ADKT 0522

Reese, Todd

From: Reese, Todd
Sent: Tuesday, July 24, 2018 6:31 PM
To: Reese, Todd
Subject: FW: NRCP Committee

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OCT 16 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
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From: Hardesty, Justice James
Sent: Thursday, July 19, 2018 9:08 AM
To: Pickering, Justice Kristina , Gibbons, Justice Mark
Subject: NRCP Committee

Good morning;

I understand the Committee is working its way to the finish line and you have sought final input before your July 26th meeting. I would like to offer a relatively simple, but, I believe, extremely impactful amendment for the Committee to include in its recommendations.

I propose an amendment to NRCP 16(b). The rule currently states, "the judge, or a discovery commissioner shall, after consulting with the attorneys for the parties . . . enter a scheduling order . . . ." I propose the elimination of the words "or a discovery commissioner," so that the trial judge is compelled to participate in this function in every case.

I have long held the view that two strategies produce efficiencies in civil litigation. First, the trial judge must manage the case and second, the court must set fixed and certain trial dates. These strategies are best implemented when the trial judge bears the responsibility called for in NRCP 16(b). As you may recall, the Conference of Chief Justices undertook a thorough review of the civil justice system in our country and made numerous recommendations to improve efficiency and lower the cost of the system. Case management by the trial judge and certain trial dates were chief among the CCJ Committee's recommendations and should be adopted in Nevada.

I have spoken to numerous attorneys, including some on your committee, who share this view. If we are to make our civil justice system relevant and efficient to the citizens we serve, we must have direct involvement and control of the management of the case by the trial judge.

I would ask that you share this email with your colleagues on the Committee and include this amendment to the NRCP's.

Thank you

Justice Hardesty

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