

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 24 1997

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER AMENDING THE
NEVADA RULES OF ARBITRATION

WHEREAS, this court's Alternative Dispute Resolution General Implementation Subcommittee has submitted recommendations respecting the amendment of the Nevada Arbitration Rules; and

WHEREAS, this court has reviewed and carefully considered those recommendations and other concerns relating thereto;

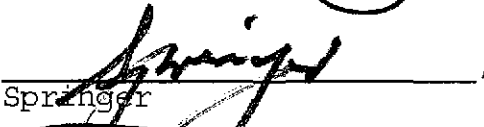
IT IS ORDERED that the rules, as specifically set forth in Exhibit A, annexed hereto, and contained in Subpart A of Part V of the Nevada Supreme Court Rules, entitled "Nevada Arbitration Rules," be and hereby are amended as set forth in Exhibit A;

IT IS FURTHER ORDERED that these rule amendments shall become effective immediately. 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 this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

Dated this 24th day of December, 1997.


_____, C.J.
Shearing


_____, J.
Springer


_____, J.
Rose


_____, J.
Young

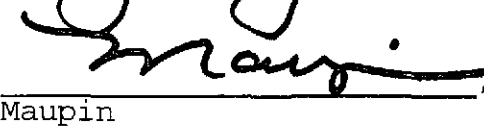

_____, J.
Maupin

EXHIBIT A

AMENDMENTS TO THE
NEVADA ARBITRATION RULES

Rule 2. Intent of program and application of rules.

(A) The purpose of the program is to provide a simplified procedure for obtaining a prompt and equitable resolution of certain civil matters.

(B) These rules shall apply to all arbitration proceedings commenced in the program.

(C) Each district court may appoint an arbitration commissioner to serve at the pleasure of the court. In multi-judge districts, appointment shall be by the concurrence of a majority of all the judges of such district. The arbitration commissioner may be a discovery commissioner, other special master, or any qualified and licensed Nevada attorney appointed by the court. The arbitration commissioner shall have the responsibilities and powers conferred by these rules.

[(C)] (D) These arbitration rules are not intended, nor should they be construed, to address every issue which may arise during the arbitration process. The intent of these rules is to give considerable discretion to the arbitrator, the [discovery] arbitration commissioner and the district judge. Arbitration hearings are intended to be informal, expeditious and consistent with the purposes and intent of these rules.

(E) These rules may be known and cited as the Nevada Arbitration Rules, or abbreviated N.A.R.

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 forty thousand dollars (\$40,000) per plaintiff, 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 alternat[e]ive dispute resolution method prior to the accrual of the cause of action and actions seeking equitable or extraordinary relief.

(B) Any civil case, regardless of the monetary value, the amount in controversy, or the relief sought, may be submitted to the program upon the agreement of all parties and the approval of the district judge to whom the case is assigned.

[(1)] (C) While a case is in the program, the parties may, with the approval of the district judge to whom the case is assigned, stipulate, or the court may order that a settlement conference, mediation proceeding, or other appropriate settlement technique be conducted by another district judge, a senior judge, or a special master. The settlement procedure conducted pursuant to this subdivision will extend by no more than thirty (30) days the timetable set forth in these rules for resolving cases in the program.

[(C)](D) Parties to cases submitted or ordered to the program may agree at any time to be bound by any arbitration ruling or award.]

(1) If the parties agree to be bound by the decision of the arbitrator, the procedures set forth in these rules governing trials de novo will not apply to the case. The parties may, however, either confirm, vacate or modify the decision of the arbitrator in the manner authorized by NRS 38.135, 38.145 and 38.155.

(D) The district judge to whom a case is assigned may remove from the program any action where good cause for removal is found. The court's decision in this regard is non-reviewable.]

(E) In cases where any party's claim qualifies for exemption, any other party's claim, though suitable for arbitration, may be included with the exempt claims in the district court action for the convenience of the litigants, if the party with the claim qualified for arbitration so requests.

Rule 4. Relationship to district court jurisdiction and rules [: Form of documents].

(A) Cases filed in the district court shall remain under the jurisdiction of that court for all phases of the proceedings, including arbitration.

(B) The district court having jurisdiction over a case has the authority to act on or interpret these rules.

