORT**

With respect to Recommendation 12 regarding changing the designation of the program panelists from "judge" to "mediator", I personally think this would be a mistake. In my experience, the title of "judge" has been helpful in dealing with the parties as it adds stature and credibility to the suggestions and recommendations made by the "judge". The attorneys fully understand who and what the "judge" is, they fully understand the nature of the proceedings. Having been both a "judge" and an attorney representing a party in these proceedings, my experience says that the designation of "judge" is meaningful and helpful in settling the case because of its affect on the parties.

With respect to Recommendation 13 regarding "good faith" participation of the parties, I believe it is important, particularly with respect to having representative(s) of the defendant(s) insurance carrier present with adequate authority. I have found this provision not only helpful but necessary to ensure the presence of a representative who can make a real offer and decision. I have only had one matter in which I truly thought the appeal was frivolous. I certainly think that part of my job would be to persuade a party who has a frivolous appeal that they are wasting their time, the Court's time, and their opponent's time. Since the panelists have no authority to do anything about an appeal they think is frivolous, I see no harm in letting the panelist express his views and at least warn the party they may be facing a similar view by the Court and potential sanctions. If that helps resolve the appeal, it seem sensible to me.

With respect to Recommendation 14 regarding removing the sanction authority from the settlement conference program panelists, I have never had to impose sanctions, but I have had to suggest that I would if required actions were not promptly taken. I certainly don't advocate promiscuous use of sanctions, but having them available as a prod again, in my experience, is helpful.

With respect to Recommendation 27 regarding developing a continuing education program, frankly, I see nothing that would be accomplished by adding more hours of CLE. We are required to take CLE now. We should not be on the panel unless we are experienced and competent to start with, and if we are experienced and competent, we keep up on our own without more CLE being required