**1A.18 CAUTIONARY INSTRUCTION – COURT APPOINTED EXPERT WITNESS**

I asked (name of witness) to give us an opinion in this case. This means only that (name of witness) has not been (hired) (asked to appear) by either party. It does not mean that I believe that this is a better witness than the experts hired by the parties. Nor does it mean that this expert is more likely than the parties' experts to be correct. You must decide which of the experts, if any, to believe after you have carefully considered all the testimony in the case.

Use Note

This instruction should be given only if the court decides to disclose that it appointed the expert, something left to the court's discretion under Alaska R. Evid. 706.

Comment

An instruction on a court-appointed expert is needed to remind the jury that the fact that the court has retained the expert is not something that signifies the jury must believe the expert. The significant thing is that the expert is not beholden to either party. This is the thought communicated in the instruction.

This is not as elaborate as Instruction 2.04, which is more detailed because it is a final instruction to the jury.