MINUTES

Advisory Committee on Model Civil Jury Instructions

December 13, 2010

4:00 p.m.

Present: John L. Young, Chair, Juli Blanch, Frank Carney, Professor Marianna Di Paolo, Phillip S. Ferguson, Tracy H. Fowler, Stephen B. Nebeker, Ryan Springer, Peter W. Summerill, Timothy M. Shea, Diane Abegglen

Excused: Judge William Barrett, Rich Humpherys, John R. Lund, Paul M. Simmons, David E. West

(1) The minutes of the meeting held on November 8, 2010 were approved.

(2) Mr. Young announced that Judge Deno Himonas, Judge Kate Toomey, and Mr. Ryan Springer were being appointed to the committee. Mr. Gary Johnson is being reappointed to the committee.

(3) CV1101. Duty to invitee. The committee added conduct of activities to discovery of conditions throughout the instruction. The committee decided the factors should be set off with brackets so that only those factors supported by the evidence would be give to the jury. The subcommittee will draft a not about the factors. The instruction was approved as amended.

(4) CV1102. Duty to licensee for an activity on the property. The committee added a reference to defendant's property. The instruction was approved as amended.

(5) CV1103. Duty to licensee for a condition on the property. The committee added a reference to defendant's property. The instruction was approved as amended.

(6) CV1104. General duty to a trespasser. The committee approved the instruction as drafted.

(7) CV1104A Duty to a trespasser for an activity on the property. The committee approved the instruction as drafted.

(8) CV1104B Duty to trespasser for an artificial condition on the property. The committee approved the instruction as drafted.

(9) CV1104C Duty to trespassing child for an attractive nuisance on the property. The committee approved the instruction as drafted.

(10) CV1106. Duty to persons on a public way. The committee changed "consent or acquiescence" to "express or implied consent." The committee changed "would deviate from" to "might leave." The instruction was approved as amended.