IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE DEVELOPMENT OF ALTERNATIVES TO TRADITIONAL LITIGATION FOR RESOLVING LEGAL DISPUTES

ADKT 0126

FILED

SEP 25 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [signature]
CHIEF DEPUTY CLERK

ORDER SCHEDULING PUBLIC HEARING AND REQUETING PUBLIC COMMENT

On September 25, 2019, Nevada Supreme Court Chief Justice Mark Gibbons and Court of Appeals Judge Bonnie A. Bulla filed a petition seeking to amend Nevada Arbitration Rule 18, as proposed in Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on Thursday, October 17, 2019, at 2:00 p.m. in the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada.

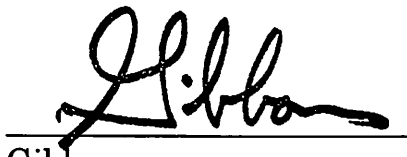
Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., October 9, 2019. Persons interested in participating in the hearing must notify the Clerk no later than October 9, 2019.

Hearing date: October 17, 2019, at 2:00 p.m.
Supreme Court Courtroom
408 East Clark Avenue
Las Vegas, Nevada 89101

19-39929

Comment deadline: October 9, 2019, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

Dated this 25th day of September, 2019.



_____, C.J.
Gibbons

cc: Paul Matteoni, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

Exhibit A

RULE 18. REQUEST FOR TRIAL DE NOVO

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(G) A motion to strike a request for trial de novo may not be filed more than 30 days after service of the request for trial de novo[.]; except that a motion to strike based solely on the failure to pay the arbitrator fees and costs in accordance with subsections (A) and (C) must be filed no more than 14 days after the time to pay has expired.

Drafter's Note—2019 Amendment

Subsection (A) of the rule permits a party to request a trial de novo within 30 days. Any party making such a request must certify that all arbitrator fees and costs for such party have been paid or shall be paid within 30 days, or that an objection to the arbitrator's bill is pending. Subsection (G) of the prior rule required any party moving to strike the request for trial de novo to file a motion within 30 days after being served with the request for trial de novo. Thus, under the old rule, *if* the party requesting the trial de novo took the full 30 days to pay the arbitrator's bill, the motion to strike for failure to pay would not be properly before the court until after the 30 days in which to file it had expired. The unfair result being that such a motion to strike would be time-barred.

This amendment permits the filing of a motion to strike based on the failure to pay the arbitrator's bill within 14 days after the time to pay has expired, thereby avoiding this result. We recognize that under certain circumstances two motions to strike a request for trial de novo may be filed: the first for substantive reasons and the second based only on the failure to pay the arbitrator fees and costs. We also note, however, that this amendment does not preclude the district court from *sua sponte* striking, denying, or dismissing a request for trial de novo upon a party's failure to pay the arbitrator fees and costs within the time prescribed by rule 18.