(C) Before a case is submitted or ordered to the program, and after a request for trial de novo is filed, and except as hereinafter stated, all applicable rules of the district court and the Nevada Rules of [c]Civil [p]Procedure apply. After a case is submitted or ordered to the program, and before a request for trial de novo is filed, or until the case is removed from the program, these rules apply. Except as stated elsewhere herein, once a case is accepted or remanded into the program, the requirements of N.R.C.P. 16.1 do not apply.

(D) The calculation of time and the requirements of service of pleadings and documents under these rules are the same as under the Nevada Rules of Civil Procedure. The arbitration commissioner or the commissioner's designee shall serve all rulings of the commissioner on any matter as defined in N.R.C.P. 5(b); additionally, in the Eighth Judicial District, service may also be made by the commissioner's designee placing the ruling or other communication in the attorney's folder in the clerk's office. Whenever a party is required or permitted to do an act within a prescribed period after service of a ruling by mail or by placement in the attorney's folder, three (3) days shall be added to the prescribed period.

(E) During the pendency of arbitration proceedings conducted pursuant to these rules, no motion may be filed in the district court by any party, except motions that are dispositive of the action, or any portion thereof, motions to amend, consolidate, withdraw, intervene, or motions made pursuant to Rule 3[(A)(1)](C), requesting a settlement conference, mediation proceeding or other appropriate settlement technique. Any of the foregoing motions must be filed no later than forty-five (45) days prior to the arbitration hearing, or said motion may be foreclosed by the judge and/or sanctions may be imposed. A copy of all motions and orders resulting therefrom shall be served upon the arbitrator.

[(F)] All documents required to be utilized or filed under these rules shall be in a form designated by the supreme court.]

[(G)] (F) Once a case is submitted or ordered to the program all parties subsequently joined in the action shall be parties to the arbitration unless dismissed by the district judge to whom the case is assigned.

[(H)] (G) Except as otherwise provided in these rules, all disputed issues arising under these rules must be resolved in the manner set forth in Rule 8(B).

Rule 5. Exemptions from arbitration.

(A) A party claiming an exemption from the program pursuant to Rule 3(A) on grounds other than the amount in controversy or the presentation of significant issues of public policy will not be required to file a request for exemption if the initial pleading specifically designates the category of claimed exemption in the caption. Otherwise, if a party believes that a case should not be in the program, that party must file with the [discovery] arbitration commissioner a request to exempt the case from the program and serve the request on any party who has appeared in the action. The request for exemption must be filed within twenty (20) days after the filing of an answer by the first answering defendant, and the party requesting the exemption must certify that his or her case is included in one of the categories of exempt cases listed in Rule 3. The request for exemption must also include a summary of facts which supports the party's contentions. For good cause shown, an appropriate case may be removed from the program upon the filing of an untimely request for exemption; however, such filing may subject the requesting party to sanctions by the arbitration commissioner.

(B) Any opposition to a request for exemption from arbitration must be filed with the [discovery] arbitration commissioner and served upon all appearing parties within five (5) days of service of the request for exemption.

(C) The parties may file a joint request for exemption.

[(C)](D) Where requests for exemptions from arbitration are filed, the [discovery] arbitration commissioner shall review the contentions, facts and evidence available and determine whether an exemption is warranted. The [discovery] arbitration commissioner may require that a party submit additional facts supporting the party's contentions. Any objection(s) to the commissioner's decision must be filed with the commissioner who shall then notify the district judge to whom the case is assigned. Objections must be filed within [ten (10)] five (5) days of the date the commissioner's decision is served, with service to all parties.

[The commissioner or the commissioner's designee shall serve all rulings of the commissioner on any matter by delivery as defined in N.R.C.P. 5(b), or by mail. Whenever a party is required or permitted to do an act within a prescribed period after service of a ruling by mail, three (3) days shall be added to the prescribed period.]

[(D)](E) The district judge to whom a case is assigned shall make all final determinations regarding the arbitrability of a case [when that issue is disputed by any party,] and may hold a hearing on the issue of arbitrability, if necessary. The district judge's determination of such an issue is not reviewable.

[(E)](F) The district judge to whom a case is assigned may impose any sanction authorized by N.R.C.P. 11 against any party

who without good cause or justification attempts to remove a case from the program.

[(F)](G) Any party to any action has standing to seek alternat[e]live dispute resolution under these rules.

Rule 6. Assignment to arbitrator.

