

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

January 28, 2020

The Honorable Kristina Pickering
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701

FILED

JAN 28 2020

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

RE: ADKT 435 – Amendment to FMR 3(4)

Dear Chief Justice Pickering:

As the entity charged with the processing of applications for mediators in the Foreclosure Mediation Program, we offer comment on the petition filed in ADKT 435 on January 24, 2020, to amend the Foreclosure Mediation Rule 3(4).

Discussions and emails regarding training have been the single biggest time sink to our Personnel Officer in the collateral assignment of mediator application processing. Consistently, many foreclosure mediators wait until the last minute, usually November or December, and then complain because we did not offer a course for them to complete nor have a list of approved courses for them to take. We do not have the funding nor staffing resources to meet those expectations once the Program was moved out of the Administrative Office of the Courts.

We are pleased that the Court is entertaining a petition to change the requirements. We offer the following comments based on our efforts in administering this and other mediation programs.

1. The change requiring that mediators be licensed to practice law in the State of Nevada will eliminate 14% of the current foreclosure mediators statewide. This change will particularly impact the rural counties, such as Lincoln County where 2 out of 5 of the mediators who are currently on the approved mediator list are not licensed attorneys.
2. Most professionals have to maintain some type of continuing education. An annual requirement of 4 hours for mediators does not seem overly burdensome when considering that attorneys are required to have 13 hours annually and certified human resources professionals are required to have 60 hours triennially, for example. If the Court considers making the requirement biennial in concert with the application process, perhaps 8 hours would be the appropriate amount.

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ELIZABETH A. BROWN
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CHIEF DEPUTY CLERK

Supreme Court Building • 201 South Carson Street, Suite 250 • Carson City, Nevada 89701 • (775) 684-1700 • Fax (775) 684-1723

Supreme Court Building • 408 East Clark Avenue • Las Vegas, Nevada 89101

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3. The mediators suggest in their amendments that the training should be in real property law and then go on to include generalized training in mediation process and procedures and the use of the portal operated by Home Means Nevada. We applaud the addition of these topics (and have approved them previously); however, as written, we believe it will be hard to find training regarding real property law mediation process and procedures. We suggest the rejection of the additional language "the area of real property law" and encourage subsequent editing to make the sentence grammatically correct. Alternatively, if the Court determines real property law needs to be the focus of all mediator training, then topics such as the portal and general mediation process should not be included.
4. Lastly, many mediators have taken issue that we do not provide an approved list of courses. Again, owing to our limited resources available to create and maintain such a list, we suggest the Court reject the addition of "as the court may approve" so we can mitigate that expectation.

Respectfully submitted,


Robin Sweet

/rls

CC: McKenna McCormack, Personnel Officer