ORIGINAL

ADKT 126

OPPOSITION TO PROPOSED AMENDMENTS TO NEVADA ARBITRATION RULES; PROPOSALS FOR MODIFICATION THERETO

COMES NOW, John V. Riggs, Esquire, and, pursuant to leave granted by the Nevada Supreme Court, files OPPOSITION TO PROPOSED AMENDMENTS TO NEVADA ARBITRATION RULES (NAR) submitted by the SUBCOMMITTEE (Subcommittee) FOR IMPLEMENTATION OF ALTERNATIVE DISPUTE RESOLUTION.

Additionally, PROPOSALS FOR MODIFICATION to the NAR not heretofore suggested by the subcommittee are set forth hereafter.

FILED

DEC 03 1997

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Each proposed Amendment to the NAR objected to by undersigned will be dealt with individually. Also, proposals not previously suggested by the Subcommittee will be recommended.

Points and authorities previously submitted by undersigned in "WHERETO, MANDATORY ARBITRATION?" will be cited as "Brief," whether to the appropriate page number and/or appendices.

The NAR, as presently constituted, and more importantly, as administered in the two (2) large counties, are in need of serious overhaul, not minor repairs, as proposed by the Subcommittee.

The bottom line can be stated, "Is the Nevada Supreme Court going to recognize one's constitutional right to a jury trial" no matter whether a reviewing court would, if it had its choice,

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take a de novo appeal from an arbitration award? Or are we going to get hung up on so many technicalities during the arbitration procedure as to effectively make a de novo jury trial unavailable?

The substantial majority of proposals by the Subcommittee are cosmetic and housecleaning in nature. What is really needed is an overhaul of the District Court's attitude of whether a de novo should be granted.

As Commissioner Biggar stated before this Court the other day, one District Court, in the instance he cited, could not conceive of that particular case going to a de novo jury trial, what with the alleged small amount in controversy.

With that type of attitude, we might as well just make the District Court's word final, and say that if a case is worth $X and above, a de novo will be permitted; otherwise, no; and that the Court, not a jury, would be the arbiter of fairness in the amount of the award.

What the Nevada Supreme Court is going to see under the present system, and as proposed, is a multitude of appeals from Orders of the District Court granting Motions to Strike De Novo Requests because of the attitude of the District courts not wanting to be bothered with de novos. In their minds, they have "bigger fish to fry."

As one fellow attorney not associated with undersigned in any fashion put it, some District Court Judges want to, in effect, subcontract out to the private arbitrators, the so-

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called lesser cases, so they can spend their time with the "weightier matters." This is pure abdication of their "oath of office," and should not be tolerated.

Also, as the same attorney commented, to make things worse, why isn't there arbitration in the Justice Court system?

He also wonders what happens to the many District Court cases where the arbitration awards do not exceed the Justice Court jurisdictional limit? Absolutely no penalty is attached now.

As things stand now, anyone can bring a personal injury auto accident case in District Court, no matter its value. There is no mechanism in place to challenge the value of the case up front to see if it is even worthy of the arbitration process in District Court, as compared to Justice Court.

The Plaintiffs' bar want to get to an arbitrator who will give them a handsome award, rather than go through the Justice Court system, where they might have to face a jury trial right off. Then they will apply to have a District Court Judge strike any de novo request made by the Defendant. This is getting to be a fetish.

II. NAR 2

This, in effect, ratifies and permits the present system to remain in place, under the power of an Arbitration Commissioner, whereas things have been done in the past under the Discovery Commissioner and/or the Arbitration Commissioner, where one individual served in both positions, as has been done in the two large counties.

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All the District Courts will do under this proposal is ratify the current system, and allow the person who is presently serving as Discovery Commissioner to double as the Arbitration Commissioner.

This system allows for too much power to be lodged in any one person, no matter his/her fairness, competency, or otherwise. Not only will this individual virtually control all arbitrations, but discovery disputes as well.

Each District Judge should be required to handle his/her own docket of discovery, and arbitration matters. What are they elected to do? Otherwise one individual controls the discovery and arbitration of the entire county. And discovery is where one wins or loses, for the most part.

To think that the Arbitration/Discovery Commissioner is going to be overruled in the discovery and arbitration rulings by the District Court is unrealistic. The standard of review is that the District Judge may uphold, overturn or modify the ruling, and such ruling is non-reviewable to the Nevada Supreme Court. NAR 8(B). Changes of rulings by the District Court are rare. Again, many courts just do not want to be bothered.

