

## RULES GOVERNING ALTERNATIVE DISPUTE RESOLUTION

### A. GENERAL PROVISIONS

**Rule 1. Definitions.** As used in these rules:

(A) "Arbitration" means a process whereby a neutral third person, called an arbitrator, considers the facts and arguments presented by the parties and renders a decision, which may be binding or nonbinding as provided in these rules.

(B) "Mediation" means a process whereby a neutral third person, called a mediator, acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision-making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

(C) "Settlement conference" is a process whereby, with the approval of the district judge to whom the case is assigned, a district court judge not assigned to the particular case, senior judge, special master, referee or other neutral third person, conducts, in the presence of the parties and their attorneys and person or persons with authority to resolve the matter, a conference for the purpose of facilitating settlement of the case.

[Added; effective March 1, 2005.]

**Rule 2. Forms of court annexed alternative dispute resolution.**

(A) For certain civil cases commenced in judicial districts that include a county whose population is 100,000 or more, there shall be made available the following forms of court annexed alternative dispute resolution:

- (1) Arbitration, pursuant to Subpart B of these rules;
- (2) Mediation, pursuant to Subpart C of these rules;
- (3) Settlement conference, as provided herein; and

(4) Such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated.

(B) Judicial districts having a lesser population may adopt local rules implementing all or part of these forms of alternative dispute resolution.

(C) Each district may appoint an alternative dispute resolution commissioner to serve at the pleasure of the court. The alternative dispute resolution commissioner (hereafter the commissioner) may be an arbitration commissioner, discovery commissioner, short trial commissioner, other special master, or any qualified and licensed Nevada attorney appointed by the court. The appointment shall be made in accordance with local rules. The commissioner so appointed shall have the responsibilities and powers conferred by these Alternative Dispute Resolution Rules and any local rules.

[Added; effective March 1, 2005.]

### B. NEVADA ARBITRATION RULES

**Rule 1. The court annexed arbitration program.** The Court Annexed Arbitration Program (the program) is a mandatory, non-binding arbitration program, as hereinafter described, for certain civil cases commenced in judicial districts that include a county whose population is 100,000 or more. Judicial districts having a lesser population may adopt local rules implementing all or part of the program.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 2. Intent of program and application of rules.**

(A) The purpose of the program is to provide a simplified procedure for obtaining a prompt and equitable resolution of certain civil matters.

(B) These rules shall apply to all arbitration proceedings commenced in the program.

(C) These arbitration rules are not intended, nor should they be construed, to address every issue which may arise during the arbitration process. The intent of these rules is to give considerable discretion to the arbitrator, the commissioner and the district judge. Arbitration hearings are intended to be informal, expeditious and consistent with the purposes and intent of these rules.

(D) These rules may be known and cited as the Nevada Arbitration Rules, or abbreviated N.A.R.  
[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 3. Matters subject to arbitration.**

(A) All civil cases commenced in the district courts that have a probable jury award value not in excess of \$50,000 per plaintiff, exclusive of interest and costs, and regardless of comparative liability, are subject to the program, except class actions, appeals from courts of limited jurisdiction, probate actions, divorce and other domestic relations actions, actions seeking judicial review of administrative decisions, actions concerning title to real estate, actions for declaratory relief, actions governed by the provisions of NRS 41A.003 to 41A.069, inclusive, actions presenting significant issues of public policy, actions in which the parties have agreed in writing to submit the controversy to arbitration or other alternative dispute resolution method prior to the accrual of the cause of action, actions seeking equitable or extraordinary relief, actions that present unusual circumstances that constitute good cause for removal from the program, actions in which any of the parties is incarcerated and actions utilizing mediation pursuant to Subpart C of these rules.

(B) Any civil case, regardless of the monetary value, the amount in controversy, or the relief sought, may be submitted to the program upon the agreement of all parties and the approval of the district judge to whom the case is assigned.

