SUPREME COURT OF ARIZONA

In the Matter of RULE 8, RULES OF CIVIL PROCEDURE	Arizona Supreme Court No. R-25-0003 **FILED 8/28/2025**

ORDER AMENDING RULE 8 OF THE RULES OF CIVIL PROCEDURE

A petition having been filed proposing to amend Rule 8 of the Rules of Civil Procedure, and comments and a reply having been received, upon consideration,

IT IS ORDERED that Rule 8 of the Rules of Civil Procedure is amended in accordance with the attachment to this order, effective January 1, 2026.

DATED this 26th day of August, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Hon Clint Bolick
Paige A Martin
Michael C. Stinson
Molly Lang
Marcus S. Osborn
Jennifer L Kraham
Page C. Faulk
Daniel Seiden
Todd Sanders
Whitney Cunningham

ATTACHMENT[1]

RULES OF CIVIL PROCEDURE

Rule 8. General Rules of Pleading

(a) – (i) [No change]

(j) Third-Party Litigation Funding Agreements.

(1) *Generally*. A party whose litigation is subject to a third-party litigation funding agreement must separately file a certificate regarding third-party litigation funding at the same time the party files its initial pleading. If a party's litigation was not subject to a third-party litigation funding agreement at the time of filing but becomes subject to a third-party litigation funding agreement during the litigation's pendency, the party must file a certificate regarding third-party litigation funding no later than 7 days after entering the agreement and serve a copy on all other parties.

(2) *Definitions*. For purposes of this rule, "Third-Party Litigation Funding" or "Third-Party Litigation Funding Agreement" means a third party enters into an agreement to provide funding for the purpose of pursuing or defending (which includes but is not limited to legal filings, appeals, testimony, discovery, retention of experts, preparing and drafting legal documents, creating a litigation strategy, and other related litigation expenses) a civil action, administrative proceeding, claim, cause of action, or a portfolio of cases, where the funder secures a financial interest in or benefit from any potential recovery. However, it does not include:

(A) loans, contracts, or arrangements to pay expenses that require repayment regardless of the outcome of the litigation;

(B) loans, contracts, or arrangements for personal needs or medical treatment of a party unless the purpose for doing so is to enable the pursuit of a claim;

(C) funding received from an entity, person, or insurer with a preexisting contractual obligation to indemnify or defend a party to the action or a health insurer which has paid, or is obligated to pay, any sums for health care for an injured person under the terms of any health insurance policy, plan, or agreement; or

(D) a contingent fee agreement between a party and its counsel for legal services as permitted by ER 1.5 of the Arizona Rules of Professional Conduct, Rule 42 of the Rules of the Supreme Court of Arizona.

(3) *Requirements*. The certificate regarding third-party litigation funding must:

(A) identify the name and address of any funders;

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[1] Additions to the text of the rule are shown by underscoring.

(B) identify the place of formation for any funder that is a legal entity;

(C) identify the nature of the financial interest of each funder in the litigation;

(D) identify whether approval by any funder is necessary for litigation or settlement decisions and, if so, the nature of the terms and conditions relating to that approval;

(E) indicate whether the funding is applicable to a portfolio of cases or is specific to this litigation;

(F) be signed by the party--or its counsel acting on the party's behalf who is acquainted with the third-party litigation funding--attesting that the statements in the certificate are accurate to the best of the signor's knowledge, information, and belief; and

(G) be in the form or a form substantially similar to the certificate adopted by the Administrative Director of the Administrative Office of the Courts.

(4) *Additional Disclosures*. For good cause shown, the court may order additional disclosures, including *ex parte* submission of the third-party litigation funding agreement to the court for an *in camera* review. Only after an *in camera* review, the court may order a party or its counsel to provide the third-party litigation funding agreement, or any portion of the agreement, to the other party if the court determines the disclosure will not run afoul of the work-product rule, the party seeking the agreement shows a substantial need, and then only if no less intrusive option is feasible. Any documents the court orders to be disclosed must be maintained as confidential by the receiving party, and that party is prohibited from further distributing such documents.