(A) Parties may stipulate to use a private arbitrator or arbitrators who are not on the panel of arbitrators assigned to the program, or who are on the panel but who have agreed to serve on a private basis. Such stipulations must be made and filed with the [discovery] arbitration commissioner [within twenty (20) days after the filing of an answer by the first answering defendant] no later than the date set for the return of the arbitration selection list and may require the use of any [ADR] alternative dispute resolution procedure to resolve the dispute. The stipulation must include an affidavit that is signed and verified by the arbitrator expressing his or her willingness to comply with the timetables set forth in these rules. Failure to file a timely stipulation shall not preclude the use of a private arbitrator, but may subject the dilatory parties to sanctions by the arbitration commissioner.

(B) Any and all fees or expenses related to the use of a private arbitrator, or the use of any other [ADR] alternative dispute resolution procedure, shall be borne by the parties.

(C) Unless a [stipulation is filed with the discovery commissioner for a private arbitrator or the use of any other ADR procedure as provided above, or a] request for exemption is filed, the [discovery] arbitration commissioner [will] shall serve [all] the two adverse appearing parties with identical lists of five (5) arbitrators selected at random from the panel of arbitrators assigned to the program.

(1) Thereafter, [each party] the parties shall, within ten (10) days, file with the [discovery] arbitration commissioner either a private arbitrator stipulation and affidavit or each party shall file the selection list with no more than two (2) names stricken.

(2) If both parties respond, the [discovery] arbitration commissioner shall appoint an arbitrator from among those names not stricken.

(3) If only one party responds within the ten (10) day period, the [discovery] arbitration commissioner shall appoint an arbitrator from among those names not stricken.

(4) If neither party responds within the ten (10) day period, the [discovery] arbitration commissioner will appoint one of the five (5) arbitrators.

(5) If there are more than two (2) adverse parties, two (2) additional arbitrators per each additional party shall be added to the list with the above method of selection and service to apply. For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.

(D) If a request for exemption is filed and denied, the [discovery] arbitration commissioner shall, within five (5) days after the time has expired for filing an objection to the commissioner's denial of the request, or within five (5) days after the district judge's decision on such an objection, serve the parties with identical lists of five (5) arbitrators as provided in subsection (C) of this rule.

[(E) If there are more than two (2) adverse parties, two (2) additional arbitrators per each additional party shall be added to the list with the above method of selection to apply. For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.]

[(F)](E) Where an arbitrator is assigned to a case and additional parties subsequently appear in the action, the additional parties may object to the arbitrator assigned to the case within ten (10) days of the date of the party's appearance in the action. Objections must be in writing, state specific grounds, be served on all other appearing parties and filed with the [discovery] arbitration commissioner, who will review the objections and render a decision. This decision may be appealed to the district judge to whom the case is assigned. The notice of appeal shall be filed with the [discovery] arbitration commissioner within ten (10) days of the date of service of the commissioner's decision. The commissioner shall then notify the district judge of the appeal.

[(G)](F) If the selection process outlined above fails for any reason, including a recusal by the arbitrator [selected from a case], the [discovery] arbitration commissioner shall repeat the process set forth in subdivision (C) of this rule to select an alternate arbitrator.

Rule 7. Qualifications of arbitrators.

(A) [The State Bar of Nevada]Each arbitration commissioner shall create and maintain a panel of arbitrators [designated by areas of expertise] consisting of attorneys licensed to practice [in the State of Nevada] law for a minimum of eight (8) years and a separate panel of arbitrators qualified to engage in professions other than law.

(B) Arbitrators shall have substantial experience in their areas of expertise and non-lawyer arbitrators shall have engaged in their areas of expertise for a period of at least [three (3)] eight (8) years.

[(1) No person serving on a panel of arbitrators established pursuant to this rule may use his or her status as an arbitrator for any advertising purpose whatsoever.]

(C) Arbitrators shall be required to complete an orientation and training program [following] in conjunction with their selection to the panel, and shall also attend such other additional training sessions or classes as the State Bar may require. [The orientation and training program must specifically include training in techniques to obtain settlement of a case at the earliest opportunity.]

(D) Arbitrators shall be sworn or affirmed [by the Chief Justice or the Chief Justice's designee] to uphold these rules of the program, and the laws of the State of Nevada by any person authorized to administer the official oath under NRS 281.030(3).

