

SENATE No. 203

To accompany the petition of William F. Shanahan for legislation to restrict the effect of an agreement for judgment or other disposition in certain civil actions. Joint Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act restricting the Effect of an Agreement for Judgment or Other Disposition in Certain Civil Actions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter two hundred and thirty-one of the
2 General Laws is hereby amended by inserting
3 after section one hundred and forty the following
4 new section: —

5 *Section 140A.* In any cause wherein the
6 defendant is represented by an attorney who is
7 retained by an insurance company, and whose
8 authority so to act is derived as a result of the
9 terms of a contract of insurance by and between
10 said defendant and an insurance company, any
11 agreement or finding or confession of judgment
12 made by said attorney in behalf of said defendant
13 insured as aforesaid shall be deemed the basis of

14 a final judgment in said cause only, and shall not
15 be deemed res adjudicata in any cross action
16 arising from the same cause nor shall it be deemed
17 res adjudicata of any issue in any cause or pro-
18 ceeding other than the cause in which agreement
19 shall have been entered.

