

Settlement offer

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A **settlement offer** or **offer to settle** is a term used in a civil lawsuit to describe a communication from one party to the other suggesting a settlement - an agreement to end the lawsuit before a judgment is rendered.

Attorneys typically negotiate terms of a settlement on behalf of their clients, so a settlement offer is usually conveyed by one party's attorney directly to the other party's attorney.

In the English Law, Part 36 of the Civil Procedure Rules governs this area.

In the US, evidence of settlement discussions generally, and of settlement offers specifically, is generally inadmissible in court. This is a policy-based exclusion, intended to encourage the settlement of cases out of court, thus freeing up the resources of the court system.

In the US state of Florida the offer of a judgment and demand for judgment in negligence-based torts are governed by Title XLV (Torts) Chapter 768 (Negligence): 768.79 "Offer of judgment and demand for judgment". It is also governed by rule 1.442 of the Florida Rules for Civil Procedure "PROPOSALS FOR SETTLEMENT". This process involves making an offer by either party and how the judgment amount affects whether legal fees and costs will be awarded.

In Australia and the United Kingdom, offers of settlement may be called *Calderbank Offers*, *Calderbank Letters* and *Offers of Compromise* and often have a major impact on the allocation, by courts, of legal costs between parties.

See also

- tort reform
- offer of judgment

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