

**CHAPTER 331**

**DISCOVERY OF EXPERTS, SIGNED ANSWERS**

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE  
IN THE IOWA RULES OF CIVIL  
PROCEDURE }

REPORT OF THE  
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF  
THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council an amendment to Iowa Rule of Civil Procedure 125(a), attached as Exhibit "A" and issued on this date.

Pursuant to Iowa Code section 602.4202(2), this change is to take effect September 1, 1988.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin  
ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa  
June 23, 1988

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the fifth day of July, 1988, the Report of the Supreme Court pertaining to the Iowa Rules of Civil Procedure.

/s/ Donovan Peeters  
Secretary of the Legislative Council

## EXHIBIT "A"

## 125. Discovery of experts.

(a) Expert who is expected to be called as a witness. In addition to discovery provided pursuant to R.C.P. 133, discovery of facts known, mental impressions, and opinions held by an expert whom the other party expects to call as a witness at trial, otherwise discoverable under the provisions of R.C.P. 122(a) and acquired or developed in anticipation of litigation or for trial may be obtained as follows:

(1) A party may through interrogatories require any other party to state the name and address of each person whom the other party expects to call as an expert witness at trial and to state, with reasonable particularity:

(A) The subject matter on which the expert is expected to testify;

(B) The designated person's qualifications to testify as an expert on such subject; and

(C) The mental impressions and opinions held by the expert and the facts known to the expert (regardless of when the factual information was acquired) which relate to, or form the basis of, the mental impressions and opinions held by the expert.

Nothing in this rule shall be construed to preclude a witness from testifying as to (1) knowledge of the facts obtained by the witness prior to being retained as an expert or (2) mental impressions or opinions formed by the witness which are based on such knowledge.

In the case of an expert retained in anticipation of litigation or for trial, answers to interrogatories asking for the qualifications of the person expected to testify as an expert, the mental impressions and opinions held by the expert, and the facts known to the expert shall be prepared and separately signed by the designated expert witness. If the party serving such interrogatories believes that ~~they~~ the answers were required to be answered signed by the expert and they were not so ~~answered~~ signed, the party may object on that basis and move for an order compelling discovery. An objection based on the failure of such interrogatories answers to be ~~answered~~ signed by the designated expert shall be asserted within thirty days of service of such answers; otherwise the objection is waived.

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