

13-2220. Comparative negligence; special verdict.

On the questions submitted, the jury finds as follows:

Question No. 1: Was the [any] defendant negligent?

Answer: _____ (Yes or No)

If the answer to Question No. 1 is "No", you are not to answer further questions. Your foreperson must sign this special verdict, which will be your verdict for the defendant(s) and against the plaintiff(s), and you will all return to open court.

If the answer to Question No. 1 is "Yes", you are to answer Question No. 2.

Question No. 2: Was any negligence of [a] defendant a cause of [a] plaintiff's injuries and damages?

Answer: _____ (Yes or No)

If the answer to Question No. 2 is "No", you are not to answer further questions. Your foreperson must sign this special verdict, which will be your verdict for the defendant(s) and against the plaintiff(s), and you will all return to open court.

If the answer to Question No. 2 is "Yes", you are to answer the remaining questions on this special verdict form. When as many as ten [five] of you have agreed upon each of your answers, your foreperson must sign this special verdict, and you will all return to open court.

Question No. 3: In accordance with the damage instructions given by the court, we find the total amount of damages suffered by plaintiff(s) _____ to be \$ _____ (Here enter the total amount of damages without any reduction for comparative negligence).

[We find the total amount of damages suffered by plaintiff(s) _____ to be \$ _____ (Here enter the total amount of damages without any reduction for comparative negligence.)]

Question No. 4: Compare the negligence of the following persons and find a percentage for each. The total of the percentages must equal 100%, but the percentage for any one or more of the persons named may be zero if you find that such person was not negligent or that any negligence on the part of such person was not a cause of damage.

_____ %

(Name)	_____	_____ %
(Name)	_____	_____ %
(Name)	_____	_____ % 100% TOTAL
(Name)	_____	

The court will multiply the percentage of [each] defendant times the plaintiff(s)' total damages as found by the jury under Question No. 3. The court will then enter judgment for plaintiff(s) against [each] defendant in the proportion of damages found as to [that] defendant. [If the percentage found by the jury for any one defendant is zero, then the court will enter judgment for that defendant and against the plaintiff(s) as to that defendant.]

Foreperson

USE NOTES

Unless the trial court in its discretion decides it is best to submit the case under UJI 13-2201 and 13-2202 NMRA with comparative negligence instruction UJI 13-2218 NMRA, or under UJI 13-2221 NMRA with comparative negligence instruction UJI 13-2219 NMRA, then the trial court is to use UJI 13-2220 NMRA in all cases involving comparative negligence. The mandate within parentheses in Question No. 3 shall be used in every case. The bracketed paragraph in Question No. 3 is to be used when multiple plaintiffs may not necessarily have sustained the same total amount of damages. In appropriate cases, Question No. 4 may have to be modified, e.g., to state that the jury is to compare the negligence of plaintiff(s) and defendant(s) and/or the negligence of plaintiff with the unreasonableness of the risk of injury presented by the product in a strict products liability action.

The persons to be individually listed in Question No. 4 are each of those persons whose acts and omissions may affect proportionate liability under the facts and the law. The bracketed last sentence of the explanation of the effect of the answer to Question No. 4 need be included only where there are multiple defendants.
 [As amended, effective November 1, 1991; March 1, 2005.]