

3.10

Right Of Attorney Or Attorney's Investigator To Interview Witness

It is proper for an [(attorney) (attorney's investigator)] to interview or attempt to interview a witness for the purpose of learning the testimony the witness will give.

[However, the law does not require a witness to speak to [(an attorney) (an attorney's investigator)] before testifying.]

Committee Note

Instruction and Committee Note Approved October 17, 2014

This instruction should not be given unless the jury has heard testimony that a witness was interviewed or was asked to be interviewed by an attorney or an attorney's investigator.

The bracketed paragraph should not be given unless the jury has heard testimony that a witness refused to speak to an attorney or to an attorney's investigator prior to that witness testifying at trial.

This instruction is not intended to preclude argument concerning inferences to be drawn from a witness's refusal or willingness to be interviewed before testifying.

Use applicable bracketed material.

For an example of the use of this instruction, see Sample Set 27.02.