

1 **13-401. Agent; principal; definition.**

2 An agent is a person who, by agreement with another called the principal, represents the  
3 principal in dealings with third persons or transacts some other business, manages some affair or  
4 does some service for the principal, with or without compensation. The agreement may be oral or  
5 written, [and may be either expressed or implied by a course of conduct showing an intention that  
6 the relationship exists.]

7 USE NOTES

8 This instruction is always to be used with UJI 13-402 NMRA when respondeat superior is  
9 in issue. It may also be used with UJI 13-405 NMRA to explain the terms even when respondeat  
10 superior is not in issue.

11 Where the doctrine of [“respondeat superior”] is involved under the traditional [~~master-~~  
12 ~~servant~~] employer-employee relationship, reference is made to UJI 13-403 NMRA.

13 The material in the brackets is appropriate when an implied agreement of agency is a  
14 question for the jury.

15 [As amended, effective January 1, 1987; as amended by Supreme Court Order No. S-1-RCR-2025-  
16 00126, effective for all cases pending or filed on or after December 31, 2025.]