

13-1823. Admitted liability.

The defendant has admitted liability for any damage which may have proximately resulted from the occurrence. You need only decide [what damages to plaintiff resulted from this occurrence and] what damages plaintiff should recover for these injuries.

USE NOTES

This instruction should precede UJI 13-1802 NMRA, or the prototype thereof, whenever it is used. UJI 13-1802 NMRA or an instruction of like import will need to be given on the measure of damages, even when the defendant has admitted liability.

In the second sentence a phrase is bracketed. If there is an issue in the particular case as to whether some or all of the damages of which the plaintiff complains were in fact caused by the occurrence, then you will use the bracketed material; otherwise, it will be omitted.

In all cases where the defendant admits liability, the plaintiff is entitled to at least nominal damages.

This instruction should be given in all cases where the defendant has admitted liability. No verdict form should be submitted to the jury permitting them to determine liability. The only verdict form should specify the amount of damages to be awarded to the plaintiff.