

**This section replaces pages 188-191 of
the November 13, 2017, Meeting
Materials**

Agenda Item VI (a)

ADMINISTRATIVE DOCKET 507

**August 2, 2017, Order Setting Forth
Duties of the Permanent Guardianship
Commission**

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE CREATION
OF A COMMISSION TO STUDY THE
CREATION AND ADMINISTRATION
OF GUARDIANSHIPS.

ADKT 507

FILED

AUG 02 2017

O R D E R

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

WHEREAS, on June 8, 2015, this court created a statewide commission, composed of stakeholders in the public and private guardianship system, to study and make appropriate recommendations for statewide policies, procedures and legislative changes concerning the creation and administration of guardianships. The Guardianship Commission held multiple meetings between July 15, 2015, and September 30, 2016, during which the Commission received presentations from local and national experts on the subject of guardianships and heard extensive testimony from members of the public;

WHEREAS, the Nevada Legislature considered and adopted numerous recommendations made by the Guardianship Commission during the 79th Session of the Legislature, including, among others, Assembly Bills 130 (making numerous amendments to NRS Chapter 159 concerning the creation and administration of guardianships) and 319 (establishing a separate statutory scheme for the creation and administration of juvenile guardianships), and Senate Bills 168 (creating a Bill of Rights for proposed protected and protected persons) and 433 (providing for financial support for the appointment of legal counsel for proposed protected and protected persons);

WHEREAS, after considering all information presented to it, the Commission also recommended that the Nevada Supreme Court establish a permanent Guardianship Commission to address issues of concern to those persons who would be subject to the guardianship statutes, rules, and processes in Nevada. Specifically, the Commission has recommended that the permanent Guardianship Commission study and make recommendations for the Court's consideration in the following areas:

1. Rules outlining the duties of an attorney for a proposed protected person or protected person.
2. Rules outlining the duties of a guardian ad litem for a proposed protected person or protected person.
3. Procedures or rules to require mediation in all contested guardianships proceedings.
4. Rules to evaluate Court supervision of guardianships including training, staffing, scheduling, and caseload limits.
5. Rules to designate training and caseloads for professional guardians, both private and public.
6. Uniform statewide rules and forms for the processing of guardianship proceedings in all Nevada District Courts.
7. Rules requiring a court to make specific findings if the court does not order a bond or blocked account.
8. Rules regarding NRS 159.057, which would require the Court to create and maintain a separate case for each individual protected person regardless of whether the petition was filed for two or more protected persons.
9. Development of a uniform Guardianship information sheet to be used by all Nevada District Courts pursuant to NRS 3.275.

10. Performance measures to be used by district courts that include age of pending case, time to disposition, and clearance rates for guardianship cases.

11. Rules for the qualifications of non-attorney guardian ad litem or advocate.

12. Rules outlining the initial plan for guardianship, which include,

a. offering recommendations concerning the fee structure to compensate guardians and others they hire.

b. making recommendations concerning the process, notice, and findings required for the approval of fees to guardians and others they hire.

c. making recommendations concerning the process, timing, notice, and findings the Court must make concerning accountings of the protected person's estate.

13. Modifications to the Judicial Code, as necessary, to accommodate the judge's ability to address ex parte communications that deal with the welfare of the protected person.

WHEREAS, this court has determined that the recommendations of the Guardianship Commission are appropriate; accordingly,

IT IS HEREBY ORDERED that a permanent Guardianship Commission be created by September 20, 2017, to study and make recommendations in the areas enumerated above, providing a report to the Court by January 31, 2018.

IT IS FURTHER ORDERED that the Supreme Court will appoint up to 15 members to serve on the permanent Guardianship Commission. In furtherance of the appointments, the Supreme Court

solicits those persons interested in serving on the permanent Commission to submit letters of interest to the Clerk of the Nevada Supreme Court by 4:00 p.m. on September 6, 2017.

