

RESOLUTION 15 – 06A

Title: MSMS to Develop "Expert Plaintiffs Witness Testimony Review Service"

Introduced by: Anil K. Tibrewal, MD, for the International Medical Graduates Section

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Referred to: Reference Committee B

House Action: Referred to the Board for Study

Whereas, the practice of medicine is an inexact science and physicians are often blamed for less than perfect outcomes. This is often expressed in lawsuits as "malpractice," and

Whereas, unwarranted and unjustified malpractice litigation is a major cause of frustration for all physicians regardless of the outcome of the litigation, and

Whereas, the needless grief, frustration, depression, loss of self-esteem, not to mention financial hardship from increased insurance premiums, time lost from productive activities and the real possibility of financial ruin are taking an increasingly high toll on the mental, physical and financial health of the victimized physicians, and

Whereas, to protect themselves, physicians are forced into "defensive medicine" practices that needlessly escalate the costs of health care in this country and since physicians are expected to become "good defendants" as well as good doctors, and

Whereas, there are certain physicians who hire themselves out as "expert witnesses" for plaintiffs attorneys, and

Whereas, these "hired guns" can be counted on to provide testimony favorable to the plaintiffs' cases regardless of the facts of the matter, and

Whereas, testifying as an expert witness is, or should be, considered the practice of medicine, and

Whereas, while, delivering false, fraudulent or deceptive expert witness testimony is unprofessional conduct unbecoming of a physician and should be subject to review by the Michigan Board of Medicine, and

Whereas, MSMS, with its vast membership is in an excellent position to provide a member-only "Expert Plaintiffs Witness Testimony Review Service" that could, when warranted, forward their findings and recommendations to the Michigan Board of Medicine for prosecution of the offending physician; therefore be it

RESOLVED: That MSMS consider the formation of at least a members-only pilot project of an "Expert Plaintiffs Witness Testimony Review Service" to review the testimony given against members in medical liability lawsuits to determine whether the testimony was deliberately false, fraudulent or deceptive, and suggest how such a decision might be of benefit to members.

WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE

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