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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:)	
)	
PETITION TO AMEND RULES 1 AND)	Supreme Court No. 25-_____
9 AND THE APPENDIX OF THE RULES)	(expedited consideration
OF SMALL CLAIMS PROCEDURE)	and emergency adoption
)	requested)
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, Petitioner respectfully petitions this Court to amend the Rules of Small Claims Procedure as shown in Appendix A in light of the enactment of Senate Bill (SB) 1022, Small Claims Court; Jurisdictional Limit (Laws 2025, Ch. 94) during the First Regular Session of the 57th Legislature.

It is anticipated that SB 1022 will become effective in mid to late September of this year. Accordingly, Petitioner seeks expedited consideration of this petition and emergency adoption of the proposed amendments as set forth in Appendix A.

I. Grounds for Petition Approval

On May 2, 2025, Governor Hobbs signed [SB 1022](#), which amends A.R.S. § 22-503(A) to increase the jurisdictional limit of the small claims division of the

justice courts to \$5,000, from \$3,500. Petitioner therefore proposes amending Small Claims Rules 1(a), 9(b), and the Appendix (bullets 1 and 12 only) to replace “\$3,500” with “\$5,000” to reflect the changes made by SB 1022. The proposed rule amendments are set forth in Appendix A.

II. Preliminary Comments

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the enactment of the new statutory provisions.

III. Request for Expedited Consideration and Emergency Adoption

It is anticipated that SB 1022 will become effective in mid to late September of this year. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the August 2025 Rules Agenda; adopt the proposed amendments as set forth in Appendix A on an emergency basis at that Agenda with an effective date that corresponds with the general effective date of legislation enacted during the First Regular Session of the 57th Legislature; open the petition for comment; and consider adopting the proposed amendments on a permanent basis at this Court’s November 2025 Rules Agenda.

Respectfully submitted this 19th day of June, 2025.

By /s/ David K. Byers
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APPENDIX A

(deletions shown with ~~strikethrough~~, new language is underlined)

Rules of Small Claims Procedure

Rule 1. Small Claims Lawsuit

(a) Definition and Jurisdictional Limit. A small claims lawsuit is a voluntary, simplified procedure for a lawsuit in the small claims division of the justice court. The small claims division may only decide lawsuits in which the debt, damage, tort, injury, or value of the personal property claims by the plaintiff are not more than ~~\$3,500~~5,000 and counterclaims by the defendant are not more than ~~\$3,500~~5,000, exclusive of interest and costs. A small claims lawsuit also includes lawsuits where a party asks the court to disaffirm, avoid, or rescind a contract, or seeks equitable relief, and the amount at issue is not more than ~~\$3,500~~5,000.

(b) through (e) [No changes]

Rule 9. Defendant's Counterclaim

(a) [No change]

(b) Filing a Counterclaim. A counterclaim must be filed within 20 days of service of the summons, complaint, and notice. The amount of the counterclaim must be ~~\$3,500~~5,000 or less. If the counterclaim exceeds the jurisdictional limit the court must transfer the case to the civil division of the justice court. A counterclaim that is more than \$10,000 will result in a transfer of the case to the superior court.

(c) [No change]

Appendix

Heading [No change]

Bullet 1:

- A small claims lawsuit is an informal way to resolve civil disputes that are ~~\$3,500~~5,000 or less.

Bullets 2 through 11 [No change]

Bullet 12:

- Parties cannot appeal a small claims judgment. Parties may request to transfer the lawsuit from small claims to the regular civil division of the justice court. A transfer will allow:

- Attorney representation without written agreement;
- Counterclaims for more than ~~\$3,500~~5,000;
- Motions that are not permitted in small claims lawsuits;
- A jury trial; and
- An appeal.