

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

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**VERIFICATION OF QUALIFICATIONS TO ACT AS MEDIATOR  
IN THE MORTGAGE MODIFICATION MEDIATION PROGRAM**

Name: Kirby Smith

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

Address: 9562 W. Craig Road, Las Vegas Nevada 89129

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

In accordance with Local Rule 3015.1, I verify that I am qualified for and agree to serve as a Mediator for the calendar year of 2020, after which I must reapply, under this rule as follows:

1. Minimum Qualifications to act as a Mediator in the Nevada MMM program.

I am a registered user on PACER and CM/ECF, and: (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 5 years.

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

I am a Mediator previously approved under MMM Procedures promulgated by the Court for the U.S. Bankruptcy Court, District of Nevada.

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):

\_\_\_\_\_  
\_\_\_\_\_

Add here any other relevant factors that should be considered:

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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:

Nevada

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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 Local Rule 3015.1 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 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 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."

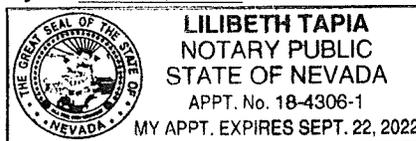
By:   
(Signature)  
Kirby Smith  
(Print Name)

SWORN TO AND SUBSCRIBED

before me on 10/24/2019  
by Kirby Smith

NOTARY PUBLIC, State of Nevada, County of Clark

My Commission Expires: September 22, 2022



**THIS FORM MUST BE FILED WITH THE CLERK'S OFFICE AT 300 LAS VEGAS  
BOULEVARD SOUTH, LAS VEGAS, NV 89101.  
YOU MAY ATTACH A ONE PAGE RESUME TO THIS VERIFICATION.**

# Kirby J. Smith, Esq.

9562 W. Craig Rd.  
Las Vegas, NV 89129  
Phone/Fax (702) 907-0557  
[Kirby@KJSLtd.com](mailto:Kirby@KJSLtd.com)

## PROFILE:

Accomplished attorney with broad litigation experience and expertise in commercial, worker's compensation, employment law, personal injury, product liability, and general litigation. Proven ability to manage large cases and other attorneys.

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 AAA and state approved Arbitrator in Nevada and a trained and federal court approved mediator.

Select honors include: The Best Lawyers in America: Employment Law – Management and Worker's Compensation Law – Employers (peer selected); Vegas Inc. Top Lawyers: "The Best of the Best in Southern Nevada"; and a perfect 5.0 AV Preeminent rating from Martindale Hubbell.

## LEGAL EXPERIENCE:

For 34 years Kirby J. Smith was in Lionel Sawyer & Collins' Litigation Department. He was in their alternative dispute resolution, and labor and employment practice groups. In 2015, he opened Kirby J. Smith, Ltd., continuing his practice emphasis on ADR, business disputes and litigation, employer representation in a variety of employment cases, as well as personal injury cases. Past experience includes:

- Panelist – American Arbitration Association (AAA) National Rosters of Commercial, Employment and Consumer Arbitrators
- Court approved arbitrator; Court approved mediator
- Principal firm attorney on hundreds of management side worker's compensation cases through all hearing levels and appeals
- Managed defense of various personal injury claims including several complex multiple plaintiff cases for pharmaceutical and medical device clients
- Managed defense of various employment cases including discrimination and retaliation claims and several complex collective/class action FLSA cases
- Diverse commercial litigation practice including contract claims, large deficiency actions, landlord-tenant, and other cases
- Lead attorney on numerous personal injury (plaintiff) cases
- Also experienced with eviction, bankruptcy, medical malpractice (plaintiff and defense) and other cases

- Extensive legal research and document drafting

### **EDUCATION:**

#### *University of Wisconsin* Juris Doctor 1982

- Cum Laude graduate
- Wisconsin Supreme Court Extern
- Dean's List each semester
- Community Law Office

#### *Ripon College*-Bachelor of Arts 1979

- Summa Cum Laude--Class Rank #1
- Phi Beta Kappa
- Phi Alpha Theta
- Majors: History, Politics and Government
- Minor: Mathematics
- Dean's List each semester

### **BAR MEMBERSHIP/ADMISSIONS:**

#### *Bar Memberships*

- American Bar Association 1981-Present
- Nevada Bar Association 1983-Present
- Wisconsin Bar Association 1982-2016
- Clark County Bar Association 1983-2014
- 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



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