

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

AUG 15 2017

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

IN THE MATTER OF THE PROPOSED )  
AMENDMENT OF THE RULES OF )  
PRACTICE FOR THE NINTH JUDICIAL )  
DISTRICT COURT )  
\_\_\_\_\_ )

ADKT. NO. 0528

PETITION TO AMEND THE CAPTIONS TO RULES 26 AND 27 AND ADD RULE 31  
TO THE RULES OF PRACTICE FOR THE NINTH JUDICIAL DISTRICT COURT


Pursuant to the Nevada Rules on the Administrative Docket and Nevada Revised Statute  
Section 38.258(1), Petitioner, NINTH JUDICIAL DISTRICT COURT, by and through the  
Honorable Nathan Tod Young and Honorable Thomas W. Gregory, hereby petitions this  
Honorable Court for its order amending the Ninth Judicial District Court Rules by amending the  
caption to NJDCR 26 and caption to NJDCR 27, as attached as **Exhibit A**, and adding NJDCR  
31, as attached as **Exhibit B**.

It is the opinion of the judges of the Ninth Judicial District Court that proposed Rule 31 is  
necessary to provide the court another alternative method of resolving disputes as provided in  
NRS 38.258(1). Presently the court rules provide domestic mediation, pretrial conferences,  
Nevada Arbitration Program and Nevada Short Trial Program. The addition of mediation will  
provide the court and litigants with another important alternate dispute resolution method. The  
proposed NJDCR 26 and NJDCR 27 caption amendments are necessary to distinguish those  
mediation rules regarding child custody from the new general NJDCR 31 mediation rule.

17-27160


Therefore, petitioners respectfully request this Honorable Court enter its order granting this petition and amending the Ninth Judicial Court Rules as herein stated.

Respectfully submitted this 29 day of March, 2017.



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Nathan Tod Young  
District Court Judge



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Thomas W. Gregory  
District Court Judge

## EXHIBIT A

### **“Rule 26. Mediation regarding child custody.**

(a) Matters subject to mediation.

(1) Unless an action is exempt pursuant to subsection (m) of this rule, all district court actions that involve a dispute regarding child custody, access, or parenting time shall be referred to mediation.

(2) Mediation of the dispute by the approved family mediators or by private mediator must take place before the trial or any hearing on custody, access, or parenting time, unless waived by the court.\*\*\*

### **“Rule 27. Unsuccessful child custody mediation.**

(a) In each case in which mediation has been unsuccessful in resolving custody or parenting time issues, the mediator, the parties, and/or their counsel shall notify the court within ten (10) judicial days that mediation has been unsuccessful. If a trial or evidentiary matter is not already scheduled, then the parties and/or their counsel shall request that the Judicial Assistant schedule the matter pursuant to NJDCR 5.1. If appropriate, the parties and/or their counsel may request in writing a case management conference.\*\*\*

## EXHIBIT B

### **“Rule 31. Mediation.**

(a) Upon motion or by agreement of the parties, or upon the court’s own initiative, the court may order the parties to engage in mediation. This rule does not apply to NJDCR 26, mediation regarding child custody.

(b) The court may draw upon attorneys licensed to practice law in Nevada to serve as mediators in appropriate cases, taking into consideration the experience of each prospective mediator in light of the nature and complexity of the case. Fees and costs of the mediator are to be paid equally by the parties, unless otherwise stipulated.

(c) The mediation must take place no later than sixty (60) days from the mediator’s appointment. The parties present at the mediation must have authority to resolve the matter.

(d) Within ten (10) days after the conclusion of the mediation, any successful resolution of the action or any legal or factual issues must be reduced to writing and submitted to the court for approval. If no resolution is reached, the mediator must notify the court that the mediation has been unsuccessfully concluded.

(e) If any party fails to appear at any mediation conference or fails to participate in good faith in the mediation effort, the court may take whatever action it deems necessary or appropriate, including any of the sanctions described in NJDCR 23.

(f) Mediation proceedings shall be held in private and all communications, verbal or written, made in the proceedings shall be confidential and shall not be disclosed except upon waiver of the privilege by the parties.”