

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

May 5, 2021
 3:00 to 5:00 pm
 Virtual Meeting

MEMBER ATTENDANCE:

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

Alicia Funkhouser (Chair)	V	Daniel Torrens	V
Kara Klima (Secretary)	A	Hon. Pamela Gates	V
Rodney Ott	V	Jack Klecan	V
Lincoln Combs	A	David Shughart	A
Ben Cooper	V	Steve Kramer	V
Dominic Gomez	V	Sara Regan	V
Richard Langerman	V		
Patrick Lopez	V		
Hon. Scott McCoy	V		
Hon. Roger Brodman	V		
Nate Meyer	V		

I. Call to Order: The meeting was called to order by Chairwoman, Alicia Funkhouser.

II. Agenda Items:

1. Damages Subcommittee: The Committee discussed the two versions proposed regarding RAJI Personal Injury Damages No. 1. The Committee then voted to adopt the comment set forth in Version 1 of the subcommittee’s 2/16/21 report. The vote was 8 to 4 in favor of version 1 with one member abstaining and one member voting for none of the above. The proposed comment states:

In 2020 the RAJI Committee considered and ultimately declined to change the phrase “reasonable expenses of necessary medical care” to “expenses incurred for reasonably necessary medical care” in element three of the instruction. In evaluating the language and scope of this instruction, the RAJI Committee refers practitioners and the court to *Larson v. Decker*, 196 Ariz. 239 (App. 2000); *Lopez v. Safeway Stores, Inc.*, 212 Ariz. 198 (App. 2006); *Meyer v. Ricklick*, 99 Ariz. 355 (1965); and Restatement (Second) of Torts §924 cmt. f.

Due to a prior commitment, Chairwoman Funkhouser, was excused and Steve Kramer chaired the remainder of the meeting.

2. Bad Faith Subcommittee: Subcommittee chair, Ben Cooper, updated the Committee on the progress of the subcommittee's work.

3. Vicarious Liability Subcommittee: Subcommittee chair, P.J. Lopez, reported on the subcommittee's work on the vicarious liability instructions. The subcommittee reported that the existing instruction (Standard Instruction 5) needed to be updated in light of the Supreme Court decision in *Engler v. Gulf Interstate Engineering, Inc.*, 230 Ariz. 55 (2012), in which the Court adopted Restatement (Third) of Agency § 7.07. The Committee discussed proposed changes to Standard Instruction No. 5. The discussion focused on two versions of proposed instruction 5b. No votes were taken and the matter was continued until the next meeting.

4. Approval of Minutes: The minutes from the April 7, 2021 meeting were approved.

III. Call to the Public: Mr. Kramer made a call to the public. There were no members of the public who addressed the Committee.

A motion to adjourn was made and seconded. The meeting was adjourned at 4:07p.m.