

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

October 2, 2019
3:00 to 5:00 pm
Location: State Bar of Arizona

Minutes (Approved November 6, 2019)

MEMBER ATTENDANCE:

P = present in person; T = present telephonically; A= absent.

Steve Kramer (Chair)	P	Rodney Ott	T
Alicia Funkhouser (Secretary)	P	Sara Regan	T
Lincoln Combs	P	Kara Klima	P
Ben Cooper	T	Daniel Torrens	T
Dominic Gomez	A	Hon. Kenton Jones	P
Ivan Hannel	A	Jack Klecan	P
Richard Langerman	P	Hon. Pamela Gates	P
Patrick Lopez	P	David Shughart	A
Hon Karen Mullins	A		
Hon. Roger Brodman	A		

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Alicia Funkhouser

I. CALL TO ORDER

Called to Order by: Steve Kramer

Time: 4:00 p.m.

- II. Review and approval of meeting minutes of September 4, 2019:** Richard Langerman corrects the minutes to say “a number of members” had an issue on the public comment. Additionally, it was 1st party bad faith that was more controversial. Another change was regarding “Not going beyond” caselaw. Jack moves to approve. Judge Jones seconded. Motion carried.

III. Agenda Items

1. Medical Malpractice Emergency Care Instructions – Alicia Funkhouser

Discussion held regarding more likely than not vs. more probably true than not true. Committee generally agrees they mean the same thing. Discussion held regarding whether the fault instruction itself should be modified. Or whether the fault instruction should be given. Richard recommends a damages instruction intro similar to the intro above “The burden of proof is different...” Alicia will rework the instruction and bring it back.

2. Revisions to Product Liability Instructions – Richard Langerman

Discussion held regarding the subcommittee revisions to the introduction. Discussion held regarding changing the paragraph order. Grammatical and/or change made to paragraph 4. Committee approves of paragraphs 1-4. Upon rereading the Rosen v. Knaub case, the subcommittee made changes to paragraph 5 regarding negative instructions. The subcommittee determined that this is not what the case actually says and the sentence should be removed.

3. Bad Faith Instructions – Ben Cooper

Ben does not have the most recent document since he moved firms. Steve will search his email for it.

4. Any Other Business – Steve Kramer

Lincoln suggests updating the jury instructions to remove the P.2d Pacific citations. He also wants to remove the Ct. App. In favor of App.

Agenda Items Not Reached: N/A

CALL TO THE PUBLIC Steve Kramer

Individuals addressing the (Board/Committee). None present.

Meeting adjourned by: Steve Kramer (Richard moves, Judge Gates seconds. Motion carried) at (5:15 P.M. time).

Next Meeting November 6, 2019 at 3:00 p.m.