

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

April 5, 2023
3:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

Lincoln Combs	V	Robert Greer	V
Ben Cooper	A	Steven Kramer	V
Alicia Funkhouser	V	Richard Langerman	V
Justin Ackerman	V	PJ Lopez (Chair)	V
Dominic Gomez	A		
Darlene Gonzalez	A	Nathan Meyer	A
Amy Heiserman	A	Douglas Imperi	V
Jack Klecan	A	Daniel Torrens	V

OTHER ATTENDEES: None

State Bar Staff: Not present

Minutes taken by: Richard Langerman

CALL TO ORDER – PJ Lopez

Time: The meeting was called to order by Chair, PJ Lopez, at 3:06.

Minutes: The minutes of the March 1, 2023 meeting were unanimously approved.

Punitive Damages Subcommittee: Subcommittee chair, Alicia Funkhouser, reported that the subcommittee was finalizing the revisions to the punitive damages instruction and that the subcommittee expected to present a proposed revised instruction at the May meeting.

Premises Liability Subcommittee: Subcommittee chair, Steve Kramer, reported that the subcommittee continued to work on revisions to the premises liability instructions.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee. There was a discussion about the proposed revised Notice to Users. Richard pointed out that it was somewhat misleading to reference the Supreme Court’s “qualified approval” of the initial edition of the RAJIs in light of the fact that the court had declined to provide its “qualified

approval” to the subsequent six revised editions of the instructions. Given that the majority of the current instructions had either been modified or added since the first edition, it was recommended that the language adopted by the Board of Governors for the second edition of the RAJIs be modified.

There was also a discussion about whether a guideline could be drafted regarding a consistent practice of whether to include factors in the instructions. It was noted that while some appellate decisions include discussions of factors, the factors are generally more applicable to motions for summary judgment than to jury determinations. Nevertheless, because practitioners would be likely to propose non-RAJI instructions with factors, it was suggested that the RAJIs include some statement about the use of factors in the instructions.

No votes were taken and the issues were referred back to the subcommittee for further development.

Privacy Subcommittee: Ilona reported that there were no comments received from members regarding the proposed revisions to the Privacy Instructions and that the proposed revisions to the Privacy Instructions were ready to be presented to the Rules Committee.

Chair Lopez made a call to the public.

The meeting was adjourned at 3:46.