

AGENDA  
ADVISORY COMMITTEE  
ON MODEL CIVIL JURY INSTRUCTIONS

Administrative Office of the Courts  
Scott M. Matheson Courthouse  
450 South State Street  
Council Room, Suite N31

February 9, 2004  
4:00 to 6:00 p.m.

Welcome and approval of minutes	John Young
Drafting guidelines	Paul Simmons
Negligence Instructions	Frank Carney
Preliminary and General Instructions	Phil Ferguson
Damages Instructions	Rich Humpherys
Future Subcommittee Reports	John Young

**Meeting Schedule: Matheson Courthouse, 4:00 to 6:00, Judicial Council Room**

March 8  
April 12  
May 10  
June 14  
July 12  
August 9  
September 13  
October 18 (3<sup>rd</sup> Wednesday)  
November 8  
December 13

## ***MINUTES***

Advisory Committee on Model Civil Jury Instructions

January 12, 2004

4:15 p.m.

Present: John L. Young (chair), Timothy M. Shea, Honorable William W. Barrett, Jr., Paul M. Belnap, Juli Blanch, Francis J. Carney, Phillip S. Ferguson, L. Rich Humpherys, Paul M. Simmons

1. *Minutes.* Judge Barrett moved that the minutes of the October 8 and December 8, 2003, meetings be approved. The motion passed without opposition.

2. *Drafting Guidelines.* The committee discussed a draft of Guidelines for Drafting Plain-Language Jury Instructions, which Mr. Simmons had prepared from the materials Mr. Shea had circulated earlier. Mr. Young suggested that the committee refine the guidelines before the next meeting and come to the next meeting prepared to approve them, so that they can be circulated to all the subcommittees.

**If committee members have other suggestions or examples for the drafting guidelines, they should get them to Mr. Shea, who will circulate them to all committee members before the next meeting.**

3. *Charge.* Mr. Young reviewed the committee's charge, which is to propose a set of plain-language jury instructions. Subcommittees should reach a consensus if at all possible. The court would like to avoid alternative instructions.

4. *Preliminary Instructions.* Mr. Carney suggested that the instructions include a recommendation that instructions be given at different points during the trial. For example, an instruction on expert testimony and the weight it deserves could be given before the first expert witness testifies in the case. Mr. Young suggested that such suggestions be included in the introductory materials.

5. *California Jury Instructions.* Mr. Carney reviewed the new California plain-language jury instructions and noted that the instructions themselves are not copyrighted. Mr. Shea loaned a set of the California instructions to Messrs. Ferguson and Humpherys, who will see that Mr. Belnap gets a set of the damage instructions. Mr. Shea will also see if he can obtain additional complimentary copies of the California instructions.

6. *Negligence Instructions.* The committee reviewed a draft of the instructions prepared by Mr. Carney's Negligence Subcommittee. The committee reviewed and made additional changes to the instructions that were approved at the last committee meeting:

In the third line of instruction 2, "person" was added after the word "careful."



















