



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1987 | Issue 1

Article 26

1-1-1987

Civil Procedure; Offers of Judgment-Attorney's Fees

University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

University of the Pacific, McGeorge School of Law, *Civil Procedure; Offers of Judgment-Attorney's Fees*, 1987 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/26>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

the court finds that a child is in need of supervision, or is in need of commitment to an institution for the mentally retarded, the court may make proper disposition of the case immediately.³ Chapter 364 allows the District Attorney to disclose the disposition of a child's case to the victim of the acts committed by the child.⁴ In addition, Chapter 364 prohibits the victim from disclosing to any other person the information disclosed by the District Attorney.⁵

SAW

3. *Id.* § 62.193 7 (amended by 1987 Nev. Stat. ch. 364, sec. 1, at ___) (disposition of the case may also be made at a postponed hearing). *See generally*, 47 Am. Jur. 2d § 59 (1969) (to give a reformed juvenile offender a chance to start fresh with a clean record, a number of states have erased the juvenile court record).

4. 1987 NEV. STAT. ch. 364, sec. 1, at ___ (enacting NEV. REV. STAT. § 62.193 8).

5. *Id.*

Civil Procedure; offers of judgment—attorney's fees

NEV. REV. STAT. § 17.115 (amended).

AB 806 (Committee on Judiciary); 1987 STAT. Ch 443

Under existing law, any party to an action may serve an offer in writing stating the terms and conditions of the judgment.¹ If the offer is not accepted prior to trial or within thirty days after being made, the offer is deemed withdrawn and may not be given in evidence at trial.² Furthermore, if the offeree fails to obtain a more favorable judgment, the offeree cannot recover costs³ or interest on the judgment.⁴ The court, however, may order the offeree to pay the offeror's taxable costs and any reasonable sum to cover the cost of the prevailing party's expert witnesses.⁵ Chapter 443 provides that

1. NEV. REV. STAT. § 17.115 1.

2. *Id.* § 17.115 3 (amended by 1987 Nev. Stat. ch. 443, sec. 1, at ___) (whichever occurs first).

3. *Compare id.* § 17.115 4(b) (amended by 1987 Nev. Stat. ch. 443, sec. 1, at ___) with NEV. R. CIV. P. 68 (allowing no recovery by an offeree of attorneys' fees and mandating payment of offeror's attorneys' fees).

4. NEV. REV. STAT. § 17.115 4(a) (interest on the judgment from time of service of the summons and complaint to the time of entry of the judgment).

5. *Id.* § 17.115 4(a), (b) (amended by 1987 Nev. Stat. ch. 443, sec. 1, at ___) (an expert witness must not be an employee of any party necessary in the preparation of the case).

a compromise settlement offer is deemed withdrawn if not accepted before trial or within ten days after being made.⁶ Under Chapter 443, if the offeree fails to obtain a more favorable judgment after an offer is withdrawn or rejected, the offeree cannot recover attorney's fee.⁷ Furthermore, the court must order the offeree to pay the following: (1) The offeror's taxable costs incurred; (2) the reasonable costs of expert witnesses; (3) the interest on the judgment from the time of the offer to the time of entry of the judgment; and (4) all reasonable attorney's fees incurred from the time of the offer.⁸

EAW

6. 1987 Nev. Stat. ch. 443, sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 3).

7. *Id.* sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 4(b)).

8. *Id.* sec. 1, at ___ (amending NEV. REV. STAT. § 17.115 4(b)) (cost from date of filing the complaint). Any taxable costs, attorney's fees and interest which are not derived from an interest-bearing obligation is not to be considered in determining whether the judgment was more favorable than the offer which was rejected. *Id.* sec. 1, at ___ (enacting NEV. REV. STAT. § 17.115 5). If the attorney of the party for whom the offer of judgment is made is collecting a contingent fee for his services, the amount of any attorney's fees awarded to the party for whom the offer is made must be deducted from that contingent fee. *Id.* sec. 1, at ___ (enacting NEV. REV. STAT. § 17.115 6).

Civil Procedure; burden of proof—presumption of good faith for reporting child abuse or neglect

NEV. REV. STAT. § 432B.160 (amended).

AB 619 (Committee on Judiciary); 1987 STAT. Ch 499

Under existing law, reports must be made by those who, in their professional or occupational capacities, know or have reason to know that a child has been abused or neglected.¹ Furthermore, existing law

1. See NEV. REV. STAT. § 432B.220 2 (persons required to make reports of child abuse and neglect include: A physician, dentist, dental hygienist, chiropractor, optometrist, podiatrist, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family counselor, alcohol or drug abuse counselor, advanced emergency medical technician-ambulance or other person providing medical services licensed or certified in this state; any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital; a coroner; a clergyman, practitioner of Christian Science or religious healer, unless the knowledge of the abuse or neglect was acquired from the offender during a confession; a social worker and an admin-