

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF RULES FOR FORECLOSURE
MEDIATION

ADKT 0435

FILED

MAY 14 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ERRATA

By order dated May 7, 2020, this court amended Foreclosure Mediation Rule 3(4). We have determined that due to a clerical error, Exhibit A to the order requires correction. Specifically, the continuing education provision in Rule 3(4)(b) should read to require mediators to participate in approved biennial, not biannual, continuing education. Accordingly, we direct the clerk of this court to modify Exhibit A to the order filed on May 7, 2020, by deleting "biannual" and replacing it with "biennial" in the first sentence of Rule 3(4)(b). The amended sentence will now read:

Additionally, all mediators must participate in approved biennial continuing education of at least 4 hours and consisting of education in the area of real property law, including but not limited to the following: deeds of trust, promissory notes, loan modifications, Nevada foreclosure law, Nevada Supreme Court updates and rulings on foreclosure mediation, district court mediation process and procedures, use and operation of any Portal operated by Home Means

Nevada, Inc. (or its successor), mediation process and procedures and such other related topics as the court may approve.

It is so ORDERED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Paul Matteoni, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Home Means Nevada, Inc.
All District Court Judges
All District Court Clerks
All Court Administrators
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Legal Aid Center of Southern Nevada
Nevada Legal Services

Washoe Legal Services
Southern Nevada Senior Law Program
Washoe County Senior Law Program
Volunteer Attorneys for Rural Nevadans
Nevada Association of Counties
Nevada Bankers Association
Nevada Land Title Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO FORECLOSURE MEDIATION RULE 3

Rule 3. Presiding Mediator.

1. *Authority.* A foreclosure mediation must be conducted by either a senior justice, judge, hearing master, or other designee. The presiding mediator shall have all requisite authority to conduct the foreclosure mediation. The mediator shall schedule each mediation to conclude within 90 days of receipt of the assignment and shall notify the District Court of the outcome of each mediation.

2. *Assignment of presiding mediator.* No later than 10 days after receipt of the Petition for Mediation Assistance, and the fees from both parties pursuant to Rule 1(2) herein, the District Court shall randomly select and assign from the applicable geographic area a mediator to preside over the mediation. The assigned mediator will have 2 business days after receiving the assignment to determine and notify the District Court of a conflict requiring his or her recusal. Upon such notification, the District Court shall immediately and randomly select another mediator to conduct the mediation. The District Court may direct a mediator to cluster several mediations for a lender. Upon final selection of a mediator, the District Court shall send notice of the assignment to the parties.

3. *Panel of mediators.* The Administrative Office of the Courts shall maintain a list of mediators by geographic area available to hear foreclosure mediations. The list shall include persons who are appointed by the Court to serve as presiding mediators in the Foreclosure Mediation Program and are qualified pursuant to subsection 4 herein.

4. *Mediator qualifications.*

(a) Mediators must meet the following minimum qualifications and provide proof as part of the application process:

(1) Be licensed to practice law in the State of Nevada; or

(2) Be an experienced mediator. For purposes of this subsection, an experienced mediator shall mean an individual who has participated in a mediation training program consisting of at least 40 hours of classroom and role playing and has conducted 10 mediations as a co-mediator or sole mediator.

(b) Additionally, all mediators must participate in ~~[an]~~ approved ~~[annual]~~ biennial continuing education of at least 4 hours and consisting of education in the area of real property law, including but not limited to the following: deeds of trust, promissory notes, loan modifications, Nevada foreclosure [laws,] law, Nevada Supreme Court updates and rulings on foreclosure mediation, district court mediation process and procedures, use and operation of any Portal operated by Home Means Nevada, Inc. (or its successor), mediation process and procedures and such other [topics.] related topics as the court may approve. Proof of this continuing education must be submitted with the application.

(c) The Court, for good cause shown, may waive the minimum requirements set forth herein.

5. *Appointment of mediators.*

(a) The Administrative Office of the Courts shall solicit applications annually 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 2 years.

(b) The list of Court-approved mediators shall be maintained by the Administrative Office of the Courts.

(c) The Court-approved mediator must sign a Mediator Code of Conduct biennially or as needed.