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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of: ) Supreme Court No. R-24-0020  
)  
PETITION TO AMEND ARIZONA ) **COMMENTS OF THE ARIZONA**  
RULE OF EVIDENCE 801 ) **COMMISSION ON ACCESS TO**  
) **JUSTICE IN SUPPORT OF THE**  
) **PETITION**  
\_\_\_\_\_ )

The Arizona Commission on Access to Justice is charged with considering and recommending innovative ways to promote access to justice for individuals who cannot afford legal counsel or who choose to represent themselves in civil cases. Established in 2014, the Commission evaluates best practices, identifies possible changes in court rules or practices to reduce barriers to access, identifies and encourages the adoption of best practices among legal service providers, and considers potential long-term funding options.

Following a presentation at the April 11, 2024, Commission meeting, a motion was made and seconded that the Commission support Rule Change Petition No. R-24-0020. After discussion by members of the Commission, that motion passed

unanimously. This Comment is a result of that formal Commission action and is intended to reflect the Commission's support of the changes requested in the Petition.

The Petition would amend Ariz. R. Evid. 801 to conform to the anticipated 2024 amendments to Fed. R. Evid. 801, clarifying that a declarant's out-of-court statement is not hearsay if potential liability against a party is derived from the declarant or the declarant's principal. This prevents possible strategic action, such as assigning a claim to avoid admissibility of a statement, thereby increasing the fairness of the civil justice process.

For these reasons, the Commission supports the adoption of the proposed amendments requested in Petition No. R-24-0020.

DATED this 29<sup>th</sup> day of April 2024.

\_\_\_\_\_/s/\_\_\_\_\_  
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