

NOV 18 2024

By ADH  
DEPUTY CLERK

IN THE JUSTICE COURT OF SPARKS TOWNSHIP  
COUNTY OF WASHOE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF  
IMPLEMENTING MANDATORY MEDIATION  
IN SMALL CLAIMS CASES IN THE  
SPARKS JUSTICE COURT.

**ADMINISTRATIVE ORDER 2024-07**

A Justice of the Peace has a jurisdictional limit of \$10,000 for small claims cases pursuant to NRS 73.010.

On August 30, 2024, the Nevada Supreme Court issued an order in Administrative Case: ADKT 0607, repealing and replacing the Nevada Justice Court Rules of Civil Procedure (JCRCP) effective sixty days from the date of that order. JCRCP 89(c) provides that “[i]f a justice court has created a mandatory mediation program, the court may order the parties to attend mediation prior to ordering the defendant to appear for trial. . .” JCRCP 91(d) requires “[i]f a justice court has created a mandatory mediation program, the court may order the parties to attend mediation prior to setting the date, time, and location of trial...”

A mandatory small claims mediation program will likely increase access to justice, increase the parties’ satisfaction with the outcome of the case, reduce future litigation by the same parties, make the most efficient use of judicial resources; and expand dispute resolution resources available to the parties.

The Chief Judge of the Sparks Justice Court has the authority to make administrative decisions pertaining to the business of the Court pursuant to NRS 4.157(c), therefore, the Sparks Justice Court has determined that the filing of a small claims Declaration of Complaint & Order will trigger mandatory mediation, except in individual cases where motions for exemptions may be granted.

GOOD CAUSE APPEARING THEREFORE,

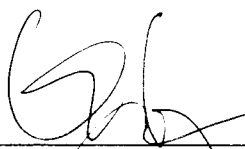
IT IS HEREBY ORDERED that a Mandatory Small Claims Mediation Program is hereby established in the Sparks Justice Court.

1 IT IS FURTHER ORDERED that the filing of a small claims Declaration of Complaint &  
2 Order will trigger mandatory mediation subject to the provisions and exceptions stated herein.

3 IT IS FURTHER ORDERED that **Sparks Justice Court Small Claims Mandatory**  
4 **Mediation Program Rules** attached as *Exhibit "1"* shall govern all small claims cases being  
5 scheduled in the Sparks Justice Court beginning in January 2025.

6 IT IS SO ORDERED.

7 Dated this 15<sup>th</sup> day of November 2024.

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12 Chief Judge Kevin Higgins  
13 Justice of the Peace  
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# Exhibit “1”

## Sparks Justice Court Mandatory Mediation Program Rules

# Exhibit “1”

1 MANDATORY SMALL CLAIMS MEDIATION PROGRAM RULES

2 **(A) Purpose.** This Court hereby establishes the Mandatory Small Claims Mediation Program:

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

8 **(B) Definitions.** For the purpose of this rule, the following definitions apply:

- 9 (1) Mediation. A process in which a mediator facilitates settlement discussions between
- 10 parties.
- 11 (2) Mediator. An impartial person who facilitates discussions between the parties to
- 12 mediation. The role of the mediator includes, but is not limited to, assisting the parties
- 13 in identifying issues, reducing obstacles to communication, and providing the parties
- 14 an opportunity for each to be heard in a dignified and thoughtful manner.
- 15 (3) Party. Any person or entity whose name is designated on the record as plaintiff or
- 16 defendant or any other person or entity that has filed an appearance.

17 **(C) Mediation through the Neighborhood Mediation Center.** Pursuant to NRS 244.1607,

18 the Sparks Justice Court utilizes the services of the court-connected Neighborhood Mediation

19 Center ("NMC") in Washoe County. Except as otherwise provided in this rule, all parties **must**

20 attend mediation with NMC prior to the hearing of any small claims case filed under NRS

21 Chapter 73.

22 **(D) Attendance.**

- 23 (1) The following persons shall attend mediation:
- 24 a) Parties and counsel. All individual parties must attend the mediation. Although
- 25 parties may proceed without an attorney in small claims cases, if a
- 26 party has retained an attorney, that attorney must attend the mediation unless the
- 27 represented party desires to proceed without counsel at the mediation.

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- 1           b) Public entities. If a party is a public entity, a representative with full authority to  
2           negotiate on behalf of the entity and to recommend settlement to the appropriate  
3           decision-making body or officer of the entity shall appear in person.
- 4           c) Other entities. If a party is an entity other than a public entity, a representative  
5           other than the party's counsel of record who has full authority to settle without  
6           further consultation shall appear in person.
- 7           d) Insured parties. If any party is insured for the claim in dispute, that party shall also  
8           be required to have its insurer(s) present by the physical presence of a  
9           representative of the insurance carrier(s) who is not that carrier's outside counsel;  
10          this representative must have full settlement authority.
- 11          e) Applicability to parties, counsel, and entities named above. The foregoing  
12          requirements of attendance may be varied only by written stipulation of the parties  
13          or by order of a judge for good cause shown.
- 14          f) All parties must mediate in good faith.
- 15          g) All parties must be represented at mediation by someone who has the authority to  
16          finally resolve the dispute and agree to any terms including payments.
- 17        (2) Default and dismissal in mandatory mediation small claims cases:
- 18          a) Default. If the case was scheduled for mandatory mediation in accordance with this  
19          rule and if the plaintiff or plaintiffs were in attendance and the defendant or  
20          defendants were not in attendance for the scheduled mediation, the matter shall be  
21          subject to default judgment.
- 22          b) Dismissal. If the case was scheduled for mandatory mediation in accordance with  
23          this rule and if the plaintiff or plaintiffs did not attend the mediation, the matter  
24          shall be subject to dismissal without prejudice.
- 25        (3) Any settlement reached at mediation shall be binding on the parties and entered into  
26          the record by the civil department. This rule does not prevent a party from filing a  
27          motion for further proceedings based upon noncompliance with a settlement  
28          agreement.

