

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 1 1993

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

Howard J. Engel
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
OF SDCL 19-15-6)

RULE 93-20

Pursuant to a hearing held on February 16, 1993, at Pierre, South Dakota, relating to the amendment of SDCL 19-15-6, 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 19-15-6 be and it is hereby amended to read in its entirety as follows:

19-15-6. (Rule 705(c)) Notice to opponent of report of impartial expert--Inspection rights. The report or finding described in § 19-15-5.2 shall not be admissible unless the party offering it shall have given notice to the adverse party a reasonable time before trial of his intention to offer it, together with a copy of the report or finding, or so much thereof as may relate to the controversy, and shall also have afforded him a reasonable opportunity to inspect and copy any records or other documents in the offering party's possession or control, on which the report or finding was based, and also the names of all persons furnishing facts upon which the report or finding was based, except that it may be admitted if the trial court finds that no substantial injustice would result from the failure to give such notice.

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:

ATTEST:

Howard J. Engel
Clerk of the Supreme Court
(SEAL)

Robert A. Miller
Robert A. Miller, Chief Justice