III. NAR 3(A)(E)

This proposal allows only the party subject to arbitration to make a decision whether to be joined with the exempt claim.

This gives no say whatsoever, to the Court, and/or Defendant, and/or the exempt Plaintiff.

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Although it is arguable that economies of scale will best be served by mandating the joinder, nevertheless, this proposal will, in many cases, unnecessarily clutter an otherwise important claim.

To require a defendant to expend the sums generally necessary in a jury trial upon relatively small claims, is not fair nor contemplated by the arbitration rules to reduce expenses.

Also what if more than one attorney represents the various Plaintiffs? There could be competing claims.

The Court, and all parties, should be required to consent to such a joinder, or otherwise not be permitted. At worst this should be a matter best left for the District Court to rule upon if the parties cannot come to agreement.

IV. NAR 4(D)(E)

4(D)

To leave a matter in the attorney's folder in the Clerk's office, and have that constitute service of process may, in some cases, deny one the proper notice. Things do get lost, misplaced, etc. Runners who pick up these papers might also lose them.

Although this is a cost-cutting measure, which is appreciated, nevertheless, there is too great a risk of "failure to notify" such as to bring a case within the doctrine of Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 70 S.Ct. 652, 94 L. Ed. 865. The Mullane Court stated:

> "...The fundamental requisite of due process of law is the opportunity to be heard. (citation omitted) This right to be heard

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> has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest...
>
> An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections..." 339 U.S. at 314.

All rulings should be mailed to the attorney's last known address as shown on the Clerk's records.

4(E)

Requiring all motions specified therein to be made no no later than forty-five (45) days pre-arbitration hearing, is unrealistic. Most arbitration hearings are generally scheduled within one hundred and twenty (120) days or less after the Early Arbitration Conference.

If all goes well, the written discovery can be obtained within sixty (60) days of the EAC. In theory a party has only thirty (30) days within which to respond to written discovery. But as a practical matter, few make that time limit.

After the written discovery is obtained, then the propounder must obtain medical records, billings, prior auto accident files, and conduct other investigation that, up to that time, he has not had at his disposal due to the lack of responses to the written discovery. Then he/she is ready to depose Plaintiff. This all takes an additional forty five (45) days or so.

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Only then is a party realistically ready to pursue one of the motions delineated in the proposed rule. Even that will be pushing matters.

Some will argue you should first depose the party, and then worry about the written discovery thereafter. This may be preferable to many, but to undersigned, it is not effective.

There are too many cases for citation permitting amendment of a pleading during a trial, or just before trial. NRCP 15.

Also, the Nevada Supreme Court has permitted a party against whom Summary Judgment is sought to obtain a continuance to conduct discovery. Ameritrade, Inc. v. First Interstate Bank, 105 Nev. 696, 699, 782 P.2d 1318 (1989).

V. NAR 5(A)(C)

There is no objection to the intent of the proposed amendment to 5(A).

There is a suggestion on an issue not dealt with by the subcommittee. Every request for exemption should be accompanied by all medical bills, medical records, and expert reports to that time, so that a fair review can be made thereof by the party opposing exemption. If the records are not then available, that any such request be held in abeyance by the court, to allow the opposing party to conduct discovery thereon, so as to develop an opposition to the exemption.

Undersigned has had various instances where there was no mention whatsoever in the "Petition for Exemption" other than an amount of medical bills and/or perhaps a comment as to what the

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medical problems were. That no records, bills, or expert reports were attached to said Petition. Nor, were any medical records of prior conditions which would reflect upon the current treatment furnished.

It is only fair to require submission of these matters prior to the Court ruling thereon.

VI. NAR 6(A)

This provides the Arbitration Commissioner may impose sanctions for failure of the parties to file a timely Stipulation regarding use of a private arbitrator.

This gives too much power to the Commissioner. There is no guideline as to what sanctions may be imposed. May he dismiss a cause? May he fine either or both parties $500.00 each?

VII. NAR 7(A)(B)

7(A)

No objection to requiring eight (8) years of experience. There is, however, a substantial objection to the appointment of arbitrators from the private sector.

There should be a central panel of court-appointed commissioners on state payroll who do nothing but arbitrate. To allow arbitration to remain in the private arena, excepting by choice of the involved parties, creates the impression of partiality as presently exists.