(C) While a case is in the program, the parties may, with the approval of the district judge to whom the case is assigned, stipulate, or the court may order that a settlement conference, mediation proceeding, or other appropriate settlement technique be conducted by another district judge, a senior judge, or a special master. The settlement procedure conducted pursuant to this subdivision will extend by no more than 30 days the timetable set forth in these rules for resolving cases in the program.

(D) Parties to cases submitted or ordered to the program may agree at any time to be bound by any arbitration ruling or award. If the parties agree to be bound by the decision of the arbitrator, the procedures set forth in these rules governing trials de novo will not apply to the case. The parties may, however, either confirm, vacate or modify the decision of the arbitrator in the manner authorized by NRS 38.135, 38.145 and 38.155.

(E) In cases where any party's claim qualifies for exemption, any other party's claim, though suitable for arbitration, may be included with the exempt claims in the district court action for the convenience of the litigants, if the party with the claim qualified for arbitration so requests.

[Added; effective July 1, 1992; amended effective March 14, 2007.]

**Rule 4. Relationship to district court jurisdiction and rules.**

(A) Cases filed in the district court shall remain under the jurisdiction of that court for all phases of the proceedings, including arbitration.

(B) The district court having jurisdiction over a case has the authority to act on or interpret these rules.

(C) Before a case is submitted or ordered to the program, and after a request for trial de novo is filed, and except as hereinafter stated, all applicable rules of the district court, the Nevada Short Trial Rules, and the Nevada Rules of Civil Procedure apply. After a case is submitted or ordered to the program, and before a request for trial de novo is filed, or until the case is removed from the program, these rules apply. Except as stated elsewhere herein, once a case is accepted or remanded into the program, the requirements of N.R.C.P. 16.1 do not apply.

(D) The calculation of time and the requirements of service of pleadings and documents under these rules are the same as under the Nevada Rules of Civil Procedure. The commissioner or the commissioner's designee shall serve all rulings of the commissioner on any matter as defined in N.R.C.P. 5(b); additionally, in the Eighth Judicial District, service may also be made by the commissioner's designee placing the ruling or other communication in the attorney's folder in the clerk's office. Whenever a party is required or permitted to do an act within a prescribed period after service of a ruling by mail or by placement in the attorney's folder, 3 days shall be added to the prescribed period.

(E) During the pendency of arbitration proceedings conducted pursuant to these rules, no motion may be filed in the district court by any party, except motions that are dispositive of the action, or any portion

thereof, motions to amend, consolidate, withdraw, intervene, or motions made pursuant to Rule 3(C), requesting a settlement conference, mediation proceeding or other appropriate settlement technique. Any of the foregoing motions must be filed no later than 45 days prior to the arbitration hearing, or said motion may be foreclosed by the judge and/or sanctions may be imposed. A copy of all motions and orders resulting therefrom shall be served upon the arbitrator.

(F) Once a case is submitted or ordered to the program all parties subsequently joined in the action shall be parties to the arbitration unless dismissed by the district judge to whom the case is assigned.

(G) Except as otherwise provided in these rules, all disputed issues arising under these rules must be resolved in the manner set forth in Rule 8(B).

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 5. Exemptions from arbitration.**

(A) A party claiming an exemption from the program pursuant to Rule 3(A) on grounds other than the amount in controversy, the presentation of significant issues of public policy, or the presentation of unusual circumstances that constitute good cause for removal from the program will not be required to file a request for exemption if the initial pleading specifically designates the category of claimed exemption in the caption. Otherwise, if a party believes that a case should not be in the program, that party must file with the commissioner a request to exempt the case from the program and serve the request on any party who has appeared in the action. The request for exemption must be filed within 20 days after the filing of an answer by the first answering defendant, and the party requesting the exemption must certify that his or her case is included in one of the categories of exempt cases listed in Rule 3. The request for exemption must also include a summary of facts which supports the party's contentions. For good cause shown, an appropriate case may be removed from the program upon the filing of an untimely request for exemption; however, such filing may subject the requesting party to sanctions by the commissioner.

(B) Any opposition to a request for exemption from arbitration must be filed with the commissioner and served upon all appearing parties within 5 days of service of the request for exemption.

