

Nevada Rules of Civil Procedure Revision Committee Summary

March 2, 2017 Meeting

The initial meeting of the Nevada Rules of Civil Procedure Revision Committee (Committee) was held March 2, 2017 at 3:00pm. The meeting was video conferenced between the State Bar of Nevada Offices in Reno and Las Vegas. Present in Reno were Justice Mark Gibbons and Discovery Commissioner Wesley Ayres. Present in Las Vegas were Justice Kristina Pickering, Judge Kimberly Wanker, Professor Thomas Main, George Bochanis and Don Springmeyer.

As a preliminary matter, Justice Gibbons advised the members present that he and Justice Pickering had received an email from Chief Justice Cherry indicating that the Family Bar would like to have a representative participate on the Committee. The Committee members agreed that either Justice Gibbons or Justice Pickering would contact Charles Hoskin, Presiding Judge of the Eighth Judicial District Court to discuss naming a representative to the Committee.

After a general discussion, there was a unanimous agreement of the Committee members present that the Committee may utilize the most recent version of the Federal Rules of Civil Procedure (FRCP) as a model to analyze the Nevada Rules of Civil Procedure (NRCP). Several Committee members stated that they were concerned that the Committee was not going to propose adopting the FRCP in total or adopt the methodology used by the state of Arizona with its revision to its rules. Justices Gibbons advised the Committee members that the FRCP would only be utilized for reference purposes, and that the revision to the NRCP would recognize Nevada specific issues where it is necessary to do so. Professor Main offered to utilize the staff at Boyd Law School to prepare a red-line draft showing the differences between the current NRCP and the revised FRCP. Justice Gibbons also advised the Committee that the Supreme Court Central Staff will provide staffing assistance to the Committee pursuant to the authorization from Chief Justice Cherry.

The Committee discussed the initial topic for consideration for proposed NRCP revisions and updates. The Committee unanimously agreed that it should focus initially upon NRCP 16.1, 26, 27-37 and 45. Justice Gibbons advised the Committee that he had received an email from Steve Morris indicating that Mr. Morris was interested in providing input on NRCP 16, 16.1, 26, 30, and 45. Don Springmeyer stated that he would like to have specific discussions regarding NRCP 23 and a proportionality rule for discovery. George Bochanis stated that he had a special interest in NRCP 16.1 and 35. Commissioner Wesley Ayres indicated that there are a number of issues of concern to discovery commissioners which include proportionality of discovery permitted in relation to the magnitude of the case in controversy, and the need to adopt rules regarding electronically stored information (ESI). Judge Wanker believes we need to create rules for discovery pertaining to new technology. For example, how would Facebook information be admitted into evidence? Judge Wanker also posed the question as

whether the Supreme Court should adopt a separate set of civil procedure rules for pro se litigants.

Before concluding the meeting, Justice Gibbons advised all Committee members that they may seek reimbursement for any out-of-pocket expenses incurred for their work on this Committee since the creation and mission of the Committee has been authorized by order entered by the Supreme Court.

The next Committee meeting is set for Wednesday, April 12, 2017 at 3:00pm. The meeting will be video conferenced between the new Supreme Court building in Las Vegas and the State Bar of Nevada Office in Reno.

The meeting was subsequently adjourned at 4:00pm.

Respectfully submitted,
Mark Gibbons, Co-Chair