

Senate Bill No. 315—Committee on Judiciary

CHAPTER.....

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:

Section 1. Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

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

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

38.250 Except as otherwise provided in NRS 38.310:

1. 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 ~~[38.253, 38.255 and 38.258.]~~ *38.250 to 38.258, inclusive, and section 1 of this act.*

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

Sec. 3. The amendatory provisions of this act apply to an action that is filed on or after October 1, 1999.