(C) The parties may file a joint request for exemption.

(D) Where requests for exemptions from arbitration are filed, the commissioner shall review the contentions, facts and evidence available and determine whether an exemption is warranted. The commissioner may require that a party submit additional facts supporting the party's contentions. Any objection(s) to the commissioner's decision must be filed with the commissioner who shall then notify the district judge to whom the case is assigned. Objections must be filed within 5 days of the date the commissioner's decision is served, with service to all parties.

(E) The district judge to whom a case is assigned shall make all final determinations regarding the arbitrability of a case and may hold a hearing on the issue of arbitrability, if necessary. The district judge's determination of such an issue is not reviewable.

(F) The district judge to whom a case is assigned may impose any sanction authorized by N.R.C.P. 11 against any party who without good cause or justification attempts to remove a case from the program.

(G) Any party to any action has standing to seek alternative dispute resolution under these rules.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 6. Assignment to arbitrator.**

(A) Parties may stipulate to use a private arbitrator or arbitrators who are not on the panel of arbitrators assigned to the program, or who are on the panel but who have agreed to serve on a private basis. Such stipulations must be made and filed with the commissioner no later than the date set for the return of the arbitration selection list and may require the use of any alternative dispute resolution procedure to resolve the dispute. The stipulation must include an affidavit that is signed and verified by the arbitrator expressing his or her willingness to comply with the timetables set forth in these rules. Failure to file a timely stipulation shall not preclude the use of a private arbitrator, but may subject the dilatory parties to sanctions by the commissioner.

(B) Any and all fees or expenses related to the use of a private arbitrator, or the use of any other alternative dispute resolution procedure, shall be borne by the parties.

(C) Unless a request for exemption is filed, the commissioner shall serve the two adverse appearing parties with identical lists of 5 arbitrators selected at random from the panel of arbitrators assigned to the program.

(1) Thereafter, the parties shall, within 10 days, file with the commissioner either a private arbitrator stipulation and affidavit or each party shall file the selection list with no more than two (2) names stricken.

(2) If both parties respond, the commissioner shall appoint an arbitrator from among those names not stricken.

(3) If only one party responds within the 10-day period, the commissioner shall appoint an arbitrator from among those names not stricken.

(4) If neither party responds within the 10-day period, the commissioner will appoint one of the 5 arbitrators.

(5) If there are more than 2 adverse parties, 2 additional arbitrators per each additional party shall be added to the list with the above method of selection and service to apply. For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.

(D) If a request for exemption is filed and denied, the commissioner shall, within 5 days after the time has expired for filing an objection to the commissioner's denial of the request, or within 5 days after the district judge's decision on such an objection, serve the parties with identical lists of 5 arbitrators as provided in subsection (C) of this rule.

(E) Where an arbitrator is assigned to a case and additional parties subsequently appear in the action, the additional parties may object to the arbitrator assigned to the case within 10 days of the date of the party's appearance in the action. Objections must be in writing, state specific grounds, be served on all other appearing parties and filed with the commissioner, who will review the objections and render a decision. This decision may be appealed to the district judge to whom the case is assigned. The notice of appeal shall be filed with the commissioner within 10 days of the date of service of the commissioner's decision. The commissioner shall then notify the district judge of the appeal.

(F) If the selection process outlined above fails for any reason, including a recusal by the arbitrator, the commissioner shall repeat the process set forth in subdivision (C) of this rule to select an alternate arbitrator.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 7. Qualifications of arbitrators.**

(A) Each commissioner shall create and maintain a panel of arbitrators consisting of attorneys licensed to practice law in Nevada and a separate panel of non-attorney arbitrators. An application for appointment to the panel of arbitrators is filed with the admissions director of the State Bar of Nevada on a form approved by the supreme court, together with a \$150 application fee. The state bar shall investigate the applicant's qualifications and fitness to serve as an arbitrator, including, but not limited to, verification of the applicant's educational background, employment history, professional licensure and any related disciplinary proceedings, and criminal history. The state bar may charge applicants for the non-lawyer panel of arbitrators an appropriate fee to cover the expense of its investigation. No later than 90 days from the date of referral, the state bar shall transmit to the supreme court a certificate concerning the applicant's qualifications and fitness, as follows:

