

# LAW, ARBITRATION & MEDIATION OFFICES of

## JUDGE EUGENE OSKO

3020 Island View Court, Las Vegas Nevada 89117 - PH -702-562-0846

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March 22, 2005

Janette Bloom  
Clerk of the Supreme Court  
Supreme court of Nevada  
201 South Carson Street  
Carson City, Nevada

ADKT 244  
FILED

MAR 28 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

Dear Ms Bloom,

Pursuant to the ORDER SCHEDULING PUBLIC HEARING AND ALLOWING PUBLIC COMMENT, I  
SUBMIT THE FOLLOWING;

The recent evaluation of the Nevada Supreme Court Settlement Program was a very good thing to do. It indicates that the program is one of the most successful in the country; therefore, any changes should be carefully evaluated before implementation.

RE: Recommendation 3: Having a 90 day limit from the date a case is assigned to completion would be beneficial to the litigants in that if the matter is not settled there will be no significant delays in the conclusion of their matter. It would also curtail some appeals filed as delaying tactics if the Attorneys know there is this time limit

RE: Recommendation 11: I believe the current structure of the program, with it being called a Mandatory Supreme Court Settlement Hearing with a "Supreme Court Settlement Judge" adds formality to the program which helps produce the success we have seen. Litigants need to have the perception that the person hearing the matter is not just some other Attorney similar to the one they saw in Mediation or Arbitration which failed. If they do, they may not give that person the credibility needed by the hearing officer to be successful. Likewise, having the parties attend a second Mediation after trial might not be palatable or productive.

RE: Recommendation 12: The current rules requiring good faith participation by parties, counsel and representatives work as a positive tool towards motivating the parties to attend with a positive attitude towards resolving their matter. Also, since attorneys are charged with knowing what the rules are for the hearing, if the parties and attorneys know there is no possibility of sanctions, it could disrupt the process with the parties and attorneys only going through the motions of attending the hearing with no intention of making reasonable efforts to settle.

RE: Recommendations 23 & 24: Duration of appointment to the panel should be defined upon appointment; however, reappointment should not be precluded as valuable experience could be lost. Also, it might be desirable to have some panelists who have terminated active practices. This may assist in panelists being more objective and impartial.

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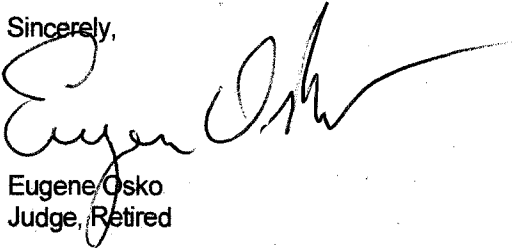
JANETTE M. BLOOM  
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05-25514

March 22, 2005

Based on the evaluation and the success rate of the program, it appears the current procedures and rules are working quite well, though some minor changes might be helpful.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eugene Osko", with a long horizontal flourish extending to the right.

Eugene Osko  
Judge, Retired