

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-08-0035
PETITION TO AMEND RULE 408,)
ARIZONA RULES OF EVIDENCE)
)
)
_____)

**ORDER
AMENDING RULE 408, ARIZONA RULES OF EVIDENCE**

A petition having been filed proposing to amend Rule 408, Arizona Rules of Evidence, and comments having been received, upon consideration,

IT IS ORDERED that Rule 408, Arizona Rules of Evidence, be amended in accordance with the attachment hereto, effective January 1, 2010.

DATED this _____ day of September, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution

mwa

ATTACHMENT¹

Arizona Rules of Evidence

Rule 408. Compromise and Offers to Compromise

(a) **Prohibited uses.** – Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) furnishing or offering or promising to furnish – or accepting or offering or promising to accept – a valuable consideration in compromise or attempting to compromise the claim; and

(2) conduct or statements made in compromise negotiations regarding the claim.

(b) **Permitted uses.** – This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness’s bias or prejudice; negating a contention of undue delay; and proving an effort to obstruct a criminal investigation or prosecution. Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.