

HOUSE RESEARCH

Bill Summary

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Subject: Certification of experts in civil cases; conforming with rules of civil procedure

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Overview

This bill changes the service requirements for expert witness affidavits in malpractice cases to conform with recent changes to the Minnesota Rules of Civil Procedure.

Section

- 1 Requirements.** Changes the requirements in medical malpractice cases so that the expert witness affidavit required by this chapter is served on the defendant no later than 180 days after the commencement of discovery, instead of the commencement of the lawsuit.
- 2 Identification of experts to be called.** Conforming this subdivision with the change in section 1, so that when the interrogatories will satisfy the required identification of the expert witness those interrogatories also must be served within 180 days of the commencement of discovery.
- 3 Requirements.** Changes the requirements in malpractice cases against an attorney, architect, public accountant, engineer, land surveyor or landscape architect so that when the expert witness is to be used to establish a basis for the case, an affidavit of expert review pursuant to the requirements in subdivision 3 of this section is served on the defendant no later than 180 days after the commencement of discovery, instead of the commencement of the lawsuit.
- 4 Identifying experts to be called; adding or substituting experts.** Conforming this subdivision with the change in section 3, so that when the interrogatories will satisfy the required expert witness identification and information that those interrogatories also must be served within 180 days of the commencement of discovery.

Section

5 **Effective date.** Sections 1 to 4 are effective the day following final enactment and apply to causes of action commenced on or after that date.