■ Qualifications and guidelines for the physician expert witness

The American Academy of Neurology (AAN) Board of Directors has updated "Qualifications and guidelines for the physician expert witness," which provides guidance to members of the AAN who provide expert witness testimony in legal proceedings.

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■ The neurologist as expert witness

Commentary by H. Richard Beresford, MD, JD; Michael A. Williams, MD; and Murray G. Sagsveen, JD

A professional society has a responsibility to establish standards of professional conduct for its members, so the AAN's Board of Directors adopted a Code of Professional Conduct in 1989.¹ While the Code of Professional Conduct addresses many day-to-day activities of neurologists, it offers only passing guidance for the neurologist who is an expert witness. However, there has been an increasing focus on the conduct and discipline of physician expert witnesses over the last several years, including articles and commentary in *Neurology* and *Neurology Today*.²⁻⁵

Given that the AAN's "Qualifications and guidelines for the physician expert witness" (Guidelines) had not been updated since its original adoption in 1989—and that the Grievance Committee had seen growing numbers of complaints against neurologists regarding their conduct as expert witnesses—the AAN's Grievance Committee and the Ethics, Law and Humanities Committee (ELHC) reviewed, revised, and expanded the Guidelines in late 2004 and early 2005, comparing the 1989 version to guidelines

and statements of many other physician professional societies, including the American Medical Association⁶ and the American Association of Neurologic Surgeons.⁷ In recognition of the fact that the updated Guidelines would apply to all members of the Academy, they were presented to the AAN membership for comment and feedback during the business session at the annual meeting in Miami Beach, FL, on April 12, 2005. The ELHC submitted the final draft to the AAN Board of Directors, and the Board adopted the revised Guidelines on June 25, 2005 (www.aan.com/about/ethics/expert_witness.pdf).

In adopting these Guidelines, the AAN aims to promote expert testimony that is competent and grounded in science. Neurologists who offer such testimony perform an important civic duty and should not be dissuaded from acting as expert witnesses because of the Guidelines. At the same time, neurologists who provide false or unfounded testimony must be held accountable for their conduct. The delicate balance is to encourage neurologists to testify accurately but to discourage them from ven-

turing opinions that would not be persuasive to their professional peers. To this end, the AAN will continue to investigate complaints of improper expert testimony in accordance with processes specified in the AAN Disciplinary Action Policy (<http://www.aan.com/about/board/disciplinary.cfm>). The 2005 update of the AAN's "Qualifications and guidelines for the physician expert witness" are published here as a service to members of the Academy. We welcome comments regarding the Guidelines, as well as the Disciplinary Action Policy.

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