

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Commission's Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery in Nevada (Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*)

Date and Time of Meeting: July 8, 2008
2 p.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Subcommittee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location: Legislative Building, Room 3138, 401 South Carson Street, Carson City, Nevada.

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."

<p>Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.</p>

A G E N D A

Note: Items on this agenda may be taken in a different order than listed.

*Denotes items on which the Subcommittee may take action.

I. Opening Remarks
Senator Bob Beers, Chair

*II. Approval of the "Summary Minutes and Action Report" of the Meeting Held on May 28, 2008, in Las Vegas

III. Public Comment

*IV. Work Session—Discussion and Possible Action on Recommendations Relating to:

- * A. Enhancing the Existing Business Courts in Nevada
- * B. Creating a Dedicated Business Court in Nevada
- * C. Indirectly Enhancing the Business Courts in Nevada

The “Work Session Document” is attached below and contains proposed recommendations. The document is also available on the Subcommittee’s Web page at [Implementation of Courts of Chancery \(A.C.R. 35\)](#) or a written copy may be obtained by contacting Jennifer Chisel, Senior Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

V. Public Comment

VI. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Lucinda Benjamin at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Legislative Commission’s Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery in Nevada

(Assembly Concurrent Resolution No. 35, File No. 109, *Statutes of Nevada 2007*)

WORK SESSION DOCUMENT



July 8, 2008

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Commission's Subcommittee to Study
the Benefits, Costs, and Feasibility of the
Implementation of Courts of Chancery in Nevada

Assembly Concurrent Resolution No. 35
(File No. 109, *Statutes of Nevada 2007*)

July 8, 2008

The following "Work Session Document" has been prepared by the Chair and staff of the Subcommittee to Study the Benefits, Costs, and Feasibility of the Implementation of Courts of Chancery in Nevada. It is designed to assist the Subcommittee members to develop recommendations to be forwarded to the 2009 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

This document contains recommendations that were either submitted in writing or presented during the Subcommittee's hearings on January 29, 2008; March 18, 2008; April 29, 2008; and May 28, 2008. The source of each recommendation is noted in parentheses unless the proposal was raised and discussed by numerous individuals and entities during the course of the Subcommittee's meetings.

The recommendations listed in this document are in no particular order and do not necessarily have the support or opposition of the Subcommittee Chair or members. For purposes of this "Work Session Document," the recommendations have been compiled and grouped by topic so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Subcommittee may vote to send as many letters as they choose; however, pursuant to *Nevada Revised Statutes 218.2429*, the Subcommittee is limited to five bill draft requests, including requests for the drafting of legislative resolutions. Additionally, although possible actions may be identified within each recommendation, the

Subcommittee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a letter; or (4) include a statement in the final report.

If action is taken to adopt a recommendation, it will become part of the Subcommittee's final report and will be presented to the 75th Session of the Nevada Legislature for consideration. Finally, please note that specific details of approved requests for legislation or statements may need to be clarified by the Subcommittee staff prior to drafting.

RECOMMENDATIONS

ENHANCE THE EXISTING BUSINESS COURTS IN NEVADA

1. Send a letter to Nevada's Supreme Court encouraging the adoption of court rules that:
(a) direct the business courts to issue written opinions explaining their decisions;
(b) provide for the publication in written, electronic, or other form, including, but not limited to, publication via the Internet of the business court opinions; (c) provide for the citation of the business court opinions in the courts of Nevada; and (d) specify the precedential value or authoritative weight that must be given to the business court opinions.
2. Send a letter of support to Governor Jim Gibbons and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means for Nevada's Supreme Court budget request for additional funding to cover the costs of issuing and publishing business court opinions.

(Proposed by the Honorable Elizabeth Goff Gonzalez, Department 11, Eighth Judicial District Court of Nevada, and the Honorable Mark R. Denton, Department 13, Eighth Judicial District Court of Nevada.)

3. *If Recommendation No. 1 (direct the business courts to issue and publish written opinions by court rule) is approved by the Subcommittee, draft legislation requiring the district court clerks to publish the written opinions of the business courts by making the opinions publicly available on the Internet.*

CREATE A DEDICATED BUSINESS COURT

4. Draft a joint resolution amending the *Nevada Constitution* to authorize the Legislature to establish courts having jurisdiction over business matters.

INDIRECT ENHANCEMENT TO THE BUSINESS COURT

5. Include a statement in the final report supporting the intermediate appellate court amendment to the *Nevada Constitution* set forth in Senate Joint Resolution No. 9 (File No. 69, *Statutes of Nevada 2007*), which will return to the 2009 Legislative Session. Joint resolutions that seek to amend the *Nevada Constitution* must be passed by two sessions of the Legislature and then submitted to the voters for approval or disapproval at the next general election.

(Proposed by Justice James Hardesty, Associate Justice, Nevada Supreme Court.)