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TANYA SCEIRINE
COURT ADMINISTRATOR
THIRD JUDICIAL DISTRICT

Tanya Sceirine
DEPUTY

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6 **IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF LYON**
8

9 In the Matter of Settlement
10 Conference Proceedings

**STANDING ORDER RE:
SETTLEMENT CONFERENCES**

11 WHEREAS, the Third Judicial District Court has adopted a policy and procedure relating
12 to the setting of settlement conferences in contested matters before the Court; and,

13 WHEREAS, the Court desires to conduct settlement conferences in a uniform manner; and,

14 WHEREAS, the Court finds it necessary to set forth specific rules relating to the conduct of
15 settlement conferences;

16 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

17 For the purposes of this Order, a "Settlement Conference" means meeting with an active or
18 retired District Judge or other suitable person¹, assigned by the trial Judge, for the purpose of
19 reaching a settlement of the entire lawsuit or as many legal and factual issues as possible.

20 A settlement conference shall not be conducted before the Judge assigned to try the case
21 unless otherwise stipulated and agreed to by the parties and approved by the Judge; such an
22 agreement by the parties shall constitute a waiver of any claim that the Judge has an actual or implied
23 bias solely by reason of the Judge's participation in the settlement conference.

24 Unless excused by the Court, all parties and their attorneys shall be present together with any
25 other person necessary for settlement authority. "Person necessary for settlement authority" means
26 a person(s) who has actual and full authority to settle all substantive matters in the action.

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¹ Generally, the case will automatically be assigned to the Judge of the other Department of the Third Judicial District Court.

1 **I. FAMILY LAW MATTERS**

2 1. Unless otherwise ordered by the Court, in any **new action** filed for contested divorce,
3 child custody, visitation and/or annulment, a **mandatory** settlement conference **shall** be set by the
4 District Court at the time of the Case Management Conference.

5 2. In the event a Motion is filed to modify an existing divorce, child custody, visitation
6 and/or annulment decree/order, a **mandatory** settlement conference may be set by the District Court
7 Judge assigned to the matter at his discretion.

8 3. At least 5 judicial days before any scheduled settlement conference, each party must
9 file and submit to the settlement judge a **confidential** settlement conference statement that is no
10 more than 5 pages in length and addresses each of the following issues:

11 (A) A brief factual statement regarding the matter;

12 (B) The outstanding issues of the case (ie. visitation, asset distribution, etc.) and the
13 strengths and weaknesses of each parties' claims;

14 (C) The settlement negotiations that have transpired, including the terms of any
15 previous offers;

16 (D) Any unusual legal issues in the matter;

17 (E) A settlement proposal that the party believes would be fair or would be willing
18 to make in order to conclude the matter; and,

19 (F) Any other matter which may assist the settlement judge in conducting the
20 settlement conference.

21 Any settlement statement filed pursuant to this section shall be sealed as a confidential
22 document in the record, shall not be available for public inspection, shall not be subject to discovery,
23 shall be used solely for the purpose of settlement by the assigned settlement judge, and shall not be
24 submitted to or considered by the trial judge. It is not necessary to serve the settlement statement
25 upon the other party to the case.

26 4. At least 5 judicial days before any scheduled settlement conference, each party must
27 file an updated financial declaration on a form approved by the Court together with the parties tax
28 returns for the prior three years with all schedules attached thereto and the most recent three pay

1 stubs received by the party from their employment or other income verification.

2 5. Matters discussed at the settlement conference shall not be admissible in evidence in
3 any judicial proceeding. Any discussion with respect to settlement shall be entirely without
4 prejudice and may not be referred to during the trial or in any arguments or motions.

5 6. Upon conclusion of the settlement conference, the Court shall enter such further
6 orders as the status of the case may require. Any agreements of the parties (whether partial or in full)
7 shall be placed on the record by the settlement judge, affirmed by the parties under penalty of perjury
8 and are thereafter binding upon the parties absent a proper motion to set aside or reconsider said
9 stipulated to orders. Any matters remaining following the settlement conference shall continue to
10 trial as set forth in the case management order.

