

EXPERT WITNESS TESTIMONY

POSITION STATEMENT

Consultants, as a matter of acting in the public interest, are encouraged to serve as impartial expert witnesses in clinical and technical matters regarding electrodiagnostic medicine. The minimum statutory requirements for qualifications for an expert witness in a medical malpractice action should reflect the following:

1. The witness should have comparable education, training, and occupational experience in the same field as the defendant.
2. The witness's occupational experience should include active medical practice or teaching experience in the same field as the defendant.
3. The witness's active medical practice or teaching experience must have been within 5 years of the occurrence giving rise to the claim.

Key Words: *testimony • expert witness*

It is unethical for expert witnesses to provide services under a contingent fee arrangement.

Courts should admit into evidence only expert medical testimony that is shown through proper legal foundation to be based on one of the following:

1. Widely accepted theories of medical science.
2. Theories that are supported by a respectable minority of experts in the field at issue.

Consultants providing expert medical testimony should be adequately versed in the medical and scientific issues involved in the matter and, before giving testimony, should carefully review the relevant records and facts of the case and the standards of practice prevailing at the time of the occurrence that gave rise to the claim.

Approved by the American Association of Neuromuscular & Electrodiagnostic Medicine (formerly AAEM): May 1999.