

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION  
OF RULE 16 OF THE NEVADA RULES  
OF APPELLATE PROCEDURE  
GOVERNING SETTLEMENT  
CONFERENCES IN CIVIL APPEALS.

ADKT No. 244

**FILED**

DEC 19 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER APPOINTING SUPREME COURT SETTLEMENT JUDGES

IT IS HEREBY ORDERED that pursuant to the provisions of this court's March 10, 2006, and July 7, 2006, orders,<sup>1</sup> the following current settlement judges are reappointed to 3-year terms beginning January 2, 2009:

Jonathan L. Andrews

Candace Carlyon

Thomas F. Christensen

William G. Cobb

Robert Eisenberg

Eva Garcia-Mendoza

Robert E. Gaston

Stephen Haberfeld

Bill Hammer

Craig Hoppe

Patrick O. King

Lansford W. Levitt

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<sup>1</sup> Copies of those orders are attached to this order.

Philip A. Olsen  
Kathleen M. Paustian  
Nathaniel J. Reed  
Howard Roitman  
Ara H. Shirinian  
Janet Trost  
Laurie A. Yott

DATED this 19<sup>th</sup> day of December, 2008.

Maupin, C.J.  
Maupin

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Cherry, J.  
Cherry

Saitta, J.  
Saitta

cc: Jonathan L. Andrews  
Candace Carlyon  
Thomas F. Christensen  
William G. Cobb  
Robert Eisenberg  
Eva Garcia-Mendoza  
Robert E. Gaston

Stephen Haberfeld  
Bill Hammer  
Craig Hoppe  
Patrick O. King  
Lansford W. Levitt  
Philip A. Olsen  
Kathleen M. Paustian  
Nathaniel J. Reed  
Howard Roitman  
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Janet Trost  
Laurie A. Yott  
Administrative Office of the Courts

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ADKT No. 244

**FILED**

MAR 10 2006

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

ORDER ADOPTING SETTLEMENT JUDGE APPLICATION AND  
ESTABLISHING APPOINTMENT TERMS

WHEREAS, this court adopted Rule 16 of the Nevada Rules of Appellate Procedure on December 27, 1996, and implemented the settlement conference program in 1997;

WHEREAS, although the program has been successful in meeting the court's original goals, an evaluation was needed to ensure the program meets the court's current goals;

WHEREAS, Nancy Neal Yeend of the John Paul Jones Group conducted a comprehensive review of the program and submitted a report with 32 recommendations;

WHEREAS, the report was submitted to the Settlement Judges Core Committee for comment;

WHEREAS, the court also solicited written comments from the settlement judges and the public at large and, on May 5, 2005, held a public hearing to receive oral comment on the report;

WHEREAS, the court entered an order on November 18, 2005, regarding those 32 recommendations; and

WHEREAS, in that order the court, among other things, accepted Recommendation 24 to adopt a formal application process for the

selection and retention of settlement judges, and further decided to establish terms of appointment for settlement judges;


IT IS HEREBY ORDERED AS FOLLOWS:


SETTLEMENT JUDGE APPLICATION AND APPOINTMENT TERMS


Application: This court adopts the form attached to this order, identified as Exhibit A, as the required application form for appointment to the panel of Supreme Court Settlement Judges. As part of the evaluation process, the court may refer an application to the State Bar of Nevada for review and investigation. Upon referral, the State Bar shall investigate the applicant's qualifications and fitness to serve as a settlement judge, including, but not limited to, verification of the applicant's educational background, employment history, professional licensure and any related disciplinary proceedings and criminal history. Further, this court will review the current requirements for appointment as a settlement judge and will adopt comprehensive standards regarding mediation education and relevant experience for appointment. These standards will be adopted prior to this court accepting any new applications for appointment or requiring current settlement judges to submit applications for reappointment.


Initial Appointment: Successful applicants will initially be appointed to the panel of settlement judges for a term of not more than 2 years. At the expiration of that initial term, the settlement judge must formally request to remain on the panel for another term. After the initial 2-year term, each following term may be for a period of up to 3 years. If such a request is denied, the applicant may apply for appointment to the panel after 1 year has passed from expiration of their term.


