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FILED

JUL 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

July 2, 2012

Tracie K. Lindeman
Clerk of the Supreme Court
201 South Carson Street
Carson City, NV 89701

Re: Rules for Foreclosure Mediations, ADKT No. 435

Dear Ms. Lindemann:

This letter is in response to the Supreme Court's invitation to the public to submit written comments regarding proposed changes to the Foreclosure Mediation Rules.

I now provide my suggestions for rule amendments. I do note that these recommendations/suggestions were all submitted by me for consideration by the Advisory Committee on Foreclosure Mediation. For reasons about which I can only speculate none of these recommendations/suggestions ever appeared on an agenda and were never considered by the Advisory Committee.

I request an opportunity to participate in the public hearing on July 9, 2012.

RECOMMENDATION NO. 1:

The Supreme Court should consider modifying the FMP rules dealing with suspension of, termination of, and reappointment of, mediators so that the rules meet the minimum requirements of the United States Constitution .

DISCUSSION

When, for whatever reason, a Mediator has "displeased" the Administrators of the FMP the practice is to blacklist the Mediator. Nothing is said or written to the Mediator. The Mediator is just not assigned any cases. This is a despicable method of dealing with

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Mediators, mostly lawyers, who have invested great amounts of professional time studying and preparing to be Mediators. It is a particularly egregious violation of constitutional rights to blacklist a Mediator who has made Recommendations/Suggestions for the good of the FMP. Rule 5(a) provides:

'5. Appointment of mediators.

(a) The Administrator, or designee, shall solicit and provide the Court with the names and qualifications of persons who have applied to become mediators. The Court shall review the qualifications and approve, deny, or continue the applicant's request to serve as a mediator. The term of appointment shall be 1 year'

It is the practice of the Administrator NOT to submit the names and qualifications to the Supreme Court of all who have applied. The Administrator should be required to follow the rule. If there are Mediators who, in the opinion of the Administrator should not be appointed or reappointed then the Administrator should be required to submit a written recommendation NOT to reappoint to the Supreme Court which can then discharge its duty to "approve, deny, or continue." The Mediator should be provided with a copy of the recommendation not to appoint or reappoint. This is just a matter of common courtesy.

RECOMMENDATION NO. 2:

The Administrator should not serve as Chair of The Foreclosure Advisory Committee

DISCUSSION:

Since the formation of the FMP Advisory Committee, the Chair has consistently failed and refused to submit Mediator Recommendations/Suggestions for the good of the program to the Advisory Committee. The Chair has controlled and manipulated the Advisory Committee so that it is effectively of no "Advisory" value to the Nevada Supreme Court. The Chair has issued press releases that make false representations (in the name of the Nevada Supreme Court) of the import of such limited and uninformative statistical data as the FMP has generated. The Chair has continued a pattern and practice of acting in the interest of the Lenders/Beneficiaries/Serviceers with no regard for correct application of the

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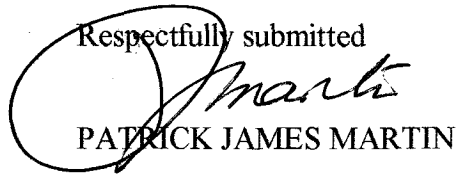
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law and the interests of the homeowners. The Advisory Committee makeup is already numerically slanted in favor of Lender/Beneficiaries/Serviceirs who do not need any more "help" from the Chair in assisting the FMP to become the failure that it is.

Respectfully submitted

A handwritten signature in cursive script that reads "Patrick James Martin". The signature is written in black ink and is positioned over the printed name below it.

PATRICK JAMES MARTIN

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