Dated this 2nd day of August, 2017

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: All District Court Judges
Kimberly F. Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

Supplemental Materials

Agenda Item VI (b)

**Presentation by Judge Gloria Sturman
and Homa Woodrum on Bench-Bar
Efforts on Local Guardianship Rules**

CERTIFICATE OF NEED FOR GUARDIANSHIP, ABILITY TO APPEAR AT HEARING, AND ADMONISHMENT OF RIGHTS

CERTIFICATE OF NEED FOR GUARDIANSHIP

In accordance with NRS 159.044(2)(j), NRS 159.044(3) and NRS 159.0535:

1. I, _____ (your name), am:

- ☐ A physician licensed to practice in the State of Nevada
- ☐ A physician employed by the Department of Veterans Affairs
- ☐ A physician or non-physician employed by the following governmental agency in the State of Nevada which conducts investigations _____ (name of agency)
- ☐ None of the above, but I am qualified to execute this Certificate for the following reasons (I understand the court will have to determine for itself if I am qualified to execute all or any part of this Certification): _____

2. It is my opinion that the adult proposed protected person, _____ (name of proposed protected person), suffers from: _____

which limits his/her ability to maintain his/ her safety and basic needs as follows:

3. It is my opinion that this proposed protected person:

- ☐ is a danger to himself/herself or to others
- ☐ is NOT a danger to himself/herself or to others

4. It is my opinion that this proposed protected person:

- ☐ would comprehend the reason for a guardianship court hearing or be able to contribute to the proceeding
- ☐ would NOT comprehend the reason for a guardianship court hearing or be able to contribute to the proceeding

5. It is my opinion that this proposed protected person:

- ☐ is capable of living independently
- ☐ is capable of living independently with assistance as follows:

- ☐ is NOT capable of living independently

In accordance with NRS 159.0523 and NRS 159.0525:

6. It is my opinion that this proposed protected person is unable to respond (check all that apply):

- ☐ to a substantial and immediate risk of physical harm
- ☐ to an immediate need for medical attention
- ☐ to a substantial and immediate risk of financial loss
- ☐ proposed protected person is able to respond to all of the above

7. From what I have observed, it is my opinion that this proposed protected person:

- ☐ is or has been subject to abuse, neglect or exploitation
- ☐ has not been subject to abuse, neglect or exploitation

In accordance with NRS 159.044:

8. It is my opinion that this proposed protected person needs a guardian of:

- ☐ the person only (healthcare decisions)
- ☐ the estate (financial matters)
- ☐ person and estate

Dated: _____

Signature

Printed Name

CERTIFICATION OF ABILITY TO APPEAR AT HEARING

In accordance with NRS 159.0535:

1. I, _____ (your name), am:

- ☐ A physician licensed to practice in the State of Nevada
- ☐ A physician employed by the Department of Veterans Affairs
- ☐ A physician or non-physician employed by the following governmental agency in the State of Nevada which conducts investigations _____ (name of agency)
- ☐ None of the above, but I am qualified to execute this Certificate for the following reasons (I understand the court will have to determine for itself if I am qualified to execute all or any part of this Certification): _____

2. It is my opinion that this proposed protected person:

- ☐ is able to appear at the guardianship court hearing, **and the proposed protected person should be transported by the hospital/facility to the courthouse for the hearing**
- ☐ is NOT able to appear at the guardianship court hearing because transporting the protected person to the courthouse for a hearing would be detrimental, and pose an undue burden on the protected person's mental or physical health for the following reasons (please print legibly for the Court's consideration): _____

Dated: _____

Signature

Printed Name

CERTIFICATION OF RIGHTS FOR PROTECTED PERSON
(only if proposed protected person will not be attending the hearing)

☐ TEMPORARY GUARDIANSHIP

- ☐ Person
☐ Estate
☐ Person and Estate

☐ GENERAL GUARDIANSHIP

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ SPECIAL GUARDIANSHIP

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ NOTICES / SAFEGUARDS

- ☐ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

1. _____ (Print Name).

- ☐ I am a physician licensed to practice medicine in the State of Nevada; or
☐ I am a _____ (title) with _____,
(facility at which you are employed). I am qualified to execute this certificate and state the conditions of the Protected Person.