Reappointment of Current Panel Members: All current panel members will be required to reapply for appointment to the panel by submitting a completed application form. In order to establish staggered appointment terms among settlement judges, this will be done in 3 separate phases. Approximately one third of the current panel will be selected to apply for reappointment prior to January 1, 2007, by submitting a completed application form. A second group of approximately one third of the panel members will be required to apply for reappointment prior to January 1, 2008. Finally, the remaining panel members will be required to apply for reappointment prior to January 1, 2009. Current panel members that are reappointed shall be reappointed for 3-year terms. At the expiration of a term, the panel member must formally request to be reappointed. If such a request is denied, the applicant may apply for appointment to the panel after 1 year has passed from expiration of their term.

  
Rose, C.J.

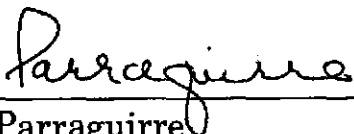
  
Becker, J.

  
Maupin, J.

  
Gibbons, J.

  
Douglas, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: All Settlement Judges  
Nancy Neal Yeend



## SUPREME COURT OF NEVADA

### OFFICE OF THE CLERK

201 SOUTH CARSON STREET, CARSON CITY NV 89701-4702

TELEPHONE (775) 684-1600

## APPLICATION FOR SUPREME COURT SETTLEMENT JUDGE

### INSTRUCTIONS FOR SETTLEMENT JUDGE APPLICATION

1. This application is to be submitted to the Clerk of the Supreme Court of the State of Nevada. The application must be mailed or delivered to the Clerk's Office at 201 South Carson Street, Carson City, NV 89701-4702.
2. Application for appointment to the panel of settlement judges must be made using this form. You may use additional sheets if needed.
3. Please type or print all information requested. Your original signature on the application is required. No facsimile copies of this application will be accepted.
4. The Supreme Court of Nevada may refer your application to the State Bar of Nevada for review and investigation.
5. Upon referral, the State Bar shall investigate the applicant's qualifications and fitness to serve as a settlement judge, including, but not limited to, verification of the applicant's educational background, employment history, professional licensure and any related disciplinary proceedings, and criminal history.
6. No later than 90 days from the date of referral, the State Bar shall transmit to the Supreme Court a certificate concerning the applicant's qualifications and fitness.
7. Please direct any questions regarding the application to the Supreme Court Clerk's Office.
8. The information contained herein will be kept confidential.

### PERSONAL INFORMATION

### CONTACT INFORMATION

Name (First, Middle, Last)			Business Telephone
Business Address			Home Telephone
City	State	Zip	Telefax
Home Address			Cellular Telephone
City	State	Zip	E-Mail Address

### OTHER

Geographic Service Areas Reno/Carson/Tahoe _____ Central Nevada _____ Northeastern Nevada _____ Greater LV Area _____	List Foreign Languages, or Sign Language, in Which You Have Sufficient Fluency to Serve as a Mediator
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### ADMISSION TO PRACTICE LAW

Nevada Bar Date of Admission _____	Active _____	Inactive _____	Other (specify)
Other Bar Date of Admission _____	Active _____	Inactive _____	Other (specify)
Other Bar Date of Admission _____	Active _____	Inactive _____	Other (specify)

### OTHER PROFESSIONAL OR OCCUPATIONAL LICENSES

Name of Entity Issuing License	Date Issued	Status of License

### AFFILIATION WITH MEDIATION ORGANIZATION OR SERVICE

Name of Service	Address of Service		
Telephone Number	City	State	Zip
Leadership	Position Held		

### AFFILIATION WITH OTHER CONFLICT RESOLUTION OR ADR SERVICE

Name of Service	Address of Service		
Telephone Number	City	State	Zip
Leadership/Participation	Position Held		

### MEDIATION QUESTIONS

Are you a full-time mediator?	Yes _____	No _____
When did you first begin serving as a mediator?		
Approximately how many cases have you mediated?		
How many appellate mediations have you participated in?		
As a mediator _____ As an advocate _____ As a party _____		

### EDUCATION AND TRAINING

College, University or Professional School (List all undergraduate and graduate work)		Dates Attended		Number of Credits		Degree Received	Major
Name of Institution	Location	From	To	Qtr.	Sem.	(AA, BS, etc.)	

