



# Expert Witness Guidelines

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The following are guidelines for members of NASS providing expert medical opinion services in medical malpractice, products liability, personal injury, workers' compensation, toxic tort litigation, or other cases requiring medical testimony. These Guidelines apply to all NASS members providing medical/legal testimony and/or expert opinion services.

- A. In our society, it is customary that testimony be given in all adversary proceedings brought before the court system and other arenas. NASS has adopted a position advising all its members to testify impartially and prudently.
- B. Witnesses are designated as experts if they have knowledge of any specific topics thought to be beyond the ken of the average layman. NASS members providing expert opinions are expected to be impartial and should not adopt a position of advocacy except as spokesman for the field of special knowledge that they represent. A NASS member providing an expert opinion must present the practice behavior of a prudent medical practitioner who specializes in treatment of the spine, giving differing viewpoints, if such there are.

Prior to offering any expert opinion or testimony the NASS member serving as an expert should:

- 1. Become familiar with all pertinent data of the particular matter at issue, including review of all relevant medical records.
- 2. Review prior and current concepts related to standard medical practice in the matter at issue.
- 3. Not concern himself or herself with the legal issues of the matter in question.
- 4. Identify as such, personal opinions not generally accepted by other medical practitioners who specialize in treatment of the spine.

In this manner the NASS member serving as an expert presents those opinions which represent the broad spectrum of medical thought and practice related to treatment of the spine.

- C. Any NASS member providing medical/legal testimony, whether as a designated expert or not, shall testify truthfully, accurately and professionally.
- D. Compensation of the NASS member serving as an expert should be reasonable and commensurate with the time and effort given to review of the particular matter and preparation for said testimony. A NASS member should not agree to accept a fee which is in any way contingent on the outcome.
- E. A NASS member serving as an expert should be engaged in the active practice of medicine or, alternatively, should be able to demonstrate sufficient familiarity with present practices in the area of his or her testimony to warrant designation as an expert witness.