

**Criminal Jury Instructions Committee**

**Minutes – May 21, 2021**

**Present via Zoom (19):**

Jamiel Allen  
Michael Breeze  
Hon. Maria Brewer  
Carlos Carrion (proxy vote for Greta Vietor)  
Ellen Dahl  
Kush Govani  
Karen Komrada  
Todd Lawson  
Jennifer Linn  
Hon. Danelle Liwski  
Sarah Mayhew (proxy vote for Rob Holmes)  
Steve McCarthy (proxy vote for Hon. Elizabeth Bingert)  
Shawn Steinberg  
Mikel Steinfeld (proxy vote for David Euchner)  
William Wallace

**Absent (6):**

Hon. Patricia Starr  
Hon. James P. Beene  
Bruce Chalk  
Paul Hawkins  
Hon. Jason Holmberg  
Hon. Stephen Hopkins

**1. Call to Order by Carlos Carrion: 1:40 pm**

**2. Agenda Items:**

- a. Approval of March 3, 2021 Meeting Minutes
  - i. One correction – Rob Holmes was present
  - ii. Lawson moves to adopt with correction
  - iii. Steinfeld second
  - iv. Motion passes unanimously**
- b. Proposed Revision to Instruction 14.01.04
  - i. Tabled until the fall
- c. Whether or Not Implicit Bias Instruction should be considered by the committee
  - i. Steinfeld – discussion
    - 1. Discussion regarding whether we should consider this issue
      - a. Steinfeld cites examples of jury instructions not rooted in case law
      - b. Linn and Dahl counter that this is not an activist committee and we should wait for instruction from the courts
      - c. Allen believes this is within our purview and scope to update instructions and stay current
      - d. Breeze believes we should address the issue based on procedural justice
      - e. Dahl asks if we need to include the words “implicit bias”
        - i. Current proposal does not include “implicit bias” – it includes “unconscious bias”
        - ii. Discussion over whether we need to include “unconscious bias”

- f. Allen – current proposal is wordy, Steinfeld is open to wording changes
- g. Mayhew strongly believes we have the authority to consider the proposal
- h. Steinberg and Lawson ask for more direction to ensure this comports with our authority and mission statement
  - i. Lawson more inclined to support proposal if Civil RAJI Committee is considering a similar proposal

2. Dahl – moves to consider proposal

3. Allen – second

**4. Motion passes unanimously**

ii. Subcommittee formed

1. Members: McCarthy, Dahl, Mayhew, Komrada, Linn, Steinfeld

iii. Komrada – asks that we keep RAJI committee discourse civil and respectful. States that the strength of our committee is its collegial and collaborative spirit

iv. Implicit/Unconscious Bias instruction is an action item for the fall meeting

d. Proposed Revision to Preliminary 8 Instruction

i. Tabled

e. Any other business

i. Nothing

f. Call to Public Completed 2:20pm

**3. Adjourn 2:20 pm**