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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

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VERIFICATION OF QUALIFICATIONS TO ACT AS MEDIATOR  
IN THE MORTGAGE MODIFICATION MEDIATION (MMM)

Name: Kirby J. Smith

Bar ID (list all applicable state bar numbers): Nevada bar number 414

Address: 9562 W. Craig Rd., Las Vegas, NV 89129

Phone Number: 702-907-0557 E-mail Address: Kirby@KJS Ltd.com

In accordance with Administrative Order 2014-08, I verify that I am qualified for and agree to serve as a mediator for a period of three years, after which I must reapply, under this rule as follows:

1. Minimum Qualifications to act as a Mediator in the Nevada MMM program: (check one)

I am an active and licensed member of the Nevada Bar and have been admitted to practice in a state or federal court for at least the past 7 years.

I am a retired Nevada state court judge or federal judge.

I am a registered user on PACER and CM/ECF.

Notwithstanding the 3 year period to act as a mediator above, I am an active and licensed member of the Florida bar and an approved member on the Register of Mediators with the Clerks of the United States Bankruptcy Courts for the Districts of Florida and will accept MMM Assignments for a period limited to one year commencing January 1, 2015 and ending December 31, 2015.

2. Additional Qualifications to be considered: (check all that apply)

I have completed a minimum of a 40 hour course on mediation offered by an accredited mediation school. (ATTACH CERTIFICATE TO THIS SHEET)

I have completed at least 25 mediation sessions.

I am a full  or part-time  bankruptcy practitioner with \_\_\_\_\_ years' experience.

I have working knowledge of HAMP I and II, as well as other Governmental and banking mortgage modification programs (please list):

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Add here any other relevant factors that should be considered:

Mediation Participation:

American National Property and Casualty Co. v. JASCO Products Co. (fire insurance casualty). February 18, 2014. 8 hours (assisted).

Fred Schopper and Kimberly D. Schopper v. Sierra Health and Life Insurance Company, Inc. (bad faith rescission of health insurance). February 27, 2014. 9 hours (assisted).

Jones v. Ahcan (car accident personal injury). April 1, 2014. 3 hours. Afshin Tadayon, Esq. and Anthony Garasi, Esq.

Campbell v. Marnell Carrao, et. al, (insurance coverage; on the job personal injury). May 29 and 30, 2014. 16 hours (assisted).

3. **Additional required information: (answer all that apply)**

There are or have been no disciplinary proceedings instituted against mediator, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceedings, except as described in detail below:

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Mediator has never been denied admission to the State Bar of Nevada. (Give particulars of ever denied admission):

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Mediator is a member of good standing in all the following Bar Associations:

- American Bar Association 1981-2014
- Nevada Bar Association 1983-Present
- Wisconsin Bar Association 1982-Present

- Clark County Bar Association 1983-Present
  - Southern Nevada Association of Bankruptcy Attorneys 1990-1992
4. I have taken the oath or affirmation prescribed by 28 U.S.C. §453 and have attached proof thereof to this Verification.
  5. I agree to accept the current compensation rate established by the United States Bankruptcy Court District of Nevada.
  6. I am familiar with and will comply with all notice and reporting requirements as implemented in Administrative Order 2014-08 and the MMM Program Procedures and Forms.
  7. I will disclose to the court any bias or prejudice which may disqualify me as a mediator.
  8. I will accept referrals for cases filed in the southern division.

I certify under penalty of perjury that all the information on this form is true.

By:

  
\_\_\_\_\_  
(Signature)  
Kirby J. Smith  
(Print Name)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

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MEDIATOR'S OATH

Each mediator of the United States Bankruptcy Court shall take the following oath or affirmation before performing the duties of his office:

"I, Kirby J. Smith do solemnly swear or affirm that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a mediator for the United States Bankruptcy Court, District of Nevada, under the Constitution and laws of the United States."

By:   
(Signature)

Kirby J. Smith  
(Print Name)

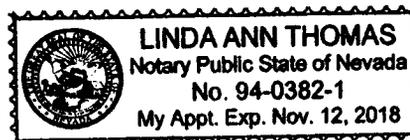
SWORN TO AND SUBSCRIBED

before me on 2/19/15:

by Kirby J. Smith.

NOTARY PUBLIC, State of Nevada, County of Clark

My Commission Expires: 11/12/18  
Linda Ann Thomas





American Arbitration Association  
*Dispute Resolution Services Worldwide*

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## CERTIFICATE OF COMPLETION

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**Kirby Smith**

SUCCESSFULLY COMPLETED

**Essential Mediation Skills for the  
New Mediator**

New Orleans, Louisiana  
December 3-7, 2012

WILLIAM K. SLATE II  
President and CEO

INDIA JOHNSON  
Executive Vice President and President Elect

# Kirby J. Smith

Accomplished attorney with broad litigation experience and expertise in ADR, employment law, workers' compensation, personal injury, product liability, and commercial litigation.

- For 25 years Kirby J. Smith was a partner in Lionel Sawyer & Collins' Litigation Department, alternative dispute resolution, and labor and employment practice groups. His practice emphasis still is on ADR, business disputes and litigation, employer representation in a variety of employment cases, as well as personal injury (plaintiff and defense), including product liability and premises liability cases. He has represented employers on hundreds of workers compensation cases through all hearing levels and appeals.
- He also has experience in a variety of other areas of practice including landlord/tenant, contract disputes, adverse possession, and bankruptcy

Kirby Smith has published and lectured on employment law, tort damages, and workers' compensation issues, and has taught administrative law at the College of Southern Nevada. He is a state approved Arbitrator in Nevada and a trained mediator. He has an AV rating in the Martindale-Hubbell Directory.

## **LEGAL EXPERIENCE:**

Kirby J. Smith, Ltd.--2015 to present  
Lionel Sawyer & Collins--1982 to 2014

## **EDUCATION:**

*University of Wisconsin - Madison* Juris Doctor 1982

- Cum Laude graduate
- Wisconsin Supreme Court Intern
- Dean's List
- Community Law Office

*Ripon College* Bachelor of Arts 1979

- Summa Cum Laude
- Phi Beta Kappa
- Phi Alpha Theta
- Majors: History, Politics and Government
- Minor: Mathematics
- Dean's List

## **BAR AND PROFESSIONAL MEMBERSHIP/ADMISSIONS:**

### *Bar Memberships*

- American Bar Association 1981-2014
- Nevada Bar Association 1983-Present
- Wisconsin Bar Association 1982-Present
- Clark County Bar Association 1983-Present
- Southern Nevada Association of Bankruptcy Attorneys 1990-1992
- Member Defense Research Institute 1999-2011

### *Bar Admissions*

- Nevada 1983
- U.S. District Court, District of Nevada 1983
- U.S. Court of Appeals, Ninth Circuit 1984
- Wisconsin 1982
- U.S. District Court, Western District of Wisconsin 1982

## **SELECTED PUBLICATIONS:**

The Proper Measure of Damages in a Tort Case... (Apparently Can Be Whatever the Trial Judge Thinks It Ought to Be). *Communiqué*, December 2012

Worker's Compensation in Nevada: A Survey of the Law, Plus Issues and Answers. *Breakfast Briefing*, January 2010

The Basics of the ADA. *Breakfast Briefing*, January 2010