

House Bill 2559

Sponsored by Representative FLORES

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that claimant in civil action must pay prevailing party fees to defendant who makes offer of compromise if claimant rejects offer and fails to subsequently obtain more favorable judgment.

Requires that court order settlement conference if requested by party to civil action.

A BILL FOR AN ACT

1
2 Relating to settlement of civil actions; creating new provisions; and amending ORCP 54 E and 54
3 F.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORCP 54 E is amended to read:

6 **E Compromise; effect of acceptance or rejection.**

7 E(1) Except as provided in ORS 17.065 through 17.085, the party against whom a claim is as-
8 serted may, at any time up to 10 days prior to trial, serve upon the party asserting the claim an
9 offer to allow judgment to be given against the party making the offer for the sum, or the property,
10 or to the effect therein specified.

11 E(2) If the party asserting the claim accepts the offer, the party asserting the claim or such
12 party's attorney shall endorse such acceptance thereon, and file the same with the clerk before trial,
13 and within three days from the time it was served upon such party asserting the claim; and there-
14 upon judgment shall be given accordingly, as a stipulated judgment. If the offer does not state that
15 it includes costs and disbursements or attorney fees, the party asserting the claim shall submit any
16 claim for costs and disbursements or attorney fees to the court as provided in Rule 68.

17 E(3) If the offer is not accepted and filed within the time prescribed, it shall be deemed with-
18 drawn, and shall not be given in evidence on the trial; and if the party asserting the claim fails to
19 obtain a more favorable judgment, the party asserting the claim shall not recover costs, prevailing
20 party fees, disbursements, or attorney fees incurred after the date of the offer, *[but]* **and** the party
21 against whom the claim was asserted shall recover of the party asserting the claim **prevailing party**
22 **fees, and** costs and disbursements, *[not including prevailing party fees, from]* **incurred after** the time
23 of the service of the offer.

24 **SECTION 2.** ORCP 54 F is amended to read:

25 **F Settlement conferences.** A settlement conference *[may]* **shall** be ordered by the court at any
26 time at the request of any party *[or upon the court's own motion]*. Unless otherwise stipulated to by
27 the parties, a judge other than the judge who will preside at trial shall conduct the settlement
28 conference.

29 **SECTION 3.** **The amendments to ORCP 54 E and F by sections 1 and 2 of this 2007 Act**
30 **apply only to actions commenced as described in ORS 12.020 on or after the effective date**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **of this 2007 Act.**

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