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Via Electronic Submission

Ms. Elizabeth A. Brown
Clerk of the Supreme Court
201 S. Carson Street
Carson City, NV 89701

Re: Draft Temporary Residential Summary Eviction Rules

Dear Justices:

Thank you for the opportunity to address the proposed Temporary Residential Summary Eviction Rules. My comments are as follows.

Rule 2(a) Definitions

I would recommend removing the words "and evaluate proposals" as that is not a technique used in all mediation styles and it may create unrealistic expectations for the parties.

5. Procedure for requesting mediation

This section notes that the mediation may be via in person, telephone or video-teleconferencing. My concern is if there is a mediator who, for health reasons or other,

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does not wish to conduct in person mediations. This could present a problem if both parties indicate in-person as the preferred method. I would suggest adding language here making it clear that the mediator makes the ultimate determination regarding the appropriate forum.

7. Assignment of mediator and scheduling of mediation

Mediators should be expected to do a conflicts check before accepting a mediation. There is nothing in this rule that allows a mediator to reject an assignment for a conflict or any other reason. There should be language allowing for that.

Section 7(c) of this rule calls for the mediator to send a notice to the landlord and tenant within 2 judicial days. I am not certain that this is sufficient time. In order to ensure availability, the mediator may want to contact the parties for dates and times. Two days would likely not allow sufficient time to do so.

Section 7(d), second sentence, remove "or the mediator determines that a settlement is not likely to be reached" and insert "or the parties have reached an impasse." Self-determination is a basic tenet of the mediation process and this change would more accurately reflect that it's the parties who decide when there is nothing left to negotiate.

8. Confidentiality

In the first sentence, I would suggest adding the word "process, including pre or post mediation communications" between "mediation" and "are." Sometimes conversations take place pre-mediation. Those should be treated as confidential in the same manner as in session conversations.

Additionally, the second sentence should be removed entirely. Confidentiality is the cornerstone of the mediation process and should be carefully guarded. This language could be read in multiple ways and may erode confidentiality. I believe that the idea behind this language is that DETR or rental assistance individuals may give input into the mediation. If that is the case, I would suggest that this more appropriately belongs in a

different section. It could be incorporated into Section 7(d). After the first sentence, it could say something such as, "The mediator may also request that representatives of existing programs for rental or other assistance or representatives from Nevada's DETR participate in the mediation. Any such representative would be subject to the confidentiality provisions of these Rules."

Thank you for considering my input.

Sincerely,

Margaret Crowley

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