

13-110.1. Implicit bias instruction.

As jurors, you are charged with considering the evidence impartially and without bias. Throughout the trial, you and your fellow jurors must strive to be impartial and unbiased in considering the evidence and in reaching a verdict.

This is not an easy task because as humans, we all have biases. Biases may be based on assumptions or feelings we have about people of a particular type, class, or background. They can affect what we think about other people, how we view information we receive from them, how we remember that information, and how we develop opinions and make decisions. We may not always be aware that these biases exist, which is why we call them “implicit” or “unconscious” biases.

For this reason, as you participate in this trial, I encourage you to consider these guidelines:

1. Avoid forming a fixed view of a party, a witness, or the evidence based on your initial impressions without carefully examining the basis for that view.
2. Ask yourself whether you would have a different view of a party, or would find a witness to be more or less believable, if they had certain characteristics, for example, if they were richer or poorer, more or less educated, did not have a particular disability, or were of a different race, nationality, gender, gender identity, sexual orientation, or religion [or _____ (*insert other form of bias*)].
3. Take the time you need to reflect carefully and consciously about the evidence, and keep those considerations in mind.
4. Focus on individual facts. Do not jump to conclusions that may be influenced by unintended stereotypes or associations.

USE NOTES

This instruction is to be given as part of the court’s initial instructions to the empaneled jury at the start of the trial. The court has some discretion with respect to placement of the instruction within the general flow of initial instructions, but generally it should be given immediately after or closely after UJI 13-110 NMRA. Language has been added to UJI 13-2005 NMRA and UJI 13-2009 NMRA to remind the jurors of their obligation before deliberations. If the parties agree, they may use the bracketed phrase in the second numbered paragraph to name a particular bias of concern or at issue in the case.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00041, effective for all cases pending or filed on or after December 31, 2025.]