

## **APPENDIX A**

### **1.08**

#### **EXPERT TESTIMONY**

ORDINARILY, THE RULES OF EVIDENCE DO NOT PERMIT WITNESSES TO TESTIFY AS TO OPINIONS OR CONCLUSIONS. BUT THERE IS AN EXCEPTION TO THIS RULE FOR EXPERT WITNESSES. EXPERTS ARE ALLOWED TO GIVE OPINIONS OR CONCLUSIONS BECAUSE THEY HAVE BECOME EXPERT IN SOME ART, SCIENCE, PROFESSION OR CALLING. THEY MAY GIVE THEIR OPINIONS OR CONCLUSIONS, THE REASONS FOR THEIR OPINIONS AND CONCLUSIONS, AND THE FACTS AND DATA ON WHICH THEY RELIED IN REACHING THOSE OPINIONS AND CONCLUSIONS.

IN THIS CASE, I HAVE PERMITTED SEVERAL EXPERTS TO TESTIFY. YOU ARE NOT BOUND BY AN EXPERT'S OPINION. IF YOU FIND THAT THE OPINION OR CONCLUSION IS NOT BASED ON SUFFICIENT EDUCATION OR EXPERIENCE, THAT THE REASONS SUPPORTING THE OPINION OR CONCLUSION ARE NOT SOUND, OR THAT THE OPINION OR CONCLUSION IS OUTWEIGHED BY

OTHER EVIDENCE, YOU MAY COMPLETELY OR PARTIALLY DISREGARD THE EXPERT'S OPINION OR CONCLUSION.

IF THE EXPERT BASED HIS OPINION OR CONCLUSION ON FACTS AND/OR DATA WHICH ARE IN DISPUTE, IT IS UP TO YOU, THE JURY, TO RESOLVE THE DISPUTE AND DETERMINE WHICH FACTS AND/OR DATA HAVE BEEN PROVEN TO BE TRUE. IN WEIGHING THE EXPERT'S OPINION OR CONCLUSION, YOU MAY CONSIDER WHETHER HE RELIED ON FACTS AND/OR DATA WHICH, IN YOUR JUDGMENT, WERE PROVEN TO BE TRUE OR NOT PROVEN TO BE TRUE.

YOU ARE THE SOLE JUDGES OF THE FACTS. YOU ALONE DECIDE THE VALUE OF ALL EVIDENCE THAT IS ADMITTED AND THE BELIEVABILITY OF ALL WITNESSES WHO TESTIFY.

MOREOVER, IF YOU CONCLUDE THAT THE EXPERT RELIED ON FACTS AND/OR DATA WHICH, IN YOUR JUDGMENT, WERE NOT PROVEN TO BE TRUE, YOU MAY CONSIDER TO WHAT EXTENT, IF ANY, THE EXPERT'S RELIANCE ON SUCH FACTS AND/OR DATA AFFECTED THE VALIDITY OR STRENGTH OF THE OPINION OR CONCLUSION THAT EXPERT PRESENTED TO YOU.