

13-2505. Willful conduct.

In this case _____ (*name of plaintiff*) claims that _____'s (*name of defendant*) conduct in violating the Unfair Practices Act was willful. You may consider this portion of _____'s (*name of plaintiff*) claim only if you first find that _____ (*name of defendant*) violated the New Mexico Unfair Practices Act. Willful conduct is the intentional doing of an act with knowledge that harm may result.

USE NOTES

This instruction should be given when there is an issue as to whether a defendant willfully violated the UPA. See NMSA 1978, § 57-12-10(B) (2005). When this instruction is given, the jury should be asked to make a determination as to whether the conduct at issue was willful in the special verdict form. The Appendix to this chapter includes a sample special verdict form for use in a UPA case.

[Adopted by Supreme Court Order No. 22-8300-001, effective for all cases pending or filed on or after February 21, 2022.]