(1) Whether the applicant meets the minimum experience requirements of this rule;

(2) Whether the applicant has been subject to disciplinary proceedings involving any license; if so, the nature and result of those proceedings;

(3) Whether the applicant has a criminal history; if so, the details of that history;

(4) Whether the applicant has ever been named as a defendant in any proceeding involving fraud, misappropriation of funds, misrepresentation or breach of fiduciary duty; if so, the nature and resolution of such proceedings; and

(5) Whether the state bar's investigation revealed any other matter pertinent to the applicant's qualifications or fitness; if so, the details of the matter and how it relates to the applicant's potential service as an arbitrator.

(B) Non-attorney arbitrators must: (i) be listed on the roster of approved arbitrators of the American Arbitration Association or a similar, reputable arbitration service, or (ii) have a juris doctorate degree and 8 years of work experience in their areas of expertise. Attorney arbitrators must be licensed to practice law in Nevada and shall have practiced law a minimum of 8 years in any jurisdiction.

(C) Arbitrators shall be required to complete an arbitrator training program in conjunction with their selection to the panel. The program completed must be one offered by the State Bar of Nevada specific to the court annexed arbitration program or, alternatively, a program that is approved for continuing legal

education credits in Nevada for the same number of hours as the state bar's program. The court may also require arbitrators to complete additional training sessions or classes.

(D) Arbitrators shall be sworn or affirmed to uphold these rules of the program, and the laws of the State of Nevada by any person authorized to administer the official oath under NRS 281.030(3).

(E) An arbitrator who would be disqualified for any reason that would disqualify a judge under the Nevada Code of Judicial Conduct shall immediately recuse himself/herself or be withdrawn as an arbitrator.

(F) Any issue concerning the participation or disqualification of a person on the panel of arbitrators shall be referred to the commissioner for a final determination.

[Added; effective July 1, 1992; amended effective January 1, 2008.]

**Rule 8. Authority of arbitrators.**

(A) Arbitrators hear cases admitted to the program and shall render awards in accordance with these rules. The powers of the arbitrators shall include, but not be limited to, the powers:

(1) To administer oaths or affirmations to witnesses;

(2) To relax all applicable rules of evidence and procedure to effectuate a speedy and economical resolution of the case without sacrificing a party's right to a full and fair hearing on the merits.

(B) Any challenge to the authority or action of an arbitrator shall be filed with the commissioner and served upon the other parties and the arbitrator within 10 days of the date of the challenged decision or action. Any opposition to the challenge must be filed with the commissioner and served upon the other parties within 5 days of service of the challenge. The commissioner shall rule on the issue in due course. Judicial review of the ruling of the commissioner may be obtained by filing a petition for such review with the commissioner within 10 days of the date of service of the commissioner's ruling. The commissioner shall then notify the district judge to whom the case is assigned of the petition and may enter an appropriate stay pending review by the district judge. The district judge to whom the case is assigned shall have the non-reviewable power to uphold, overturn or modify the commissioner's ruling, including the power to stay any proceeding.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 9. Stipulations and other documents.** During the course of arbitration proceedings commenced under these rules, no document other than the motions permitted by Rule 4 may be filed with the district court. All stipulations, motions and other documents relevant to the arbitration proceeding must be lodged with the arbitrator.

[Added; effective July 1, 1992.]

**Rule 10. Restrictions on communications.**

(A) Neither counsel nor parties may communicate directly with the arbitrator regarding the merits of the case, except in the presence of, or with reasonable notice to, all of the other parties.

(B) Unless otherwise agreed in writing by all parties, no offer or demand of settlement made by any party shall be disclosed to the arbitrator prior to the filing of an award.

[Added; effective July 1, 1992; amended effective May 7, 1992.]

