

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 No. 126

FILED

JUL 26 2002

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

ORDER AMENDING RULE 7 OF THE
NEVADA RULES OF ARBITRATION

It appearing to the court that the amendment of Nevada Arbitration Rule 7 is warranted;

IT IS HEREBY ORDERED that Rule 7 of Subpart A of Part V of the Supreme Court Rules, entitled "Nevada Arbitration Rules," be and hereby is amended as set forth in Exhibit A.

IT IS FURTHER ORDERED that this amendment shall become effective sixty (60) days from the date of this order. 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 amendment.

DATED this 26th day of July, 2002.

Maupin, C.J.
Maupin

Young, J.
Young

Agosti, J.
Agosti

Leavitt, J.
Leavitt

Shearing, J.
Shearing

Rose, J.
Rose

Becker, J.
Becker

cc: Allen W. Kimbrough, Executive Director, State Bar of Nevada
Wesley M. Ayers, Discovery Commissioner, Second District
Chris Beecroft, Arbitration Commissioner, Eighth District
Steven D. McMorris, Arbitration Commissioner, Ninth District

EXHIBIT A

Rule 7. Qualifications of arbitrators.

(A) Each arbitration commissioner shall create and maintain a panel of arbitrators consisting of attorneys licensed to practice law in Nevada and a separate panel of non-attorney arbitrators [**qualified to engage in professions other than law**]. An application for appointment to the panel of arbitrators is made to the supreme court on a form provided by the clerk of the supreme court. The supreme court may refer an application to the State Bar of Nevada for review and investigation. The State Bar may charge applicants for the non-lawyer panel of arbitrators an appropriate fee to cover the expense of its investigation.

Upon referral, the State Bar shall investigate the applicant's qualifications and fitness to serve as an arbitrator, including, but not limited to, verification of the applicant's educational background, employment history, professional licensure and any related disciplinary proceedings, and criminal history. No later than ninety (90) days from the date of referral, the State Bar shall transmit to the supreme court a certificate concerning the applicant's qualifications and fitness, as follows:

- (1) Whether the applicant meets the minimum experience requirements of this rule;
- (2) Whether the applicant has been subject to disciplinary proceedings involving any license; if so, the nature and result of those proceedings;
- (3) Whether the applicant has a criminal history; if so, the details of that history;
- (4) Whether the applicant has ever been named as a defendant in any proceeding involving fraud, misappropriation of funds, misrepresentation or

breach of fiduciary duty; if so, the nature and resolution of such proceedings; and

(5) Whether the State Bar's investigation revealed any other matter pertinent to the applicant's qualifications or fitness; if so, the details of the matter and how it relates to the applicant's potential service as an arbitrator.

(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 eight (8) years.] Non-attorney arbitrators must: (i) be listed on the roster of approved arbitrators of the American Arbitration Association or a similar, reputable arbitration service, or (ii) have a Juris Doctorate degree and eight (8) years of work experience in their areas of expertise. Attorney arbitrators must be licensed to practice law in Nevada and shall have practiced law a minimum of eight (8) years in any jurisdiction.

(C) Arbitrators shall be required to complete an orientation and training program 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.

(D) Arbitrators shall be sworn or affirmed 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 recuse himself/herself or be withdrawn as an arbitrator.

(F) Any issue concerning the participation or disqualification of a person on the panel of arbitrators shall be referred to the 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.]