


IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ADOPTION
OF RULES FOR FORECLOSURE
MEDIATION

ADKT 0435

FILED

FEB 24 2020

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

*ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT*

On January 24, 2020, Associate Chief Justice Mark Gibbons filed a petition seeking to amend Foreclosure Mediation Rule 3(4). The proposed amendments are attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on April 1, 2020, at 2:00 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

The Court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 or nvscclerk@nvcourts.nv.gov by 5:00 p.m., March 20, 2020. Persons interested in participating in the hearing must notify the Clerk no later than April 1, 2020.

Hearing date: April 1, 2020, at 2:00 p.m.
Supreme Court Courtroom
408 East Clark Avenue
Las Vegas, Nevada 89101

Comment deadline: March 20, 2020, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

Dated this 24th day of February, 2020.

Pickering, C.J.
Pickering

cc: Paul Matteoni, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Humboldt County Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO FORECLOSURE MEDIATION RULE 3

Rule 3. Presiding Mediator.

1. *Authority.* A foreclosure mediation must be conducted by either a senior justice, judge, hearing master, or other designee. The presiding mediator shall have all requisite authority to conduct the foreclosure mediation. The mediator shall schedule each mediation to conclude within 90 days of receipt of the assignment and shall notify the District Court of the outcome of each mediation.

2. *Assignment of presiding mediator.* No later than 10 days after receipt of the Petition for Mediation Assistance, and the fees from both parties pursuant to Rule 1(2) herein, the District Court shall randomly select and assign from the applicable geographic area a mediator to preside over the mediation. The assigned mediator will have 2 business days after receiving the assignment to determine and notify the District Court of a conflict requiring his or her recusal. Upon such notification, the District Court shall immediately and randomly select another mediator to conduct the mediation. The District Court may direct a mediator to cluster several mediations for a lender. Upon final selection of a mediator, the District Court shall send notice of the assignment to the parties.

3. *Panel of mediators.* The Administrative Office of the Courts shall maintain a list of mediators by geographic area available to hear foreclosure mediations. The list shall include persons who are appointed by the Court to serve as presiding mediators in the Foreclosure Mediation Program and are qualified pursuant to subsection 4 herein.

4. Mediator qualifications.

(a) Mediators must meet the following minimum qualifications and provide proof as part of the application process:

(1) Be licensed to practice law in the State of Nevada; ~~[or]~~ and

(2) Be an experienced mediator. For purposes of this subsection, an experienced mediator shall mean an individual who has participated in a mediation training program consisting of at least 40 hours of classroom and role playing and has conducted 10 mediations as a co-mediator or sole mediator.

(b) Additionally, all mediators must participate in ~~[an]~~ approved ~~[annual]~~ biannual continuing education of at least 4 hours and consisting of education in the area of real property law, including but not limited to the following: deeds of trust, promissory notes, loan modifications, Nevada foreclosure [laws,] law, Nevada Supreme Court updates and rulings on foreclosure mediation, district court mediation process and procedures, use and operation of any Portal operated by Home Means Nevada, Inc. (or its successor), mediation process and procedures and such other [topics.] related topics as the court may approve. Proof of this continuing education must be submitted with the application.

(c) The Court, for good cause shown, may waive the minimum requirements set forth herein.

5. Appointment of mediators.

(a) The Administrative Office of the Courts shall solicit applications annually and provide the Court with the names and qualifications of persons who have applied to become mediators. The Court shall review the qualifications and approve, deny, or continue the applicant's request to serve as a mediator. The term of appointment shall be 2 years.

(b) The list of Court-approved mediators shall be maintained by the Administrative Office of the Courts.

(c) The Court-approved mediator must sign a Mediator Code of Conduct biennially or as needed.