

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

November 2, 2022
3:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

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

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 3:01.

Minutes: The minutes of the October 12, 2022 meeting were approved (as amended).

Premises Liability Subcommittee: Subcommittee chair, Steve Kramer, reported on the work of the subcommittee. The subcommittee is reviewing the existing instructions including instructions involving open and obvious conditions, public lands, ingress and egress, foreseeability, mode of operation and the interplay between (and coordination of) the instructions for negligence and premises cases.

Privacy Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee regarding privacy claims arising out of the misappropriation of a person's name or likeness. The committee discussed the issue of whether Arizona recognizes a remedy for personal harms caused by misappropriation. Jack pointed out that the Reynolds case recognized a remedy only for commercial use of a person's name or likeness. Jack's position was that Arizona has not recognized

a remedy for personal harms caused by misappropriation of a person's name or likeness. Richard pointed out that the Supreme Court in Reed adopted a cause of action for mental anguish caused by the misappropriation of a photographic image of the plaintiff.

A motion was made to include damages for personal harms in the damages instruction (Privacy 14A). The committee voted 6-2 in favor of the motion (with one abstention).

There was further discussion about changes to the introduction and the comments and use note to Instruction 14A. It was agreed that the subcommittee would continue its work and return with a final proposed set of instructions.

Guidelines Subcommittee: Subcommittee chair, Richard Langerman, reported on the work of the subcommittee. There was a discussion regarding the three proposed principles. No votes were taken.

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

The meeting was adjourned at 4:21.