

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

September 14, 2022
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	V (Joined 4:00 pm)	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	V
Amy Heiserman	V	Douglas Imperi	A
Jack Klecan	V	Daniel Torrens	A

OTHER ATTENDEES: None

State Bar Staff: Ilona Kukan

Minutes taken by: Richard Langerman

CALL TO ORDER – PJ Lopez

Time: The meeting was called to order by Chair, PJ Lopez, at 3:05.

Minutes: The minutes of the August 3, 2022 meeting were approved.

Privacy Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee as outlined in the subcommittee's May 2nd report. Richard reported that the subcommittee noted the following issues that would need to be decided by the Committee: (1) whether the damages instruction should include damages for personal harms or be limited to commercial damages (as discussed in comment 2), (2) whether the damages instruction should include alternate measures of economic damages (elements 1a and 1b) as explained in the use note, and (3) what types of consequential damages would be included (as explained in comment 1). A suggestion was made to expand the explanation in the use note. Richard indicated that the subcommittee would continue its work.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee as outlined in the subcommittee's 4/4/22 draft Guidelines. Ben suggested that additional language from *State v Miller*, 251 Ariz. 99 (2021), be added to the guidelines document. Richard indicated that the subcommittee would continue its work.

Bad Faith Subcommittee: Ilona reported that no comments were received regarding the recently circulated revised instructions. Ilona indicated that she would contact the Rules Committee to get on the agenda for the October 7, 2022 meeting. Subcommittee chair, Ben Cooper, will represent the Committee at the 10/7/22 Rules Committee meeting.

Punitive Damages Subcommittee: In light of the recent Supreme Court opinion in the *Swift Transportation* case, P.J. appointed a subcommittee to review the punitive damages instruction. The subcommittee will be chaired by Alicia Funkhouser. Ben Cooper, Richard Langerman, Justin Ackerman, and Steve Kramer were also appointed to the subcommittee.

Call to the Public: Chair Lopez made a call to the public.

The meeting was adjourned at 4:31.