

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

May 4, 2022
3:00 to 5:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

Lincoln Combs	V	Kara Klima (Secretary)	Resigned
Ben Cooper	V	Steven Kramer	V
Alicia Funkhouser (Chair)	V	Richard Langerman	V
Hon. Pamela Gates	A	PJ Lopez (Vice-Chair)	V
Dominic Gomez	V	Hon. Scott McCoy	A
Darlene Gonzalez	Joined at 3:50 pm	Nathan Meyer	V
Amy Heiserman	A	David Shughart	V
Jack Klecan	V	Daniel Torrens	A

OTHER ATTENDEES: None

State Bar Staff: Ilona Kukan

Minutes taken by: Richard Langerman

CALL TO ORDER – Alicia Funkhouser

Time: The meeting was called to order by Chair, Alicia Funkhouser, at 3:06.

Minutes: The minutes of the April 6, 2022 meeting were approved.

Bad Faith Subcommittee: Subcommittee Chair, Ben Cooper, explained the proposed instructions for third-party bad faith cases (Bad Faith Nos. 7-14). A motion to approve proposed instructions Bad Faith Nos. 7-14 was made and seconded. The Committee unanimously approved the instructions. Subcommittee Chair Cooper then moved that the Committee adopt conforming changes to the first-party instructions to make them consistent with changes adopted to the third-party instructions. The motion was seconded and unanimously approved.

Damages Subcommittee: Subcommittee Chair, Richard Langerman, explained that in light of the public comments the subcommittee recommended that the proposed comment to Personal Injury Damages No. 1

be modified. After discussion, the Committee approved two amendments to the comment proposed by the subcommittee. Thereafter, the amended comment (set forth below) was approved by the Committee.

The RAJI personal injury damages instruction has included the phrase “reasonable expenses of necessary medical treatment” since the publication of the first edition of the RAJI’s in 1974. The first four editions of the RAJI included this language without citation to case law. In 2020 the Committee reviewed the case law and disagreed whether the instruction accurately reflects Arizona law. The Committee decided not to change the instruction pending further appellate review. For further information, see *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); *Sanchez v. Gama*, 233 Ariz. 125 (App. 2013); *Benedict v. Total Transit Enterprises*, 252 Ariz. 151 (App. 2021); and Restatement (2d) Torts §924 cmt. f.

Call to the Public: Chair Funkhouser made the call to the public.

The meeting was adjourned at 4:27.