**1.09 QUESTIONS BY THE COURT**

During the trial, I may ask questions of witnesses called by the parties. My questions are not more or less important than the questions that are asked by attorneys in the case. You should consider the answers to my questions just as you would other answers in the case. Do not assume that because I ask questions I have any opinion about the case or the matters to which my questions relate.

Nothing I do or say during the trial is intended to indicate what I think the facts are or that I believe or disbelieve any witness. If anything I do or say seems to indicate that to you, you are to disregard it and form your own opinion.

It is the jury's job, not the judge's, to evaluate the evidence and to decide what evidence to believe and what weight to give the evidence.

Use Note

Alaska R. Evid. 614 authorizes the court to call and to interrogate witnesses. If the court decides to call a witness, a revised version of this instruction should be given. The comment to Evidence Rule 614 suggests that these powers should be used with restraint. It seems likely that the most frequent exercise of the powers conferred by Rule 614 will occur when the court clarifies testimony provided by witnesses questioned by the parties.

Comment

Alaska R. Evid. 706(a) authorizes the court to disclose to the jury the fact that a witness has been appointed by the court but nothing in that rule suggests or even implies that the traditional role of the jury to judge the credibility of witnesses is to be eroded.