

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF AMENDMENTS
TO THE NEVADA ALTERNATIVE
DISPUTE RESOLUTION RULES AND
NEVADA SHORT TRIAL RULES.

ADKT 0630

FILED

FEB 10 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

*ORDER AMENDING THE NEVADA ARBITRATION RULES AND
NEVADA SHORT TRIAL RULES*

WHEREAS, on January 20, 2026, the Honorable Patricia Lee, Associate Justice of the Nevada Supreme Court, filed a petition seeking to amend the Nevada Arbitration Rules (NAR) and the Nevada Short Trial Rules (NSTR) to comport with Assembly Bill 3 (83rd Session 2025); and

WHEREAS, this court has determined that amendment of the NAR and NSTR is warranted; accordingly,

IT IS HEREBY ORDERED that NAR are amended as set forth in Exhibit A, and the NSTR are amended as set forth in Exhibit B.

IT IS FURTHER ORDERED that the amendments apply only to cases filed on or after January 1, 2026.

IT IS FURTHER ORDERED that the amendments shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the *Nevada Reports* and all persons and agencies listed in

NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rule amendments.

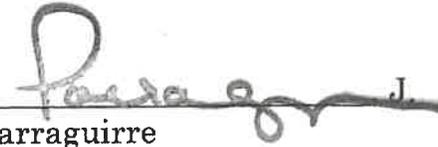
Dated this 10TH day of February, 2026.



Herndon C.J.



Pickering, J.



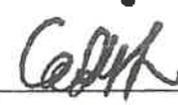
Parraguirre, J.



Bell, J.



Stiglich, J.



Cadish, J.



Lee, J.

cc: All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Kari Stephens, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO RULES 5, 11, AND 16 OF “PART B. NEVADA ARBITRATION RULES” OF THE RULES GOVERNING ALTERNATIVE DISPUTE RESOLUTION

Rule 5. Cases exempt from arbitration.

(a) Automatic exemption.

(1) All civil cases commenced in the district courts in the following categories are exempt from arbitration and the parties shall not be required to file a request for exemption if the initial pleading specifically designates the category of claimed exemption in the caption:

- (A) class actions;
- (B) appeals from courts of limited jurisdiction;
- (C) probate actions;
- (D) divorce and other domestic relations actions;
- (E) actions seeking judicial review of administrative decisions;
- (F) actions concerning title to real estate;
- (G) actions for declaratory relief;
- (H) actions for medical or dental malpractice governed by the provisions of NRS 41A.003 to 41A.120, inclusive;
- (I) actions seeking equitable or extraordinary relief;
- (J) business court actions;
- (K) construction defect actions; **[and]**
- (L) actions in which any of the parties is ~~**[incarcerated.]**~~
incarcerated;

(M) actions in which an insurer is alleged to have acted in bad faith regarding its obligations to provide insurance coverage and punitive damages are sought;

(N) actions involving sexual assault or sexual battery; and

(O) actions for product liability.

A party that fails to specifically identify the category of claimed exemption in the caption pursuant to NAR 5(a) may nevertheless file a request for exemption pursuant to NAR 5(b).

(2) In cases where any party's claim qualifies for exemption, every other party's claim, though suitable for arbitration, shall automatically be exempted and be heard in the district court action.

(3) Any civil case, regardless of the amount in controversy or relief sought, may be exempted from the program by mutual consent of the parties to participate in the Mediation Program as allowed by NMR 2 or the Short Trial Program as allowed by NSTR 4(b)(1).

(4) In any civil case where the district court has determined on a dispositive motion that plaintiff's punitive damages claim(s) may be heard by the trier of fact, regardless of the amount in controversy or relief sought, the district court's order on the dispositive motion shall automatically exempt the matter from arbitration.

(b) Permissive exemption.

(1) All civil cases commenced in the district courts making any of the following categories of claims may be exempted from the program upon leave of the commissioner or, in districts with an arbitration judge, the arbitration judge:

(A) any action presenting significant issues of public policy;

(B) any action presenting unusual circumstances that constitute good cause for removal from the program; and

(C) any action where, assuming a jury finds in favor of plaintiff, the probable jury verdict would exceed [~~\$50,000~~] \$100,000 per plaintiff, exclusive of fees, costs, and interest.

(2) If a party believes that a case described in NAR 5(b) should not be in the program, that party must file with the clerk of the court 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 21 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 NAR 5(b). The parties may file a joint request for exemption.

(3) The request for exemption must also include a summary of facts, including any evidentiary support necessary to illustrate 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 a filing may subject the requesting party to sanctions by the commissioner or arbitration judge.

(c) Any opposition to a request for exemption from arbitration must be filed with the clerk of the court and served upon all appearing parties within 7 days of service of the request for exemption.