In accordance with NRS 159.0535:

2. I have informed the protected person that Senior Solutions Group, Inc. is requesting appointment as Guardian(s) of the Protected Person. I have asked the Protected Person for a response to the Guardianship petition.

- ☐ The protected person response was

_____.

- ☐ The protected person was unresponsive.

3. I have informed the Protected Person of his/her right to counsel and ask the Protected Person if he/she wishes to be represented by counsel in the guardianship proceedings.

- ☐ The protected person's response was

_____.

- ☐ The protected person was unresponsive.

4. I have asked the protected person who he/she would prefer to be appointed as his/her guardian.

☐ The protected person's response was

_____.

☐ The protected person was unresponsive.

5. Are there any conditions of the protected person that would limit his/her responses to the above questions? _____

Dated: _____

Signature

Printed Name

PHYSICIAN'S ASSESSMENT

**(only necessary if a Nevada licensed physician did NOT complete the certifications above,
which should contain the following findings)**

In accordance with NRS 159.044(3):

1. I am a physician licensed to practice medicine in the State of Nevada.

2. The proposed protected person _____
(name) suffers from the following limitations of capacity that affect his/her ability to
maintain his/ her safety and basic needs as follows:

Dated: _____

Signature

Printed Name

The foregoing packet of certifications is submitted by:

[LAW FIRM NAME]

Attorney signature

Supplemental Materials

Agenda Item VI (b)

**Presentation by Judge Egan Walker on
Bench-Bar Efforts on Local
Guardianship Rules**

EXISTING GUARDIANSHIP RULES IN NEVADA DISTRICT COURT

Second Judicial District Court

Rule 35. Guardianships.

1. All guardianship petitions shall be verified.
2. All petitions for appointment of guardian of an incompetent or person of limited capacity shall:
 - (a) Set forth the written factual allegations of a licensed physician or other qualified evaluator to support a finding of incompetency or limited capacity of the proposed ward, or explain why such factual allegations cannot be made.
3. Immediately upon appointment, every guardian shall complete and file with the clerk's office, an Acknowledgment of Receipt of the Instructions to Guardian on the form published by the court.
4. A guardian shall advise the court in writing of any change of address of the guardian or of the ward within 30 days of any change.
 - (a) Within 30 days after moving out of state a guardian shall file a petition naming a co-guardian who is qualified to serve under NRS 159.059.
5. Any change or withdrawal of counsel shall be submitted to the court for approval, except where another licensed attorney is substituted in accordance with Rule 23. Counsel for a guardian cannot withdraw or substitute in the guardian as his or her own counsel (in proper person) without prior court order.
6. Attorney's and/or guardian's fees payable from a guardianship estate shall be approved by the court prior to payment, after application, notice and hearing.
 - (a) Every application for fees shall state with specificity the information required by NRS 150.060(1)(a)-(e).
 - (b) The notice of hearing shall contain the amount of attorney's and/or guardian's fees requested and shall be served in accordance with NRS 159.115.
7. The reporting requirements of NRS 159.081, 159.085 and 159.177 shall be strictly enforced and may be filed on the reporting form published by the court.
8. All accounting shall contain a summary or recapitulation showing:
 - (a) The beginning balance of cash accounts (the figure from the inventory if it is a first accounting, or the ending balance of the prior accounting if it is a subsequent accounting);
 - (b) Itemization of disbursements including date, check number, payee, purpose and amount;
 - (c) A recapitulation showing beginning balance, plus receipts, less disbursements and the balance in the account; and
 - (d) A schedule of assets showing any gains on sales or other disposition of assets, with the remaining property on hand.
9. Proof of service of the Order of Appointment of Guardian in accordance with NRS 159.074 shall be filed with the court.

Rule 36. Temporary guardianships.

