

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC J. ANTON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
GENE T. PORTER, DISTRICT JUDGE,

Respondents,

and

NGHI LAM,  
Real Party in Interest.

No. 40069

FILED

MAY 21 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF PROHIBITION

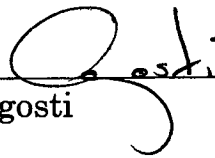
This original petition for a writ of prohibition challenges the district court's order granting of the real party in interest's motion to admit an arbitration award pursuant to NRS 38.259, but contrary to Nevada Arbitration Rule 20.<sup>1</sup> We have considered this petition and the answer provided by the real party in interest, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.<sup>2</sup> Accordingly, we

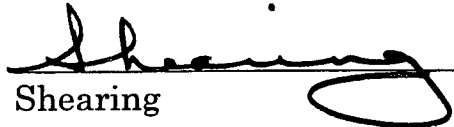
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<sup>1</sup>Cf. In the Matter of the Development of Alternatives to Traditional Litigation for Resolving Legal Disputes, ADKT 126 (Order Amending NAR 20, April 28, 2003).


<sup>2</sup>See NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

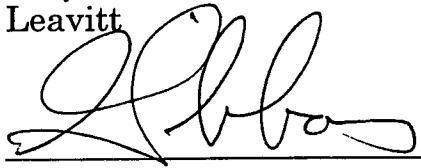
ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Agosti

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Gene T. Porter, District Judge  
Beckley Singleton, Chtd./Las Vegas  
Connolly & Fujii  
Mainor Harris  
Bradley Drendel & Jeanney  
Clark County Clerk

BECKER, J., concurring:

In light of our recent decision to amend Nevada Arbitration Rule 20 to mirror the language of NRS 38.259, I concur with the denial of the petition. The conflict between former NAR 20 and NRS 38.259 was the only issue raised in the petition. No other challenges to NRS 38.259 were argued, therefore, the petition is moot and should be denied.

Becker \_\_\_\_\_, J.  
Becker

MAUPIN, J., concurring:

I join in the comments made by Justice Becker in her concurrence to the order in this matter. While I have signed the separate order amending NAR 20, I wish to voice my concern that members of the state judiciary took it upon themselves to lobby for the enactment of NRS 38.259. From my review of the legislative history of the statute, it appears that the sole reason the judiciary supported this measure stems from perceived problems of calendar congestion in the larger judicial districts. To me, calendar congestion is not a proper justification to change or create a substantive rule of evidence.

 J.  
Maupin