

160 EXPERT TESTIMONY: GENERAL

Usually, witnesses can testify only to facts they know.

But, a witness with expertise in a calling (specialty) may give an opinion in that calling (specialty). In determining the weight to be given an opinion, you should consider the qualifications and credibility of the expert and whether reasons for the opinion are based on facts in the case. Opinion evidence was admitted in this case to help you reach a conclusion. You are not bound by any expert's opinion.

(In resolving conflicts in expert testimony, weigh the different expert opinions against each other and consider the qualifications and credibility of the experts and the reasons and facts supporting their opinions.)

COMMENT

This instruction and comment were approved by the Committee in 2017. It was adapted from Wis JI-Civil 260.

Wis. Stat. " 907.02 and 907.03; *Black v. General Elec. Co.*, 89 Wis.2d 195, 212-13, 278 N.W.2d 224 (1979); *Milbauer v. Transport Employes' Mut. Benefit Soc'y*, 56 Wis.2d 860, 203 N.W.2d 135 (1973); *Rabata v. Dohner*, 45 Wis.2d 111, 172 N.W.2d 409 (1969); *Andersen v. Andersen*, 8 Wis.2d 278, 283, 99 N.W.2d 190, 193 (1959); *Anderson v. Eggert*, 234 Wis. 348, 361, 291 N.W. 365, 371 (1940).

For Expert Testimony: Hypothetical Questions, see Wis JI-Children 165.