

SUPREME COURT OF ARIZONA

In the Matter of ) Arizona Supreme Court  
 ) No. R-25-0041  
RULES 1 AND 9, RULES OF SMALL )  
CLAIMS PROCEDURE ) **FILED 8/28/2025**  
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**ORDER ADOPTING ON AN EMERGENCY BASIS  
AMENDMENTS TO RULES 1 AND 9 OF  
THE RULES OF SMALL CLAIMS PROCEDURE  
AND THE APPENDIX TO THOSE RULES**

On June 19, 2025, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed this rule petition on AOC's behalf to amend Rules 1 and 9 of the Rules of Small Claims Procedure, along with the Appendix to those rules. Having considered the petition and no comments having been received, upon consideration,

**IT IS ORDERED** that pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, Rules 1 and 9 of the Rules of Small Claims Procedure, along with the Appendix to those rules, are amended on an emergency basis in accordance with the attachment to this order, effective September 26, 2025.

**IT IS FURTHER ORDERED** that, consistent with the Court's June 19, 2025 order, the Court will consider whether to adopt

the rule amendments on a permanent basis during its November 2025 Rules Agenda.

DATED this 26<sup>th</sup> day of August, 2025.

\_\_\_\_\_  
/s/  
ANN A. SCOTT TIMMER  
Chief Justice

TO:

Rule 28 Distribution  
David K Byers

**ATTACHMENT<sup>1</sup>**

**RULES OF SMALL CLAIM 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)-(e) [No change]**

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**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**

**READ THIS NOTICE CAREFULLY**

**Notice to Plaintiff and Defendant: A small claims lawsuit has been filed in justice court.**

**Bullet 1:**

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

**Bullets 2- 11: [No change]**

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<sup>1</sup> Additions to the text of the rule and Appendix are shown by double-underscoring and deletions are shown by ~~strike-through~~.

**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.