1. All petitions for temporary guardianship shall be presented to the probate administrator for review and presentation to the court.
 - (a) A proposed order shall accompany the petition.
 - (b) Temporary and emergency guardianship orders shall be supported by a written statement from a licensed physician or other qualified evaluator in accordance with Rule 35.2(a).
2. Absent extraordinary circumstances, all petitions for temporary guardianship shall also contain a prayer for permanent guardianship.
3. If permanent guardianship is not sought or necessary, a petition to terminate temporary guardianship with a complete and detailed accounting shall be filed and set for hearing prior to the expiration of the statutory period.
4. Every order of temporary guardianship and/or letters of temporary guardianship shall include an expiration date and set out the specific powers granted.

Proposed Bond Language WDCR 35(10):

Every guardian appointed to act on behalf of another individual, who is required to post bond pursuant to the provisions of NRS 159.065, shall post a surety bond prior to the issuance of Letters of Guardianship by the Clerk of the Court. Bond shall be set in an amount to include the individual's estimated value of personal property, liquid assets, net proceeds from real estate and annual gross income, as determined by the Court. In the Court's discretion, posting of a bond may be waived upon confirmation of the establishment of blocked asset holdings for the guardianship estate or for other good cause shown.

Washoe District Court Rules (WDCR), Rule 55
Rule 55. Mediation in Guardianship proceedings

1. Matters subject to mediation.

- (a) All contested actions for guardianship shall be referred to mediation.
- (b) Mediation of the dispute must take place before the hearing to appoint a permanent guardian.

2. Referral for mediation by the court. Referrals to mediation made by the court pursuant to subsection 1 of this rule shall be to a panel of private or non-profit mediators who have completed training sponsored by the Second Judicial District Court.

3. Private mediator, selection.

- (a) Parties may select by agreement a private or non-profit mediator.
- (b) The parties shall contract directly with the private mediator and be responsible for payment of fees for mediation services.
- (c) The mediator has a right to withdraw from any case.

5. Referral to mediator.

- (a) The parties or counsel, if any, shall file with the court a written notice that mediation has been scheduled.
- (b) The notice shall set forth the name of the mediator and the date set for the first mediation conference.

6. Mediation conference.

- (a) The mediator will conduct a conference in an effort to carry out the purpose of this rule.
- (b) Counsel for the parties shall be provided an opportunity to confer with the mediator prior to the mediation conference and shall participate thereafter, in the discretion of the mediator.
- (c) The respondent shall participate in mediation unless such participation is declined by the respondent.

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8. Mediation report.

- (a) If the mediation is successful in resolving any of guardianship issues such agreement shall be reduced to writing and submitted to the court for approval.
- (b) In the event that no agreement is reached, the mediator shall notify the court that mediation has been concluded.

9. Failure to appear for mediation.

- (a) If one or both parties fail to appear at any mediation conference, the mediator shall report to the court the identity of each person who has failed to appear.

Rev. July 2015

(b) The court shall take whatever action it deems necessary or appropriate including assessing fees against the party who has failed to appear

10. Confidentiality of mediation. 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 even upon waiver of the privilege by either or both parties, except where the mediator is required to report any information which falls within the scope of elder or child abuse reporting requirements.

11. Subsequent evaluation. The mediator shall not conduct an evaluation of the parties after an unsuccessful mediation unless the parties file a written notice consenting thereto signed by each party and counsel.

12. Exemption from mediation.

(a) A party who believes a case is inappropriate for referral to mediation may seek an exemption from mediation.

(b) The party seeking an exemption must file a timely written or oral motion with the court.

13. Inappropriate cases.

(a) The family court shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(b) Mediation is not appropriate in cases in which allegations of elder abuse or domestic violence exist between the participating parties or where otherwise allowed by the mediator.

(c) The mediator determines mediation is futile or impractical.

14. Support persons.

(a) A party may have a third person present for support before and after meetings with the mediator, provided that the support person may only be present during mediation sessions.

15. Fees for service. Participating parties may each be responsible for mediation fees. Such fees may be waived in low income cases.

16. In each case in which mediation has been unsuccessful in resolving guardianship issues, the parties or their counsel shall meet with the court within 14 days of notice that mediation was unsuccessful for the purpose of case planning.

