02.10 CLOSING INSTRUCTIONS — CREDIBILITY OF EXPERT WITNESSES

[Several] [An] expert witness[es] testified in this case. Experts have special training, education, skills or knowledge that may be helpful to you. In deciding whether to believe an expert and how much weight to give expert testimony, you should consider the same things that you would when any other witness testifies. In addition, you should consider the following things:

(1) the special qualifications of the expert;

(2) the expert's knowledge of the subject matter involved in the case;

(3) the source of the information considered by the expert; and

(4) the reasons given for the expert's opinion.

As with other witnesses, you must decide whether to believe an expert and how much weight to give to expert testimony. You may believe all, part, or none of the testimony of an expert witness. You need not believe an expert even if the testimony is uncontradicted. However, you should act reasonably in deciding whether or not you believe an expert witness and how much weight to give expert testimony.

You are not required to accept expert testimony as true simply because a number of expert witnesses agree with each other. You may decide that even the unanimous testimony of expert witnesses is erroneous. But you should act reasonably in deciding whether to reject uncontradicted testimony.

When expert witnesses are in conflict, you need not accept the testimony of a majority of the witnesses. You may find the testimony of one witness or of a few witnesses more persuasive than the testimony of a larger number.

# Use Note

This instruction should follow Instruction 02.08, which sets forth the general suggestions as to how jurors might assess the credibility of ordinary witnesses. This instruction adds some suggestions that are particularly appropriate when experts testify.

Comment

Alaska, like most jurisdictions, has expanded the admissibility of expert testimony. See Alaska R. Evid. 702, 703. The trial judge has great discretion to decide when expert testimony should be admitted and what type of testimony should be admitted. Alaska R. Evid. 702. Control over the way the expert opinion is conveyed to the jury is vested in the trial judge. Alaska R. Evid. 705.

This instruction alerts the jury to the factors that may be especially important when an expert testifies, especially under a rule like Alaska R. Evid. 703, which allows the expert testimony to be expressed in any way that is helpful to the jury and to be based on facts or data that themselves could not be admitted into evidence if an expert were not testifying.