There is a built-in potential for conflict of interest at present. When an arbitrator has a party appear before him, it would take a special person to ignore the potential conflict and make an award he feels honest about. That is because when the arbitrator later appears before that same attorney, when the

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latter serves as arbitrator, he will likewise hope for favorable treatment. This thought is lurking in the back of one's mind, or at least it is a definite possibility, and more likely, a probability.

To say we have a "buddy system" in every case is probably not accurate. However, the potential for conflict of interest is there in virtually every case.

It is a rare arbitrator who can set aside personal feelings about the party/attorney appearing before him, and rule objectively.

Nevada is still a relatively small state where many of the attorneys have an ongoing relationship, and the law firms have conflicts of interest in serving as arbitrators.

In short, we have a system which does not allow for an arbitrator to be independent in his/her judgments.

7(B)

There should be no non-lawyers on the state panel. This would be tantamount to condoning the "unauthorized practice of law."

If attorneys choose to retain a private panel non-attorney arbitrator, so be it. But to compel same would border on the denial of due process. Williams v. Williams. 110 Nev. 830, 833, 877 P.2d 1081 (1994).

Also, if the Supreme Court maintains the current system, as amended by the proposed Rule 7, then it is suggested only tort attorneys be on the tort case panel; contract attorneys on contract case panel, etc.

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To have just one panel, and allow the commissioner to choose from said panel on rotation, indiscriminately, albeit they might have eight years of experience, is to foster de novos. In truth, we do not know how the rotation is made in Clark County, whether there is more than one panel. In any event it is felt only those panels suited to a particular case should be used.

VIII. NAR 11(A)

There is no objection to the teleconference concept. What is objected to is the current method of discovery in the arbitration system. Eight pages of the "Brief," at 28-35, inclusive, were devoted to this issue.

The current system is eminently unfair in the discovery issue. Arbitrators permit minimal discovery. They are many times upheld by the Discovery Commissioner, who is in turn generally affirmed by the District Court. And the rulings of the District Court are non-reviewable.

The Plaintiffs' bar attempts to withhold as much information as possible, particularly on the medical issues. Uniform Interrogatories on Personal Injury, Contract, and Domestic Relations' cases should be developed so we do not have to reinvent the wheel in every case. This would, of course, not preclude Non-Uniform Interrogatories in any particular case.

To say that in arbitrations you can only do so much discovery, but that in full blown jury trials you can exceed that, is unfair. Defendants need the facts. There is only one way to obtain them.

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Additionally, when you take a deposition limited to one hour, and then attempt to re-take the deposition for de novo purposes, you will receive resistance.

Someone was quoted as saying "Don't confuse me with the facts, my mind is already made up." That is just what we presently have in the arbitration system. The less that is known by the Defendants, the better, according to the Plaintiffs' bar.

IX. NAR 12(B)

Defendants would generally have no objection to the one-year death penalty. Obviously, it would benefit them.

However, undersigned can conceive of situations where it would be unfair to Plaintiffs not to have in excess of one (1) year. One would be bankruptcy, which involves an automatic stay of State Court proceedings.

It is not an easy task to set aside a stay, if there is resistance from a Defendant. It can also get very expensive to have to retain expert bankruptcy counsel. Counsel undersigned had to spend approximately $1,500.00 on one occasion to retain such an expert to set aside a stay.

Also multi-party claims might be so cumbersome as to preclude the arbitration being finalized within one (1) year. A key witness might not be available for discovery and/or production within that period of time for various reasons.

One year should be a recommended goal. However the District Court should have discretion to extend that time, if the circumstances would warrant same in equity.

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The sanctions suggested in 12(B)(1)(2) are excessive in the opinion of undersigned. To expect a case to always be fully tried within one year, when for many years it would take much longer in the District Court system, is just asking a lot, particularly when the claim reaches the value of forty thousand dollars ($40,000.00). That is a lot of money.

Are we getting to the point in the administration of justice where forty thousand dollars ($40,000.00) is considered such a meager amount that we do not grant the "due process" generally required of larger claims?

X. NAR 16(C)

Findings of fact and conclusions of law, or a written opinion stating the reasons for the decision, should be mandatory, not discretionary, with the arbitrator. There are too many awards where just a figure is awarded, with no explanation as to how it was arrived at.