Supplemental Materials
Agenda Item VIII (a) (b)
Nevada Supreme Court Settlement
Program Overview
&
NRAP 16

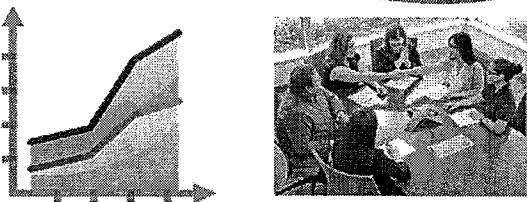
**NEVADA SUPREME COURT
SETTLEMENT PROGRAM OVERVIEW**

Presented by
HARRIET E. CUMMINGS, ESQ.
and
SHAUNNA E. TROOP
to the
GUARDIANSHIP COMMISSION
November 13, 2017
CARSON CITY & LAS VEGAS

TOPICS TO BE ADDRESSED

- SETTLEMENT PROGRAM HISTORY & SUCCESS RATES
- HOW CASES ARE ASSIGNED TO THE SETTLEMENT PROGRAM
- PROGRAM REQUIREMENTS
- PROGRAM TIMELINES
- SPECIFIC INFORMATION REGARDING GUARDIANSHIP CASES

**WHY DOES THE COURT HAVE AN
APPELLATE SETTLEMENT PROGRAM?**



The slide contains two visual elements. On the left is a line graph with a vertical y-axis and a horizontal x-axis. The graph shows two lines that both trend upwards from left to right, with the upper line having a steeper slope. On the right is a black and white photograph of four people sitting around a table, looking at documents and engaged in a discussion.

SETTLEMENT STATISTICS SINCE PROGRAM'S INCEPTION

March 1, 1997 to November 7, 2017

# OF CASES ASSIGNED TO PROGRAM:	# OF CASES FINALLY PROCESSED:	TOTAL # OF CASES SETTLED:
10,899	9,581	5,082

OVERALL SETTLEMENT RATE SINCE PROGRAM'S INCEPTION (20+ YEARS)

52%

SETTLEMENT RATES BY CASE TYPE

➤ ADMINISTRATIVE: 50%	➤ LANDLORD/TENANT: 50%
➤ CHILD CUSTODY: 58%	➤ MED MAL: 39%
➤ COMMERCIAL: 48%	➤ MINING: 60%
➤ CONSTRUCTION: 56%	➤ FORECLOSURE: 40%
➤ CONTRACT: 49%	➤ PERSONAL INJURY: 52%
➤ CORP/BUSINESS: 50%	➤ PROBATE: 63%
➤ EMPLOYMENT: 44%	➤ REAL PROPERTY: 45%
➤ FAMILY: 58%	➤ TAX: 29%
➤ GAMING: 35%	➤ TORT: 47%
➤ GOVERNMENT: 39%	➤ WATER: 28%
➤ GUARDIANSHIP: 69%	➤ WORKERS' COMP: 61%
➤ INSURANCE: 48%	➤ OTHER: 53%

AVERAGE TIME PENDING IN SETTLEMENT PROGRAM

ASSIGNMENT YEAR	#DAYS	ASSIGNMENT YEAR	#DAYS
➤ 1997	288	➤ 2008	138
➤ 1998	223	➤ 2009	130
➤ 1999	195	➤ 2010	115
➤ 2000	202	➤ 2011	120
➤ 2001	194	➤ 2012	120
➤ 2002	189	➤ 2013	125
➤ 2003	174	➤ 2014	115
➤ 2004	179	➤ 2015	93
➤ 2005	149	➤ 2016	90
➤ 2006	135	➤ 2017*	70
➤ 2007	155		

*(as of 11/7/17)

WHAT CASES GET ASSIGNED TO THE SETTLEMENT PROGRAM?

- CIVIL APPEAL
- ALL PARTIES REPRESENTED BY COUNSEL
- NO TERMINATION OF PARENTAL RIGHTS

NRAP 16(a)

HOW DO THE PARTIES LEARN THAT A CASE HAS BEEN ASSIGNED TO THE PROGRAM?

