02.16 CLOSING INSTRUCTIONS — TELEPHONIC TESTIMONY

The testimony of [one witness] [some witnesses] was presented telephonically.

The law does not distinguish between telephonic testimony and live testimony. Both are valid forms of testimony. Telephonic testimony should be weighed by you as you would any other testimony. However, you may consider that you have not seen the witness testify. It is for you to decide whether this is significant.

# Use Note

This instruction should be used if telephonic testimony is presented.

# Comment

Alaska R. Civ. P. 99 authorizes telephonic participation in civil cases. It seems probable that as technology advances, more testimony will be offered by telephonic, video and other electronic means. Such testimony should be entitled to as much weight as other testimony, but the jury should be permitted to consider the fact that the witness did not testify in person.