

**Civil Jury Instructions Committee**  
State Bar of Arizona  
4201 N. 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016

February 6, 2019  
3:00 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		
Alicia Funkhouser (Secretary)	P		
Lincoln Combs	A	Kevin Myer (RESIGNED)	A
Ben Cooper	P	Benjamin Naylor	T
Hon. David Gass	A	Rodney Ott	T
Dominic Gomez	T	Sara Regan	T
Ivan Hannel	A	Carrie Ryerson	T
Richard Langerman	P	Daniel Torrens	T
Patrick Lopez	T	Hon. Kenton Jones	A
Hon Karen Mullins	A	Jack Klecan	A
Judge Brodman	P	Nick Enoch	P

**OTHER ATTENDEES:**

**3L Clara Acosta**

**State Bar Staff: Ilona Kukan**

**Minutes taken by: Alicia Funkhouser**

**I. CALL TO ORDER**

**Called to Order by: Steve Kramer**

**Time: 3:09 p.m.**

- II. Review and approval of meeting minutes of October 3, 2018:** Richard moved to approve, Nick Enoch seconded. Motion carried.

### III. Agenda Items

1. Welcome new member Judge Brodman, Nick.
2. Discussion regarding Employment Instructions – A new subcommittee will be created to refresh the instructions and incorporate new law, such as the voter approved minimum wage. Ben moved to form a subcommittee and Richard seconded.

Employment Subcommittee:

Nick Enoch (Chair)

Sara Regan

Judge Brodman

Ben Naylor

3. Review and discuss new revisions to Medical Malpractice – Emergency Room Instructions – Alicia Funkhouser
  - a. Discussion held regarding length and complexity of the instruction again. Discussion about separating the damages portion from this instruction.
  - b. Recommendation of an instruction in the event that there is a case with emergency room doctors and regular doctors. Might need a bridge introductory sentence.
  - c. There may be issues of non-parties at fault.
  - d. Substantial revisions made and will resume at the next meeting
  - e. Alicia will include all medical negligence instructions with the next set and renumbered.
4. Update on Subcommittee Status/New Business – Steve Kramer
  - a. Some instructions have not been updated since 2013, including:
    - A. **Medical Negligence** – Alicia and subcommittee will visit these once the emergency room instruction is in better shape
    - B. **Contracts** – No subcommittee formed as yet.
    - C. **Product Liability** – Judge Brodman discusses that medical devices and prescription drugs have received some protections from the legislature. We do get state court cases that do not have diversity. You can't get punitive damages when the device is approved by the FDA, unless an exception applies. There are changes in the learned intermediary doctrine as well. Richards volunteers to chair the subcommittee to look at whether changes need to be made to the instructions.
    - D. **Eminent Domain** – Committee determines changes are probably not necessary at this time.

- E. Judge Brodman mentioned the potential of construction law instructions. Steve will ask the construction law section whether RAJIs would be helpful.

**Agenda Items Not Reached:**

- 5. Review and discuss new/revised instructions prepared by Miscellaneous (Other) Subcommittee – Judge Mullins
  - a. Review and discuss revised Standard 8 – Judge Mullins
  - b. Review and discuss revised Preliminary/Standard Final Instructions – Judge Mullins

**CALL TO THE PUBLIC Steve Kramer**

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

**Meeting adjourned by: Steve Kramer** (Judge Brodman moves, Richard seconds. Motion carried) at (4:45 P.M. time).

**Next Meeting March 6, 2019 at 3:00 p.m.**