



# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

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Ronald B. Gordon, Jr.  
State Court Administrator  
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## MEMORANDUM

**TO:** The Judicial Council

**FROM:** Alyson McAllister, Lauren Shurman, and Jace Willard

**RE:** Annual Report on the Model Utah Civil Jury Instructions Committee

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The Judicial Council's Standing Committee on the Model Utah Civil Jury Instructions (MUJI-Civil) is comprised of district judges, civil practitioners who primarily represent plaintiffs, civil practitioners who primarily represent defendants, and a linguist. This year, several changes were made to the leadership and membership of the Committee. The Committee has a new Chair and Vice Chair, as well as a new linguist and defense counsel member. The current membership list is below.

Last	First	Role
Andrus	Randy	Plaintiff
Eggington	William	Linguist
Morris	Mark	Defendant
Holmberg	Kent	Judge
Kelly	Keith	Judge
McAllister	Alyson	Plaintiff, <i>Chair</i>
Mortensen	Douglas	Plaintiff
Shapiro	Ruth	Defendant
Shelton	Ricky	Plaintiff
Shurman	Lauren	Defendant, <i>Vice Chair</i>
Slark	Samantha	Defendant
Wentz	Adam	Recording Secretary
Haacke	Stacy	Staff

The mission of the Utah judiciary is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

Utah Code of Judicial Administration [Rule 1-205](#) provides for the establishment of the MUJI-Civil Committee, and [Rule 3-418](#) provides for the Committee's charge. For reference, the Committee's meeting materials are posted [here](#), and the completed instructions are found [here](#). Over the last year, the Committee has discussed several sets of jury instructions including:

- *Boundary by Acquiescence*: A set of instructions for real property disputes involving Boundary by Acquiescence was approved this year. These instructions include relevant definitions, elements required to prove a boundary by acquiescence, and exceptions. The Committee was very grateful to the subcommittee that helped to draft and update these instructions.
- *Avoiding Bias*: Last year, the Judicial Council emphasized a request for civil instructions addressing juror implicit bias, or a report on discussions for these instructions. The Committee has discussed these at length and after some hard work by a subcommittee, a civil instruction on "Avoiding Bias" has been approved. This instruction is included with this memorandum. Although the Committee has tentatively numbered this instruction as CV135, guidance from the Council on the appropriate placement of this instruction, particularly regarding the timing of this instruction within the overall sequence of the trial and other introductory instructions, would be appreciated. The Committee has also discussed whether the Court should consider addressing implicit bias through other means, such as videos or reading materials.
- *Defamation*: A case law update was presented to the Committee on the previously published defamation instructions. Amendments to these instructions were made to reflect updates to the law.
- *Easement by Necessity*: The subcommittee working on real property disputes has moved on to Easement by Necessity. These instructions have been reviewed by the Committee and are in the process of revision. A final draft should be presented to the Committee by the end of this year or early next year.
- The Committee also reviewed public comments that were submitted for instructions regarding Spoliation, Defamation (False Statement element), Nuisance, and a new proposed instruction on pretrial delay. The Committee made some amendments to instructions based on these public comments. Discussions regarding some of the public comments are ongoing and will continue into the new year.
- And finally, the Committee has worked throughout the year to revitalize the working groups to address civil instructions on Insurance, Wills and Probate, Assault and False Arrest, and Directors and Officers Liability. This included reaching out to legal professionals in the community to form new connections that will work on drafting civil jury instructions on these topics. Some of these groups have attended Committee meetings to discuss direction and expectations.

The Committee expects to see the working group on Products Liability return early in the new year to finish revisions to the Products Liability instructions that began in 2021. These revisions are intended to address recent developments in the case law. The Committee also anticipates receiving draft instructions from the recently formed working groups. While many of the meetings

this year remained virtual, the Committee has decided to include an in-person option at times throughout the year and held its first hybrid meeting in October 2022.

The Committee looks forward to a new year and a continuation of the robust discussions that was seen in 2022. Any thoughts or guidance from the Council members for the 2023 meeting year is always valued and appreciated.