1       **(E) Exemptions.** A party who believes a case is inappropriate for mandatory mediation may  
2 seek an exemption from mediation by filing a written motion with the Court.

3           (1) If a plaintiff is seeking exemption, the motion must be filed with the small claims  
4 Declaration of Complaint & Order and the Small Claims Application and must be  
5 personally served upon the defendant with the initiating documents.

6           (2) If a defendant is seeking exemption, the motion must be filed within ten (10) days  
7 after being served with the small claims Declaration of Complaint & Order and the  
8 Small Claims Application. The motion must also be served to the plaintiff and a  
9 completed certificate of service must be filed with the Court.

10          (3) Any opposition to the motion must be in writing and filed within seven (7) days after  
11 being served with the motion. The opposition must also be served to the defendant and  
12 a completed certificate of service must be filed with the Court.

13          (4) Any reply to the opposition must be in writing and be filed within seven (7) days after  
14 being served with the opposition. The reply must also be served to the plaintiff and a  
15 completed certificate of service must be filed with the Court.

16          (5) Upon the filing of a Request for Submission, the motion will be considered without a  
17 hearing, and the parties will be notified of the ruling by the Sparks Justice Court civil  
18 department. All parties must attend mediation unless specifically otherwise ordered by  
19 the Court.

20       **(F) Date for mediation.** Upon the filing of a small claims Declaration of Complaint & Order  
21 and the Small Claims Application the case will be set for mandatory mediation by the Court. The  
22 date set for mediation must be within forty-five (45) days of the filing of the Declaration of  
23 Complaint & Order and Small Claims Application.

24           (1) If plaintiff fails to file proof of service of the Declaration of Complaint & Order and  
25 Small Claims Application at least seven (7) days before the mediation date, the  
26 mediation will be vacated and plaintiff must contact the Court for a new date.

27       **(G) Exhibits.** Parties must bring to the mediation an original and two copies of all exhibits  
28 they seek to ask the Court to review at a hearing. If the mediation is not successful each party

1 must provide one copy of all exhibits to the opposing party and provide the original to the Court  
2 as provided for in subsection (J)(2)(b) below.

3 (1) The exhibits should be arranged chronologically and numbered as individual exhibits.

4 (2) If either party has an issue with an exhibit, a written objection must be filed with the  
5 Court no later than ten (10) days after the exhibits were provided to the party.

6 (3) The failure of a party to submit their exhibits in compliance with these rules may result  
7 in the exclusion of the exhibits at hearing.

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

12 **(I) Inadmissibility of mediation proceeding.**

13 (1) All mediation proceedings are deemed settlement conferences as prescribed by the  
14 Nevada Mediation Rules and the Rules of Evidence. In addition, the parties shall not  
15 introduce into evidence, in any subsequent hearing in the related small claims case, the  
16 fact that there has been a mediation proceeding or any details of the mediation.

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

19 (3) A mediator shall not be called as a witness in any subsequent proceeding relating to  
20 the parties' negotiation and participation in mediation.

21 **(J) Outcome of the Mediation.** The outcome of the mediation shall be submitted to the civil  
22 department at the conclusion of each day's mediation calendar, as follows:

23 (1) If the mediation is successful in resolving the issues between the parties, the mediator  
24 shall assist the parties in completing a Stipulation and Order After Mediation.

25 a) The mediator will submit the original Stipulation and Order After Mediation to the  
26 civil department.

27 b) The civil department will submit the Stipulation and Order After Mediation to the  
28 assigned judge as a judgment or order for dismissal, as appropriate.

1 (2) If the mediation is unsuccessful, the mediator shall notify the Court. Following an  
2 unsuccessful mediation, the parties must immediately report to the civil department to  
3 schedule the case for a hearing before the assigned judge. The civil department will  
4 provide the parties with a formal notice of hearing.

5 a) The hearing date must be within 90 days from the date of service of the small  
6 claims Declaration of Complaint & Order and the Small Claims Application.

7 b) At the time the small claims hearing is set, all parties must file all exhibits  
8 with the civil department.

9 (3) If a settlement is reached as to fewer than all defendants, all parties must immediately  
10 report to the civil department to schedule the case for a hearing before the assigned  
11 judge. The civil department will provide the parties with a formal notice of hearing.

12 a) The hearing date must be within 90 days from the date of service of the small  
13 claims Declaration of Complaint & Order and the Small Claims Application.

14 b) At the time the small claims hearing is set, all parties must file all exhibits  
15 with the civil department.

16 (4) If one or more parties fail to appear at any mediation, the civil department will submit  
17 any appropriate order for dismissal or default judgment to the assigned judge.

18 **(K) Interpreters.** If a court-appointed interpreter is needed at a mediation for a party who  
19 does not speak English, or for a party with a communication disability, that party must file a  
20 written Request for Interpreter with the Court at least seven (7) days prior to the mediation date  
21 for judicial review. Compensation for an interpreter shall be paid as provided by law. The  
22 interpreter's role shall be strictly limited to that of interpreting, not offering opinions or  
23 suggestions. The request can be found on the Sparks Justice Court website under General Forms.

24 **(L) Remote appearances.** Motions for Remote Appearance must be filed with the Court at  
25 least seven (7) days prior to the mediation date for judicial review. The Motion can be found on  
26 the Sparks Justice Court website under General Forms.