13-2311. Lost wages.

The wages _____ *(plaintiff)* would have earned during the period that [~~[he] [she]~~] _____ *(plaintiff)* would have remained employed by _____ *(defendant)* had there been no wrongful discharge.

USE NOTES

This instruction should be inserted into UJI 13-2310 NMRA, Damages for Wrongful Discharge, where loss of past or future wages is an element of the plaintiff's damages.

Where mitigation of damages is a jury question, it may be appropriate, in lieu of this instruction, to adapt the instruction applicable to damages for breach of an express contract of employment, if the instruction is suited to the facts. *See* UJI 13-851 NMRA.

[Approved, effective January 1, 1999; as amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]