

## APPENDIX E: EXPERT WITNESS

The Society recognizes two general categories which a member may be involved in as an expert witness, including providing opinions as well as testimony at deposition or trial, depending on the nature of the litigation, and who is employing the member as a consultant.

- 1. Expert witness consulting on behalf of a commercial entity** (e.g. a CRM Company). This type of consulting may involve, for example, allegations of product liability, class action litigation or patent cases involving pharmaceutical or medical device industries. The Member is employed as a consultant by a commercial entity. It is considered equivalent to any other type of consulting on behalf of a commercial entity and must be disclosed according to the Society's guidelines, above.
- 2. Expert witness consulting in medicolegal litigation.** This type of consulting involves consulting in relation to potential or actual lawsuits involving allegations of medical malpractice, wrongful death, etc. Consulting is on behalf of plaintiffs and their attorneys, or defendant medical professionals or institutions and their attorneys. This type of expert witness testimony is considered to be a form of the practice of medicine rather than a relationship with industry, and thus does not need to be disclosed. Testimony should be provided in an objective manner using medical knowledge to form expert medical opinions. The Society believes it is appropriate for members to act as expert witnesses only within their area of expertise.

### Expectations for Professional Conduct as an Expert Witness

Before agreeing to serve as an expert witness, members should assess the merits of the case and give an honest opinion to the requesting attorney. Members should understand that their role is to assist the judge and jury in understanding the medical facts of the case. Members should testify impartially. Members should give medical testimony that is clearly stated, concise, and understandable. They should be fair, thorough, and objective, and not exclude any relevant information with a bearing on the case. Members should be willing to submit transcripts of prior and current depositions and courtroom testimony for peer review.

### Qualifications

1. Witnesses should have expertise in the relevant area. The Member should be actively and primarily engaged in the practice of the specialty or subspecialty under consideration, including electrophysiology and interventional cardiology. The Member should also be knowledgeable of, and qualified in, the area of testimony, and familiar with commonly accepted clinical practice standards.
2. The Member should have a current, valid, and unrestricted license in his or her area of professional practice, and be Board certified in cardiovascular disease, or equivalent certification in pediatric cardiology, cardiovascular surgery, or allied professional practice.
3. Compensation for expert testimony should be reasonable and commensurate with the time and effort expended. An expert witness shall not accept compensation that is contingent upon the outcome of litigation.