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Civil Procedure; Discovery in Arbitration

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parent,¹⁰ the parent with whom the child is living if no custody award has been made,¹¹ a general guardian¹² or the guardian of the minor's estate, if one has been appointed.¹³ In addition, Chapter 11 permits the court to appoint a guardian or guardian ad litem¹⁴ if the court determines this to be in the minor's best interest.¹⁵ Under existing law guardians must file or execute a bond before entering upon their duties.¹⁶ Chapter 11, however, allows the court to waive the bond requirement before the money judgment is distributed to the guardian.¹⁷

10. *Id.*

11. *Id.*

12. *Baker v. Baker*, 59 Nev. 163, 169, 87 P.2d 800, 802 (1939) (definition of general guardian).

13. NEV. REV. STAT. §17.025(1) (amended by 1983 Nev. Stat. c. 11, §1, at 15); *see id.* §§159.035-.075 (appointment and qualifications of guardians).

14. *In re Walker*, 74 Nev. 230, 235, 327 P.2d 344, 346 (1958) (definition of guardian ad litem).

15. NEV. REV. STAT. §17.025(2) (amended by 1983 Nev. Stat. c. 11, §1, at 16).

16. *Id.* §159.065(1).

17. *Id.* §17.025(1), (2) (amended by 1983 Nev. Stat. c. 11, §1, at 15).

Civil Procedure; discovery in arbitration

NEV. REV. STAT. §38.— (new).

SB 400 (Committee on Judiciary); 1983 STAT. Ch 280

Under existing law, parties may stipulate in a written agreement¹ that future controversies² will be determined by an arbitrator.³ Parties to an arbitration⁴ have the right to be heard, to present evidence that is material to the controversy, and to cross-examine witnesses.⁵ An arbitrator may hear and determine the controversy based upon the evidence produced notwithstanding the failure of a party to appear.⁶ With the enactment of Chapter 280, arbitrators may also provide for discovery pursuant to the Nevada Rules of Civil Procedure.⁷

1. NEV. REV. STAT. §38.025(6) (definition of written agreement).

2. *Id.* §38.025(2) (definition of controversy).

3. *Id.* §38.035.

4. *Id.* §38.025(5)(definition of party to arbitration).

5. *Id.* §38.075(2).

6. *Id.* §38.075(1); *see also id.* §38.095. Arbitrators may also administer oaths, permit depositions to be taken, and issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence. *Id.*

7. 1983 Nev. Stat. c. 280, §1, at 675.

Civil Procedure; medical records

NEV. REV. STAT. §52.— (new), §52.325 (amended).
SB 334 (Committee on Judiciary); 1983 STAT. Ch 235

Existing law establishes procedures for the authentication,¹ production,² control³ and maintenance⁴ of medical records submitted in response to a subpoena.⁵ Chapter 235 expressly provides that these procedures apply to financial documents showing the cost of medical care and services provided to a patient.⁶ Consequently, these financial records will be sufficiently authenticated when the medical records custodian⁷ delivers the required affidavit⁸ and copies of the records to the clerk of the court issuing the subpoena.⁹

1. NEV. REV. STAT. §§52.015 (authentication as condition precedent to admissibility of evidence), 52.325(2) (requirement of authentication).

2. *Id.* §§52.325, 52.345.

3. *Id.* §§52.335, 52.365.

4. *Id.*

5. *Id.* §§52.325 - .375.

6. 1983 Nev. Stat. c. 235, §1(2), at 535.

7. *Id.* c. 235, §1(1), at 535 (definition of custodian of medical records).

8. NEV. REV. STAT. §52.325(2) (amended by 1983 Nev. Stat. c. 235, §2(2), at 536). The affidavit must verify that the original medical records were made by a person with knowledge, at or near the time of the events recited therein, during the regular course of business. The affidavit must also confirm that the documents submitted are true and complete copies of the original medical records. *Id.*

9. *Id.* §52.325(1). If medical records are properly authenticated, the custodian's affidavit is accepted in lieu of testimony as an exception to the hearsay rule. *Id.* §51.135(2). However, Chapter 235 does not indicate that *financial* medical records are included in this exception. See 1983 Nev. Stat. c. 235, §1, at 535 (limiting the application of this definition of medical records to subpoena procedures).

Civil Procedure; examination of judgment debtors

NEV. REV. STAT. §21.270 (amended).
SB 23 (Committee on Judiciary); 1983 STAT. Ch 13

Existing law specifies procedures for the enforcement of judgments and decrees.¹ Prior to the enactment of Chapter 13, a judgment debtor could not be examined under oath until a writ of execution² had been

1. See generally NEV. REV. STAT. §§21.010-.340.

2. *Id.* §§21.010, 21.020, 21.070 (requirements for a writ of execution).