

13-1810B. Loss of consortium; damages.

If you decide _____ (*name of loss of consortium claimant or names of loss of consortium claimants*) [has] [have] proven damage to a mutually dependent relationship as the result of [_____'s (*name of decedent*) death] [_____'s (*name of injured party*) injury], you also must decide the amount of money that will reasonably compensate _____ (*name of loss of consortium claimant or names of loss of consortium claimants*) for the harm _____ (*name of loss of consortium claimant or names of loss of consortium claimants*) suffered from the [loss of][injury to] _____'s (*name of loss of consortium claimant or names of loss of consortium claimants*) relationship with [_____] (*name of decedent*) [_____] (*name of injured party*)]. No fixed standard exists for deciding the amount of these damages. You must use your judgment to decide a reasonable amount of money to compensate _____ (*name of loss of consortium claimant or names of loss of consortium claimants*).

USE NOTES

This instruction should be given when a jury is asked to decide whether damages for loss of consortium should be awarded and, if so, the amount of damages the loss of consortium claimant or claimants should recover. Such damages may be recovered in cases involving injury or death.

When the instruction is given in an injury case, a special verdict form should be drafted which includes lines that provide for a separate award of damages to the injured party and a separate award of damages to any loss of consortium claimant or claimants. If there is more than one loss of consortium claimant, the verdict form should include a line for a separate award of loss of consortium damages to each loss of consortium claimant. A sample special verdict form appears in UJI Chapter 22 at UJI 13-2223 NMRA.

When the instruction is given in a wrongful death case, it should immediately follow UJI 13-1830. In a wrongful death case, a special verdict form should be drafted which includes lines that provide for a separate award of damages to the personal representative of the estate and for a separate award of loss of consortium damages to any loss of consortium claimant or claimants. If the personal representative is also a loss of consortium claimant, the verdict form should include a line for a separate award of loss of consortium damages to the personal representative. If there are additional loss of consortium claimants, the verdict form should include a line for a separate award of loss of consortium damages to each loss of consortium claimant. A sample special verdict form can be found at UJI 13-2223 NMRA.

If loss of consortium is not contested by the defendant or defendants, and only the amount of damages is at issue, this instruction should be modified in keeping with the circumstances of the case.

[Adopted by Supreme Court Order No. 19-8300-014, effective for all cases pending or filed on or after December 31, 2019.]