

260 EXPERT TESTIMONY

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 was approved by the Committee in 1972 and revised in 1986, 1991, and 2011. The comment was updated in 1982, 1986, 1988, 1991, 2011, 2012, and 2017.

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 Employees' 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).

In Wisconsin, the general rule is that a nonexpert owner of property may testify concerning the property's value. Perpignani v. Vonasek, 139 Wis.2d 695, 408 N.W.2d 1 (1987).

For Expert Testimony: Hypothetical, see Wis JI-Civil 265.

For expert testimony in a medical malpractice trial, see Wis JI-Civil 1023; Weborg v. Jenny, 2012 WI 67 (Paragraph 73), 341 Wis.2d 668, 816 N.W.2d 191 and Seifert v. Balink, 2017 WI 2, 372 Wis.2d 525, 888 N.W.2d 816.