

**Civil Jury Instructions Committee**  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016

August 4, 2021  
3:00 to 5:00 pm  
Virtual Meeting

**Minutes (Approved [DATE])**

**MEMBER ATTENDANCE:**

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

Lincoln Combs	V	Kara Klima (Secretary)	V
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	A	Nathan Meyer	A
Amy Heiserman	V	David Shughart	A
Jack Klecan	V	Daniel Torrens	V

**OTHER ATTENDEES:** None

**State Bar Staff:** Ilona Kukan

**Minutes taken by:** Kara Klima

**CALL TO ORDER**

**Called to Order by:** Alicia Funkhouser

**Time:** 3:00 p.m.

**AGENDA**

- 1. Review and approval of meeting minutes of May 5, 2021 and June 2, 2021:**  
Richard Langerman Moved to Approve) (Steve Kramer seconded), Motion carried.
  
- 2. Introduction of New Members:** Alicia Funkhouser introduced the new members of the committee, Amy Heiserman and Darlene Gonzalez.

3. **Selection of Vice-Chair:** Alicia nominated PJ Lopez to serve as Vice-Chair. No other nominations. Motion made by Richard to appoint PJ as Vice-Chair (seconded by Stephen). Motion carried unanimously.
4. **Vicarious Liability Subcommittee Update Report:** PJ thanked Steven for his work on the subcommittee with regard to the *Engler* case. The subcommittee is working on an instruction that differentiates the various types of vicarious liability, including the subset of MVA/driving cases. They anticipate having a draft at the September or October meeting.
5. **Bad Faith Instructions (Bad Faith 3) Update Report:** Ben reported that the subcommittee has finished its work on the first-party bad faith instructions and has a consensus draft; Ben is producing a redline version, which will be circulated to the full committee and voted upon. The subcommittee is now trying to complete a full set of third-party bad faith instructions. Amy was added to the Bad Faith subcommittee. The subcommittee's next meeting is August 10 at 2:30 p.m.
6. **Comments to Personal Injury Damages 1 Instruction:** Alicia noted we received voluminous comments regarding the "reasonable expense of necessary medical care" portion of the instruction. Richard requested that the public comments and instruction be referred to the subcommittee to summarize the public comments. Alicia directed the subcommittee to read and consider the comments so that the instruction really reflects that state of Arizona law. Richard will collate all comments by topic/perspective and provide same to the full committee. The subcommittee's next meeting is August 25 at 2:00 p.m.
7. **Statute of Limitations Instruction Subcommittee:** A subcommittee was formed to research and potentially draft a jury instruction. Subcommittee is Lincoln and Amy. The subcommittee's next meeting is August 9 at 11:15 a.m.
8. **Other Business:**
  - a. **Implicit Bias Instruction Subcommittee:** Alicia and Steve attended the Criminal Jury Instructions meeting, which is taking the lead on drafting the implicit bias instruction. Dominic volunteered to assist. Alicia will check with the judges on the Civil Instructions Committee to see if one or more will assist with the subcommittee.
  - b. **Committee Policies/Rules:** Richard stated that we should create a document that memorializes the policies and rules as to how the committee operates and drafts the rules. Richard volunteered to chair the subcommittee if Jack would also serve.

**9. Agenda Items Not Reached: N/A.**

**CALL TO THE PUBLIC**

Individuals addressing the Board. None present.

**Meeting adjourned by:** Motion to adjourn by PJ. Seconded (Jack) Motion carried. Alicia Funkhouser adjourned the meeting at 4:05 p.m.

**Next Meeting:** September 1, 2021 at 3:00 pm.