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3 IN THE JUSTICE COURT OF RENO TOWNSHIP  
4 COUNTY OF WASHOE, STATE OF NEVADA

STEVE TUTTLE  
RENO JUSTICE COURT  
BY Howden  
DEPUTY

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6 IN THE ADMINISTRATIVE MATTER OF:  
7 MANDATORY SMALL CLAIMS MEDIATION,

8 \_\_\_\_\_/

9 ADMINISTRATIVE ORDER 2014-02

10 WHEREAS, this Court has operated a voluntary small claims mediation program for  
11 many years,

12 WHEREAS, the Nevada Supreme Court approved a mandatory small claims mediation  
13 program for the Las Vegas Justice Court. The program became effective December 15, 2011.

14 WHEREAS, "research has typically found high levels of satisfaction with mediation,  
15 and when comparison is made with conventional court proceedings, persons in mediation  
16 usually exhibit greater satisfaction". *Mediation and Adjudication in the Small Claims Court:*  
17 *The Effects of Process and Case Characteristics*, 29 Law and Society Review 323.

18 WHEREAS, in reviewing seventeen studies comparing mediation with a control group  
19 (usually adjudication), the Center for the Analysis of Alternative Dispute Resolution Systems  
20 found most results indicate greater satisfaction with mediation. *Bibliographic Summary of*  
21 *Cost, Pace, and Satisfaction Studies of Court-Related Mediation Programs*, Center for  
22 Analysis of Alternative Dispute Resolution Systems (CAADRS) Publication. Chicago: Center  
23 for Conflict Resolution.

24 WHEREAS, a mandatory small claims mediation program will likely increase access to  
25 justice, increase parties' satisfaction with the outcome of the case, reduce future litigation by  
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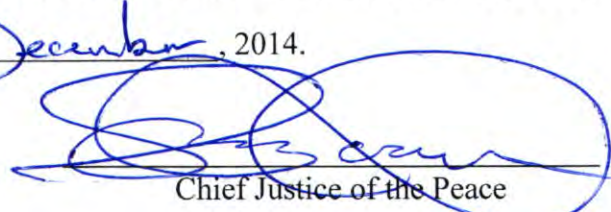
1 the same parties, make the most efficient use of judicial resources; and expand dispute  
2 resolution resources available to the parties;

3 IT IS THEREFORE HEREBY ORDERED:

4 1. A pilot Mandatory Small Claims Mediation Program is hereby established in the  
5 Reno Justice Court.

6 2. The attached Reno Justice Court Mandatory Small Claims Mediation Program Rules  
7 shall govern all small claims cases filed in the Reno Justice Court after March 1, 2015.

8 Dated this 31<sup>st</sup> day of December, 2014.



Chief Justice of the Peace

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**Reno Justice Court Mandatory Small Claims Mediation Program Rules.**

(a) Purpose. The court hereby establishes the Mandatory Small Claims Mediation Program:

- (1) To increase access to justice;
- (2) To increase parties' satisfaction with the outcome;
- (3) To reduce future litigation by the same parties;
- (4) To make the most efficient use of judicial resources; and
- (5) To expand dispute resolution resources available to the parties.

(b) Definitions. For the purpose of this rule, the following definitions apply:

(1) Mediation. A process in which a mediator facilitates settlement discussions between parties.  
(2) Mediator. An impartial person who facilitates discussions between the parties to a mediation. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, reducing obstacles to communication, and providing the parties an opportunity for each to be heard in a dignified and thoughtful manner.

(3) Party. Any person or entity whose name is designated on the record as plaintiff or defendant or any other person or entity that has filed an appearance.

(c) Mediation through the Neighborhood Mediation Center. Pursuant to NRS 244.1607, the Reno Justice Court utilizes the services of the court-connected Neighborhood Mediation Center (MJC) in Washoe County. Except as otherwise provided in this rule, all parties **must** attend mediation with the NMC prior to the trial of any small claims case filed under NRS Chapter 73.

(d) Exemptions. A party who believes a case is inappropriate for mandatory mediation may seek an exemption from mediation.

(1) The party seeking an exemption must file a motion with the court, along with proof of service of the motion.

(2) If a plaintiff is seeking exemption the motion must be filed and served with the small claims affidavit. If a defendant is seeking exemption the motion must be filed and served no later than ten (10) judicial days before the scheduled mediation.

(3) Any opposition to the motion must be in writing and must be filed and served no later than five (5) judicial days before the scheduled mediation.

(4) Any reply to the opposition must be in writing and must be filed and served no later than five (2) judicial days before the scheduled mediation.

(5) The motion will be considered without hearing, and the parties will be notified of the ruling by telephone or other electronic means.

(6) All parties must attend the mediation unless and until otherwise ordered by the Court.

(e) Attendance.

(1) The following persons shall attend a small claims mediation:

(A) Parties and counsel. All individual parties must attend the mediation. Although parties may proceed without an attorney in small claims cases, if a party has retained an attorney, that attorney must attend the mediation unless the represented party desires to proceed without counsel at the mediation.

(B) Public entities. If a party is a public entity, it shall appear by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body or officer of the entity.

(C) Other entities. If a party is an entity other than a public entity, it shall appear by the physical presence of a representative other than the party's counsel of record who has full authority to settle without further consultation.

(D) Insured parties. If any party is insured for the claim in dispute, that party shall also be required to have its insurer(s) present by the physical presence of a representative of the insurance carrier(s) who is not that carrier's outside counsel; this representative must have full settlement authority.

