

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

MAR 1 1993

*Alvin Engel*  
Clerk

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)  
OF SDCL 19-15-5 TO RENUMBER IT)  
AS SDCL 19-15-5.2 )

RULE 93-19

Pursuant to a hearing held on February 16, 1993, at Pierre, South Dakota, relating to the amendment of SDCL 19-15-5, the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is ORDERED that SDCL 19-15-5 be and it is hereby renumbered as SDCL 19-15-5.2 and amended to read in its entirety as follows:

**19-15-5.2. (Rule 705(b)) Report of impartial expert admissible though based on information furnished by others.** A written report or finding of facts prepared by an expert not being a party to the cause, nor an employee of a party, except for the purpose of making such report or finding, nor financially interested in the result of the controversy, and containing the conclusions resulting wholly or partly from written information furnished by the cooperation of several persons acting for a common purpose, shall, in so far as the same may be relevant, be admissible when testified to by the person, or one of the persons, making such report or finding without calling as witnesses the persons furnishing the information, and without producing the books or other writings on which the report or finding is based, if in the opinion of the court, no substantial injustice will be done the opposite party.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1993.

DATED at Pierre, South Dakota, this 1st day of March, 1993.

BY THE COURT:

*Robert A. Miller*

ATTEST:

*Alvin Engel*  
Clerk of the Supreme Court  
(SEAL)

Robert A. Miller, Chief Justice