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**NEVADA BOARD OF PAROLE COMMISSIONERS**

November 28, 2016

To: Board of Parole Commissioners

Subject: Designation of Settlement Authority

RE: **Agenda Item IV Delegation of Settlement Authority.**

Agenda Item IV is a request for the Board to designate the Parole Board Chairman and/or the Parole Hearings Examiner II to represent the Board at judicial mediation or settlement conferences. This agenda item also requests that the Board establish parameters that allow preliminary settlement authority.

When named as a party to a lawsuit and in certain circumstances, the Parole Board may be required to participate in mediation or settlement conferences. The goal of a settlement conference is to facilitate the parties' efforts to negotiate a settlement of all or part of the dispute.

Persons who attend the settlement conference are required to be thoroughly familiar with the case and are generally required to have authority to negotiate a settlement. In the case of a settlement involving a Board, any negotiated settlement is subject to final approval by the Board.

When a public body like the Parole Board is required to participate in a settlement conference, it is impractical for a quorum of the Board to attend to approve a negotiated settlement. In instances like this, a designee may attend and preliminarily reach a negotiated settlement, subject to the final approval of a majority of the members of the Board. Such final approval of the Board must be performed in accordance with Nevada's Open Meeting Law.

Generally, the Administrator of the Board (the Board Chairman), would represent the Board and report back on any preliminary agreements. In December, a settlement conference has been scheduled on a date the Chair is not available.

This agenda item also requests that the Board establish parameters that allow preliminary settlement authority.

In all instances, any settlement agreement must be approved by a majority of the members of the Board. However, it would be helpful if the Board established general criteria that a designee could confidently present as a means for settlement.

The suggested settlement parameter is to allow a designee to preliminary agree to any settlement. And, if the settlement would result only in a new parole hearing without any expectation of the outcome of that new parole hearing, and without any admission of wrongdoing or monetary settlement, the designee could indicate that the Board usually will ratify such a settlement. Moreover, the designee could further indicate that any other negotiated agreement made by the designee would be considered by the Board, but that any other agreement is less likely to be approved by the Board.

If the Board concurs with these recommendations, the motion may be worded as:

*I move that the Board designate the Chairman of the Board as the primary representative to attend and negotiate judicial settlements on behalf of the Board. If the Chairman is not available, the Hearings Examiner II is designated as the alternate. Furthermore, the Board authorizes the designee to indicate during settlement negotiations that, generally, the position of the Board is to ratify a settlement that would result only in a new parole hearing without any expectation of the outcome of that new parole hearing, and without any admission of wrongdoing or a monetary settlement. Any other negotiated agreement made by the designee would be considered by the Board, but the designee should advise the mediator that any other agreement it is less likely to be approved, but not necessarily rejected. Lastly, any negotiated settlement is subject to the final approval of a majority of the Members of the Board at a public meeting.*