

As the Court has not received any comments and as the Court remains convinced that the rule amendments are appropriate,

IT IS ORDERED that Rules 1 and 9 of the Rules of Small Claims Procedure, along with the Appendix to those rules, are amended on a permanent basis in accordance with the attachment to this order, effective immediately upon this order's filing. The amendments shown on the attachment are the same as the amendments shown on the attachment to this Court's August 28, 2025 order.

DATED this 26th day of November, 2025.

/s/
ANN A. SCOTT TIMMER
Chief Justice

Arizona Supreme Court No. R-25-0041

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

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]

* * *

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]

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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]

¹ 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.