

# MINUTES

Advisory Committee on Model Civil Jury Instructions  
February 9, 2026  
4:00-6:00 p.m.

Present: Alyson McAllister, John Macfarlane, Aaron Pacini, Bill Eggington, Michael Lichfield, Judge Brian D. Bolinder, Kara North, Ben Lusty, Jace Willard (staff), Clancey Henderson (staff),

Excused: Stewart Harman

Guests: Jesse Egbert, Clark Cunningham, Susan Provenzano

## 1. Welcome and Approval of Minutes

Ms. McAllister welcomed the Committee. The Minutes from the January 2026 meeting were approved.

## 2. Linguistics and Law Group – Update

Ms. McAllister welcomed Messrs. Jesse Egbert, Clark Cunningham, and Susan Provenzano from the Linguistics and Law Group.

Mr. Jesse Egbert presented an update on the group's work during its stage 1 analysis on the MUJI 100-series. Mr. Egbert identified the two initial goals for the group's work: 1) identify words and phrases that may be problematic for juror comprehension; and 2) test potential jury members' comprehension of those words and phrases. Mr. Egbert described the tests used and provided a sampling of results to familiarize the Committee with the group's approach. Mr. Egbert also discussed research on related topics considered in the group's analysis. Mr. Egbert indicated that the initial tests confirmed the methods that could be used for further research. Mr. Egbert discussed the potential for the group to conduct a second stage of research after the priorities are identified by the Committee.

The Committee discussed the need to further investigate linguistic clarity of the instructions by seeking input from actual jurors. Judge Bolinder indicated he would raise the issue with the board of district court judges.

The Committee discussed assigning a sub-committee the task of reviewing the group's work and steering further efforts.

The group indicated it will share its written findings with the Committee in the coming weeks. The Committee will review the report and then assess next steps.

### 3. CV2119 Implied Covenant of Good Faith and Fair Dealing

The Committee continued its discussion on potential revisions to CV2119 Implied Covenant of Good Faith and Fair Dealing based on an issue raised in an article published in the Bar Journal. The Committee discussed the author-attorney's response to the Committee's inquiry. The Committee discussed various potential amendments to the instruction. Mr. Eggington identified the low-frequency terms in the instruction for the Committee to consider.

Mr. Lichfield moved to approve the new proposed instruction. Mr. Pacini seconded the motion. Upon a vote, the instruction was unanimously approved by the Committee for publication and public comment.

### 4. SB211 re *Gardner v Norman*, 2025 UT 47

Ms. North provided an update on SB 211. The Committee discussed the implications for Civil Instructions if the bill passes, and determined to monitor the bill's progress.

### 5. Gender Neutrality in Jury Instructions

The Committee discussed undertaking a review of instruction language, and the need for revisions in order to achieve gender neutrality. The item will be on the agenda for the next meeting as well.

### 6. Scheduling and adjournment

The next meeting will be held on March 9, 2026, at 4:00 p.m.

The meeting adjourned.