**Rule 11. Discovery.**

(A) Within 30 days after the appointment of the arbitrator, the parties must meet with the arbitrator to confer, exchange documents, identify witnesses known to the parties which would otherwise be required pursuant to N.R.C.P. 16.1, and to formulate a discovery plan, if necessary. The conference may be held by telephone in the discretion of the arbitrator. The extent to which discovery is allowed, if at all, is in the discretion of the arbitrator, who must make every effort to ensure that the discovery, if any, is neither costly nor burdensome. Types of discovery shall be those permitted by the Nevada Rules of Civil Procedure, but may be modified in the discretion of the arbitrator to save time and expense.

(B) It is the obligation of the plaintiff to notify the arbitrator prior to the conference, if other parties have appeared in the action subsequent to the appointment of the arbitrator.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 12. Scheduling of hearings; pre-hearing conferences.**

(A) Except as otherwise provided by this rule, all arbitrations shall take place and all awards must be filed no later than 6 months from the date of the arbitrator's appointment. Arbitrators shall set the time and date of the hearing within this period.

(B) The arbitration hearing date may be advanced or continued by the arbitrator for good cause upon written request from either party. The arbitrator may not grant a request for a continuance of the hearing beyond a period of 9 months from the date of the arbitrator's appointment without written permission from the commissioner. Any such request for permission for an extension beyond the 9-month period must be made in writing to the commissioner by the arbitrator. The commissioner may permit such an extension upon a showing of unusual circumstances. All arbitration hearings must take place within one year of the date on which the arbitrator is appointed.

(1) Arbitration hearings which take place in violation of this Rule may subject the parties, their counsel, and/or the arbitrator to sanctions which can include:

- (a) loss or reduction of the arbitrator's fee;
- (b) temporary suspension of the arbitrator from the panel;
- (c) monetary sanctions assessed against the parties or counsel.

(2) Additionally, if the arbitration hearing does not take place within one year of the appointment of the arbitrator, the case may be subject to dismissal or entry of default.

(C) Consolidated actions shall be heard on the date assigned to the latest case involved, to be heard by the earliest appointed arbitrator.

(D) Arbitrators or the commissioner may, at their discretion, conduct pre-arbitration hearings or conferences. However, the pre-hearing conference required by Rule 11 must be conducted within 30 days from the date a case is assigned to an arbitrator.

(E) The arbitrator shall give immediate written notification to the commissioner of the arbitration date and any change thereof, any settlement or any change of counsel.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 13. Pre-hearing statement.**

(A) At least 10 days prior to the date of the arbitration hearing, each party shall furnish the arbitrator and serve upon all other parties a statement containing a final list of witnesses whom the party intends to call at the arbitration hearing, and a list of exhibits and documentary evidence anticipated to be introduced. The statement shall contain a brief description of the matters about which each witness will be called to testify. Each party shall, simultaneously with the submission of the final list of witnesses described above, make all exhibits and documentary evidence available for inspection and copying by other parties.

(B) A party failing to comply with this rule, or failing to comply with any discovery order, may not present at the arbitration hearing a witness or exhibit not previously furnished pursuant to this rule, except with the permission of the arbitrator upon a showing of unforeseen and unusual circumstance.

(C) Each party shall furnish to the arbitrator at least 10 days prior to the arbitration hearing copies of any pleadings and other documents contained in the court file which that party deems relevant.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 14. Conduct of the hearing.**

(A) The arbitrator shall have complete discretion over the conduct of the hearing.

(B) Any party may, at its own expense, cause the arbitration hearing to be reported.

[Added; effective July 1, 1992.]

**Rule 15. Arbitration in the absence of a party.** An arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain a continuance. The arbitrator shall require that the party present submit such evidence as he or she may require for the making of an award, and may offer the absent party an opportunity to appear at a subsequent hearing, if such a hearing is deemed appropriate by the arbitrator.

[Added; effective July 1, 1992.]

**Rule 16. Form and content of award.**

(A) Awards shall be in writing and signed by the arbitrator.

