

Civil Jury Instructions Committee

State Bar of Arizona

4201 N. 24th Street, Suite 100

Phoenix, Arizona 85016

September 4 2024

3:00 pm

Virtual Meeting

Minutes

MEMBER ATTENDANCE:

P = present virtually; A= absent.

Justin Ackerman		Judge Melissa Julian	A
Judge Bradley Astrowsky	A	Jack Klecan	P
Arcangelo Cella	P	Steven Kramer	P
Venessa Brag	A	Richard Langerman	P
Ben Cooper	P	Greg Larson	P
Alicia Funkhouser	P	PJ Lopez - Chair	A
Dominic Gomez	P	Jesse Ritchey	P
Mickell Summerhays	P	Joel Robbins	P
Robert Greer	P	James Smith	P
Douglas Imperi	P	Daniel Torrens	A
Jesse Egbert	P	Jayme Weber	P
Michael Yancey	P		

Call to Order: Because Chair Lopez was unavailable, Richard Langerman called the meeting to order at 3:03 p.m.

The minutes of the June 5, 2024 meeting were approved.

Introductions: Richard welcomed new members Mickell Summerhays and Michael Yancey.

Adverse Inference Subcommittee: The Committee discussed the comment submitted by Joey Flynn regarding the proposed Standard Instruction No. 11. The consensus of the Committee was that Ms. Flynn’s suggested change was contrary to Arizona law. The Committee then discussed the editorial changes proposed by James Smith. A motion to accept Mr. Smith’s proposed changes to Use Note 1 and to Comment 1 was approved. The motion did not include the proposed changes to Use Note 2. The proposed final version of the instruction will now be submitted to the State Bar Rules Committee.

APSA Subcommittee: Subcommittee member, Greg Larson, reported on the work of the subcommittee. Greg reported that the subcommittee anticipates submitting revised proposed instructions in the coming months. New member Michael Yancy volunteered to serve on the APSA subcommittee.

Personal Injury – Damages Only Instructions: Richard reported that the Personal Injury – Damages Only Trial Instruction No. 3 misstates the language of the Personal Injury Damages No. 1

instruction. Richard indicated that he would prepare a proposed revised instruction for the Committee's consideration which would mirror the language of Personal Injury Damages No. 1.

Wrongful Death Damages Instruction: Richard reported that the wrongful death damages instruction (Personal Injury Damages No. 3) was inconsistent with the language of A.R.S. § 12-613. Richard noted that the statute indicates that the jury's determination of damages in a wrongful death case should include an evaluation of any "mitigating or aggravating circumstances attending the wrongful act." Richard noted that Personal Injury Damages No. 3 does not include a reference to "mitigating or aggravating circumstances." Richard indicated that he would prepare a proposed revised instruction for consideration by the Committee.

Guardianship Instructions: Richard reported that a task force of the State Bar had drafted proposed jury instructions for contested guardianship cases. Richard reported that the State Bar requested that the proposed instructions be reviewed by the RAJI Committee. Joel Robbins volunteered to chair a subcommittee to review the proposed guardianship instructions. Alicia Funkhouser and Doug Imperi volunteered to serve on the subcommittee.

Other Business: None.

Call to the Public: Richard made a call to the public.

The meeting was adjourned at 3:48 p.m.