

# NEVADA

## **LR 16-5. SETTLEMENT CONFERENCE AND ALTERNATIVE METHODS OF DISPUTE RESOLUTION.**

The Court may, in its discretion and at any time, set any appropriate civil case for settlement conference, summary jury trial, or other alternative method of dispute resolution.

## **LR 16-6. EARLY NEUTRAL EVALUATION.**

(a) All employment discrimination actions filed in this Court must undergo early neutral evaluation as defined by this Rule. The purpose of the early neutral evaluation session is for the evaluating magistrate judge to give the parties a candid evaluation of the merits of their claims and defenses. For purposes of this Rule, “employment discrimination action” includes actions filed under the following statutes: Title VII of the Civil Rights Act of 1964, as amended; 42 U.S.C. § 2000, *et seq.*; Title I of the Americans With Disabilities Act, as amended, 42 U.S.C. 12101, *et seq.*; prohibition of employment discrimination under 42 U.S.C. § 1981; Age Discrimination in Employment Act, 29 U.S.C. § 626, *et seq.*; Equal Pay Act, 29 U.S.C. § 206; Genetic Information Non-Discrimination Act of 2008, 42 U.S.C. § 2000ff, *et seq.*; Vocational Rehabilitation Act of 1973, 29 U.S.C. § 794; and under 42 U.S.C. § 1983, if the complaint alleges discrimination in employment on the basis of race, color, gender, national origin, and/or religion.

(b) In the event an action is not initially assigned to the Early Neutral Evaluation Program, an action must be assigned to the Program upon the filing by any party of a notice stating that action falls under one or more of the statutes listed in LR 16-6 (a).

(c) Motions for relief from early neutral evaluation must be filed not later than seven (7) days after the appearance in the case of the moving party or entry of an order pursuant to LR 16-1(b). A response to the motion for relief from early neutral evaluation must be filed within fourteen (14) days after service of the original motion. No reply will be allowed. Motions filed under LR 16-6(c) are not subject to the requirements of LR 7-2. The evaluating magistrate judge shall have final authority to grant or deny any motion requesting exemption from early neutral evaluation and may exempt any case from early neutral evaluation on the judge’s own motion. Such orders are not appealable.

(d) Unless good cause is shown, the early neutral evaluation session shall be held by the Court not later than ninety (90) days after the first responding party appears in the case.

(e) Unless excused by the evaluating magistrate judge, the parties with authority to settle the case and their counsel shall attend the early neutral session in person.

(f) Parties shall submit to the chambers of the evaluating magistrate judge their written evaluation statements by 4:00 p.m. seven (7) days prior to the early evaluation hearing. The written evaluation statement shall not be filed with the Clerk or served on the opposing parties.

(1) Evaluation statements shall be concise and shall:

(A) Identify by name or status the person(s) with decision-making authority, who, in addition to counsel, will attend the early neutral evaluation session as representative(s) of the party, and persons connected with a party opponent (including an insurer representative) whose presence might substantially improve the utility of the early neutral evaluation session or the prospects of settlement;

(B) Describe briefly the substance of the suit, addressing the party's views on the key liability issues and damages;

(C) Address whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute or contributes to settlement negotiations;

(D) Describe the history and status of settlement negotiations; and,

(E) Include copies of documents, pictures, recordings, etc. out of which the suit arose, or whose availability would materially advance the purposes of the evaluation session, (e.g., medical reports, documents by which special damages might be determined.)

(2) Each evaluation statement shall remain confidential unless a party gives the Court permission to reveal some or all of the information contained within the statement.

(g) Each evaluating magistrate judge shall:

(1) Permit each party (through counsel or otherwise), orally and through documents or other media, to present its claims or defenses and to describe the principal evidence on which they are based;

(2) Assist the parties to identify areas of agreement and, where feasible, enter stipulations;

(3) Assess the relative strengths and weaknesses of the parties' contentions and evidence, and carefully explain the reasoning that supports these;

(4) When appropriate, assist the parties through private caucusing or otherwise, to explore the possibility of settling the case;

(5) Estimate, where feasible, the likelihood of liability and the range of damages;

(6) Assist the parties in devising a plan for expediting discovery, both formal and informal, in order to enter into meaningful settlement discussions or to position the case for disposition by other means;

(7) Assist the parties to realistically assess litigation costs; and,

(8) Determine whether some form of follow-up to the session would contribute to the case development process or to settlement.