
SENATE BILL NO. 195—SENATOR TITUS

FEBRUARY 16, 1999

Referred to Committee on Judiciary

SUMMARY—Requires certain information concerning arbitration to be presented at trial de novo before jury. (BDR 3-529)

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 civil actions; requiring arbitrators to make certain findings in certain civil actions; requiring such findings to be introduced into evidence at a trial de novo before a jury; requiring the court to give certain jury instructions concerning arbitration at a trial de novo before a jury; 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.** Chapter 38 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 ***1. If an action is submitted to arbitration in accordance with the***
4 ***provisions of NRS 38.250 to 38.258, inclusive, the arbitrator or panel of***
5 ***arbitrators shall, in addition to any other written findings of fact or***
6 ***conclusions of law, make written findings in accordance with this***
7 ***subsection concerning each cause of action. The written findings must be***
8 ***in substantially the following form, with “panel of arbitrators” being***
9 ***substituted for “arbitrator” when appropriate:***

10
11 *Based upon the evidence presented at the arbitration hearing*
12 *concerning the cause of action for, the arbitrator finds*
13 *in favor of(name of the party) and(“awards*
14 *damages in the amount of \$.....” or “does not award any*
15 *damages on that cause of action”).*

1 **2. If an action is submitted to arbitration in accordance with the**
2 **provisions of NRS 38.250 to 38.258, inclusive, and, after**
3 **arbitration, a party requests a trial anew before a jury:**

4 **(a) The written findings made by the arbitrator or the panel of**
5 **arbitrators pursuant to subsection 1 must be admitted at trial. The**
6 **testimony of the arbitrator or arbitrators, whenever taken, must not be**
7 **admitted at trial, and the arbitrator or arbitrators must not be deposed or**
8 **called to testify concerning the arbitration. Any other evidence**
9 **concerning the arbitration must not be admitted at trial, unless the**
10 **admission of such evidence is required by the constitution of this state or**
11 **the Constitution of the United States.**

12 **(b) The court shall give the following instruction to the jury**
13 **concerning the action, substituting “panel of arbitrators” for**
14 **“arbitrator” when appropriate:**

15
16 *During the course of this trial, certain evidence was admitted*
17 *concerning the findings of an arbitrator. On the cause of action*
18 *for, the arbitrator found in favor of(name of*
19 *the party) and(“awarded damages in the amount of*
20 *\$.....” or “did not award any damages on that cause of*
21 *action”). The findings of the arbitrator may be given the same*
22 *weight as other evidence or may be disregarded. However, you*
23 *must not give those findings undue weight because they were*
24 *made by an arbitrator, and you must not use the findings of the*
25 *arbitrator as a substitute for your independent judgment. You*
26 *must weigh all the evidence that was presented at trial and arrive*
27 *at a conclusion based upon your own determination of the cause*
28 *of action.*

29
30 **3. The court shall give a separate instruction pursuant to paragraph**
31 **(b) of subsection 2 for each such cause of action that is tried before a**
32 **jury.**

33 **Sec. 2. NRS 38.250 is hereby amended to read as follows:**

34 **38.250 Except as otherwise provided in NRS 38.310:**

35 **1. All civil actions filed in district court for damages, if the cause of**
36 **action arises in the State of Nevada and the amount in issue does not**
37 **exceed \$40,000 must be submitted to nonbinding arbitration in accordance**
38 **with the provisions of NRS ~~{38.253, 38.255 and 38.258.}~~ 38.250 to 38.258,**
39 **inclusive, and section 1 of this act.**

40 **2. A civil action for damages filed in justice’s court may be submitted**
41 **to arbitration if the parties agree, orally or in writing, to the submission.**