

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0028
RULES 12 AND 8.1, RULES OF CIVIL)
PROCEDURE)
) **FILED: 8/27/2020**
)
)
)
_____)

**ORDER
AMENDING RULES 12 AND 8.1 OF
THE ARIZONA RULES OF CIVIL PROCEDURE**

A petition having been filed to adopt a new Rule 12(i) of the Arizona Rules of Civil Procedure and to abrogate Rule 8.1(e)(4) of the Arizona Rules of Civil Procedure, and no comments having been received, upon consideration,

IT IS ORDERED that new Rule 12(i) of the Arizona Rules of Civil Procedure is adopted in accordance with the attachment to this order, effective January 1, 2021.

IT IS FURTHER ORDERED that Rule 8.1(e)(4) of the Arizona Rules of Civil Procedure is abrogated in accordance with the attachment to this order, effective January 1, 2021.

DATED this 27th day of August, 2020.

_____/s/_____
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution
Lisa M. Panahi

ATTACHMENT¹

ARIZONA RULES OF CIVIL PROCEDURE

Rule 8.1. Assignment and Management of Commercial Cases

* * *

(e) Case Management. Rules 16(a) through 16(j) apply to cases in the commercial court, except:

* * *

~~(4) *Motions to Dismiss.* Any motion to dismiss pursuant to Rule 12(b)(6) must attach a good faith consultation certificate complying with Rule 7.1(h) certifying that the parties have been unable to agree that the pleading is curable by a permissible amendment.~~

* * *

Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Joining Motions; Waiving Defenses; Pretrial Hearing

* * *

(j) Good Faith Consultation Certificate. A good faith consultation certificate complying with Rule 7.1(h) must accompany any motion brought under (b)(3), (b)(6), (c), or (f) of this rule.

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.