

### **13-1822. Future damages; discount to present cash value.<sup>1</sup>**

In fixing the amount you may award for damages arising in the future, you must reduce the total of such damages awarded today to their present cash value. This reduction is necessary because money received now will, through proper investment, grow to a larger amount in the future. To find present cash value, you should discount or reduce the total amount of future damages to account for the earning power of the money you award today.

[You may consider expert testimony in determining the present cash value of future damages.]<sup>2</sup>

[You must use [the interest rate of \_\_\_\_\_ percent] [and \_\_\_\_\_] (*specify other stipulated information*)] agreed to by the parties in determining the present cash value of future damages.]<sup>3</sup>

Damages for any future pain and suffering [and disfigurement]<sup>4</sup> are not to be so reduced.

#### USE NOTES

1. Whenever the jury is given the option or is directed to award future damages, this instruction should be given. However, defendant may waive such instruction. Use this instruction with UJI 13-1802.

2. Give this bracketed sentence if there has been expert testimony on reduction to present value. Unless there is a stipulation, expert testimony may be used to accurately establish present values for future losses.

3. Give this bracketed sentence if there has been a stipulation as to the interest rate to use or any other facts related to present cash value.

4. Use only if applicable.

Present-value tables may assist the jury in making its determination of present cash value. Tables, worksheets and an instruction on how to use them are provided in the Interest Tables in the New Mexico Statutes Annotated.

[As amended by Supreme Court Order No. 15-8300-005, effective for all cases filed or pending on or after December 31, 2015.]