

**13-1635. Loss-of-a-chance injury; definition; burden of proof.**

A party is liable for negligence resulting in another's lost chance for [a better outcome to] [survival from] a preexisting condition. This lost opportunity is an injury in itself. For \_\_\_\_\_ to recover on this claim a medical expert must have established that, as a result of \_\_\_\_\_'s negligence, \_\_\_\_\_ lost a measurable opportunity to avoid [loss of limb], [loss of life] [\_\_\_\_\_] (*other*).

USE NOTES

This instruction should be given when plaintiff alleges that the defendant's negligence resulted in the lost opportunity to obtain a better outcome from a preexisting condition. The instruction must be given with UJI 13-1802A NMRA which sets out the appropriate measure of damages for loss of a chance. [Approved, effective March 20, 2000.]