- COURT ISSUES SETTLEMENT NOTICE
- ASSIGNMENT TO PROGRAM AUTOMATICALLY
STAYS TRANSCRIPTS, BRIEFS

NRAP 16(a)(1)

NRAP 9, 31

HOW DO CASES GET ASSIGNED TO A SETTLEMENT JUDGE?

- SJ INFORMS ADMINISTRATIVE COORDINATOR OF AVAILABILITY
- CASES ASSIGNED ON ROTATIONAL BASIS
- RELATED CASES ASSIGNED TO SAME MEDIATOR
- CONFLICTS CHECK
- COURT ISSUES NOTICE OF ASSIGNMENT NRAP 16(a)(2)

HOW DOES THE PROCESS WORK?

➤ PRE-MEDIATION REQUIREMENTS:

- SJ HOLDS PRE-MEDIATION TELEPHONE CONFERENCE
 - ASSESSES WHETHER APPROPRIATE FOR MEDIATION, GATHERS INFO, INFORMS PARTIES OF EXPECTATIONS
 - FILES ECAR W/IN 30 DAYS OF ASSIGNMENT NRAP 16(b)

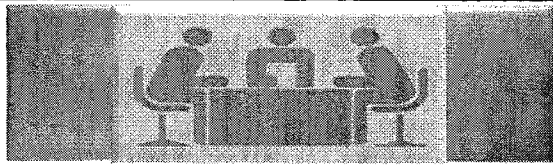
➤ PARTIES SUBMIT CONFIDENTIAL SETTLEMENT STATEMENTS

- DUE TO SJ 15 DAYS FROM ASSIGNMENT
- NOT SERVED ON COURT/OPPOSING SIDE NRAP 16(d), Form 10

PRE-MEDIATION CONTINUED

➤ SJ SCHEDULES SETTLEMENT CONFERENCE NRAP 16(c)

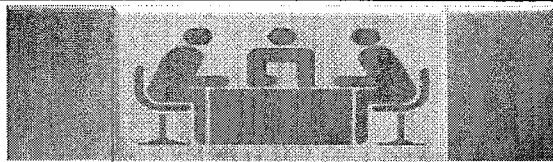
- CHILD CUSTODY/VISITATION/RELOCATION/GUARDIANSHIP: WITHIN 60 DAYS OF ASSIGNMENT
- ALL OTHER CASES: WITHIN 90 DAYS
- SJ DESIGNATES TIME/PLACE NRAP 16(e)



➤ **MEDIATION REQUIREMENTS:**

- SJ HOLDS SETTLEMENT CONFERENCE
- PERSONAL ATTENDANCE BY ALL ATTORNEYS/CLIENTS REQUIRED
 - CLIENT ATTENDANCE MAY BE EXCUSED FOR GOOD CAUSE ONLY IF COUNSEL HAS COMPLETE AUTHORITY TO SETTLE/ IMMEDIATE TELEPHONE ACCESS

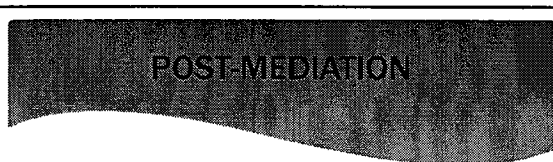
NRAP 16(e)(1)



➤ **MEDIATION REQUIREMENTS CONTINUED:**

- ALL PARTICIPANTS MUST SIGN MANDATORY ATTENDANCE SHEET/CONFIDENTIALITY ACKNOWLEDGEMENT FORM
- SJ SETS AGENDA

NRAP 16(e)(2)




➤ **POST-MEDIATION REQUIREMENTS:**

- SJ MAILES COMPLETED MANDATORY ATTENDANCE SHEET/ CONFIDENTIALITY ACKNOWLEDGEMENT FORM (NOT E-FILED)