(B) The arbitrator shall determine all issues raised by the pleadings in cases that are subject to arbitration under the program, including issues of comparative negligence, if any, damages, if any, and

costs. The maximum award that can be rendered by the arbitrator is \$50,000 per plaintiff, exclusive of attorney's fees, interest and costs.

(C) Findings of fact and conclusions of law, or a written opinion stating the reasons for the arbitrator's decision, may be prepared at the discretion of the arbitrator.

(D) The offer of judgment provisions of N.R.C.P. 68 and NRS Chapter 17 apply to matters in the program.

(E) Attorney's fees awarded by the arbitrator may not exceed \$3,000, unless the compensation of an attorney is governed by an agreement between the parties allowing a greater award.

(F) After an award is made the arbitrator shall return all exhibits to the parties who offered them during the hearing.

[Added; effective July 1, 1992; amended effective March 14, 2007.]

#### **Rule 17. Filing of award.**

(A) Within 7 days after the conclusion of the arbitration hearing, or 30 days after the receipt of the final authorized memoranda of counsel, the arbitrator shall file the award with the commissioner, and also serve copies of the award on the attorneys of record, and on any unrepresented parties. Application must be made by the arbitrator to the commissioner for an extension of these time periods.

(B) Applications for attorney's fees, costs and/or interest pursuant to any statute or rule must be filed with the arbitrator and served on the other parties within 5 days after service of the award on the applicant; failure to make timely application shall act as a jurisdictional waiver of any right to fees, costs or interest. Responses to such applications must be filed with the arbitrator and served on the other parties within 5 days after service of the application on the responding party. Rulings on applications under this subsection must be filed with the commissioner by the arbitrator and served on all parties within 5 days after the deadline for responses to such applications.

(1) Applications for relief under this subsection do not toll the time periods specified in Rules 18 or 19.

(2) Decisions on applications for relief under this rule do not constitute amended awards and shall not be designated as such by the arbitrator.

(3) Any grant of fees, costs, and/or interest shall be included in any judgment on the arbitration award submitted by a prevailing party pursuant to Rule 19.

(C) No amended award shall be filed by the arbitrator, but for good cause the arbitrator may file with the commissioner and serve on the parties a request to amend the award, as long as such request is filed within 20 days from the date of service of the original award.

(1) If the commissioner decides an amended award is warranted, the commissioner will issue, file and serve such amended award.

(2) Upon the issuance of an amended arbitration award, the time for requesting a trial de novo pursuant to Rule 18 or notifying a prevailing party to enter judgment pursuant to Rule 19 will begin anew upon service on the parties. Any request for a trial de novo filed before an amended arbitration award is issued shall be rendered ineffective by the amended award.

(D) This rule does not authorize the use of an amended award to change the arbitrator's decision on the merits.

(E) Failure of the arbitrator to timely file the award or timely rule on an application for fees, costs and/or interest may subject the arbitrator to a forfeiture (waiver) of part or all of the arbitrator's fees. Repeated failure shall lead to the arbitrator's removal from the panel.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 18. Request for trial de novo.**

(A) Within 30 days after the arbitration award is served upon the parties, any party may file with the clerk of the court and serve on the other parties and the commissioner a written request for trial de novo of the action. Any party requesting a trial de novo 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 is pending and any balance of fees or costs shall be paid in accordance with subsection (C) of this rule.

(B) The 30-day filing requirement is jurisdictional; an untimely request for trial de novo shall not be considered by the district court.

(C) Any party who has failed to pay the arbitrator's bill in accordance with this rule shall be deemed to have waived the right to a trial de novo; if a timely objection to the arbitrator's bill has been filed with the

commissioner pursuant to Nevada Arbitration Rules 23 and/or 24, a party shall have 10 days from the date of service of the commissioner's decision in which to pay any remaining balance owing on said bill. No such objection shall toll the 30-day filing requirement of subsection (B) of this rule.

(D) Any party to the action is entitled to the benefit of a timely filed request for trial de novo. Subject to Rule 22, the case shall proceed in the district court as to all parties in the action unless otherwise stipulated by all appearing parties in the arbitration. In judicial districts that are required to provide a short trial program under the Nevada Short Trial Rules, the trial de novo shall proceed in accordance with the Nevada Short Trial Rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5.