With the advent of Motions to Strike Requests for De Novos, there is an insufficient record for the District Court, and/or the Supreme Court, to go on, if the Award is silent except for an amount.

Also, this would require arbitrators to be diligent and professional about the entire proceeding. Too many take a cavalier approach because of, in part, what they see as a small fee for their services.

XI. NAR 17(C)(2)

This could confuse one seeking a de novo as to when the time would start. There should be a provision in the rule to the effect that if a de novo has already been filed from the

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original award, a later amendment under 17(C)(1), and failure to file a new de novo request from the amended award under 17(C)(2), shall not prejudice the party who filed a de novo from the original award.

In short, a filing for "de novo" should include all awards, original, and amended, if any, without having to file a new "de novo" request.

XII. NAR 18(A)(C)

There can be placed no "onerous burden" upon one's right to a jury trial. In Re Smith, 112 A. 2d 625 (Pa. 1955). In the opinion of undersigned, these proposals do just that.

It is interesting that it costs less to file a case in District Court, involving a claim valued at more than forty thousand dollars ($40,000.00), than it does for an ordinary arbitration.

In both instances, you have the one hundred and twenty-eight dollars ($128.00) filing fee. Yet, in the arbitration, unlike the jury or bench trial, you have to pay an additional fee and costs to the arbitrator up front, generally two hundred and fifty dollars ($250.00). For jury trials, you must only advance one hundred and twenty dollars ($120.00). Is that fair? No.

Supposing one goes to jury verdict, and then fails or refuses to pay the jury fees. What result? Certainly no sanction of dismissal and/or default can be imposed in such a situation.

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Yet they are proposing just such a sanction of dismissing the de novo request for failure of one to pay the arbitrator's fees and costs. Again, this is unfair, and in the opinion of undersigned, would constitute a denial of one's property without due process of law, as well as a denial of equal protection.

There is sufficient protection for payment of an arbitrator's fees and costs in NAR 23 as presently constituted.

XIII. NAR 19(B)

Does not the proposed amendment 19(B) deny a party possible relief from a judgment under NRCP 60? In the opinion of undersigned NRCP 60 should apply to awards finalized by this rule, as in all other cases involving judgments.

XIV. NAR 20(A)(B)

20(A)

This proposal constitutes an "onerous burden" and is constitutionally infirm. This gives the District Court plenary power to award attorney's fees even though the party requesting the "de novo" betters his/her position.

This is like saying in a football game that you win no matter the score, as long as you prevail on the statistical record. Nonsense. A victory by one point in football is as good as one by 50 points, although the pollsters might differ on that.

This entire de novo matter is getting out of hand. Plaintiffs' counsel are making motions to strike de novo requests with abandon. Some Courts are loathe to hear what they regard as "small fry."

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They think Defendants should just pay what the arbitrator awards, no matter that reasonable minds can differ on valuation of cases. They compute statistics of who takes de novos.

Some of them think that particular attorneys, insurers, or otherwise abuse the system and take de novos just to be taking them, without good reason; that it is just a delaying tactic to keep plaintiffs from receiving their just rewards, and/or require plaintiffs to take a discounted amount in consideration of not having to wait for a jury trial; and that the arbitration system is nothing to said defendants but a chance to take a double dip on discovery. See Comments of Judge Gibbons and Commissioner Biggar to this effect in "Brief" in Appendices C & F.

We disagree. We ask, whose system? Are the Courts and/or Plaintiffs the ones paying out the Awards? Would they pay out all of the arbitration awards if they were the defendants, or so-called "deep pocket?"

When you have attorney/arbitrators who:

1. Refuse to give credence to medical review reports since the reviewer did not personally examine the plaintiff;
2. Refuse to give credence to expert bio-mechanical reports because, in their experience, they have seen all kinds of cases, some of them very minimal bumper taps, where people allegedly were hurt;
3. Let in all kinds of evidence, the "kitchen sink" if you will, in the hope of doing what they regard as fair play to the parties;

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4. When you do not produce a medical review report, or independent medical review, they think you are slacking - although in many instances, to conduct an IME would not be effective because of the time lapse in closure of treatment of plaintiff; and yet if you do produce these very items, they will not put credence in them either because the reviewer did not see the plaintiff, or the IME physician only saw them once; so you have a no-win situation;

