

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-77—SB 1207

Judiciary Committee

AN ACT CONCERNING OFFERS OF COMPROMISE

SUMMARY: This act changes the timing of, and eliminates plaintiff's obligation to provide the defendant with information before filing an offer to compromise in medical malpractice actions. An offer to compromise is a written pretrial offer by the plaintiff to settle a civil lawsuit for a specific amount of money.

Under prior law, at least 60 days before filing an offer, the plaintiff had to: (1) state with specificity the damages on which the lawsuit is based, (2) provide a release for medical records, and (3) disclose all experts who would be testifying about the prevailing professional standard of care. The plaintiff also had to file a certification with the court indicating he or she had provided defendant with all documentation supporting the damages claim. The defendant had 30 days to accept the offer; he or she could not do so after a verdict or court award had been issued.

Under the act, the plaintiff has no obligation to provide the defendant with the information described above, but it cannot make an offer less than 365 days after it filed the suit. The offer is deemed rejected if not accepted (1) within 60 days (in other civil actions, the law gives the defendant 30 days) and (2) before the jury or the court issues an award. The defendant cannot accept an offer after these deadlines unless the plaintiff re-files it.

By law, if the defendant rejects the offer and the plaintiff receives a damage award that equals or exceeds it, the defendant must pay the plaintiff 8% interest on the award plus court-assigned legal fees. In some circumstances, the accrual of interest runs from the date the complaint was filed. In others it runs from the date the offer of compromise was filed.

EFFECTIVE DATE: October 1, 2011

OLR Tracking: SP:KM:PF:ts