11 7. The failure of a party or the party's counsel to participate in good faith in the
12 settlement conference process by not attending a scheduled conference or not complying with the
13 procedural requirements set forth herein may be grounds for sanctions against the party and/or the
14 party's counsel. If a settlement judge believes sanctions are appropriate, the settlement judge may file
15 a minute order recommending the sanction to be imposed and describing the conduct warranting that
16 sanction. Sanctions include, but are not limited to, payment of attorney's fees and costs of the
17 opposing party and such other orders as deemed appropriate by the trial judge.

18 **II. CONTESTED CIVIL MATTERS**

19 1. All contested civil matters not provided for above shall be scheduled for a mandatory
20 settlement conference by the Court's Judicial Assistant. The filing of an NRCP 16.1 early case
21 conference report shall activate the scheduling process.

22 2. At least 5 judicial days before any scheduled settlement conference, each party must
23 file and submit to the settlement judge a **confidential** settlement conference statement that is no
24 more than 5 pages in length and addresses each of the following issues:

- 25 (A) A brief factual statement regarding the matter;
- 26 (B) The procedural posture of the case including any scheduled trial dates;
- 27 (C) The strengths and weaknesses of each parties' claims;
- 28 (D) The settlement negotiations that have transpired and whether the parties have

1 engaged in any prior mediations or settlement conferences and the identity of the mediator or prior
2 settlement judge;

3 (E) The dates and amounts of any demands and offers and their expiration date(s);

4 (F) Any requirements of a settlement agreement other than a release of all claims for
5 the matter and a dismissal of all claims;

6 (G) Any unusual legal issues in the matter;

7 (H) The identity of the individual with full settlement authority who will be attending
8 the settlement conference on behalf of the party;

9 (I) Any insurance coverage issues that might affect the resolution of the matter; and

10 (J) Any other matter which may be relevant to the parties, process, pleading, or proof,
11 with a view to simplifying the issues and achieving a just, speedy, and inexpensive determination
12 of the case.

13 Any settlement statement filed pursuant to this section shall be sealed as a confidential
14 document in the record, shall not be available for public inspection, shall not be subject to discovery,
15 shall be used solely for the purpose of settlement by the assigned settlement judge, and shall not be
16 submitted to or considered by the trial judge. It is not necessary to serve the settlement statement
17 upon the other party to the case.

18 3. Matters discussed at the settlement conference shall not be admissible in evidence in
19 any judicial proceeding. Any discussion with respect to settlement shall be entirely without
20 prejudice and may not be referred to during the trial or in any arguments or motions.

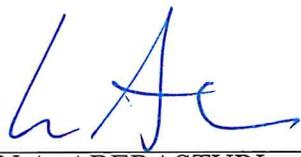
21 4. Upon conclusion of the settlement conference, the Court shall enter such further
22 orders as the status of the case may require. Any agreements of the parties (whether partial or in full)
23 shall be placed on the record by the settlement judge, affirmed by the parties under penalty of perjury
24 and are thereafter binding upon the parties absent a proper motion to set aside or reconsider said
25 stipulated to orders. Any matters remaining following the settlement conference shall continue to
26 trial as set forth in the case scheduling order.

27 5. The failure of a party, person necessary for settlement authority, or the party's counsel,
28 to participate in good faith in the settlement conference process by not attending a scheduled

1 conference or not complying with the procedural requirements set forth herein may be grounds for
2 sanctions against the party, the person necessary for settlement authority, and/or the party's counsel.
3 If a settlement judge believes sanctions are appropriate, the settlement judge may file a minute order
4 recommending the sanction to be imposed and describing the conduct warranting that sanction.
5 Sanctions include, but are not limited to, payment of attorney's fees and costs of the opposing party
6 and such other orders as deemed appropriate by the trial judge.

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8 DATED this 27th day of June, 2017.

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11 JOHN P. SCHLEGELMILCH,
District Court Judge, Dept. I

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LEON A. ABERASTURI,
District Court Judge, Dept. II