

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

August 5, 2020
4:00 to 5:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

Alicia Funkhouser (Chair)	V	Daniel Torrens	A
Kara Klima (Secretary)	A	Hon. Kenton Jones	A
Rodney Ott	V	Jack Klecan	V
Lincoln Combs	A	Kara Klima	A
Ben Cooper	V	Steve Kramer	V
Dominic Gomez	V	Sara Regan	V
Richard Langerman	V	David Shughart	A
Patrick Lopez	V	Nate Meyer	V
Hon Scott McCoy	V		
Hon. Roger Brodman	A		

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Kara Klima

I. CALL TO ORDER

Called to Order by: Alicia Funkhouser

Time: 4:05 p.m.

- II. Review and approval of meeting minutes of June 3, 2020:** (Nate Meyer Moved to Approve) (Jack Klecan seconded), Motion carried.

III. Agenda Items

1. Preliminary Jury Instructions – **Alicia Funkhouser**

The final reformatted version was approved to be sent out for comment. Rodney Ott moved to approved; PJ Lopez seconded. Motion carried.

2. Employment Law Instructions Subcommittee Update– **Alicia Funkhouser for Judge Brodman**

The Employment Law section has been circulating instructions on Minimum Wage Claim for the following topics: a) Elements of the Claim; b) independent contractor; c) statutory minimum wage; d) limitations period; e) failure to maintain records; f) failure to post notice and g) retaliation. They don't have anything final to submit to the Committee.

3. Bad Faith Instructions – **Alicia Funkhouser & Ben Cooper**

Alicia asked Ben Cooper to schedule a subcommittee meeting. The meeting was set for Tuesday, August 18 at 2:30 pm. The latest version of the instructions will be circulated to the subcommittee before the meeting. Alicia Funkhouser joined the subcommittee.

4. Vicarious Liability Jury Instructions Subcommittee Report – **PJ Lopez**

PJ has been gathering case law and will be circulating his materials to the subcommittee. A meeting was set for August 26, 2020 at noon.

5. Recommendations for New or Revised Instructions – **Alicia Funkhouser**

PJ Lopez reached out to Pima County Superior Court Presiding Judge Metcalf and Judge Bergin for input.

Richard Langerman posted a request on the trial law section's online community asking trial lawyers for any input and was asked to revisit our current Personal Injury Damages 1 Instruction – Measure of Damages. A subcommittee of the following was formed: Richard Langerman (chair), Judge McCoy, Nate Meyer, Alicia Funkhouser, PJ Lopez & Jack Klecan. Richard will prepare a memo of the issues in question and will circulate to his subcommittee before setting a meeting.

6. Any Other Business

Steve Kramer prepared a “Wrap-Up” Report for 2018 to 2020 period outlining the committee's work and achievements. Ilona to revise paragraph 7 – Product Liability Instructions to include the following: Major revisions to the Introduction and existing paragraph 3 in Introduction relocated as a comment to Product Liability Instruction No. 4.

Agenda Items Not Reached: N/A.

CALL TO THE PUBLIC – Alicia Funkhouser
Individuals addressing the (Board/Committee). None present.

Meeting adjourned by: Motion to adjourn – Richard Langerman. Seconded – Steve Kramer.
Motion carried. Alicia Funkhouser adjourned meeting at (4:37 P.M.

Next Meeting: September 2, 2020 at 4:00 p.m.