

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-15-0001
RULE 3(D), RULES OF)
PROBATE PROCEDURE) **FILED 8/27/2015**
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**ORDER
AMENDING RULE 3(D), ARIZONA RULES OF PROBATE PROCEDURE**

A petition having been filed proposing to amend Rule 3(D), Arizona Rules of Probate Procedure, and no comments having been received, upon consideration,

IT IS ORDERED that Rule 3(D), Arizona Rules of Probate Procedure, be amended in accordance with the attachment hereto, effective January 1, 2016.

DATED this 27th day of August, 2015.

SCOTT BALES
Chief Justice

Arizona Supreme Court No. R-15-0001

Page 2 of 3

TO:

Rule 28 Distribution

Hon. Mark W Armstrong (Ret.)

Hon. Samuel A Thumma

ATTACHMENT¹

Arizona Rules of Probate Procedure.

ARTICLE I. SCOPE OF RULES, DEFINITIONS, APPLICABILITY OF OTHER RULES

Rule 3. Applicability of Other Rules

D. Arizona Rules of Evidence.

1. The Arizona Rules of Evidence apply in contested probate proceedings. If all parties agree not to have those rules apply and the judicial officer concurs and enters an order to that effect, all relevant evidence is admissible, provided, however, that the court may exclude any relevant evidence if its probative value is substantially outweighed by a the danger of one or more of the following: unfair prejudice, ~~or confusion of~~ confusing the issues, misleading the jury, ~~or by considerations of~~ undue delay, wasting waste of time, needlessly presenting or needless presentation of cumulative evidence or lack of if the evidence lacks reliability.
2. In uncontested probate proceedings, the Arizona Rules of Evidence shall not apply. All relevant evidence is admissible, provided, however, that the court may ~~but the judicial officer~~ exclude any relevant evidence if its probative value is substantially outweighed by a the danger of one or more of the following: unfair prejudice, ~~or confusion of~~ confusing the issues, ~~or by considerations of~~ undue delay, wasting waste of time, needlessly presenting needless presentation of cumulative evidence or lack of if the evidence lacks reliability.

Comment to 2016 Amendment

Rule 3(D)(1) has been amended to recognize that there may be a jury in contested proceedings; the other changes are purely stylistic and are made to conform to the 2012 restyling of the Arizona Rules of Evidence.

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