(d) Where requests for exemptions from arbitration are filed, the commissioner or the arbitration judge shall review the contentions, facts, and evidence available and determine whether an exemption is warranted. The commissioner or the arbitration judge may require that a party submit additional facts supporting the party's contentions. Any objection(s) to the

commissioner's or the arbitration judge's decision must be filed with the clerk of the court, who shall then notify the district judge to whom the case is assigned. Objections must be filed within 7 days of the date the commissioner's or arbitration judge's decision is served, with service to all parties.

(e) The district judge to whom a case is assigned or, in a district with an arbitration judge, the arbitration judge 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 or the arbitration judge may impose any sanction authorized by NRCP 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.

Rule 11. Discovery.

(a) **Early arbitration conference.** 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 who would otherwise be required pursuant to NRCP 16.1, and formulate a discovery plan, if necessary. The conference may be held by telephone at the discretion of the arbitrator. The extent to which **[additional]** discovery is allowed, if at all, is at 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 NRCP, consistent with the

proportionality standard set forth in NRCP 26(b), and may be modified at 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 early arbitration conference if other parties have appeared in the action subsequent to the appointment of the arbitrator.

(c) All discovery disputes must be heard by the arbitrator.

(d) The arbitrator shall issue a discovery scheduling order within 14 days after the early arbitration conference.

Rule 16. Form and content of award.

(a) Arbitration awards shall be in writing, and signed by the appointed arbitrator.

(b) The arbitrator shall make a decision on each issue raised by the pleadings in cases that are subject to arbitration under the program, including issues of comparative negligence, if any, and damages, if any. The arbitrator shall present a determination in a written arbitration award. The maximum award that can be rendered by the arbitrator is [~~\$50,000~~] \$100,000 per plaintiff, exclusive of attorney fees, interest, and costs. Awards should be substantially in the following format:

Award for Plaintiff(s):

The arbitration hearing in this matter was held on the ____ day of _____, 20____. Having considered the (insert those that apply: prehearing statements of the parties, the testimony of the witnesses, the exhibits offered for consideration, and argument on behalf of the parties), based upon the evidence presented at the

arbitration hearing concerning the causes of action, I hereby find in favor of Plaintiff,* (Plaintiff's name), and against Defendant(s), (name of each defendant against whom award is made), in the amount of \$(amount of award).

*If an award is made to more than one plaintiff, each award must be separate and distinctly stated in the same document.

Award for Defendant(s):

The arbitration hearing in this matter was held on the ____ day of _____, 20____. Having considered the (insert those that apply: prehearing statements of the parties, the testimony of the witnesses, the exhibits offered for consideration, and argument on behalf of the parties), based upon the evidence presented at the arbitration hearing concerning the causes of action, I hereby find in favor of Defendant(s) (Defendant's name), and against Plaintiff(s) (name of each plaintiff). Plaintiff(s) (name of each plaintiff) shall take nothing by way of the complaint on file herein.

(c) The arbitrator must file with the clerk of the court and serve an arbitration decision that is separate from the arbitration award. The arbitration decision must be filed and served at the same time as the arbitration award. The arbitration decision may contain findings of fact and conclusions of law if requested by all parties. Otherwise, the arbitration decision must consist of a written opinion stating the reasons for the arbitrator's decision. If the parties request findings of fact and conclusions of

law, they must each provide the arbitrator with proposed findings of fact and conclusions of law with their prehearing statements required by NAR 13.

(d) The offer of judgment provisions of NRCP 68 apply to matters in the program.

(e) Attorney fees awarded by the arbitrator may not exceed ~~[\$3,000]~~ \$15,000 per party, unless the compensation of an attorney is governed by an agreement between the parties allowing a greater award. An arbitrator may grant an award of attorney fees if the request is consistent with NRS 18.010, any controlling contract, NRCP 68, or other applicable Nevada statute or caselaw. Decisions on applications for attorney fees, costs, and interest are to be filed separately from the arbitration award and only after proper application by the prevailing party after the entry of the arbitration award.

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

EXHIBIT B

AMENDMENT TO RULE 26 OF "PART V. JUDGMENT" OF THE NEVADA SHORT TRIAL RULES

Rule 26. Entry of judgment. Judgment shall be entered upon the short trial jury verdict form in a jury trial or upon a decision by the short trial judge in a trial to the bench, and the judgment, including any costs or attorney fees, shall be filed with the clerk. A decision of at least three of the four jurors is necessary to render a verdict for a four-member jury, at least five of the six jurors for a six-member jury, and at least six of the eight jurors for an eight-member jury. A judgment arising out of the Short Trial Program may not exceed [~~\$50,000~~] \$100,000 per plaintiff exclusive of attorney fees, costs, and prejudgment interest, unless otherwise stipulated to by the parties. Jurors shall not be notified of this limitation. Where cases not subject to mandatory arbitration were brought into the Short Trial Program, the parties may establish a different ceiling of recovery by stipulation.