

From: James R. Christensen <jim@jchristensenlaw.com>
Sent: Monday, July 6, 2020 2:03 PM
To: Supreme Court Clerk <nvscclerk@nvcourts.nv.gov>
Subject: Comment on ADKT 0560 & NRCP 41(e)

FILED

JUL 06 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
CHIEF DEPUTY CLERK

Dear Clerk of the Supreme Court,

I support the proposed amendment to NRCP 41(e) per ADKT 0560.

The five year rule does not allow discretion to react to unusual situations which arise, albeit rarely, in litigation. There are times when the illness of a judicial officer, a litigant or their attorney can prevent a timely trial under the five year rule. A case may be unusually complex. There may be other extraneous factors which delay trial, the current pandemic is but one example. Or the court may simply have a crowded calendar.

Dismissal caused by any of the barriers to a trial in five years mentioned above, does not serve as an effective incentive to prompt justice, because the barriers are largely outside of anyone's control.

The laudatory goal of the five year rule, pursuit of cases with vigor and bringing matters to trial in a timely fashion, can be served as well by the two year rule. The two year rule provides the district court with a tool to winnow out cases which are not being pursued in earnest. Also, the recent changes that engage the district court earlier in the scheduling and discovery of a case should work to move cases along without the threat of the five year rule.

Thank you for the extension of the comment period and for consideration of the above.

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