

Civil Jury Instructions Committee
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016

February 1, 2023
3:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

P = present in person; V = present virtually; A= absent.

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| Lincoln Combs | V | Robert Greer | V |
| Ben Cooper | V | Steven Kramer | V |
| Alicia Funkhouser | V | Richard Langerman | V |
| Justin Ackerman | V | PJ Lopez (Chair) | V |
| Dominic Gomez | V | Hon. Scott McCoy | A |
| Darlene Gonzalez | A | Nathan Meyer | A |
| Amy Heiserman | A | Douglas Imperi | V |
| Jack Klecan | V | Daniel Torrens | A |

OTHER ATTENDEES: None

State Bar Staff: Not present

Minutes taken by: Richard Langerman

CALL TO ORDER – PJ Lopez

Time: The meeting was called to order by Chair, PJ Lopez, at 3:11.

Minutes: The minutes of the December 7, 2022 meeting were unanimously approved.

Punitive Damages Subcommittee: Subcommittee chair, Alicia Funkhouser, reported on the work of the subcommittee. There was a discussion of the subcommittee’s proposed draft instruction. It was noted that the subcommittee had deleted language regarding the clear and convincing burden of proof and also the language about “no fixed standard” for punitive damages. Steve suggested that we should keep the language regarding the amount of punitive damages is left to the jury’s discretion. There was a discussion about whether the instruction should include factors for the jury to consider when assessing punitive damages. The consensus was that the entire paragraph, including the factors, should not be included in the instruction. No votes were taken and the instruction was returned to the subcommittee for further consideration.

Premises Liability Subcommittee: Subcommittee chair, Steve Kramer, reported on the work of the subcommittee. Steve reported that the subcommittee continued to work on revisions to the introduction to the premises instructions and to instructions 1 and 1A.

Privacy Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee. The committee voted 9-0 to approve the 1/19/23 draft of Privacy No. 14A.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee. There was a discussion of section IV of the subcommittee's 4/4/22 draft. There was a discussion of whether the guidelines should include any recommended practice regarding the listing of factors in jury instructions. References were made regarding federal instructions used in Trademark cases and in excessive force cases.

Punitive Damages: There was a further discussion of the proposed comments regarding Evil Mind and Aggravated Conduct.

Chair Lopez made a call to the public.

The meeting was adjourned at 4:27.