
ASSEMBLY BILL NO. 392—COMMITTEE ON JUDICIARY

MARCH 4, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning use of alternative methods to resolve certain disputes. (BDR 3-1293)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to courts; authorizing the parties to certain actions to use a settlement conference, short trial and other alternative methods of resolving disputes under certain circumstances; providing for the adoption of rules and procedures governing the use of alternative methods of resolving disputes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 38.250 is hereby amended to read as follows:
2 38.250 **1.** Except as otherwise provided in NRS 38.310:
3 ~~H.J~~ **(a)** All civil actions filed in district court for damages, if the cause
4 of action arises in the State of Nevada and the amount in issue does not
5 exceed \$40,000 , must be submitted to nonbinding arbitration in
6 accordance with the provisions of NRS 38.253, 38.255 and 38.258 ~~H.J~~,
7 ***unless the parties have agreed to submit the action to an alternative***
8 ***method of resolving disputes established by the supreme court pursuant***
9 ***to NRS 38.258 and that method has resulted in a binding disposition of***
10 ***the action. If an action is submitted to an alternative method of resolving***
11 ***disputes pursuant to this paragraph and a binding disposition of the case***
12 ***does not result, the action must be submitted to nonbinding arbitration,***
13 ***but the parties may agree to submit the action to another alternative***
14 ***method of resolving disputes while the nonbinding arbitration is pending***
15 ***or after the nonbinding arbitration has been completed.***

1 ~~[2.]~~ (b) A civil action for damages filed in justice's court may be
2 submitted to arbitration *or to an alternative method of resolving disputes,*
3 *including, without limitation, a settlement conference or a binding short*
4 *trial*, if the parties agree, orally or in writing, to the submission.

5 2. As used in this section, "short trial" means a trial that is
6 conducted, with the consent of the parties to the action, in accordance
7 with procedures designed to limit the length of the trial, including,
8 without limitation, restrictions on the number of motions filed by each
9 party and the amount of discovery requested by each party, the use of a
10 jury composed of not more than six persons, and a specified limit on the
11 amount of time each party may use to present his case.

12 Sec. 2. NRS 38.258 is hereby amended to read as follows:

13 38.258 ~~[In any civil action that is required to be submitted to~~
14 ~~arbitration pursuant to NRS 38.250, the]~~

15 1. The supreme court may ~~[also]~~ authorize the use of settlement
16 conferences and other alternative methods of resolving disputes ,
17 *including, without limitation, a binding short trial*, that are available in
18 the county in which the court is located ~~[, if]~~ :

19 (a) *In lieu of submitting an action to nonbinding arbitration pursuant*
20 *to NRS 38.250;*

21 (b) *After an action is submitted to nonbinding arbitration because an*
22 *alternative method of resolving disputes did not result in a binding*
23 *disposition of the action; or*

24 (c) *At any other time during or following nonbinding arbitration if* the
25 court determines that ~~[such participation]~~ *the use of any such alternative*
26 *methods of resolving disputes* would assist in the resolution of the dispute.

27 2. *If the supreme court authorizes the use of an alternative method of*
28 *resolving disputes pursuant to subsection 1, the supreme court shall*
29 *adopt rules and procedures to govern the use of any such method.*

30 3. As used in this section, "short trial" has the meaning ascribed to it
31 in NRS 38.250.