5. When many arbitrators are well acquainted with the counsel appearing before them, and find it difficult to be objective, since they have to live by the same system, and might one day come before that same attorney when he/she is chosen as arbitrator;

6. When the discovery is so limited compared to what is generally permitted in a jury trial, that you cannot learn the facts in such a manner as to do justice;

7. When at times you have arbitrators who have no concept of valuations in personal injury cases, and just award a certain number of times the medical bills incurred;

8. When at times you have arbitrators who are not experienced in personal injury matters;

9. When at times you have arbitrators who are biased, because that is all they do for a living, plaintiffs' personal injury work;

10. When jury verdicts are, in many instances, less than arbitration awards;

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11. When arbitrators, as a general rule, are so hardened to reality, that they cannot set aside their experiences in the practice of law, and focus on the facts at hand; that they have seen things happen both ways so many times, that it is difficult for them to be objective in any particular case;

12. When defense counsel is, for the most part, diligent in conducting discovery and hearing; whereas plaintiffs' counsel, in many instances, do little in the way of preparation; yet defendants are accused of lack of "good faith" participation because they do not agree on the amount of the award issued, regardless of their preparation;

13. Where it seems like there is a double standard; the "lack of good faith" only applies to defendants, not plaintiffs, or at least they are never accused of same, or rarely so; and this although plaintiffs take de novos when they are unhappy with an award.

one can see why de novos are taken. Yet Plaintiffs' counsel and some of the Courts continually accuse defendants, attorneys, and insurers of not litigating in "good faith." THIS CONTENTION IS SOUNDLY DENIED.

This proposed amendment to NAR 20(A) would give the District Court power to vent its wrath against a party and/or insurer, and take out his/her personal feelings about de novos when things were so-called marginal.

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This proposal is nothing more than a vent for the wrath of the Plaintiffs' bar and District Courts who want to take it within their hands to quash de novos in a big way.

As stated previously, each Judge takes an oath of office to uphold the constitution and laws of the State. To deny one his/her right to a jury trial because reasonable minds differ on valuation is not a good reason to allow a Court to penalize a de novo applicant who prevails, although it is not by a crushing margin.

We urge that all new proposals to Rule 20(A) be rejected by this Court, and that the rule remain as is.

In summary, the courts are attempting to place so many "onerous" restrictions on the taking of a de novo from an arbitration award, that parties will be intimidated and coerced into not requesting a de novo jury and/or court trial. That is not the intent of the Constitution.

20(B)

As for 20(B), one suggestion is that pertaining to the use of arbitration hearing transcripts on de novo trials. Rule 14(B) permits a party to court report the arbitration hearing at its own expense.

It is suggested that 20(B) be amended to provide that the transcript of the arbitration hearing be allowed for impeachment purposes at the de novo trial, so long as the one offering same makes no reference that it came from an arbitration hearing.

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What undersigned did on one occasion was to merely ask the person involved if she gave a prior statement under oath, not mentioning the fact of the arbitration hearing. The District Court permitted this line of questioning for impeachment only.

XV. NAR 22(A)(B)

This rule permits the ultimate sanction of dismissal of a cause (or granting of a Motion to Strike a De Novo Request) when, in the opinion of the judiciary, a party, and/or his/her counsel, has not arbitrated in good faith, whatever that means.

At present there are no definable standards as to what constitutes the "lack of good faith prosecution" of an arbitration. The door is "wide open" for a Court to grant a Motion to Strike if his/her bias opts for same.

As the Court stated in Hebert v. Harn, 133 Cal.App.3d 465, 184 Cal.Rptr. 83, 87 (1982):

> "An independent concern which contributes to our holding involves the lack of standards in the local rule to guide the exercise of the court's discretion in granting or denying the motion to set aside. In fact, the rule as drafted does not even specify whether court has discretion to deny the motion. A party may decline to participate in judicially ordered arbitration for numerous reasons ranging from malice to financial constraints to objections over the choice of arbitrators. We view the lack of a substantive guideline in Orange County's rule as constituting a significant impairment of the litigant's right to notice of the standards by which his conduct will be judged" (emphasis added).

What should the definable standards be? What does "good-faith participation" mean? Comments thereon are included in the "Brief" at 11-21, inclusive.

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XVI. NAR 24(A)

As stated heretofore, all fees and costs of arbitrators should be paid for out of the public treasury. To raise the fee to one thousand dollars ($1,000.00) is inequitable, and would constitute an "onerous burden" upon the arbitration process, effectively denying one his/her constitutional right to a jury trial.

