

Amendment No. 407

Assembly Amendment to Assembly Bill No. 468

(BDR 2-523)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 2, line 27, by deleting “38.257 and” and inserting “[~~38.257 and~~]”.

Amend sec. 2, page 3, line 15 after “submitted to” by inserting “*binding*”.

Amend sec. 2, page 3, by deleting lines 16 through 18 and inserting:

“disputes, including, without limitation, a settlement conference [~~, mediation or a binding short trial,~~]
or mediation, if the parties agree to the submission.”.

Amend sec. 2, page 3, by deleting lines 27 and 28 and inserting:

“conducted, with the consent of the parties to the action, in”.

Amend sec. 3, page 4, line 34, by deleting “*and*”.

Amend sec. 3, page 4, line 35, by deleting “*incarcerated.*” and inserting:

“*incarcerated; and*

(n) *Actions submitted to mediation pursuant to rules adopted by the Supreme Court.*”.

MSN/RBL

Date: 4/20/2005

A.B. No. 468—Makes various changes to provisions regarding arbitration and other alternative methods of resolving disputes in certain civil actions.



Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 6, by deleting lines 18 through 22 and inserting:

“2. If the Supreme Court authorizes the use of an”.

Amend sec. 5, page 6, line 23, by deleting “1 ~~1~~” and inserting “1,”.

Amend sec. 5, page 6, line 24, by deleting “*or 2*,”.

Amend sec. 5, page 6, line 26, by deleting “~~3~~ 4.” and inserting “3.”.

Amend the bill as a whole by adding new sections designated sections 5 through 9, following sec. 5, to read as follows:

“**Sec. 5.** Chapter 67 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the Supreme Court shall adopt rules and procedures for conducting trials by jury in civil actions in the justices’ courts that are designed to limit the length of trials.

2. The rules and procedures adopted pursuant to this section may provide for:

(a) Restrictions on the amount of discovery requested by each party;

(b) The use of a jury composed of not more than six persons and not less than four persons;

and

(c) A specified limit on the amount of time each party may use to present his case.

3. This section does not apply to:

(a) An action for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(b) An action when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(c) An action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) A small claims action brought under the provisions of chapter 73 of NRS.

(f) An action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

Sec. 6. NRS 67.020 is hereby amended to read as follows:

67.020 1. At the time appointed for the trial, the justice shall proceed to call from the jurors summoned the names of the persons to constitute the jury for the trial of the issue. If a sufficient number of competent and indifferent jurors do not attend, the justice shall direct that additional jurors sufficient to complete the jury be summoned.

2. ~~[The jury, by consent of the parties,]~~ ***Pursuant to the Justice Court Rules of Civil Procedure adopted by the Supreme Court, the jury*** may consist of any number not more than ~~[eight]~~ ***six*** nor less than four.

Sec. 7. NRS 67.030 is hereby amended to read as follows:

67.030 The challenges are either peremptory or for cause. Each party is entitled to ~~[three]~~ ***two*** peremptory challenges. Either party may challenge for cause on any grounds set forth in NRS 16.050.

Sec. 8. NRS 38.257 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.”.

Amend the bill as a whole by adding the text of a repealed section, following sec. 9, to read as follows:

“

TEXT OF REPEALED SECTION

38.257 Adoption of rules by Supreme Court for establishment of mandatory short trial program for civil cases in justices’ courts.

1. The Supreme Court shall adopt rules to provide for the establishment of a mandatory short trial program for civil cases in the justices’ courts.

2. This section does not apply to the following actions and proceedings:

(a) Actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(b) Actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(c) Any action for the issuance of a temporary or extended order for protection against domestic violence.

(d) An action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(e) Small claims actions under the provisions of chapter 73 of NRS.

(f) Any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

3. As used in this section, “short trial” means a trial that is conducted 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.”.

Amend the title of the bill to read as follows:

“AN ACT relating to civil actions; revising the criteria for determining whether a case must be submitted to arbitration; revising provisions concerning the use of alternative dispute regulation; increasing the maximum number of jurors who may serve on the jury for a short trial in district court; requiring the Nevada Supreme Court to adopt rules and procedures for jury trials in certain civil actions in justices’ courts that are designed to limit the length of such trials; reducing the maximum number of jurors who may serve on a jury in a civil action in a justice’s court; reducing the number of peremptory challenges that each party is entitled to use in a civil action in a justice’s court; repealing provisions concerning the establishment of a mandatory short trial program for certain civil actions in justices’ courts; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, certain fees collected by the county clerk for filing a civil action are deposited by the county treasurer into an account for programs of arbitration in the county general fund. (NRS 19.0315)

This bill changes the description of the account to an account for programs for alternative dispute resolution and provides that money in the account may be used to support programs for arbitration and programs for the resolution of disputes through the use of other alternative methods of resolving disputes.

Under existing law, certain civil actions filed in district court where the amount in issue is \$40,000 or less must be submitted to nonbinding arbitration unless the parties agree to an alternative method of resolving disputes, which may include a binding short trial. (NRS 38.250, 38.255, 38.258)

This bill increases the threshold amount for submitting an action in district court to nonbinding arbitration to \$50,000 for each plaintiff, excluding attorney's fees, interest and court costs. This bill also increases the maximum number of persons who may serve as jurors in a short trial to eight persons. This bill further removes the requirement that a civil action that is submitted to a short trial in district court be binding, thereby allowing such an action to be appealed.

Existing law requires the Nevada Supreme Court to adopt rules for establishing a mandatory short trial program to resolve certain types of civil disputes in justices' courts. (NRS 38.257)

This bill repeals the requirement that the Nevada Supreme Court establish a mandatory short trial program for dispute resolution in certain types of civil cases in justices' courts. Instead, this bill requires the Nevada Supreme Court to adopt similar rules and procedures to limit the length of certain civil jury trials in justices' courts.

Existing law requires that a jury in a civil trial in justice's court consist of not more than eight persons. (NRS 67.020)

This bill reduces the number of persons who may serve on such a jury to not more than six persons and not less than four persons.

Existing law allows each party to a civil trial in justice's court to make three peremptory challenges. (NRS 67.030) A peremptory challenge means the party may object to the selection of a juror without giving the reasons for his objection.

This bill reduces the number of peremptory challenges that a party may make in a civil trial in justice's court to two.