

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DEVELOPMENT)
OF ALTERNATIVES TO TRADITIONAL)
LITIGATION FOR RESOLVING LEGAL)
DISPUTES.)

ADKT 126

FILED

DEC 21 1995

BY *[Signature]*
DEPUTY CLERK

ORDER AMENDING RULES 3 AND 16 OF
THE NEVADA ARBITRATION RULES

WHEREAS, the Nevada State Legislature enacted certain amendments during its 1995 legislative session increasing from \$25,000 to \$40,000 the monetary threshold applicable to cases subject to mandatory, non-binding arbitration pursuant to NRS 38.250, NRS 38.253, and NRS 38.255 (see 1995 Nev. Stat., ch. 660, §§ 1-8 at 2537-39); and

WHEREAS, the legislature determined that the amendments increasing the monetary threshold were to become effective "(a) [u]pon passage and approval for the purpose of adopting any rules necessary to carry out the amendatory provisions . . . ; and (b) [o]n January 1, 1996, for all other purposes" (see 1995 Nev. Stat., ch. 660, § 8.2(a) and (b) at 2539);

NOW THEREFORE, IT IS HEREBY ORDERED that subdivision (A) of Rule 3 of the Nevada Arbitration Rules is amended to read as follows:

Rule 3. Matters subject to arbitration.

(A) All civil cases commenced in the district courts that have a probable jury award value not in excess of [twenty-five thousand dollars (\$25,000)] forty thousand dollars (\$40,000), exclusive of interest and costs, and regardless of comparative liability, are subject to the program, except class actions, appeals from courts of limited jurisdiction, probate actions, divorce and other domestic relations actions, actions

seeking judicial review of administrative decisions, actions concerning title to real estate, actions for declaratory relief, actions governed by the provisions of NRS 41A.003 to 41A.069, inclusive, actions presenting significant issues of public policy, actions in which the parties have agreed in writing to submit the controversy to arbitration or other alternate dispute resolution method prior to the accrual of the cause of action and actions seeking equitable or extraordinary relief.

IT IS HEREBY FURTHER ORDERED that subdivision (B) of Rule 16 of the Nevada Arbitration Rules is amended to read as follows:

Rule 16. Form and content of award.

(B) The arbitrator shall determine all issues raised by the pleadings in cases that are subject to arbitration under the program, including issues of comparative negligence, if any, damages, if any, and costs. The maximum award that can be rendered by the arbitrator is [~~\$25,000~~] \$40,000, exclusive of attorney's fees, interest and costs.

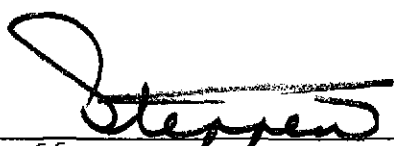
IT IS HEREBY FURTHER ORDERED that these rule amendments, increasing the monetary threshold for cases subject to mandatory arbitration, shall be applicable only to those judicial districts with a population of 100,000 or more (see NRS 38.255(2)(a)).

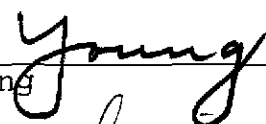
IT IS HEREBY FURTHER ORDERED that the monetary threshold shall remain at \$25,000 in any judicial district with a population of less than 100,000 which has, with the approval of this court, voluntarily adopted local rules implementing a program of arbitration incorporating all or part of the Court Annexed Arbitration Program pursuant to NRS 38.255(2)(b) and NAR 1. Should such a judicial district conclude that an increase in the \$25,000 monetary threshold applicable in that district is warranted, a district judge from that judicial district may file a petition on this court's administrative docket seeking the amendment of that district's local rules of practice. See ADKT 3.


IT IS HEREBY FURTHER ORDERED that this order shall

become effective on January 1, 1996. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the Executive Director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of order shall be conclusive evidence of the adoption and publication of the foregoing amended Rules.


Dated this 21st day of December 1995.


_____, C. J.
Steffen


_____, J.
Young


_____, J.
Springer


_____, J.
Shearing


_____, J.
Rose

cc: All District Court Judges, State of Nevada
Executive Director, State Bar of Nevada
Frances A. Forsman, President, State Bar of Nevada
Thomas Biggar, Discovery Commissioner
Kapua Saludaes, Arbitration Coordinator
Wesley Ayres, Discovery Commissioner