

SENATE BILL NO. 15—SENATOR SCHNEIDER

PREFILED JANUARY 11, 2001

Referred to Committee on Judiciary

SUMMARY—Prohibits attorney whose practice involves matters relating to personal injury from acting as arbitrator in action relating to personal injury. (BDR 3-34)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; prohibiting an attorney whose practice involves matters relating to personal injury from acting as an arbitrator in an action relating to personal injury; 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 38.255 is hereby amended to read as follows:
2 38.255 1. The rules adopted by the supreme court pursuant to NRS
3 38.253 to provide guidelines for the establishment by a district court of a
4 program must include provisions for a:
5 (a) Mandatory program for the arbitration of civil actions pursuant to
6 NRS 38.250.
7 (b) Voluntary program for the arbitration of civil actions if the cause of
8 action arises in the State of Nevada and the amount in issue exceeds
9 \$40,000.
10 (c) Voluntary program for the use of binding arbitration in all civil
11 actions.
12 2. The rules must provide that the district court of any judicial district
13 whose population is 100,000 or more:
14 (a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of
15 subsection 1.
16 (b) May set fees and charge parties for arbitration if the amount in issue
17 exceeds \$40,000.
18 The rules may provide for similar programs for the other judicial districts.
19 3. The rules must exclude the following from any program of
20 mandatory arbitration:

1 (a) Actions in which the amount in issue, excluding attorney's fees,
2 interest and court costs, is more than \$40,000 or less than the maximum
3 jurisdictional amounts specified in NRS 4.370 and 73.010;

4 (b) Class actions;

5 (c) Actions in equity;

6 (d) Actions concerning the title to real estate;

7 (e) Probate actions;

8 (f) Appeals from courts of limited jurisdiction;

9 (g) Actions for declaratory relief;

10 (h) Actions involving divorce or problems of domestic relations;

11 (i) Actions brought for relief based on any extraordinary writs;

12 (j) Actions for the judicial review of an administrative decision; and

13 (k) Actions in which the parties, pursuant to a written agreement
14 executed before the accrual of the cause of action, have submitted the
15 controversy to arbitration or any other alternative method for resolving a
16 dispute.

17 4. The rules must include:

18 (a) *Provisions that prohibit an attorney whose practice involves*
19 *matters relating to personal injury from acting as an arbitrator in an*
20 *action relating to personal injury;*

21 (b) Guidelines for the award of attorney's fees and maximum
22 limitations on the costs to the parties of the arbitration;

23 ~~[(b)]~~ (c) Disincentives to appeal; and

24 ~~[(e)]~~ (d) Provisions for trial upon the exercise by either party of his
25 right to a trial anew after the arbitration.

26 5. The supreme court shall, on or before February 1 of each odd-
27 numbered year, submit a report to the director of the legislative counsel
28 bureau for transmittal to the chairmen of the assembly and senate standing
29 committees on the judiciary. The report must include, for the period since
30 the previous such report, if any:

31 (a) A listing of the number of actions which were submitted to
32 arbitration or other alternative methods of resolving disputes pursuant to
33 NRS 38.250 or 38.258 and their manner of disposition;

34 (b) A statement of the amount of money collected in each judicial
35 district pursuant to NRS 19.0315 and a summary of the manner in which
36 the fees were expended; and

37 (c) Any recommendations for legislation or other information regarding
38 the programs on arbitration deemed relevant by the supreme court.

39 **Sec. 2.** The amendatory provisions of this act apply to an action that is
40 filed on or after October 1, 2001.

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