As Justice Rose stated, the legislature has only permitted a five hundred dollars ($500.00) fee to this point. You could get into the "separation-of-powers" doctrine as to which branch of government has the right to govern the arbitration process.

To allow dismissal of the complaint for failure to timely pay would also constitute an unconstitutional infringement. See XII, above.

XVII. OTHER RECOMMENDATIONS NOT SUGGESTED BY SUBCOMMITTEE

I. DISTRICT COURT SHOULD BE REQUIRED TO CONDUCT HEARING ON ALL MOTIONS TO STRIKE DE NOVO REQUESTS

See No. 4 in "Brief" at 23, 24.

II. ALL MOTIONS TO STRIKE DE NOVO REQUESTS SHOULD BE MADE WITHIN 30 DAYS AFTER DE NOVO DEMAND IS FILED

See No. 7 in "Brief" at 25.

III. COURT SHOULD IMPOSE SANCTIONS OF ATTORNEY'S FEES AND COSTS AGAINST PARTIES AND THEIR ATTORNEYS WHO FILE FRIVOLOUS MOTIONS TO STRIKE DE NOVO REQUESTS

See No. 6 in "Brief" at 25.

IV. COURT SHOULD DECIDE WHAT DISCOVERY SHOULD BE PERMITTED ON DE NOVO FOR PURPOSE OF DEVELOPING GROUNDS FOR FILING MOTION TO STRIKE DE NOVO REQUEST AS DISTINGUISHED FROM REGULAR DISCOVERY

See No. 8 in "Brief" at 26.

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V. ARBITRATORS SHOULD BE GIVEN MORE AUTHORITY TO SANCTION RECALCITRANT LITIGANTS AND/OR COUNSEL WHO DISOBEY DISCOVERY ORDERS, OR OTHERWISE

To have to always wait for the Arbitration/Discovery Commissioner to act upon the arbitrator's decision is a waste of court resources and time. Arbitrators, under present rules, are basically powerless to issue sanctions for any purpose.

VI. WHEN HEARING A MOTION TO STRIKE DE NOVO, THE ENTIRE RECORD SHOULD BE BROUGHT BEFORE THE DISTRICT COURT

See No. 4 in "Brief" at 22, 23.

CONCLUSION

The arbitration system is in need of serious overhaul. It is not functioning as intended. There is inherent partiality in the present manner of administration. The Plaintiffs' bar and some of the District Courts are loathe to hear "de novo" cases.

Plaintiffs want the awards to be paid, no matter there is room for genuine disagreement on valuation thereof.

The Courts think Defendants should not spend sums of money to take "de novos" when, in their eyes, the awards are reasonable.

So many restrictions are being placed on the right to a "de novo" that it constitutes an "onerous burden" upon one's constitutional right to a jury trial.

It is respectfully requested that the Nevada Supreme Court do the following:

1. Reject the proposals submitted by the Subcommittee as to amending the Nevada Arbitration Rules;

2. Adopt the recommendations herein;

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3. Alternatively reconvene a committee to allow for a wider breadth of participation;

4. Permit undersigned the opportunity to participate in such a committee;

5. Request legislative intervention for funding of full time arbitrators, and abolish the private arbitration system in the interest of independence and objectivity in the rendering of awards;

6. Submit a report to the legislature containing comments from undersigned and all who have contributed to this issue;

7. Ask the Legislature to convene a committee composed of representatives of the judicial system, attorneys, etc. as well as the legislature, to make an effort to satisfy the demands for justice of all in an equitable manner.

Respectfully submitted this 2nd day of December, 1997.

BY: _____

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SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

RECEIPT FOR DOCUMENTS

December 3, 1997

To: John V. Riggs
James G. Armstrong, Subcommittee Co-Chairman
I.R. Ashleman, Subcommittee Co-Chairman

Re: IN THE MATTER OF THE DEVELOPMENT OF ALTERNATIVES TO TRADITIONAL LITIGATION FOR RESOLVING LEGAL DISPUTES

Supreme Court Docket No.: ADKT 126

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

Date	
12/3/97	Filed Opposition to Proposed Amendments to Nevada Arbitration Rules; Proposals for Modification Thereto. Received from: John V. Riggs, Esq.

Janette M. Bloom
Clerk of Court
JMB:aa