

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3                                   **FILED**

4                   **IN THE MATTER OF THE PROPOSED**  
5                   **AMENDMENT OF THE RULES OF**  
6                   **PRACTICE FOR THE FIRST JUDICIAL**  
7                   **DISTRICT COURT**

ADKT. NO. 614                   NOV 14 2023  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY [Signature]  
CHIEF DEPUTY CLERK

8                   **PETITION TO AMEND RULE 2.1, 2.2 and 2.3 ARBITRATION OF THE**  
9                   **RULES OF PRACTICE FOR THE FIRST JUDICIAL DISTRICT COURT**

10                   JAMES T. RUSSELL and JAMES E. WILSON JR., Judges of the First Judicial  
11                   District Court of the State of Nevada, Carson City and Storey County, petition the court  
12                   to approve the attached proposed amendments to the Rules of Practice for the First  
13                   Judicial District Court (FJDCR).

14                   Pursuant to the Nevada Rules on the Administrative Docket and the Nevada  
15                   Revised Statute Section 38.258(1), Petitioner, FIRST JUDICIAL DISTRICT COURT, by  
16                   and through the Honorable James T. Russell and Honorable James E. Wilson, Jr.,  
17                   hereby petitions this Honorable Court for its order amending the First Judicial District  
18                   Court Rules by amending FJDCR 2.1, 2.2 and 2.3 Arbitration and Mediation as set forth  
19                   in attached Exhibit A.

20                   The First Judicial District has adopted the Nevada Arbitration Rules as provided  
21                   in Nevada Arbitration Rule 1, which provides in part, "Judicial Districts having a lesser  
22                   population may adopt local rules implementing all or part of the program." Effective  
23                   January 1, 2023, the Supreme Court of the State of Nevada amended the Rules  
24                   Governing Alternative Dispute Resolution pursuant to ADKT 0595. The First Judicial  
25                   District desires to adopt the amendments except for specifically excluding "NAR 20(a)"  
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1 (2) Any claim or defense not raised by a party through presentation of expert opinion or  
2 other competent evidence at the arbitration hearing will be waived at the trial de novo."

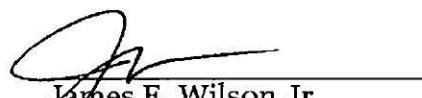
3 We sent a Notice of Intent to Amend the First Judicial District Court Rules of  
4 Nevada and Invitation for Comments to the proposed amendments to the First, Second,  
5 Eighth and Ninth Judicial District Bar Associations for dissemination to their members,  
6 with a request that the members of the Bar review and comment on the amendments.  
7 We received and reviewed comments and revised some of the proposed amendments.

8 We request the existing Rules of Practice of the First Judicial District Court be  
9 amended and the attached proposed Rules of Practice of the First Judicial District Court  
10 be approved and made effective 60 days after approval by the Supreme Court. We  
11 request the proposed rules apply to all actions commenced 60 days after approval by the  
12 Supreme Court and all actions then pending unless this Court determines that applying  
13 them in a particular action would not be feasible or would work an injustice.

14 Respectfully submitted,

15  
16 November 9<sup>th</sup> 2023.

17  
18   
19 James T. Russell  
20 District Court Judge

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22   
23 James E. Wilson Jr.  
24 District Court Judge  
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## EXHIBIT A

### **Rule 2.1. Court Annexed Arbitration Program.**

(a) The court adopts the Court Annexed Arbitration Program under the Nevada Arbitration Rules and any amendments thereto promulgated by the Supreme Court of the State of Nevada.

(a) A filing party shall provide the arbitration commissioner a filed copy of any document that the Nevada Arbitration Rules require to be filed with the clerk of court within 5 judicial days of filing. The arbitration commissioner is located at 1545 East Fifth Street, Carson City, Nevada 89701.

(c) Effective January 1, 2023, the Nevada Arbitration Rules were amended by the Supreme Court of the State of Nevada. The court adopts the amendments except for specifically excluding “NAR 20(a)(2) Any claim of defense not raised by a party through presentation of expert opinion or other competent evidence at the arbitration hearing will be waived at the trial de novo.”

~~[(b)]~~(d) The arbitration commissioner manages the program.

### **Rule 2.2. Court Annexed Mediation Program.**

(a) The court adopts the Court Annexed Mediation Program under the Nevada Mediation Rules and any amendments thereto promulgated by the Supreme Court of the State of Nevada.

(b) The mediation coordinator manages the program.

### **Rule 2.3. Short Trial Program.**

(a) The court adopts the Short Trial Program under the Nevada Short Trial Rules and any amendments thereto promulgated by the Supreme Court of the State of Nevada.

(b) The court manages the program.