POST-MEDIATION CONTINUED

- **SJ FILES STATUS REPORT** NRAP 16(e)(3)
 - WITHIN 10 DAYS OF SETTLEMENT CONFERENCE
 - INCLUDES RESULT BUT NOT DETAILS
 - CANNOT DISCLOSE MATTERS DISCUSSED
 - INCLUDES RELATED CASES
 - IF PROCESS ONGOING, FILES INTERIM REPORTS




IF THE CASE SETTLES



- PARTIES EXECUTE SETTLEMENT AGREEMENT (NOT REQUIRED TO BE FILED WITH COURT)
- FINAL SETTLEMENT REPORT FILED WITH COURT W/IN 10 DAYS
- PARTIES EXECUTE STIPULATION TO DISMISS APPEAL WITH PREJUDICE & FILE WITH COURT NRAP 16(e)(4)
- COURT WILL NOT DISMISS UNTIL IT RECEIVES STIP TO DISMISS OR MOTION VOLUNTARILY DISMISSING APPEAL

WHAT PARTS OF THE PROCESS ARE CONFIDENTIAL?

- EVERYTHING EXCEPT SETTLEMENT CONFERENCE STATUS REPORT
- MEDIATOR'S/PARTIES' DOCUMENTS ARE NOT FOR PUBLIC INSPECTION, NOT FILED WITH COURT
- SETTLEMENT DISCUSSIONS/DOCUMENTS NOT ADMISSIBLE IN EVIDENCE, NOT DISCOVERABLE NRAP 16(h)

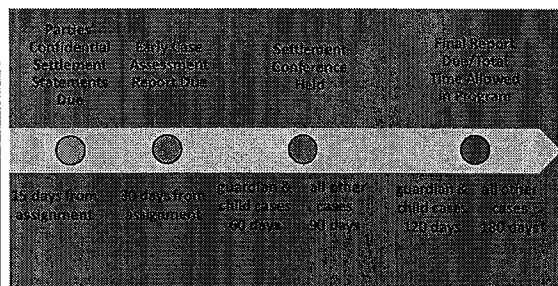


HOW LONG CAN A CASE BE IN THE SETTLEMENT PROGRAM?



- 4 MONTHS (120 DAYS) MAXIMUM FOR CHILD CUSTODY/
VISITATION/RELOCATION/GUARDIANSHIP CASES;
6 MONTHS (180 DAYS) FOR ALL OTHER CASES NRAP 16(f)(1)
- MEDIATOR MAY RECOMMEND EXTENSION UP TO 60 DAYS (CHILD/
GUARDIANSHIP CASES); 90 DAYS (OTHER CASES) NRAP 16(f)(2)
- TIMELINES FOR TRANSCRIPTS/BRIEFING MAY BE REINSTATED
DESPITE EXTENSION (IF CASE LINGERS) NRAP 16(f)(3)

Settlement Program Timeline: From Case Assignment to Case Completion



IF THE CASE DOESN'T SETTLE



BRIEFING/TRANSCRIPT DEADLINES REINSTATED

- APPELLANT: TRANSCRIPT REQUEST W/IN 10 DAYS
- **FULLY BRIEFED CASES: NON-CHILD CUSTODY**
 - **OPENING BRIEF:** 120 DAYS
 - **ANSWERING BRIEF:** 30 DAYS
 - **REPLY BRIEF:** 30 DAYS

NRAP 31

IF THE CASE DOESN'T SETTLE

BRIEFING/TRANSCRIPT DEADLINES REINSTATED, *cont'd.*

➤ **FAST TRACK CHILD CUSTODY CASES:**

- **FAST TRACK STATEMENT:** 40 DAYS
- **FAST TRACK RESPONSE:** 20 DAYS NRAP 3E
- (COURT MAY ALSO ORDER FULL BRIEFING)

