

FILED

AUG 25 2020

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ADKT 491

EXHIBIT A

AMENDMENT TO SUPREME COURT RULE 252

Rule 252. Settlement conferences.

1. **Settlement conferences in civil cases.** At any time in any civil case, the parties may request or the court may order that the parties and their attorneys meet in person with a judge other than the judge assigned to preside over the trial and attempt to settle the case.

(a) Settlement conferences held pursuant to subsection 1 of this rule shall be held before a senior justice or senior judge or other judge who is amenable to hearing the case.

2. **Settlement conferences in criminal cases.** The purpose of a settlement conference is to facilitate good faith discussions to resolve any criminal case before the district court in a manner that serves the interest of justice.

(a) In any criminal case before the district court, either party may request a settlement conference, or the trial judge may, on its own, recommend that counsel with settlement authority participate in a settlement conference. A case will not be referred to a settlement conference if any party objects. The defendant must consent on the record or in writing before a case is referred to a settlement conference. In all cases, the settlement conference must not be before the trial judge. If settlement discussions do not result in an agreement, the case must be returned to the trial judge.

(b) Beyond all else, participation in a settlement conference is voluntary by the parties, and no party has any right to an offer, or may raise any claim from any fact or circumstance that occurs during the settlement conference,

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including but not limited to the bad faith of the parties in participating in the conference. Decision-making authority remains with the parties and not the settlement judge. The trial judge, the settlement judge, or any party may unilaterally terminate the settlement conference at any time.

(c) Settlement conferences must, in all respects, be confidential and not reported or recorded.

(d) Communications between the settlement judge and the trial judge. The settlement judge and the trial judge must have no contact or communication, except that the settlement judge may, without comment or observation, report to the trial judge that:

(1) The parties cannot reach an agreement;

(2) The parties have reached an agreement, and the agreement reached may be reduced to writing, signed by the prosecuting attorney, the defendant, and defense counsel and submitted to the court for approval;

(3) Meaningful attempt to settle is ongoing; or

(4) The settlement judge withdraws from further participation in potential settlements.

(e) Should the settlement conference result in a settlement agreement, the terms of the agreement must be reduced to a guilty plea agreement in accordance with NRS 174.063 and signed by the defendant, defense counsel (if any), and the prosecutor. The parties must file the guilty plea agreement with the trial judge, but any judge, other than the settlement judge, may accept the defendant's plea. Any party may withdraw from an agreement before the defendant's plea is accepted.

(f) If the parties reach a guilty plea agreement that involves any stipulations, such a settlement shall be conditioned on the trial judge's acceptance of and agreement to follow the stipulations. If the trial judge is

unwilling to abide by the stipulations, then either side may withdraw from the guilty plea agreement.