Business, Correspondence, Trade, Technical or Vocational School		Dates Attended		Full Time	Part Time	Date Certif. Received	Title of Program or Subjects Taken
Name of Institution	Location	From	To	Y/N	Hrs/Wk		



## MEDIATION TRAINING

Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes _____ No _____
	From	To		
Provider Name and Address				
Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes _____ No _____
	From	To		
Provider Name and Address				
Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes _____ No _____
	From	To		
Provider Name and Address				

## OTHER CONFLICT RESOLUTION OR ALTERNATE DISPUTE RESOLUTION TRAINING

Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes ____ No ____
	From	To		
Provider Name and Address				
Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes ____ No ____
	From	To		
Provider Name and Address				
Training Classes Attended/Course Title and Location	Dates of Attendance		Number of Hours	Completion Validation/ Certificate: Yes ____ No ____
	From	To		
Provider Name and Address				

**EMPLOYMENT HISTORY**

Name of Employer		Telephone Number
Address		
Major Areas of Specialization or Subject Matter Expertise		
Any Other Significant Experience That You Think Qualifies You to Serve as a Settlement Judge		
Dates of Employment	Reason for Leaving	

Name of Employer		Telephone Number
Address		
Major Areas of Specialization or Subject Matter Expertise		
Any Other Significant Experience That You Think Qualifies You to Serve as a Settlement Judge		
Dates of Employment	Reason for Leaving	

Name of Employer		Telephone Number
Address		
Major Areas of Specialization or Subject Matter Expertise		
Any Other Significant Experience That You Think Qualifies You to Serve as a Settlement Judge		
Dates of Employment	Reason for Leaving	

### **BACKGROUND INFORMATION**

1. Are you now or have you ever been named as a defendant in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation of funds, misrepresentation or breach of fiduciary duty?

☐ Yes ☐ No

**If you answer "Yes" you must attach to this application:**

- (a) A written statement summarizing the details of each incident,
- (b) A copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- (c) A copy of the official document, which demonstrates the resolution of the charges or any final judgment.

2. Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license?

☐ Yes ☐ No

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation or surrendering a license to resolve an administrative action.

"Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

**If you answer "Yes" you must attach to this application:**

- (a) A written statement identifying the type of license and explaining the circumstances of each incident,
- (b) A copy of the Notice of Hearing or other document that states the charges and allegations, and
- (c) A copy of the official document, which demonstrates the resolution of the charges or any final judgment.

3. Have you ever been convicted of, or are you currently charged with committing a crime?

☐ Yes ☐ No

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty, by Alford plea, nolo contendere, or having been given probation, a suspended sentence or a fine.

**If you answer "Yes" you must attach to this application:**

- (a) A written statement explaining the circumstances of each incident,
- (b) A copy of the charging document, and
- (c) A copy of the official document that demonstrates the resolution of the charges or any final judgment.

**BACKGROUND INFORMATION** (continued)

4. Have you ever received a public or private reprimand or letter of caution, or been denied admission, suspended or disbarred from the practice of law in Nevada or any other state?

☐ Yes ☐ No

If you answer "Yes" you must attach to this application:

- (a) A written statement explaining the circumstances of each incident,
- (b) A copy of the charging document, and
- (c) A copy of the filed order that demonstrates the resolution of the charges.

**PROFESSIONAL REFERENCES**

(Minimum of 2 references required. Do not include Supreme Court Justices or Supreme Court personnel as your references)

Last Name	First Name	M.I.	Telephone Number
Address			
Profession			
Last Name	First Name	M.I.	Telephone Number
Address			
Profession			
Last Name	First Name	M.I.	Telephone Number
Address			
Profession			
Last Name	First Name	M.I.	Telephone Number
Address			
Profession			

**CERTIFICATION**

*(Please read and sign the following certification. You have a duty to notify the Supreme Court within 30 days of any significant change in the information contained within this application.)*

I hereby certify under penalty of perjury that all of the information submitted in this application and any attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for removal from the approved Settlement Judge List or denial of my appointment as a settlement judge and may subject me to civil or criminal penalties. Further, I grant permission to the Supreme Court of Nevada, acting through the State Bar of Nevada, to verify the information contained in this application with any federal, state or local government agency; any current or former employer; any public or private mediation organization or service; and the references listed above.

