

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building
in the
City of Richmond on Friday the 30th day of October, 2015.*

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective July 1, 2016.

Amend Rule 2:408 to read as follows:

Rule 2:408. Compromise Offers and Conduct or Statements During Negotiations.

(a) *Prohibited Uses.* – Evidence of the following is not admissible on behalf of any party in a civil case – either to prove or disprove the validity or amount of a disputed claim, or to impeach by a prior inconsistent statement or by contradiction:

(1) furnishing, promising, or offering – or accepting, promising to accept, or offering to accept – a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or any statements made during compromise negotiations about the claim.

(b) *Exceptions.* – The court may admit such evidence for another purpose, such as proving a witness's bias or prejudice, or negating a contention of undue delay.

(c) *Pre-existing documents or physical evidence.* – Otherwise admissible evidence that existed prior to the commencement of compromise negotiations, including pre-existing documents or electronic communications, is not excludable under this Rule merely because such evidence was disclosed, produced, or discussed by a party during such negotiations.

A Copy,

Teste:



Clerk