

## WHAT'S NEW RE: THE 2026 EDITION

---

For 2026, the Arizona Supreme Court adopted and/or amended the following rules:

- Amended Rule 4(b)(1)(D) and (E) ["Summons: Contents"] to replace the phrase "appear and defend" with the phrase "plead or otherwise defend," in conformity with the language of Rule 55(a) ["Default: Entering a Default"].
- Amended Rule 4(f)(3)(A) ["Voluntary Appearance"] to clarify that a party who voluntarily enters an appearance in open court still must "plead or otherwise defend within the time limits" of the rules to avoid entry of default or a default judgment under Rule 55.
- Amended Rule 5.2(b)(1)(D) ["Document Format: Margins and Page Numbers"] to standardize the margin requirements for documents filed in civil cases.

The new margin requirements also were adopted in other civil rule sets, including the Rules of Family Law Procedure, and the Justice Court Rules of Civil Procedure, among others.

- Adopted new Rule 8(j) ["General Rules of Pleading: Third-Party Litigation Funding Agreements"] to impose certain disclosure requirements where a non-party to litigation provides funding to a litigant or law firm to help finance the litigation.
- Amended Rule 55 procedures for obtaining the entry of default as follows:
  - Amended Rule 55(a)(1) ["Entering a Default: Generally"] to add language specifying that a "[d]efault is effective 10 days after an application for entry of default is filed," and that a default will not become effective if the party claimed to be in default pleads or otherwise defends within those 10 days.
  - Amended Rule 55(a)(2) ["Application for Entry of Default"] to clarify the required contents of the application for entry of default, including requiring a mandatory notice regarding the consequences of failing to plead or otherwise defend within the time required by the rules.
  - Amended Rule 55(a)(3) ["Notice"] to enhance the notice requirements to (1) notice to the party claimed to be in default, (2) notice to represented party and (3) notice to all other parties.
- Adopted on a temporary basis new Rule 80.1 ["Retention and Disposition of Evidence and Illustrative Aids"] to gov-

ern the clerk's retention and disposition of digital and hard-copy exhibits and illustrative aids once a case is no longer subject to modification.

The Court will consider whether to adopt Rule 80.1 on a permanent basis during its November 5, 2025 Rules Agenda.

Shirley J. McAuliffe  
shirley.mcauliffe@cox.net  
Arizona State Bar  
Member, Retired Status  
November 2025