

Model Utah Civil Jury Instructions Committee

Summary Minutes

October 15, 2019

In attendance:

Last	First	Role
Sylvester	Nancy	Staff
Stone	Andrew	Chair, Judge
Di Paolo	Marianna	Linguist
Ferre	Joel	Defendant
Fowler	Tracy	Defendant
Kelly	Keith	Judge
McAllister	Alyson	Plaintiff
Mortensen	Doug	Plaintiff
Shapiro	Ruth	Defendant
Shurman	Lauren	Defendant
Simmons	Paul	Plaintiff
Summerill	Peter	Plaintiff

1) Fond farewell:

The committee said a fond farewell to long-time members Tracy Fowler, Paul Simmons, and Peter Summerill. Their spots have been advertised to the Bar (two plaintiff, one defendant). Judge Stone told the committee to please encourage their colleagues to apply.

2) Trespass and Nuisance:

The committee finalized the Trespass and Nuisance instructions (the committee gave big thanks to Cameron Hancock and Ryan Beckstrom for their work for the past year). There were just two remaining, The committee approved CV1213 (Doug Mortensen-1, Paul Simmons-2) and CV1210 (Alyson McAllister-1, Ruth Shapiro-2). The committee wordsmithed CV1213 and had a robust discussion about whether the committee should change the order of CV1210, which

follows the statutory language. The committee decided to keep the language of CV1210 as is with a couple edits.

The committee also added a reference in the committee note to CV1208.

2) ACTL Cognitive Science Instructions:

The committee discussed how to get the cognitive science proposals and discussions out for comment. Judge Kelly discussed finalizing the uniformity issue and then revisiting the improving deliberations issue. Judge Stone will discuss with Andrew Morse and the Bar Journal a potential article and what the deadlines are for that. An article could be accompanied by a comment period. Professor DiPaolo also volunteered in the course of the discussion to help the Implicit Bias Subcommittee since bias and language go hand in hand. The committee will continue this discussion at the December meeting.

4) All other matters and future instructions:

All other matters were deferred. Mr. Fowler expects to have the Products Liability instructions ready for the December meeting.

5) For publishing:

- Trespass and Nuisance instructions. Any comments will be taken up at a later meeting.
- Possible Bar Journal article with points and counterpoints on the ACTL instructions (plus comment period).

6) Next meeting

The November meeting was cancelled. The next meeting will be on December 9, 2019.