

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

September 1, 2021  
3:00 to 5:00 pm  
Virtual Meeting

**Minutes (Approved October 13, 2021)**

**MEMBER ATTENDANCE:**

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

Lincoln Combs	A	Kara Klima (Secretary)	V
Ben Cooper	V	Steven Kramer	V
Alicia Funkhouser (Chair)	V	Richard Langerman	V
Hon. Pamela Gates	V	PJ Lopez (Vice-Chair)	V
Dominic Gomez	V	Hon. Scott McCoy	A
Darlene Gonzalez	V	Nathan Meyer	V
Amy Heiserman	V	David Shughart	A
Jack Klecan	V	Daniel Torrens	V

**OTHER ATTENDEES:** None

**State Bar Staff:** Ilona Kukan

**Minutes taken by:** Kara Klima

**CALL TO ORDER**

**Called to Order by:** Alicia Funkhouser

**Time:** 3:05 p.m.

**AGENDA**

- 1. Review and approval of meeting minutes of August 4, 2021:** Richard Langerman moved to approve as amended; PJ Lopez seconded; motion carries.
- 2. Personal Injury:** Discussion is held regarding Personal Injury Damages 1 (Measure of Damages), in particular, subpart 3. After discussion, a vote was held to determine what steps the subcommittee should take. The choices and result of the vote was as follows:

- a. Committee to vote to give final approval to the comment submitted to the public & keep current instruction (5 votes)
- b. Subcommittee to change instruction with appropriate comment (1 vote)
- c. Subcommittee should keep instruction unchanged, but continue developing a comment (7 votes).

The next Personal Injury subcommittee meeting is scheduled for September 16 at 2:00 p.m.

3. **Vicarious liability:** No update.
4. **Statute of Limitations:** The subcommittee has met and is continuing to work. It anticipates having an update at the next meeting.
5. **Unconscious Bias:** The subcommittee has met and thinks that it should explore what an “unconscious bias” instruction would look like. Additionally, this subcommittee needs volunteers.
6. **Bad Faith:** First Party Bad Faith instructions are fully drafted. The subcommittee continues to work on the Third Party Bad Faith instructions. Ben Cooper moves to adopt the Introduction and the First Party Bad Faith instructions (1 and 2). Alicia Funkhouser seconds. Richard Langerman interjects that motion should be limited to Bad Faith 3. Alicia moves accordingly, Ben seconds. Discussion occurs and it is agreed to add brackets around “a” and “b” and to include “or” after (a); add the phrase “theories and evidence” Motion carries, unopposed.  
  
There are no changes to Bad Faith 4 or Bad Faith 5. PJ Lopez moves to adopt them, Nate Meyer seconds. Motion carries.
7. **Other Business:** None.
8. **Agenda Items Not Reached:** N/A.

## **CALL TO THE PUBLIC**

Individuals addressing the Board. None present.

**Meeting adjourned by:** Alicia Funkhouser adjourned the meeting at 4:45 p.m.

**Next Meeting:** October 13, 2021 at 3:00 p.m.