

SENATE BILL NO. 5—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S SUBCOMMITTEE
TO STUDY THE BENEFITS, COSTS, AND FEASIBILITY OF THE
IMPLEMENTATION OF COURTS OF CHANCERY IN NEVADA)

PREFILED NOVEMBER 19, 2008

Referred to Committee on Judiciary

SUMMARY—Requires the publication of the written opinions of a
business court under certain circumstances.
(BDR 1-179)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 courts; requiring the clerk of a district court,
under certain circumstances, to publish the written
opinions of a business court; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

Under the Nevada Constitution, the Nevada Supreme Court has the inherent power to supervise and administer the court system. (Nev. Const. Art. 6, §§ 1, 19) The Supreme Court has authorized the district courts to adopt local rules of practice and procedure with the approval of the Supreme Court. (N.R.C.P. 83) Pursuant to this authority, the Eighth Judicial District Court in Clark County and the Second Judicial District Court in Washoe County have established, by court rule, business courts as divisions of the district court. (Eighth Judicial District Court Rules 1.33, 1.61, 1.62; Second Judicial District Court Rule 2.1)

Section 1 of this bill requires the clerk of a district court to publish the written opinions of a business court on the Internet and through any other means required by the Supreme Court if: (1) the Supreme Court adopts a rule authorizing the publication and citation of written opinions issued by the business court; and (2) the clerk of the district court has sufficient funding to publish the opinions.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 3 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if the Supreme Court, by rule, authorizes the publication and citation of a written opinion issued by a business court, the clerk of the district court within the judicial district shall publish the opinion by making the opinion publicly available:

(a) On the Internet; and

(b) Through any other means required by the Supreme Court.

2. The provisions of this section apply only if:

(a) The Supreme Court has authorized the operation of a business court within the judicial district; and

(b) The clerk of the district court has sufficient funding to carry out the provisions of this section.

3. As used in this section, "business court" means a division of a district court that:

(a) Is established as a business court with the approval of the Supreme Court; and

(b) Has primary jurisdiction over business matters within the judicial district.

