

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-24-0017
RULES 107 AND 1006, RULES OF)
EVIDENCE)
)
)
)
) **FILED:08/22/2024**
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_____)

**ORDER ADOPTING NEW RULE 107 OF THE ARIZONA RULES OF EVIDENCE
AND AMENDING RULE 1006 OF THE ARIZONA RULES OF EVIDENCE**

A petition having been filed proposing to adopt a new Rule 107 of the Arizona Rules of Evidence and amend Rule 1006 of the Arizona Rules of Evidence, and comments having been received, upon consideration,

IT IS ORDERED that a new Rule 107 of the Arizona Rules of Evidence is adopted in accordance with Attachment A to this order, effective January 1, 2025.

IT IS FURTHER ORDERED that Rule 1006 of the Arizona Rules of Evidence is amended in accordance with Attachment B to this order, effective January 1, 2025.

DATED this 22nd day of August, 2024.

_____/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon Sara J Agne
Hon. Maria Elena Cruz
Rachel H Mitchell
Blaine D Gadow
Hon. Samuel A Thumma
Lisa M Panahi

ATTACHMENT A

NEW RULE 107

ARIZONA RULES OF EVIDENCE

Rule 107. Illustrative Aids

(a) Permitted Uses. The court may allow a party to present an illustrative aid to help the trier of fact understand the evidence or argument if the aid's utility in assisting comprehension is not substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the jury, undue delay, or wasting time.

(b) Use in Jury Deliberations. An illustrative aid is not evidence and must not be provided to the jury during deliberations unless:

- (1) all parties consent; or
- (2) the court, for good cause, orders otherwise.

(c) Record. When practicable, an illustrative aid used at trial must be entered into the record.

(d) Summaries of Voluminous Materials Admitted as Evidence. A summary, chart, or calculation admitted as evidence to prove the content of voluminous admissible evidence is governed by Rule 1006.

(e) Definition of Illustrative Aid. An "illustrative aid" is any presentation offered not as evidence but rather to assist the trier of fact in understanding evidence or argument.

Comment to 2025 Amendment

The amendment establishes a new Rule 107 to provide standards for the use of illustrative aids. An illustrative aid is to be distinguished from "demonstrative evidence," which is a term better applied to substantive evidence offered to prove, by demonstration, a disputed fact. Usually, the jury is permitted to take demonstrative evidence to the jury room during deliberations and use it to help determine the disputed facts. The category covered by this rule is information offered for the narrow purpose of helping the trier of fact understand what is being communicated to them by the witness or party presenting evidence or argument. Examples may include drawings, photos, diagrams, video depictions, charts, graphs, and computer simulations.

ATTACHMENT B¹

ARIZONA RULES OF EVIDENCE

Rule 1006. Summaries to Prove Content

(a) Summaries of Voluminous Materials Admissible as Evidence. The ~~proponent~~ court may admit as evidence ~~use~~ a summary, chart, or calculation offered to prove the content of voluminous admissible writings, recordings, photographs, or videos that cannot be conveniently examined in court, whether or not they have been introduced into evidence.

(b) Procedures. The proponent must make the underlying originals or duplicates available for examination or copying, or both, by other parties at a reasonable time and place. And the court may order the proponent to produce them in court.

(c) Illustrative Aids Not Covered. A summary, chart, or calculation that functions only as an illustrative aid is governed by Rule 107.

¹ Additions to the text of a rule are shown by underscoring and deletions are shown by ~~strike through~~.