



I.R.E. 706. Court Appointed Experts.

Idaho Rules of Evidence Rule 706. Court-Appointed Expert Witnesses.

(a) Appointment Process. On a party's motion or on its own, the court may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. The court may appoint any expert that the parties agree on and any of its own choosing. But the court may only appoint someone who consents to act.

(b) Expert's Role. The court must inform the expert of the expert's duties. The court may do so in writing and have a copy filed with the clerk or may do so orally at a conference in which the parties have an opportunity to participate. The expert:

- (1) must advise the parties of any findings the expert makes;
- (2) may be deposed by any party;
- (3) may be called to testify by the court, pursuant to Rule 614(a);
- (4) may be called to testify by any party; and
- (5) may be cross-examined by any party, including the party that called the expert.

(c) Compensation. The expert is entitled to a reasonable compensation, as set by the court. The compensation is payable as follows:

- (1) in a criminal case or in a civil case involving just compensation for the taking of property, from any funds that are provided by law; and
- (2) in any other civil case, by the parties in the proportion and at the time that the court directs – the compensation is then charged like other costs.

(d) Parties' Choice of Their Own Experts. This rule does not limit a party in calling its own experts.

(Adopted March 26, 2018, effective July 1, 2018.)

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