

**1.13 EXPERT TESTIMONY<sup>1</sup> (Approved 4/95)**

**A. Optional Charge Concerning Hypothetical Questions<sup>2</sup>**

An expert witness was asked to assume that certain facts were true and to give an opinion based on that assumption. This is called a hypothetical question. You must determine if any fact assumed by the witness has not been proved and the effect of that omission, if any, upon the weight of the expert's opinion.

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<sup>1</sup> In the following instances, the Committee has approved specific charges on expert testimony and these charges should be given instead of the general charge on expert testimony:

5.50	Medical Negligence
5.51	Legal Malpractice
5.52	Professional Liability of an Architect/Engineer
9.10	Condemnation

<sup>2</sup> *N.J. Rules of Evidence 705.*