

Proposed Revisions to NSTR 3(a) and NSTR 28 – Submitted by Commissioners Truman and Young

After reviewing NSTR 28, looking to revise to address appointment of senior judges in cases involving indigent parties, Commissioner Young and I agreed it may be more appropriate to add this change to NSTR 3(a).

Rule 3. Presiding Short trial judge. ~~A short trial may be conducted by either a district court judge, or a pro tempore judge.~~

(a) **Assignment of presiding short trial judge.** ~~Within No later than~~ 21 days after a case enters the short trial program, the commissioner shall assign a short trial judge to preside over the case. The short trial judge shall be selected by one of the following methods:

(1) **By stipulation.** The parties, within ~~15~~ 14 days from the date a case enters the short trial program, may stipulate to have a particular short trial judge ~~to preside over the case serve as the presiding judge.~~ The ~~short trial~~ judge must be selected from the panel of short trial judges and the ~~short trial~~ judge must consent to the assignment. ~~Alternatively, Except that~~ the parties may ~~also~~ stipulate to have a particular district judge serve as ~~short trial presiding~~ judge, ~~provided that if~~ the district judge also consents to serve as such.

(2) **Random selection.** Absent a timely stipulation under subdivision (a)(1) of this rule, the commissioner shall randomly select the names of 3 judicial panelists and send the same to the parties. Each party may strike one name within 10 days, and the commissioner shall select the ~~short trial~~ judge from the remaining name(s). For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.

(3) **Appointment of senior judge to serve as short trial judge.** ~~In any case where one of the parties is an indigent person who was exempted under NRS 12.015 from paying a filing fee, any party to the action may within 14 days from the date a case enters the short trial program, notify the commissioner and request the appointment of a senior judge to preside over the case.~~

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Then we would still propose the following changes to NSTR 28. There will be cases where the parties did not request appointment of a senior judge so we think in those cases the unpaid short trial judge should be able to claim pro bono credit.

Rule 28. Fees for presiding short trial judge.

(a) **Allowable fees.** ~~Pro tempore-Short trial~~ judges shall be entitled to remuneration of \$150 per hour, with a maximum per case of \$1,500, unless otherwise stipulated.

(b) **Itemized bill required.** To recover fees, the ~~short trial~~ judge ~~pro tempore~~ must submit to the parties an itemized bill within ~~10~~ 14 days of the ~~ruling on the post-trial motions, if any, verdict or judgment in a bench trial,~~ or within ~~10~~ 14 days of notice of removal of the case from the program by resolution or otherwise, whichever is earlier. The ~~short trial~~ judge ~~pro tempore~~ shall indicate the advance deposits paid by the parties and adjust the amount requested accordingly.

(c) **Payment.** The ~~short trial judge's fees~~ shall be paid equally by the parties unless otherwise stipulated. Any dispute regarding the requested fees must be filed within ~~5~~ 7 days of the date that the ~~short trial~~ judge ~~pro tempore~~ serves the itemized bill. The commissioner shall settle all disputes concerning the reasonableness or appropriateness of the fees. If a timely dispute to the itemized bill is not filed, the fees shall be paid within ~~10~~ 14 days of the date that the ~~short trial~~ judge ~~pro tempore~~ serves the itemized bill. If fees are disputed, the parties shall pay the costs as determined by the commissioner within ~~5~~ 7 days from the commissioner's decision.

(d) Exception for indigent party. If one of the parties to the short trial is an indigent person who was exempted under [NRS 12.015](#) from paying a filing fee, no fees for a short trial judge may be collected from any party to the short trial. Time spent by the short trial judge, where fees may not be collected pursuant to this provision, may be reported as pro bono public legal services hours to the State Bar of Nevada, under Nev R. Prof. Cond. 6.1.

[Added; effective July 6, 2000; amended effective March 9, 2012