

13-2414. Legal malpractice; measure of damages; general instruction.

The damages that may be recovered in a legal malpractice action are those which the plaintiff would have [recovered] [avoided] in the absence of the lawyer's [negligence] [and] [or] [breach of fiduciary duty]. [The damages that may be recovered also include expenses that the plaintiff incurred to avoid or reduce the loss caused by the lawyer's [negligence] [and] [or] [breach of fiduciary duty].] You will receive additional instructions regarding how you are to determine the damages the plaintiff would have [recovered] [avoided] in the absence of the lawyer's [negligence] [and] [or] [breach of fiduciary duty].

USE NOTES

This instruction should be used to provide the jury with an overall understanding of the appropriate measure of damages in a legal malpractice case. To the extent that it applies, the bracketed language should be included in the damages instruction. [Adopted by Supreme Court Order No. 17-8300-013, effective for all cases pending or filed on or after December 31, 2017.]