

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA

IN THE MATTER OF  
EXPERT WITNESS DISCLOSURE  
DEADLINES IN CRIMINAL CASES

STANDING ORDER 22-06

WHEREAS an amendment to Rule 16(b)(1)(C) and (G) of the Federal Rules of Criminal Procedure effective December 1, 2022, requires this Court, by order or local rule, to set the time for the government and the defendant to make disclosures of expert witnesses before trial; and

WHEREAS the United States Attorney for the District of South Dakota, the Federal Public Defender for North and South Dakota, and this Court have mutually agreed upon reasonable timeframes for expert witness disclosures in criminal cases.


NOW THEREFORE, this Court hereby adopts the following Standing Order.

1. The government and the defendant shall disclose to each other no later than twenty-one (21) calendar days before the start of trial the name of any person retained to testify as an expert witness in the case-in-chief and provide a written disclosure containing:

- a complete statement of all opinions that the party will elicit from the expert witness in the case-in-chief;
- the bases and reasons for them;
- the witness's qualifications, including a list of all publications authored in the previous 10 years; and
- a list of all other cases in which during the previous 4 years, the witness has testified as an expert at trial or by deposition

2. Any rebuttal expert to refute testimony from a disclosed expert shall be identified with the same written disclosure provided no later than seven (7) calendar days before trial.

Dated this 30th day of November 2022.

  
ROBERTO A. LANGE, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA