

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

November 4, 2020
3:00 to 5:00 pm
Virtual Meeting

Minutes (Approved (date))

MEMBER ATTENDANCE:

V = present virtually; A= absent.

Alicia Funkhouser (Chair)	V	Daniel Torrens	V
Kara Klima (Secretary)	V	Hon. Kenton Jones	A
Rodney Ott	A	Jack Klecan	V
Lincoln Combs	V	David Shughart	V
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	A		
Nate Meyer	V		

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Kara Klima

I. CALL TO ORDER

Called to Order by: Alicia Funkhouser

Time: 3:00 p.m.

II. Review and approval of meeting minutes October 7, 2020: (Moved to Approve) (seconded), Motion carried.

III. Agenda Items

1. Medical Malpractice ER Instruction Comment in light of *Thompson v. Sun City*

Alicia Funkhouser reported that the Medical Malpractice ER Instruction was approved at the Rules Committee meeting unanimously. The Medical Malpractice Instruction Subcommittee will meet once more to discuss whether a comment regarding *Thompson v. Sun City* should be added to the Instruction.

2. Damages Subcommittee Report

Richard Langerman reported on the work of the Damages Subcommittee and presented a summary of the subcommittee's split in positions, noting that the subcommittee's biggest obstacle is the conflict between those who are primarily plaintiff attorneys and those whose who are defense attorneys.

A lengthy discussion ensued, after which Dominic Gomez moved to table further discussion regarding the possible revision of the Personal Injury Damages 1 instruction until the next meeting. The motion was seconded by Dan Torres; motion carried.

3. Punitive Damages Instruction

Alicia Funkhouser raised that issue that the current Punitive Damages instruction is the subject of a Special Action before the Court of Appeals (*Swift Transportation v. Carman* CV-20-0119-PR). Dan Torres and Steven Kramer will monitor the case for Court's opinion.

4. Vicarious Liability Jury Instructions Subcommittee Update Report

Chair, P.J. Lopez, reported on the work of the Vicarious Liability Subcommittee. P.J. reported that the subcommittee is currently circulating a draft of the proposed instruction. The subcommittee agreed to hold its next meeting on November 23 at 12:00 p.m.

5. Employment Law Instructions Update Report

This item was tabled to the next meeting due to the absence of Judge Brodman.

6. Bad Faith Instructions Subcommittee Update Report

No new report. The subcommittee agreed to hold their next meeting on November 13 at 11:00 a.m.

7. Any Other Business

Due to the State Bar Convention occurring the first week of December, it was agreed to reschedule the Committee's next meeting from December 2 to December 9. Additionally, it was agreed that the January 2021 meeting would be vacated, with meetings to resume at the regularly scheduled time in February 2021.

Agenda Items Not Reached: N/A.

CALL TO THE PUBLIC – Alicia Funkhouser

Individuals addressing the Board. None present.

Meeting adjourned by: Motion to adjourn by Jack Klecan. **Seconded ()** Motion carried.
Alicia Funkhouser adjourned meeting at 4:21 p.m.

Next Meeting: December 9, 2020 at 3:00 p.m.