


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 0126

FILED

OCT 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER AMENDING NEVADA ARBITRATION RULE 18

WHEREAS, on September 25, 2019, Nevada Supreme Court Justice Mark Gibbons and Court of Appeals Judge Bonnie A. Bulla filed a petition in this court seeking to amend Nevada Arbitration Rule 18; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on October 17, 2019; and

WHEREAS, it appears that an amendment to Nevada Arbitration Rule 18 is warranted; accordingly.

IT IS HEREBY ORDERED that Nevada Arbitration Rule 18 shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to the Nevada Arbitration Rules shall be effective on January 1, 2020. 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 21st day of October, 2019.

Gibbons, C.J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

cc: Paul Matteoni, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO NEVADA ARBITRATION RULE 18

Rule 18. Request for trial de novo.

* * *

(G) A motion to strike a request for trial de novo may not be filed more than 30 days after service of the request for trial de ~~[novo.]~~ novο, except that a motion to strike based solely on the failure to pay the arbitrator fees and costs in accordance with subsections (A) and (C) must be filed no more than 14 days after the time to pay has expired.

Drafter's Note—2019 Amendment

Subsection (A) of the rule permits a party to request a trial de novo within 30 days. Any party making such a request must certify that all arbitrator fees and costs for such party have been paid or shall be paid within 30 days, or that an objection to the arbitrator's bill is pending. Subsection (G) of the prior rule required any party moving to strike the request for trial de novo to file a motion within 30 days after being served with the request for trial de novo. Thus, under the old rule, if the party requesting the trial de novo took the full 30 days to pay the arbitrator's bill, the motion to strike for failure to pay would not be properly before the court until after the 30 days in which to file it had expired—the unfair result being that such a motion to strike would be time-barred.

This amendment permits the filing of a motion to strike based on the failure to pay the arbitrator's bill within 14 days after the time to pay has

expired, thereby avoiding this result. We recognize that under certain circumstances, two motions to strike a request for trial de novo may be filed: the first for substantive reasons, and the second based only on the failure to pay the arbitrator fees and costs. We also note, however, that this amendment does not preclude the district court from *sua sponte* striking, denying, or dismissing a request for trial de novo upon a party's failure to pay the arbitrator fees and costs within the time prescribed by Rule 18.