



1 of consortium damages to each loss of consortium claimant. A sample special verdict form appears  
2 in UJI Chapter 22 at UJI 13-2223 NMRA.

3           When the instruction is given in a wrongful death case, it should immediately follow UJI  
4 13-1830. In a wrongful death case, a special verdict form should be drafted which includes lines  
5 that provide for a separate award of damages to the personal representative of the estate and for a  
6 separate award of loss of consortium damages to any loss of consortium claimant or claimants. If  
7 the personal representative is also a loss of consortium claimant, the verdict form should include  
8 a line for a separate award of loss of consortium damages to the personal representative. If there  
9 are additional loss of consortium claimants, the verdict form should include a line for a separate  
10 award of loss of consortium damages to each loss of consortium claimant. A sample special verdict  
11 form can be found at UJI 13-2223 NMRA.

12           If loss of consortium is not contested by the defendant or defendants, and only the amount  
13 of damages is at issue, this instruction should be modified in keeping with the circumstances of  
14 the case.

15 [Adopted by Supreme Court Order No. 19-8300-014, effective for all cases pending or filed on or  
16 after December 31, 2019.]

17           **Committee commentary.** — “Loss of consortium is a type of personal injury damage  
18 because damages for consortium are damages for the plaintiff’s emotional distress due to the harm  
19 to a sufficiently close relationship.” *Thompson v. City of Albuquerque*, 2017-NMSC-021, ¶ 8, 397  
20 P.3d 1279 (alteration, internal quotation marks, and citations omitted). In the setting of a child

1 losing a parent, for example, this is the value of the loss of the parent’s “love, care, society,  
2 companionship, and the like.” *State Farm Mut. Auto. Ins. Co. v. Luebbers*, 2005-NMCA-112, ¶  
3 42, 138 N.M. 289, 119 P.3d 169.  
4 [Adopted by Supreme Court Order No. 19-8300-014, effective for all cases pending or filed on or  
5 after December 31, 2019.]