(E) Applicability to parties, counsel, and entities named above. The foregoing requirements of attendance may be varied only by written stipulation of the parties or by order of the mediator for good cause shown.

(F) All parties must mediate in good faith.

(G) All parties must be represented at mediation by someone who has the authority to finally resolve the dispute and agree to any terms including payments except as provided in section (e)(1)(B).

(2) Default and dismissal in mandatory mediation small claims cases:

1 (A) Default. If the case was scheduled for mandatory mediation in accordance with this rule and if  
the plaintiff or plaintiffs were in attendance and the defendant or defendants were not in attendance for the  
scheduled mediation, the matter shall be subject to default judgment.

2 (B) Dismissal. If the case was scheduled for mandatory mediation in accordance with this rule and  
if the plaintiff or plaintiffs did not attend the mediation, the matter shall be subject to dismissal without prejudice.

3 (3) Any settlement reached at mediation shall be binding on the parties and entered by the clerk as a  
judgment of dismissal, as appropriate. If mediation is unsuccessful because no settlement agreement was reached,  
4 the case will be set for trial before a Judge of the Reno Justice Court. This rule does not prevent a party from  
filing a motion for further proceedings based upon noncompliance with a settlement agreement.

5 (f) Date for mediation. Upon the filing of a small claims affidavit the case will be set for mandatory  
mediation by the clerk of the court. The date set for mediation must be within 45 days of the filing of the  
affidavit. The plaintiff must serve the affidavit and order setting mediation within 20 days of filing the affidavit.

6 (g) All parties must bring to the mediation two copies of all evidence and exhibits they seek to admit or ask  
the court to review at trial. If the mediation is not successful each party must provide one copy of all evidence to  
7 the opposing party and provide the other copy to the Court as provided for in subsection (i)(2)(A) below. The  
evidence should be arranged chronologically and numbered as individual exhibits when practicable.

8 (h) Confidentiality. A mediator shall preserve and maintain the confidentiality of all mediation proceedings.  
Any communication made during the mediation that relates to the controversy mediated, whether made to the  
9 mediator or a party, or to any other person present at the mediation, is confidential.

(i) Inadmissibility of mediation proceeding.

10 (1) All mediation proceedings are deemed settlement conferences as prescribed by court rule and the  
Rules of Evidence. In addition, the parties shall not introduce into evidence, in any subsequent hearing in the  
11 related small claims case, the fact that there has been a mediation proceeding or any details of the mediation  
proceeding except as provided in (j)(2)(A).

12 (2) The admission of any party at the mediation proceeding shall not be disclosed or used in any  
subsequent hearing in the related small claims case.

13 (3) A mediator shall not be called as a witness in any subsequent proceeding relating to the parties'  
negotiation and participation except as set forth in subsection (h) of this rule.

14 (j) Outcome of the mediation. The outcome of the mediation shall be submitted to the Justice Court Civil  
Clerk's Office within three (3) hours after the conclusion of the mediation, as follows:

15 (1) If the mediation is successful in resolving the issues between the parties, the mediator shall so indicate  
on the Report of Small Claims Mediator form.

(A) The mediator will file the original copy of the Mediator Agreement form.

16 (B) The Civil Clerk's Office will enter the Mediation Agreement form as a consent judgment or order  
for dismissal, as appropriate.

17 (2) If an agreement is not reached, the mediator shall so indicate on the Report of Small Claims Mediator  
form. Both parties must report to the Civil Clerk's Office immediately following an unsuccessful mediation where  
18 the clerk will schedule the case before the assigned judge for trial. The trial date must be within 90 days of the  
service of the small claims affidavit. The parties will be notified that day in person of the trial date.

19 (A) At the time the trial is set all parties must file with the clerk all evidence and exhibits they seek  
to admit or ask the court to review at trial so the court and opposing party may review them before  
20 trial.

(B) If either party has an objection to any evidence provided by another party they must file a  
21 written objection no later than ten days after the evidence was provided to the party.

(C) The failure of a party to submit their evidence in compliance with this rule may result in the  
22 exclusion of the evidence at trial.

23 (3) If a settlement is reached as to fewer than all defendants, the mediator shall so indicate and list the  
remaining defendants on the Report of Small Claims Mediator form. The Civil Clerk's Office will schedule the  
dispute between the remaining parties before a judge for a small claims trial, and the parties will be notified that  
24 day of the next scheduled date for the trial. Any such partial settlement of a multi-defendant case must be  
submitted to the Court by way of a completed Multi-Defendant Small Claims Mediation Agreement. No  
25 settlement in a multi-defendant small claims case will be recognized without a complete Multi-Defendant Small  
Claims Mediation Agreement.

26 (4) If one or both parties fail to appear at any mediation, the mediator shall list each party that failed to  
appear on the Report of Small Claims Mediator form. The Civil Clerk's Office will thereafter route the Report of  
Small Claims Mediator form to the assigned judge for signing any appropriate order for dismissal or default  
judgment.

1 (k) Interpreters. If a court-appointed interpreter is needed at a mediation for a party who does not speak  
2 English, or for a party with a communications disability, that party must file a written motion to request an  
3 interpreter, and the compensation for that interpreter shall be paid as provided by law. The interpreter's role shall  
4 be strictly limited to that of interpreting, not offering opinions or suggestions.

5 (l) Phone/video appearances. A party living outside Washoe County or incarcerated in a prison or jail may  
6 participate in mediation by telephone conference. The party must contact the Neighborhood Justice Center also  
7 known as the Neighborhood Mediation Center no less than 10 business days in advance of the mediation to make  
8 necessary arrangements.  
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