Original Signature of Applicant	Applicant's Name (Printed or Typed)	Date

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ADKT No. 244

**FILED**

JUL 07 2006

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

ORDER RE: SUPREME COURT SETTLEMENT JUDGE  
QUALIFICATIONS AND REQUIREMENTS

WHEREAS, this court adopted Rule 16 of the Nevada Rules of Appellate Procedure on December 27, 1996, and implemented the settlement conference program in 1997;

WHEREAS, although the program has been successful in meeting the court's original goals, an evaluation was needed to ensure the program meets the court's current goals;

WHEREAS, Nancy Neal Yeend of the John Paul Jones Group conducted a comprehensive review of the program and submitted a report with 32 recommendations;

WHEREAS, the report was submitted to the Settlement Judges Core Committee for comment;

WHEREAS, the court also solicited written comments from the settlement judges and the public at large and, on May 5, 2005, held a public hearing to receive oral comment on the report;

WHEREAS, the court entered an order on November 18, 2005, regarding those 32 recommendations; and

WHEREAS, in that order the court, among other things, accepted Recommendations 24, 26, 27, 28 and 29 regarding qualifications

for appointment as a settlement judge as well as standards for evaluation of appointed settlement judges;

IT IS HEREBY ORDERED AS FOLLOWS:

New applicants for appointment as a settlement judge should meet the following minimum qualifications:<sup>1</sup>

(1) Completion of a minimum 40-hour mediation training course, equivalent to the Civil Mediation Course at the National Judicial College.

(2) Demonstrated experience in appellate law and mediation.

(3) Active membership in the State Bar of Nevada with significant legal experience in Nevada is strongly preferred.

(4) Specialized training and experience will be required to be assigned family law cases.

Additionally, prior to being assigned any cases, all new settlement judges must observe or conduct 2 co-mediations, on a pro bono basis, with an experienced settlement judge.

Once appointed to a term as a settlement judge (either an initial 2-year term for new appointees or a 3-year term for current settlement judges as described in our March 19, 2006, order)<sup>2</sup> settlement judges must meet the following continuing requirements:

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<sup>1</sup> This court previously adopted a formal settlement judge application form and set forth appointment terms in an order entered March 19, 2006.

<sup>2</sup> As explained in that order, current settlement judges need not take any action at this time. All current settlement judges will be notified when they must submit a completed application form for reappointment to  
*continued on next page . . .*

(1) Average at least 4 cases per year during the appointment term.<sup>3</sup>

(2) Complete an average of 4 hours of continuing legal education in mediation, including 1 hour in ethics, per year during the appointment term.

A settlement judge may be removed from the panel for violation of the Code of Conduct, repeated procedural derelictions, or other good cause. In order to be considered for reappointment, a settlement judge must meet the above continuing requirements and request to be reappointed prior to the expiration of his or her appointment term. Further, a settlement judge may be temporarily suspended from the panel and not receive any new case assignments if he or she has not met all procedural requirements for his or her current caseload.

Applications for an initial appointment or requests for reappointment at the expiration of an appointed term shall be submitted to the clerk's office for processing and will be evaluated by the court based on the above factors as well as other relevant background information included in the application. The court may refer an application to the

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*... continued*

a new 3-year term. These requirements will only apply after appointment to such a term.


<sup>3</sup> It is the responsibility of settlement judges to keep track of the number of cases they have been assigned and to notify the program administrator when they are available to accept new cases

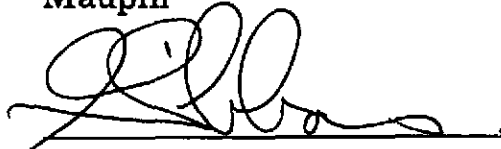


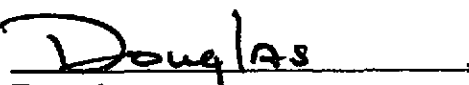
Settlement Judges Core Committee for a recommendation. The court may also refer an application to the State Bar of Nevada for review and background investigation.

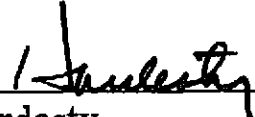
 C.J.  
Rose


 J.  
Becker

 J.  
Maupin

 J.  
Gibbons

 J.  
Douglas

 J.  
Hardesty

 J.  
Parraguirre

cc: All Settlement Judges  
Nancy Neal Yeend