

Business Court

Eighth Judicial District Court

Judge Mark Denton

Judge Elizabeth Gonzalez

EXHIBIT I- CHANCERY COURTS
Meeting Date: 01-29-08
Document consists of 23 pages.
Entire Exhibit Provided.

Business Court

History

- Background of Nevada Business Court:
 - The Business Court dockets in Nevada were created on the model of business courts in Delaware, Maryland, Pennsylvania, and North Carolina.
 - The establishment of Business Court in Nevada is an embodiment of Nevada's efforts to become a so-called "Delaware of the West," and serve to attract corporations and other business entities to locate in Nevada.

Business Court

History

Business Court Goals:

- Provide early, comprehensive case management to avoid business interruption during the pendency of litigation.
- Provide close management of factually and/or legally complex commercial litigation.
- Provide consistency of decisions to enable business planning.
- Provide incentive for prospective businesses to locate in Nevada by ensuring them that any legal disputes will be handled efficiently, competently, predictably, and that they will be able to continue business activities with minimal interruption.

Business Court

Types of cases and how cases are assigned

- EDCR Rule 1.61 – “Assignment of business matters”
- “Business Matters” are defined as:
 - 1) Disputes concerning the validity, control, operation, or governance of entities created under NRS Chapters 78-88, including shareholder derivative suits;
 - 2) Disputes concerning trademarks asserted under Nevada law, causes of action asserted pursuant to the Nevada Trade Secrets Act, the Nevada Securities Act, involving investment securities described in Article 8 of the Nevada UCC, or commodities described in NRS Chapter 90

Business Court

Types of cases and how cases are assigned

- 3) Disputes between two business entities where the court determines that the case would benefit from enhanced case management.
 - Business entities on both sides of the “v”, and the case involves complex facts and/or legal issues.
 - This is the “catchall” provision, and it is left to the discretion of the Business Court judges to determine whether the case is appropriate for Business Court.

Business Court

Types of cases and how cases are assigned

- Certain types of cases are specifically excluded from Business Court, under EDCR 1.61(a)(3). These include:
 - 1) Matters where the primary claim is an action for personal injury
 - 2) An action based on products liability
 - 3) An action brought by a consumer against a business
 - 4) An action for wrongful termination of employment
 - 5) Landlord-tenant disputes

Business Court

Types of cases and how cases are assigned

- EDCR 1.61(c)-(d) explains the procedure for getting a case assigned to Business Court.
- Upon filing of the complaint, plaintiff's counsel may designate the case a business matter by checking a box on the civil cover sheet in the clerk's office. The case is then randomly assigned to one of the Business Court judges.

CIVIL COVER SHEET

_____ County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

Attorney (name/address/phone):

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Arbitration Requested

Civil Cases		
Real Property	Negligence	Torts
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Delamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Act/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court <i>(also check applicable civil case box)</i> <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

III. Business Court Requested (Please check applicable category, for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

_____ Date

_____ Signature of initiating party or representative

Business Court

Types of cases and how cases are assigned

- Assignment to Business Court after the case has already been filed:
 - Any party to an action may request that the action be transferred to the Business Court docket (typically by filing a request to transfer the case to Business Court) and the case will be randomly assigned to a Business Court department.
 - The request is then reviewed by the Business Court judge to whom the case has been assigned, and that judge decides whether to accept or decline jurisdiction of the case as a business matter.

Business Court

Types of cases and how cases are assigned

- If a matter is reviewed and determined not to be a Business Court matter, it is sent back to the Department from which it came, or randomly assigned among the Civil or Civil-criminal departments if it was assigned to Business Court initially.
- A Business Court judge's decision to accept or reject a matter as a Business Court matter is final and not subject to appeal.

Business Court

Benefits

- The designated Business Court judges are able to provide enhanced case management of their cases in the following ways:
 - 1) Require Business Court cases to appear for periodic status conferences with joint status reports to promote effective case management.
 - 2) Be available for hearings on short notice. If the assigned judge is unavailable then the other Business Court judge or the designated conflict/back-up judge will hear the matter in cases of emergency.

