



MODEL CRIMINAL JURY INSTRUCTIONS COMMITTEE
Meeting Minutes of:
Thursday, March 15, 2012
3:00 – 5:00 p.m.
Held at the Supreme Court – 8th floor conference room

Attendees:

Justice Coats (Chair), Judge Dailey (Vice Chair), Judge Lichtenstein (Vice Chair), Judge Egelhoff, Judge Samour, and Judge Tuttle

Telephone participants:

Judge Burback, Judge Greenacre, Judge Lemon, Judge Phillips, and Judge K. Romeo.

Staff:

Andrew Field (Reporter).

I. Approval of Minutes

The Committee approved the minutes for the February 16, 2012, meeting.

II. Updating the Definitions in Chapter F of COLJI-Crim. (2008).

The Committee agreed to add a “Comment on Chapter Use” explaining that the chapter does not include definitions of terms that are offenses, but that it does include entries referring users to the relevant elemental instructions.

The Committee discussed several issues related to the organization and cross-referencing of instructions, approved the Reporter’s revisions to numerous instructions, and directed the Reporter to prepare instructions for a few other terms that are defined by statute.

The Committee did not decide whether Chapter F should include dictionary definitions of elemental terms that are not defined by statute. Some judges expressed the view that such definitions would be helpful, while others opined that it would be better just to note the absence of statutory definitions. After debating the merits of adopting a firm policy, the Committee agreed to decide these issues on a case-by-case basis when reviewing elemental instructions that use undefined terms.

The Committee agreed to use disjunctive pronouns throughout the instructions (i.e., “he or she”), and to minimize such usage by repeating the antecedent where possible.

The Committee agreed that it would be beneficial to make a presentation at the Judicial Conference to inform trial judges of the Committee’s progress. The Chair will discuss this with the justice who will be overseeing the conference this year.

III. Next Meeting

The next meeting will be held in the same location, at the same time, on Thursday, April 19, 2012.

The Chair will set an agenda and have the Committee Reporter distribute relevant written materials in advance of the meeting.

The Chair adjourned the meeting at 4:57 p.m.

Respectfully submitted,

Andrew Field, Reporter.