

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

October 3, 2021
3:00 pm
Virtual Meeting

Minutes

MEMBER ATTENDANCE:

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

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

OTHER ATTENDEES: None

State Bar Staff: Ilona Kukan

Minutes taken by: Richard Langerman

CALL TO ORDER – Alicia Funkhouser

Time: 3:05 p.m.

Minutes of Last Meeting: A motion to approve the minutes of the September 1, 2021 meeting was made and seconded. The motion was unanimously approved.

Bad Faith Subcommittee: Subcommittee chair, Ben Cooper, reported that the first party instructions had been finalized and were approved by the Committee at its September meeting. Mr. Cooper reported that the subcommittee continued its work on the third-party instructions.

Vicarious Liability Subcommittee: Subcommittee chair, P.J. Lopez, reported that the subcommittee had reached consensus and expected to present a proposed draft instruction at the Committee's November meeting.

Personal Injury Damages Subcommittee: Subcommittee chair, Richard Langerman, reported that the subcommittee continued working on a revised comment to the Damages Instruction in light of the numerous comments from the members of the bar. Mr. Langerman reported that the subcommittee's work was impacted by an intervening decision from the Court of Appeals (referencing *Benedict v. Total Transit*).

Unconscious Bias Subcommittee: Subcommittee chair, Alicia Funkhouser, informed the Committee that there was nothing to report from the subcommittee.

Other Business:

Richard Langerman reported that the Supreme Court had held oral argument in the *Rogers v. Mroz* case dealing with the right to privacy.

Richard Langerman reported that the Guidelines Subcommittee would likely begin work before the November meeting.

Amy Heiserman suggested that the Committee consider drafting instructions for breach of warranty product liability claims. Chairwoman Funkhouser indicated that she would consider appointing a warranty claims subcommittee at the November meeting.

Call to Public: Chairwoman Funkhouser made a call to the public.

A motion to adjourn was made and seconded. The motion was unanimously passed. Meeting adjourned at 3:35 pm.