

Civil Jury Instructions Committee

State Bar of Arizona

4201 N. 24th Street, Suite 100

Phoenix, Arizona 85016

February 7, 2024

3:00 pm

Virtual Meeting

Minutes

MEMBER ATTENDANCE:

P = present virtually; A= absent.

Justin Ackerman	A	Judge Melissa Julian	A
Judge Bradley Astrowsky	A	Jack Klecan	P
Arcangelo Cella	A	Steven Kramer	P
Lincoln Combs	P	Richard Langerman	P
Ben Cooper	P	Greg Larson	P
Alicia Funkhouser	P	PJ Lopez - Chair	A
Dominic Gomez	P	Jesse Ritchey	P
Darlene Gonzalez	A	Joel Robbins	P
Robert Greer	P	James Smith	P
Douglas Imperi	P	Daniel Torrens	A
Jesse Egbert	P	Jayme Weber	P

Call to Order: Chair P.J. Lopez was absent. Steve Kramer called the meeting to order at 3:05.

The minutes of the December 6, 2024 meeting were approved.

Fault Subcommittee: Subcommittee chair, Steve Kramer, reported on the work of the subcommittee. Steve reported that the subcommittee concluded that no changes were needed to the existing fault instructions. Jack Klecan raised the issue of whether an instruction should be drafted for failure to mitigate claims. Jack volunteered to submit a proposed failure to mitigate instruction.

APSA Subcommittee: Subcommittee member, Jesse Ritchey, reported that the subcommittee continued to work on a set of proposed instructions.

Commercial Subcommittee: Subcommittee chair, Jayme Weber, reported that the subcommittee continued to work on several instructions.

Premises Liability Subcommittee: Subcommittee chair, Steve Kramer, reported that the subcommittee had not met since the Committee's November meeting.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, led a discussion of the proposed guideline regarding the inclusion of lists of factors in the body of an instruction. No

consensus was reached and the proposed factors guideline was referred back to the subcommittee. The Committee also discussed the proposed guidelines regarding use notes and comments.

Instructions for Guardianship Cases: Steve Kramer reported that the Committee had been contacted by probate practitioners who were looking for assistance in drafting an instruction for use in guardianship issues that now need to be resolved at trial.

Other Business: Jayme raised the issue of whether the Committee should draft an instruction for use in situations in which a party refuses to answer a question based on an assertion of the 5th Amendment of the United States Constitution. Jayme, Richard, and Dominic volunteered to research the issue.