(E) After the filing and service of the written request for trial de novo, the case shall be set for trial upon compliance with applicable court rules. In judicial districts that are required to provide a short trial program under the Nevada Short Trial Rules, the case shall be set for trial as provided in those rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5.

(F) If the district court strikes, denies, or dismisses a request for trial de novo for any reason, the court shall explain its reasons in writing and shall enter a final judgment in accordance with the arbitration award. A judgment entered pursuant to this rule shall have the same force and effect as a final judgment of the court in a civil action, and may be appealed in the same manner. Review on appeal, however, is limited to the order striking, denying, or dismissing the trial de novo request and/or a written interlocutory order disposing of a portion of the action.

(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.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 19. Judgment on award.**

(A) Upon notification to the prevailing party by the commissioner that no party has filed a written request for trial de novo within 30 days after service of the award on the parties, the prevailing party shall submit to the commissioner a form of final judgment in accordance with the arbitration award, including any grant of fees, costs and/or interest, which judgment shall then be submitted for signature to the district judge to whom the case was assigned; the judgment must then be filed with the clerk.

(B) A judgment entered pursuant to this rule shall have the same force and effect as a final judgment of the court in a civil action, but may not be appealed. Except that an appeal may be taken from the judgment if the district court entered a written interlocutory order disposing of a portion of the action. Review on appeal, however, is limited to the interlocutory order and no issues determined by the arbitration will be considered.

(C) Although clerical mistakes in judgments and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party, no other amendment of or relief from a judgment entered pursuant to this rule shall be allowed.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

#### **Rule 20. Procedures at trial de novo.**

(A) **Evidence.** If a trial de novo is requested, the arbitration award shall be admitted as evidence in the trial de novo, and all discovery obtained during the course of the arbitration proceedings shall be admissible in the trial de novo, subject to all applicable rules of civil procedure and evidence.

##### **(B) Attorney fees; costs; interest.**

(1) The prevailing party at the trial de novo is entitled to all recoverable fees, costs, and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subsection (1), a party is entitled to a separate award of attorney's fees and costs as set forth in (a) and (b) below.

(a) Awards of \$20,000 or less. Where the arbitration award is \$20,000 or less, and the party requesting the trial de novo fails to obtain a judgment that exceeds the arbitration award by at least 20 percent of the award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo. Conversely, if the requesting party fails to obtain a judgment that reduces by at least 20 percent the amount for which that party is liable under the arbitration award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo.



(b) Awards over \$20,000. Where the arbitration award is more than \$20,000, and the party requesting the trial de novo fails to obtain a judgment that exceeds the arbitration award by at least 10 percent of the award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo. Conversely, if the requesting party fails to obtain a judgment that reduces by at least 10 percent the amount for which that party is liable under the arbitration award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo.

(3) In comparing the arbitration award and the judgment, the court shall not include costs, attorney's fees, and interest with respect to the amount of the award or judgment. If multiple parties are involved in the action, the court shall consider each party's respective award and judgment in making its comparison between the award and judgment.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 21. Scheduling of trial de novo.**

(A) In judicial districts required to provide a short trial program under the Nevada Short Trial Rules, a trial de novo shall be processed as provided in those rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5. Cases that are removed from the short trial program will not be given preference on the trial calendar of the district court simply because those cases were subject to arbitration proceedings pursuant to these rules. Trials de novo in cases removed from the short trial program will be processed in the ordinary course of the district court's business.

(B) In judicial districts that do not provide a short trial program, cases requiring a trial de novo will not be given preference on the trial calendar of the district court simply because those cases were subject to arbitration proceedings pursuant to these rules. Trials de novo will be processed in the ordinary course of the district court's business.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 22. Sanctions.**

(A) The failure of a party or an attorney to either prosecute or defend a case in good faith during the arbitration proceedings shall constitute a waiver of the right to a trial de novo.