(E) An arbitrator who would be disqualified for any reason that would disqualify a judge under the Nevada Code of Judicial Conduct shall immediately [resign] recuse himself/herself or be withdrawn as an arbitrator.

(F) Any issue concerning the participation or disqualification of a person [to serve] on the panel of arbitrators shall be referred to the [State Bar of Nevada] arbitration commissioner for a final determination.

(G) No person serving on the panel of arbitrators established pursuant to this rule may use his or her status as an arbitrator for any advertising purpose whatsoever.

Rule 8. Authority of arbitrators.

(A) Arbitrators hear cases admitted to the program and shall render awards in accordance with these rules. The powers of the arbitrators shall include, but not be limited to, the powers:

(1) To administer oaths or affirmations to witnesses;
(2) To relax all applicable rules of evidence and procedure to effectuate a speedy and economical resolution of the case without sacrificing a party's right to a full and fair hearing on the merits[;].

[(3) To authorize the parties to obtain from the clerk of the district court subpoenas to secure the attendance of witnesses or the production of evidence at arbitration proceedings conducted pursuant to these rules.]

(B) Any challenge to the authority or action of an arbitrator shall be filed with the [discovery] arbitration commissioner and served upon the other parties and the arbitrator within ten (10) days of the date of the challenged decision or action. Any opposition to the challenge must be filed with the [discovery] arbitration commissioner and served upon the other parties within five (5) days of service of the challenge. The [discovery] arbitration commissioner shall rule on the issue in due course. Judicial review of the ruling of the [discovery] arbitration commissioner may be obtained by filing a petition for such review with the [discovery] arbitration commissioner within ten (10) days of the date of service of the [discovery] arbitration commissioner's ruling. The [discovery] arbitration commissioner shall then notify the district judge to whom the case is assigned of the petition and may enter an appropriate stay pending review by the district judge. The district judge to whom the case is assigned shall have the non-reviewable power to uphold, overturn or modify the ruling of the [discovery] arbitration commissioner, including the power to stay any proceeding.

Rule 11. Discovery.

(A) Within thirty (30) days after the appointment of the arbitrator, the parties must meet [in the presence of] with the arbitrator to confer, exchange documents, identify witnesses known to the parties which would otherwise be required pursuant to N.R.C.P. 16.1, and to formulate a discovery plan, if necessary. The conference may be held by telephone in the discretion of the arbitrator. The extent to which discovery is allowed, if at all, is in the discretion of the arbitrator, who must make every effort to insure that the discovery, if any, is neither costly nor burdensome. Types of discovery shall be those permitted by the Nevada Rules of Civil Procedure, but may be modified in the discretion of the arbitrator to save time and expense.

(B) It is the obligation of the plaintiff to notify the arbitrator prior to the conference, if other parties have appeared in the action subsequent to the appointment of the arbitrator.

Rule 12. Scheduling of hearings; pre-hearing conferences.

(A) Except as otherwise provided by this rule, all arbitrations shall take place and all awards must be filed no

later than six (6) months from the date of the arbitrator's appointment. Arbitrators shall set the time and date of the hearing within this period.

(B) The arbitration hearing date may be advanced or continued by the arbitrator for good cause upon written request from either party. The arbitrator may not grant a request for a continuance of the hearing beyond a period of nine (9) months from the date of the arbitrator's appointment without written permission from the [district judge to whom the case is assigned] arbitration commissioner. Any such request for permission for an extension beyond the nine (9) month period must be made in writing to the [district judge] arbitration commissioner by the arbitrator. The [district judge] arbitration commissioner may permit such an extension upon a showing of unusual circumstances.

All arbitration hearings must take place within one year of the date [that] on which [the district court appoints] the arbitrator is appointed.

(1) Arbitration hearings which take place in violation of this Rule may subject the parties, their counsel, and/or the arbitrator to sanctions which can include:

(a) loss or reduction of the arbitrator's fee;

(b) temporary suspension of the arbitrator from the panel;

(c) monetary sanctions assessed against the parties or counsel.

(2) Additionally, if the arbitration hearing does not take place within one (1) year of the appointment of the arbitrator, the case may be subject to dismissal or entry of default.

(C) Consolidated actions shall be heard on the date assigned to the latest case involved[.], to be heard by the earliest appointed arbitrator.

