

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

March 1, 2023
3:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

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| Lincoln Combs | V | Robert Greer | V |
| Ben Cooper | V | Steven Kramer | V |
| Alicia Funkhouser | A | Richard Langerman | V |
| Justin Ackerman | V | PJ Lopez (Chair) | V |
| Dominic Gomez | V | Hon. Scott McCoy | A |
| Darlene Gonzalez | A | Nathan Meyer | A |
| Amy Heiserman | A | Douglas Imperi | A |
| Jack Klecan | V | 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 3:07.

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

Punitive Damages Subcommittee: Subcommittee chair, Alicia Funkhouser, being absent, Ben Cooper reported on the work of the subcommittee. Ben reported that the subcommittee had received a question about the difference between the language of the proposed instruction and the language of the court's opinion in the Swift case. Ben noted that the Swift opinion includes several different explanations of the standard for punitive damages and the subcommittee had decided to use the formulation that was believed to be the most understandable to lay jurors. Ben reported that the subcommittee continued to work on the use notes and comments.

Premises Liability Subcommittee: Subcommittee chair, Steve Kramer, reported that there had been no new work from the subcommittee.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee. There was a discussion of the whether a guideline could be drafted on the use of factors in instructions. Richard then presented the proposed revised Notice to Users. Several changes were suggested. Dan suggested that the phrase “are not intended to be authoritative” be removed. Ben suggested that the existing paragraph 2 (about the history of the Supreme Court’s qualified approval) be included. No votes were taken and the proposal was referred back to the subcommittee for further work.

Other Business: Chair Lopez reported that Judge Gary Cohen had volunteered to join the Committee.

Chair Lopez made a call to the public.

The meeting was adjourned at 3:58.