➤ **FULLY BRIEFED CASES: CHILD CUSTODY/VISITATION**

- **OPENING BRIEF:** 90 DAYS
- **ANSWERING BRIEF:** 20 DAYS
- **REPLY BRIEF:** 10 DAYS NRAP 31

SUMMARY RE: GUARDIANSHIP MATTERS

➤ **SETTLEMENT PROGRAM DEADLINES:**

- **CONFIDENTIAL SETTLEMENT STATEMENT:** 15 DAYS
- **ECAR:** 30 DAYS
- **SETTLEMENT CONFERENCE:** 60 DAYS
- **FINAL REPORT DUE/TOTAL TIME IN PROGRAM:** 120 DAYS

➤ **IF NO SETTLEMENT, BRIEFING DEADLINES REINSTATED:**

- **APPELLANT'S TRANSCRIPT REQUEST FORM:** 10 DAYS
- **APPELLANT'S FAST TRACK STATEMENT AND APPENDIX:** 40 DAYS
- **RESPONDENT'S FAST TRACK RESPONSE:** 20 DAYS

NRAP 3E(c) & (d)

CONCLUSION



HISTORICAL SETTLEMENT RATE IN GUARDIANSHIP MATTERS: 69%

ADVANTAGES OF SETTLEMENT PROGRAM IN GUARDIANSHIP CASES

- | | |
|-------------------------------|---------------------------------|
| ▶ HIGH SUCCESS RATE | ▶ PARTY-POWERED PROCESS |
| ▶ SPEEDIER RESOLUTION | ▶ CREATIVE OPPORTUNITY |
| ▶ LOWER COST | ▶ RISK AVOIDANCE |
| ▶ MUTUALLY BENEFICIAL OUTCOME | ▶ HIGHER LEVELS OF SATISFACTION |

COURT RELIES ON SETTLEMENT JUDGES FOR PROGRAM'S SUCCESS



**SETTLEMENT PROGRAM
CONTACT INFORMATION**

➤ **MAILING ADDRESS:**
NEVADA SUPREME COURT SETTLEMENT PROGRAM
201 S. CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701

➤ **TELEPHONE INQUIRIES:** (775) 684-1600

➤ **SETTLEMENT PROGRAM CONTACTS:**

Shaunna Troop Program Administrative Coordinator Phone: (775) 684-1600 Email: settlement@nvcourts.nv.gov	Harriet E. Cummings, Esq. Chief Assistant Clerk of Court & Settlement Program Legal Advisor Phone: (775) 684-1600
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➤ **WEBSITE ADDRESS:**
http://nvcourts.gov/Settlement_Program/Overview/

NEVADA SUPREME COURT SETTLEMENT PROGRAM OVERVIEW

THE SETTLEMENT PROGRAM WAS CREATED BY THE NEVADA SUPREME COURT IN 2010. THE PROGRAM IS A VOLUNTARY, NON-ADVERSARY PROCESS FOR RESOLVING DISPUTES BETWEEN PARTIES TO A LITIGATION. THE PROGRAM IS ADMINISTERED BY THE NEVADA SUPREME COURT SETTLEMENT PROGRAM ADMINISTRATIVE COORDINATOR, SHAUNNA TROOP. THE PROGRAM IS A VOLUNTARY, NON-ADVERSARY PROCESS FOR RESOLVING DISPUTES BETWEEN PARTIES TO A LITIGATION. THE PROGRAM IS ADMINISTERED BY THE NEVADA SUPREME COURT SETTLEMENT PROGRAM ADMINISTRATIVE COORDINATOR, SHAUNNA TROOP.

Shaunna Troop has been employed by the Nevada Supreme Court since 2010. She was appointed to the newly created position of Settlement Program Administrative Coordinator in the beginning of 2010. She handles the logistical details of designing and scheduling cases with the Settlement Program and oversees the officials who conduct the cases that are assigned to the Supreme Court Settlement Program. She works closely with the program's legal director and is the main point of contact for Supreme Court Settlement Judges. Ms. Troop has served as an instructor at training for settlement judges. Prior to assuming her current position, she served as a Deputy in the Clerk's Office until 2011. At which time she transferred to provide administrative assistance to the Settlement Program. Ms. Troop is the Supreme Court's longest serving employee.

THANK YOU FOR YOUR ATTENTION.

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