

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

May 13, 2020
4:00 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) | T | Kara Klima | T |
| Alicia Funkhouser (Secretary) | T | Rodney Ott | A |
| Lincoln Combs | T | Sara Regan | T |
| Ben Cooper | T | Daniel Torrens | A |
| Dominic Gomez | T | Hon. Kenton Jones | A |
| Richard Langerman | A | Jack Klecan | A |
| Patrick Lopez (PJ) | T | David Shugart | A |
| Hon Karen Mullins | A | Hon. Pam Gates | A |
| Hon. Roger Brodman | T | | |
| | | | |

OTHER ATTENDEES:

None

State Bar Staff: Iona Kukan

Minutes taken by: Alicia Funkhouser

I. CALL TO ORDER

Called to Order by: Steve Kramer

Time: 4:04 p.m.

II. Review and approval of meeting minutes of February 2020, March 2020: (PJ Moved to Approve) (Kara seconded), Motion carried.

III. Agenda Items

1. Medical Malpractice Emergency Care Instructions – Public Comments

Alicia discusses the comments to the instruction. The main comment on the merits was that the committee should consider splitting up negligence/causation from damages since the burden of proof shifts. PJ indicates that since the purpose of the instruction is to explain that there is a shifting burden of proof it might make it even more confusing if the instruction is split.

Discussion held regarding changing it from “amount and extent” to “amount” of damages. Committee agrees to delete “and extent.”

Motion to Approve the instruction and submit to the Rules Committee (Alicia), seconded (Lincoln). Motion carried.

2. Committee Chair –

Alicia Nominated for Chair (Steve), Seconded (Ben), Motion carried

Secretary: Alicia nominated Kara, Seconded (Steve), Motion carried

3. **Bad Faith:** Discussed new member Nate Meyer for the subcommittee. Ben Cooper would like to see the instructions finalized this year. Steve Kramer will remain on the subcommittee as well. We are uncertain when committee approvals will be made, but he will be invited to attend as a member of the public.
4. **Standard Instructions** – Judge Brodman will serve as chair of the subcommittee, Steve Kramer will be a member.
5. **Employment Law section** - Judge Brodman indicates he may have new proposed instructions to review next month.
6. **Vicarious Liability** – PJ indicates we may need revisions to the vicarious liability instruction and we can put it on the agenda next month.

Agenda Items Not Reached: N/A.

CALL TO THE PUBLIC Steve Kramer

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

Meeting adjourned by: Motion to adjourn (PJ). Seconded (Ben) Motion carried. Steve Kramer adjourned meeting at (4:25 P.M. time).

Next Meeting June 3, 2020 at 3:00 p.m.