

1 **Rule 408. Compromise ~~o~~ffers and ~~n~~egotiations.**

2 **(a) Prohibited ~~u~~ses.** Evidence of the following is not admissible either to prove or
3 disprove liability for or the validity or amount of a disputed claim:

4 ~~(a)(1)~~ furnishing, promising, or offering—or accepting, promising to accept, or
5 offering to accept—a valuable consideration in order to compromise or attempt to
6 compromise the claim; and

7 ~~(a)(2)~~ conduct or a statement made in compromise negotiations.

8 **(b) Exceptions.**

9 ~~(b)(1)~~ The court may admit this evidence for another purpose, such as proving a
10 witness's bias or prejudice, negating a contention of undue delay, or proving an effort
11 to obstruct a criminal investigation or prosecution.

12 ~~(b)(2)~~ The court is not required to exclude evidence otherwise discoverable merely
13 because it is presented in the course of compromise negotiations.

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15 **2025 Advisory Committee Note.** This rule differs from Rule 408 of the Federal Rules of
16 Evidence.

17 **2011 Advisory Committee Note.** The language of this rule has been amended as part of
18 the restyling of the Evidence Rules to make them more easily understood and to make
19 class and terminology consistent throughout the rules. These changes are intended to be
20 stylistic only. There is no intent to change any result in any ruling on evidence
21 admissibility.

22 **Original Advisory Committee Note.** This rule is the federal rule, verbatim, and is
23 comparable to Rules 52 and 53, Utah Rules of Evidence (1971) but is broader to the extent
24 that it excludes statements made in the course of negotiations.