

**RESOLUTION 51-08A**

**Title: Expert Witness Testimony Review**

**Introduced by: Donald R. Peven, MD, for the Oakland County Delegation**

**Original Author: Donald R. Peven, MD**

**Referred to: Reference Committee B**

**House Action: Referred to the Board for Study**

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**Whereas, members of MSMS who are accused of malpractice deserve that expert testimony presented during discovery or trial is accurate and conforms to generally recognized standards of practice, and**

**Whereas, many members of MSMS feel that, in substantial numbers of cases, such expert testimony is inaccurate and does not conform to generally recognized standards of practice, and**

**Whereas, the AMA Code of Medical Ethics, Section E 9.07, states, “Organized medicine, including state and specialty societies, and medical licensing boards can help maintain high standards for medical witnesses by assessing claims of false or misleading testimony and issuing disciplinary sanctions as appropriate;” therefore be it**

**RESOLVED: That MSMS develop a program for review and evaluation of medical expert testimony presented in Michigan medical malpractice legal proceedings; and be it further**

**RESOLVED: That if medical expert testimony reviewed under a program for review and evaluation of medical expert testimony presented in Michigan medical malpractice legal proceedings is found to be false, misleading, or not reflective of generally recognized standards of practice, MSMS work to establish a mechanism for disciplining or sanctioning the provider of the testimony and/or publicly repudiating the testimony be developed; and be it further**

**RESOLVED: That MSMS amend its bylaws as necessary to allow a program for review and evaluation of medical expert testimony presented in Michigan medical malpractice legal proceedings to be instituted as soon as possible.**

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**WAYS AND MEANS COMMITTEE FISCAL NOTE: \$200 - \$300 per hour for legal fees per reviewed case, as estimated by MSMS Legal Counsel.**