

ADR IN A NUTSHELL

February 25, 2026

Court-Annexed Arbitration Program

What is Mandatory Arbitration?

- Mandatory arbitration is a procedure required by statute and rule by which certain civil cases are diverted before trial to non-binding arbitration.
- A neutral third person, called an arbitrator, considers the facts and arguments presented by the parties and renders a decision.
- It is an informal but adversarial process.
- It is non-binding and either side may request a trial de novo.

According to the arbitration rules, the purpose of the program is:

"…to provide a ***simplified*** procedure for obtaining a ***prompt*** and ***equitable*** resolution of certain civil matters."

- *If any party is not satisfied with the decision of the Arbitrator, they have the right to request a trial de novo and proceed to the Nevada Short Trial Program, which the ADR Office also administers. They can also "demand out" of the Short Trial Program and proceed to a trial in the normal course.*

Cases Subject to the Arbitration Program:

Civil cases commenced in the district courts that do have "good cause for removal" involve public policy issues or that have a probably jury award value not in excess of $100,000* per plaintiff, exclusive of interest and costs, and regardless of comparative liability, are subject to the program.

**For cases before 1/1/2026, limit was $50,000 per plaintiff*

There are automatic exemptions for certain case types:

- Class actions.
- Actions in equity.
- Actions concerning title to real estate.
- Actions seeking declaratory relief.
- Actions seeking extraordinary relief
- Appeal from court of limited jurisdiction.
- Judicial review of administrative decision.
- Prior written agreement to arbitrate.
- Actions governed by NRS 41A.003 to 41A.069 (medical malpractice and dental malpractice).
- Actions in which any of the parties in incarcerated.
- Actions alleging insurance bad faith with claims for punitive damages.
- Actions involving sexual assault or sexual battery.
- Product liability actions.

What Does the ADR Office Do?

- Every contested civil case filed in the Eighth Judicial District Court flows through the ADR Office.
- The ADR Commissioner reviews approximately 8,000 files per year to determine whether a case is directed to arbitration, or is removed from arbitration. Approximately 4,000 remain in the Arbitration Program, while the remainder are exempted, either automatically or by request.
- The ADR Commissioner is charged with the responsibility of resolving any problems that arise from arbitration proceedings and serves at the pleasure of the District Court judges.
- At the direction of the ADR Commissioner, the ADR Office processes and randomly assigns arbitrators from the panel of over 600 approved arbitrators to more than 4,000 cases per year. In addition to monitoring all arbitration proceedings to conclusion (whether by award, settlement, or return to the District Court trial docket).

What Does the ADR Office Do?

- We determine which cases should be placed in the Court-Annexed Arbitration Program
- We assign arbitrators
- We resolve challenges to the Arbitrator's actions, including their bills for fees and costs
- We monitor cases for compliance with the timelines outlined in the rules

What Powers and Responsibilities does an Arbitrator Have?

- To administer oaths/affirmations to witnesses [NAR 8(A)(1)];
- 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 [NAR 8(A)(2)];
    - Operative word is "relaxed" not ignored.
    - Arbitrator's basic responsibility is "…to provide each of the parties a meaningful opportunity to be heard."
- To determine what, if any, discovery to be allowed at his/her unfettered discretion [NAR 11(A)];
- To have complete discretion over the conduct of the final arbitration hearing [NAR 11(A)]; and,
- To determine all issues raised by the pleadings, including comparative negligence, damages and costs [NAR 16(B)].

Court-Annexed Mediation Program

- To enter the program, the parties must agree
- Case is assigned to a mediator by the ADR Office
- Cases are to be mediated within 60 days
- If no resolution, then the matter goes into the Short Trial Program
- Everything that happens in Mediation remains CONFIDENTIAL