(D) Arbitrators or the [discovery] arbitration commissioner may, at their discretion, conduct pre-arbitration hearings or conferences. However, the pre-hearing conference required by Rule 11 must be conducted within thirty (30) days from the date a case is assigned to an arbitrator.

(E) The arbitrator shall give immediate written notification to the [discovery] arbitration commissioner of [any change of] the arbitration date and any change thereof, any settlement or any change of counsel.

Rule 16. Form and content of award.

(A) Awards [by the arbitrator] shall be in writing[,] and signed by the arbitrator [and on forms prescribed by the supreme court].

(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 \$40,000, exclusive of attorney's fees, interest and costs.

(C) Findings of fact and conclusions of law, or a written opinion stating the reasons for the arbitrator's decision, may be prepared at the discretion of the arbitrator.

(D) The offer of judgment provisions of N.R.C.P. 68 and NRS Chapter 17 apply to matters in the program.

(E) Attorney's fees awarded by the arbitrator may not exceed \$3,000, unless the compensation of an attorney is governed by an agreement between the parties allowing a greater award.

(F) After an award is made the arbitrator shall return all exhibits to the parties who offered them during the hearing.

Rule 17. Filing of award.

(A) Within seven (7) days after the conclusion of the arbitration hearing, or thirty (30) days after the receipt of the final authorized memoranda of counsel, the arbitrator shall file the award with the [discovery] arbitration commissioner, and also serve copies of the award on the attorneys of record, and on any unrepresented parties. Application must be made by the arbitrator to the [discovery] arbitration commissioner for an extension of these time periods.

(B) Applications for attorney's fees, costs and/or interest pursuant to any statute or rule [relief under N.R.C.P. 68, NRS Chapter 17 or NRS 18.010,] must be filed with the arbitrator [and discovery commissioner] and served on the other parties within [ten (10)] five (5) days after service of the award on the applicant[.]; failure to make timely application shall act as a jurisdictional waiver of any right to fees, costs or interest. Responses to such applications must be filed with the arbitrator [and discovery commissioner] and served on the other parties within five (5) days after service of the application on the responding party. Rulings on applications under this subsection must be filed with the [discovery] arbitration commissioner by the arbitrator and served on all parties within [seven (7)] five (5) days after the deadline for responses to such applications. [Service of applications for relief under this subsection toll the time periods specified in Rules 18 and 19 until the application is ruled upon by the arbitrator.]

(1) Applications for relief under this subsection do not toll the time periods specified in Rules 18 or 19.

(2) Decisions on applications for relief under this rule do not constitute amended awards and shall not be designated as such by the arbitrator.

(3) Any grant of fees, costs, and/or interest shall be included in any judgment on the arbitration award submitted by a prevailing party pursuant to Rule 19.

(C) [The arbitrator may, within the period specified in subsection (A) of this rule, file with the discovery commissioner an amended award to correct an obvious error in the award. Subsequent to this time, permission must be obtained from the discovery commissioner. Copies of all amended awards shall be served on the attorneys of record by the discovery commissioner.] No amended award shall be filed by the arbitrator, but for good cause the arbitrator may file with the arbitration commissioner and serve on the parties a request to amend the award, as long as such request is filed within twenty (20) days from the date of service of the original award.

(1) If the arbitration commissioner decides an amended award is warranted, the commissioner will issue, file and serve such amended award.

(2) Upon the issuance of an amended arbitration award, the time for requesting a trial de novo pursuant to Rule 18 or notifying a prevailing party to enter judgment pursuant to Rule 19 will begin anew upon service on the parties. Any request for a

trial de novo filed before an amended arbitration award is issued shall be rendered ineffective by the amended award.

(D) This rule does not authorize the use of an amended award to change the arbitrator's decision on the merits.

(E) Failure of the arbitrator to timely file the award or timely rule on an application for fees, costs and/or interest may subject the arbitrator to a forfeiture (waiver) of part or all of the arbitrator's fees. Repeated failures shall lead to the arbitrator's removal from the panel.

Rule 18. Request for trial de novo.

(A) Within thirty (30) days after the arbitration award is served upon the parties, any party may file with the clerk of the court and serve on the other parties and the [discovery] arbitration commissioner a written request for trial de novo of the action. Any party requesting a trial de novo must certify that all arbitrator fees and costs for such party have been paid or shall be paid within thirty (30) days, or that an objection is pending and any balance of fees or costs shall be paid in accordance with subsection (C) of this rule.

