

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

May 1, 2019
4:00 to 5:00 pm
Location: State Bar of Arizona

Minutes (Approved (date))

MEMBER ATTENDANCE:

P = present in person; T = present telephonically; A= absent.

Steve Kramer (Chair)	P	Benjamin Naylor	A
Alicia Funkhouser (Secretary)	P	Rodney Ott	A
Hon. Roger Brodman	P	Sara Regan	T
Lincoln Combs	T	Carrie Ryerson	A
Ben Cooper	A	Daniel Torrens	T
Dominic Gomez	A	Hon. Kenton Jones	A
Ivan Hannel	A	Jack Klecan	P
Richard Langerman	P		
Patrick Lopez	T		
Hon Karen Mullins	P		

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Alicia Funkhouser

I. CALL TO ORDER

Called to Order by: Steve Kramer

Time: 4:00 p.m.

- II. Review and approval of meeting minutes of April 3, 2018:** Richard moves to approve. Judge Mullins seconded. Motion carried.

III. Agenda Items

1. Medical Malpractice – Discussion held regarding Medical Negligence 2 and 2a which are new proposed instructions with the ER burden of proof. Alicia will research whether we can change more probably true than not true to more likely than not.
2. Misc Committee - Judge Mullins. Between now and June, the subcommittee will review the standard and preliminary instructions as a whole to see what needs to be included and/or simplified.

Discussion held as to whether there should be a preliminary instruction that lays out the elements of the claim. Juries often do not know what they are listening for.

Discussion held regarding the Use Note of Preliminary 7 and the last sentence is decided to be removed.

3. New Revised Misc and Other instructions.

Richard – Product Liability instructions. The 2003 Ct. of Appeals opinion conflicts with the earlier Ct. of Appeals opinion that held the opposite. Everyone on the subcommittee agrees that 2003 is a more sound and reasoned opinion, but there is a split in the law. The current RAJI doesn't point out the split and the subcommittee wants further guidance whether to have the comment as is or whether to point out the conflicting opinions. Richard wants to modify the instruction. So, they are not going to write the heading instruction after all but the comment needs revision. Richard will submit a proposal of the wording and the case law.

Agenda Items Not Reached:

N/A

CALL TO THE PUBLIC Steve Kramer

Individuals addressing the (Board/Committee). None present.

Meeting adjourned by: Steve Kramer (Jack moves, Richard seconds. Motion carried) at (5:04 P.M. time).

Next Meeting June 5, 2019 at 3:00 p.m.