02.20 CLOSING INSTRUCTIONS — JUDICIAL NOTICE

The court has determined that certain facts must be accepted as true, because they are beyond reasonable dispute. This determination is called “judicial notice.” The following facts must be taken as true in this case: (Insert facts). It is up to you to decide how much weight to give these facts in light of the other evidence.

# Use Note

This instruction should be given only if the judge is taking judicial notice of facts. Before doing so, the judge upon request should give the parties an opportunity to be heard. Alaska R. Evid. 203.

This instruction may also be used when the court is taking judicial notice of a law under Evidence Rule 202. Note, however, that taking judicial notice of a law is only one way to inform the jury of the existence of a particular law. This information can also be conveyed through testimony, or the court can simply instruct the jury that such a law exists.

# Comment

Alaska R. Evid. 201(b) allows a court to judicially notice a fact that is not subject to reasonable dispute, because it is generally known within Alaska or capable of accurate and ready determination by an unquestionably reliable source. Alaska R. Evid. 203(c) provides that “the court shall instruct the jury to accept as conclusive any fact judicially noticed.” The Comment to that rule states that it “contemplates there is to be no evidence before the jury in disproof of a judicially noticed fact.” This means that when the court takes notice of a fact, no party will be permitted to offer contrary proof, although a party will be heard on the question whether judicial notice is proper under the circumstances under Alaska R. Evid. 203.