(B) [After the filing and service of the written request for trial de novo, the case shall be set for trial pursuant to applicable court rules.] The thirty (30) day filing requirement is jurisdictional; an untimely request for trial de novo shall not be considered by the district court.

(C) Any party who has failed to pay the arbitrator's bill in accordance with this rule shall be deemed to have waived the right to a trial de novo; if a timely objection to the arbitrator's bill has been filed with the arbitration commissioner pursuant to Nevada Arbitration Rules 23 and/or 24, a party shall have ten (10) days from the date of service of the commissioner's decision in which to pay any remaining balance owing on said bill. No such objection shall toll the thirty (30) day filing requirement of subsection (B) of this rule.

(D) Any party to the action is entitled to the benefit of a timely filed request for trial de novo; subject to Rule 22, the case shall proceed in the district court as to all parties in the action unless otherwise stipulated by all appearing parties in the arbitration.

(E) After the filing and service of the written request for trial de novo, the case shall be set for trial upon compliance with applicable court rules.

Rule 19. Judgment on award.

(A) Upon notification to the prevailing party by the [discovery] arbitration commissioner that no party has filed a written request for trial de novo within thirty (30) days after service of the award on the parties, the prevailing party shall submit to the arbitration commissioner a form of final judgment in accordance with the arbitration award, including any grant of fees, costs and/or interest, which judgment shall then be submitted for signature to the district judge to whom the case was assigned; the judgment must then be filed with the clerk. [may either submit to the clerk of the court for entry by the clerk a form of final judgment in accordance with the arbitration award, or submit to the district judge to whom the case was assigned a form of final judgment in accordance with the award to be signed by the judge and filed with the clerk.]

(B) A judgment entered pursuant to this rule shall have the same force and effect as a final judgment of the court in a civil action, but may not be appealed.

(C) Although clerical mistakes in judgments and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party, no other amendment of or relief from a judgment entered pursuant to this rule shall be allowed.

Rule 22. Sanctions.

(A) The failure of a party or an attorney to either prosecute or defend a case in good faith during the arbitration proceedings shall constitute a waiver of the right to [request] a trial de novo.

(B) If, during the proceedings in the trial de novo, the district court determines that a party or attorney engaged in conduct designed to obstruct, delay or otherwise adversely affect the arbitration proceedings, it may impose, in its discretion, any sanction authorized by N.R.C.P. 11 or N.R.C.P. 37.

Rule 23. Costs.

(A) The arbitrator is entitled to recover the costs, not to exceed two hundred fifty dollars (\$250), that the arbitrator reasonably incurs in processing and deciding an action. Costs recoverable by the arbitrator are limited to:

1. Reasonable costs for telecopies;
2. Reasonable costs for photocopies;
3. Reasonable costs for long distance telephone calls;
4. Reasonable costs for postage;
5. Reasonable costs for travel and lodging; and
6. Reasonable costs for secretarial services.

(B) To recover such costs, the arbitrator must submit to the parties an itemized bill of costs within [five (5)] fifteen (15) days of the date that the arbitrator serves the award in an action; within [five (5)] fifteen (15) days of notice of removal of the case from the program by resolution or exemption; or within [five (5)] fifteen (15) days of notice of change of arbitrator, whichever date is earliest.

(C) Costs must be borne equally by the parties to the arbitration, and must be paid to the arbitrator within ten (10) days of the date that the arbitrator serves the bill reflecting the arbitrator's costs. If any party fails to pay that party's portion of the arbitrator's costs within the time prescribed in this sub[division]section, the district court shall, after giving appropriate notice and opportunity to be heard, enter a judgment and a writ of execution against the delinquent party for the amount owed by that party to the arbitrator, plus any costs and attorney's fees incurred by the arbitrator in the collection of the costs. If one of the parties to the arbitration is an unrepresented indigent person who was exempted pursuant to NRS 12.015 from paying a filing fee, the arbitrator may not collect costs from any party to the arbitration.

(D) All disputes regarding the propriety of an item of costs must be filed with the [discovery] arbitration commissioner within five (5) days of the date that the arbitrator serves the bill reflecting the arbitrator's costs, and resolved by the [discovery] arbitration commissioner.

(E) For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.