(B) If, during the proceedings in the trial de novo, the district court determines that a party or attorney engaged in conduct designed to obstruct, delay or otherwise adversely affect the arbitration proceedings, it may impose, in its discretion, any sanction authorized by N.R.C.P. 11 or N.R.C.P. 37.

[Added; effective July 1, 1992; amended effective December 24, 1997.]

**Rule 23. Costs.**

(A) The arbitrator is entitled to recover the costs, not to exceed \$250, that the arbitrator reasonably incurs in processing and deciding an action. Costs recoverable by the arbitrator are limited to:

1. Reasonable costs for telecopies;
2. Reasonable costs for photocopies;
3. Reasonable costs for long distance telephone calls;
4. Reasonable costs for postage;
5. Reasonable costs for travel and lodging; and
6. Reasonable costs for secretarial services.

(B) To recover such costs, the arbitrator must submit to the parties an itemized bill of costs within 15 days of the date that the arbitrator serves the award in an action; within 15 days of notice of removal of the case from the program by resolution or exemption; or within 15 days of notice of change of arbitrator, whichever date is earliest.

(C) Costs must be borne equally by the parties to the arbitration, and must be paid to the arbitrator within 10 days of the date that the arbitrator serves the bill reflecting the arbitrator's costs. If any party fails to pay that party's portion of the arbitrator's costs within the time prescribed in this subsection, the district court shall, after giving appropriate notice and opportunity to be heard, enter a judgment and a writ of execution against the delinquent party for the amount owed by that party to the arbitrator, plus any costs and attorney's fees incurred by the arbitrator in the collection of the costs. If one of the parties to the arbitration is an indigent person who was exempted pursuant to NRS 12.015 from paying a filing fee, the arbitrator may not collect costs from any party to the arbitration.

(D) All disputes regarding the propriety of an item of costs must be filed with the commissioner within 5 days of the date that the arbitrator serves the bill reflecting the arbitrator's costs, and resolved by the commissioner.

(E) For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.

[Added; effective July 1, 1992; amended effective January 1, 2005.]

**Rule 24. Fees for arbitrators.**

(A) Arbitrators appointed to hear cases pursuant to these rules are entitled to be compensated at the rate of \$100 per hour to a maximum of \$1,000 per case unless otherwise authorized by the commissioner for good cause shown. If required by the arbitrator, each party to the arbitration shall submit, within 30 days of request by the arbitrator, a sum of up to \$250 as an advance toward the arbitrator's fees and costs. If a party fails to pay the required advance, the party may be subject to sanctions, including an award dismissing the complaint or entry of the non-complying party's default.

(B) To recover any fee, the arbitrator must submit to the parties an itemized bill reflecting the time spent on a case within 15 days of the date that the arbitrator serves an award in an action; within 15 days of notice of removal of the case from the program by resolution or exemption; or within 15 days of notice of change of arbitrator, whichever date is earliest. If the parties have paid an advance toward the arbitrator's fees and costs, the arbitrator shall indicate this advance on the itemized bill and shall return to the parties any portion of the advance that is over the amount on the itemized bill.

(C) The fee of the arbitrator must be paid equally by the parties to the arbitration, and must be paid to the arbitrator within 10 days of the date that the arbitrator serves the bill reflecting the fee. If any party fails to pay that party's portion of the arbitrator's fee within the time prescribed in this subdivision, the district court shall, after giving appropriate notice and opportunity to be heard, enter a judgment and a writ of execution against the delinquent party for the amount owed by that party to the arbitrator, plus any costs and attorney's fees incurred by the arbitrator in the collection of the fee. If one of the parties to the arbitration is an indigent person who was exempted pursuant to NRS 12.015 from paying a filing fee, the arbitrator may not collect a fee from any party to the arbitration.

(D) All disputes regarding the fee of the arbitrator must be filed with the commissioner within 5 days of the date that the arbitrator serves the bill reflecting the arbitrator's fee, and resolved by the commissioner.

(E) For purposes of this rule, if several parties are represented by one attorney, they shall be considered one party.

[Added; effective July 1, 1992; amended effective January 1, 2005.]