

13-826. Custom in the trade.

A custom in the trade is any manner of dealing that is commonly followed in a place or trade so as to create a reasonable expectation that it will be followed with respect to the transaction between the parties.

USE NOTES

This instruction should be given in conjunction with UJI 13-825 NMRA when there is a dispute as to the meaning of an ambiguous term or terms in a contract and there has been a sufficient showing of a trade custom to submit the evidence to the jury to consider in resolving the dispute.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 20-8300-006, effective for all cases pending or filed on or after December 31, 2020.]