

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

April 7, 2021
3:00 to 5:00 pm
Virtual Meeting

Minutes (Approved [DATE])

MEMBER ATTENDANCE:

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

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

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Richard Langerman

I. CALL TO ORDER

Time: 3:10 p.m.

I. Call to Order: The meeting was called to order by Chairwoman, Alicia Funkhouser.

II. Approval of Minutes: The Committee discussed the minutes of the March 3, 2021 meeting. A typographical error in paragraph III(5) was corrected. The minutes were approved as amended.

III. Agenda Items:

1. Damages Subcommittee Report: There was a brief discussion of the proposed change to Personal Injury Damages No. 1. It was agreed that the final vote on the proposed change would be tabled until the next meeting which is scheduled for May 5, 2021. In celebration of Cinco de Mayo, tequila will be encouraged.

2. Vicarious Liability Subcommittee Report: P.J. Lopez reported that the Subcommittee expected to present proposed revisions to the Agency instruction at the next meeting.

3. Employment Law Subcommittee Report: No report.

4. Bad Faith Subcommittee Report: The Committee discussed the proposed changes to Bad Faith No. 3. The Committee voted to include the phrase “was reckless in determining” in paragraph 2 of the instruction. The Committee voted to include the phrase “was aware” in paragraph 2a of the instruction. The Committee discussed the inclusion of the word “consciously” in paragraph 2b of the instruction, but decided to refer that issue back to the subcommittee for further review. Finally, the Committee discussed the alternate versions of the proposed comment explaining the decision not to include the phrase “fairly debatable” in the instruction. The Committee voted to include Option 1 (with the change of the word “Many” in the first sentence to the word “Some”).

5. Other Business: Alicia asked whether there were any volunteers to serve on a subcommittee to draft an instruction(s) regarding a statute of limitations defense. The issue was tabled until the next meeting.

IV. Call to the Public: Chairwoman Funkhouser made a call to the public. There were no individuals who addressed the Committee.

A motion to adjourn was made and seconded. The meeting was adjourned at 4:15.