

Civil Jury Instructions Committee

State Bar of Arizona

4201 N. 24th Street, Suite 100

Phoenix, Arizona 85016

December 6, 2023

3:00 pm

Virtual Meeting

Minutes

MEMBER ATTENDANCE:

P = present virtually; A= absent.

Justin Ackerman	P	Judge Melissa Julian	A
Judge Bradley Astrowsky	A	Jack Klecan	P
Arcangelo Cella	P	Steven Kramer	P
Lincoln Combs	P	Richard Langerman	P
Ben Cooper	A	Greg Larson	P
Alicia Funkhouser	P	PJ Lopez - Chair	P
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 called the meeting to order at 3:05.

The minutes of the 11/1/23 meeting were approved.

APSA Subcommittee: Subcommittee chair, Judge Astrowsky was absent. Subcommittee member, P.J. Lopez, reported on the work of the subcommittee. P.J. reported that the subcommittee had begun reviewing instructions that had been used in several trials. The subcommittee intends to draft a set of instructions for use in APSA cases.

Fault Subcommittee: Subcommittee chair, Steve Kramer, reported that the subcommittee had nothing to report.

Commercial Subcommittee: Subcommittee Chair, Jayme Weber, reported on the work of the subcommittee. Jayme reported that the members of the subcommittee had divided the work and were conducting research into various topics. The subcommittee had scheduled another meeting and continued its work.

Premises Liability Subcommittee: Subcommittee Chair, Steve Kramer, reported on the work of the subcommittee. There was a discussion of proposed instruction No. 1 – The Condition. There was a discussion of the proposed instruction No. 1A – Liability for Injury to Business Invitee. The Committee discussed whether the term “notice” should be used in the instruction or whether the instruction should use the phrase “knew or should have known”. The consensus of the Committee

was to leave the term “notice” in the instruction. A question was raised whether “notice” refers to notice of the condition or whether it refers to notice of the danger posed by the condition. There was a discussion of proposed instruction No. 1B – Notice. The proposed instructions were referred back to the subcommittee for further work.

Guidelines Subcommittee: Subcommittee Chair, Richard Langerman, reported that the subcommittee was still working on a proposed final draft of guidelines for the work of the Committee.

Other Business: Alicia inquired whether the Committee should draft an “adverse inference” instruction that could be used where the court has entered a ruling regarding discovery sanctions or where a party has asserted his/her rights under the 5th Amendment. Jayme agreed to check for instructions from other states.

Call to the Public: Chair Lopez made a call to the public.

The meeting was adjourned at 4:22.