Business Court

Benefits

- 3) Schedule early NRCP 16 conferences with parties to streamline issues, if possible, and to determine if early settlement conferences would be productive.
- 4) If appropriate, designate case as complex and remove discovery issues from Discovery Commissioner.
- 5) Encourage parties to consolidate trial on the merits with preliminary injunction evidentiary hearings

Business Court

Benefits

- Business Court judges are selected due to their specialized experience in business litigation prior to taking the bench.
- Reduced civil caseload allows Business Court judges to give greater attention to their business court matters, and to manage those cases aggressively.
- Speedy resolution of cases.

Business Court

Benefits Continued

- Settlement Conference Program:
 - To facilitate the scheduling of productive settlement conferences, Business Court judges are available to preside over settlement conferences for cases pending in other Business Court departments.
 - This is a state-wide effort, with the Business Court judge from the 2nd Judicial District being available to conduct settlement conferences for cases in the 8th Judicial District, and vice-versa.

Business Court

Benefits Continued

- Mandatory NRCP 16 Conference:
- For all Business Court cases, a Business Court Order is sent out shortly after the case's commencement, for the parties to come in for an NRCP 16 conference.
- The goal of these conferences include: expediting the case, streamlining issues for discovery purposes, and determining whether the parties are willing to attend an early settlement conference. Even if settlement is not being considered, this conference should "kick off" and expedite the litigation process.
- If parties wish to attend a settlement conference, the other Business Court judge is available to conduct the settlement conference.

Business Court

Benefits Continued

- People required to attend the conference include:
 - Trial or lead counsel for all parties
 - The parties (if the party is an entity, an authorized representative)
 - If the parties wish to discuss settlement, a representative with settlement authority.

Business Court

Benefits Continued

- Things discussed at the conference:
 - Status of 16.1 settlement discussions and a review of possible court assistance
 - Alternative dispute resolution techniques appropriate to the particular case
 - Simplification of issues
 - The nature and timing of all discovery
 - An estimate of the volume of documents and/or electronic information likely to be the subject of discovery in the case from parties and nonparties
 - Identify any and all document retention/destruction policies including electronic data

Business Court

Benefits Continued

- Things discussed at the conference (continued):
 - Whether the appointment of a Special Master or Receiver is necessary and/or may aid in prompt disposition
 - Any special case management procedures appropriate
 - Trial setting
 - Other matters as may aid in prompt disposition

Business Court

Benefits Continued

- Electronic Filing Order:
 - See handout.
 - Electronic filing facilitates efficient and organized case management in complex cases where multiple parties and claims have been joined.
 - Electronic filing can be convenient and save law firms and their clients significant costs associated with preparing multiple copies of large pleadings.

Eighth Judicial District Court Caseload Information

- The current average number of cases assigned to a full Civil Department: 1889
- The current average number of civil cases assigned to a Civil/Criminal Department: 1026

Business Court

Statistics

<u>Business Court</u> <u>Department</u>	<u>Full Caseload</u> <u>Cases Pending</u>
11	1568
13	1472
<u>AVERAGE</u>	<u>1520</u>

<u>Business Court</u> <u>Department</u>	<u>Business Court</u> <u>Cases Pending</u>
11	274
13	232
<u>TOTAL</u>	<u>506</u>
<u>AVERAGE</u>	<u>253</u>

Eighth Judicial District Court

Time to Jury Trial-2007

Civil			Criminal		
<u>Month</u>	<u># of Jury Trials</u>	<u>Avg. Time to Trial (Months)</u>	<u>Month</u>	<u># of Jury Trials</u>	<u>Avg. Time to Trial (Months)</u>
January	6	32.26	January	17	10.02
February	13	37.47	February	16	15.69
March	14	40.46	March	17	12.14
April	9	42.46	April	19	11.56
May	10	41.52	May	14	12.97
June	5	43.42	June	20	13.20
July	7	43.55	July	16	10.52
August	12	36.85	August	22	9.31
September	15	35.96	September	16	12.39
October	13	39.89	October	27	9.18
November	15	38.45	November	16	7.75
December	10	36.66	December	17	11.07
Total	129	38.84	Total	217	11.17

Time to Jury Trial 2007

