

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: AMEND CAPTIONS TO RULES
26 AND 27 AND ADD RULE 31 FOR
NINTH JUDICIAL DISTRICT COURT

ADKT 528

FILED

SEP 21 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER AMENDING RULES 26 AND 27 AND ADDING RULE 31 TO
THE LOCAL RULES OF PRACTICE FOR THE NINTH JUDICIAL
DISTRICT COURT*

WHEREAS, on August 15, 2017, the Honorable Nathan Tod Young and the Honorable Thomas W. Gregory filed a petition in this court seeking to amend the Ninth Judicial District Court local rules of practice to add Rule 31 to provide the court an alternative method of dispute resolution and to amend the captions of local Rules 26 and 27 to distinguish those mediation rules from the proposed Rule 31; and

WHEREAS, it appears that adding Rule 31 and amending Rules 26 and 27 is warranted; accordingly,

IT IS HEREBY ORDERED that the Rules 26 and 27 shall be amended and shall read as set forth in Exhibit A and Rule 31 shall read as set forth in Exhibit B.

IT IS FURTHER ORDERED that this amendment to the local rules for the Ninth Judicial District Court shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of

the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendment.

DATED this 21st day of September 2017.

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Nathan Tod Young
Hon. Thomas W. Gregory
Vernon Leverty, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Douglas District Court Clerk
Administrative Office of the Courts

EXHIBIT A

**AMENDMENT TO RULES 26 AND 27 OF THE NINTH JUDICIAL
DISTRICT COURT RULES**

Rule 26. [~~Mediation.~~] 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

ADOPTION OF RULE 31 OF THE NINTH JUDICIAL DISTRICT COURT RULES

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.