

Assembly Bill No. 392–Committee on Judiciary

CHAPTER.....

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:

Section 1. NRS 38.250 is hereby amended to read as follows:

38.250 **1.** Except as otherwise provided in NRS 38.310:

~~(1)~~ **(a)** All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed \$40,000 , must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.250 to 38.258, inclusive, and section 1 of *Senate Bill No. 315 of this ~~act~~ session, unless the parties have agreed to submit the action to an alternative method of resolving disputes established by the supreme court pursuant to NRS 38.258, including, without limitation, a settlement conference, mediation or a binding short trial, and that method has resulted in a binding disposition of the action. If an action is submitted to an alternative method of resolving disputes pursuant to this paragraph and a binding disposition of the case does not result, the action must be submitted to nonbinding arbitration, but the parties may agree to submit the action to another alternative method of resolving disputes while the nonbinding arbitration is pending or after the nonbinding arbitration has been completed.*

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

2. *An agreement entered into pursuant to this section must be:*

- (a) Entered into at the time of the dispute and not be a part of any previous agreement between the parties;*
- (b) In writing; and*
- (c) Entered into knowingly and voluntarily.*

An agreement entered into pursuant to this section that does not comply with the requirements set forth in this subsection is void.

3. *As used in this section, "short trial" means a trial that is conducted, with the consent of the parties to the action, in accordance with procedures designed to limit the length of the trial, including, without limitation, restrictions on the amount of discovery requested by each party, the use of a jury composed of not more than six persons, and*

a specified limit on the amount of time each party may use to present his case.

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

38.258 ~~{In any civil action that is required to be submitted to arbitration pursuant to NRS 38.250, the}~~

1. The supreme court may ~~{also}~~ authorize the use of settlement conferences and other alternative methods of resolving disputes , *including, without limitation, mediation and a binding short trial*, that are available in the county in which ~~{the}~~ *a district* court is located ~~{, if}~~ :

(a) Before submitting an action to nonbinding arbitration pursuant to NRS 38.250;

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

(c) At any other time during or following nonbinding arbitration if the ~~{court determines that such participation}~~ *parties agree that the use of any such alternative methods of resolving disputes* would assist in the resolution of the dispute.

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

3. As used in this section, “short trial” has the meaning ascribed to it in NRS 38.250.

Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1999.

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