

From: [Micheline Fairbank](#)
To: [Gradick, Jamie](#)
Subject: FW: Adjudication Commission-"Homework"
Date: Friday, November 19, 2021 12:13:15 PM
Attachments: [image001.png](#)

[NOTICE: This message originated outside of the Supreme Court of Nevada -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

From: Laura Schroeder <schroeder@water-law.com>
Sent: Thursday, October 14, 2021 10:41 AM
To: Micheline Fairbank <mfairbank@water.nv.gov>
Subject: Adjudication Commission-"Homework"

Homework:

I met with Judge Wildman by phone today. Judge Wildman is Idaho's Supreme Court Appointed Judge for adjudications. Judge Wildman also sits as a District Judge for the Gooding area and hears other matters. Judge Wildman has been active for many years in the judicial association called "Dividing the Waters" https://www.judges.org/dividing_the_waters/about-dtw/. Judge Wildman is willing to meet with the Commission if and when that is helpful. My notes below are my own after speaking with him:

1. **Education of Judges:** Dividing the Waters in conjunction with the National Judicial College (NJC) is in the process of funding a project for online education of "water judges" which will consist of modules that will be an in-depth look at water adjudication issues, not water law 101. I would recommend that the Commission work with the Nevada Representative on Dividing the Waters to follow, support and participate in the development of this program for those who might be appointed "water judges"
2. **Selecting Judges:** Legislation that would set up to three divisions that would combine existing court districts for which the Supreme Court would appoint in each division a water judge, who was willing and completed the necessary water adjudication education. Following existing court boundaries would facilitate appointment without creating new judicial districts and allow the Judges appointed to continue other case work. The key to a system of divisions is that all divisions would apply the same procedural rules that the Supreme Court and legislation would adopt that likely would slightly deviate from the rules of civil procedure. Also critical would be case management software that would allow easy and free web access and electronic filing so that all division judges could access the filings and decisions in order for there to be consistency.
3. **Administration:** Once the adjudication have occurred, administration of the decrees and water rights should continue in these "adjudication" courts to some level.

Certainly, the legislation should allow for judicial review to occur in those specialized courts but perhaps given the caseload for contested cases at the State Engineer's Office, the Commission should be considering proposing some revisions to the administrative law in Nevada to allow these "adjudication" courts to handle contested matters, but I think the State Engineer's Office could better advise if this is advisable and if so, what the subject matter might be.

Laura A. Schroeder

Shareholder

Schroeder Law Offices, P.C.

1915 NE Cesar Chavez Blvd., Portland, OR 97212

P: (503) 281-4100 | Cell: (503)887-4753 | F: (877) 600-4971



[Join our mailing list!](#)

Confidentiality Notice: This electronic message may contain information that is attorney-client privileged and confidential, intended only for the use of the individual or entity named above. If you receive this communication in error, please notify me immediately and delete all copies of this message.