

Rules for Neurosurgical Medical/Legal Expert Opinion Services

Preamble

The American legal system often calls for expert medical testimony. Proper functioning of this system requires that when such testimony is needed, it be truly expert, impartial and available to all litigants. To that end, the following rules have been adopted by the American Association of Neurological Surgeons. These rules apply to all AANS members providing expert opinion services to attorneys, litigants, or the judiciary in the context of civil or criminal matters and include written expert opinions as well as sworn testimony.

A. Impartial Testimony

1. The neurosurgical expert witness shall be an impartial educator for attorneys, jurors and the court on the subject of neurosurgical practice.
2. The neurosurgical expert witness shall represent and testify as to the practice behavior of a prudent neurological surgeon giving different viewpoints if such there are.
3. The neurosurgical expert witness shall identify as such any personal opinions that vary significantly from generally accepted neurosurgical practice.
4. The neurosurgical expert witness shall recognize and correctly represent the full standard of neurosurgical care and shall with reasonable accuracy state whether a particular action was clearly within, clearly outside of, or close to the margins of the standard of neurosurgical care.
5. The neurosurgical expert witness shall not be evasive for the purpose of favoring one litigant over another. The neurosurgical expert shall answer all properly framed questions pertaining to his or her opinions on the subject matter thereof.

B. Subject Matter Knowledge

1. The neurosurgical expert witness shall have sufficient knowledge of and experience in the specific subject(s) of his or her written expert opinion or sworn oral testimony to warrant designation as an expert.
2. The neurosurgical expert witness shall review all pertinent available medical information about a particular patient prior to rendering an opinion about the appropriateness of medical or surgical management of that patient.

3. The neurosurgical expert witness shall be very familiar with prior and current concepts of standard neurosurgical practices before giving testimony or providing written opinion about such practice standards.

C. Compensation

1. The neurosurgical expert witness shall not accept a contingency fee for providing expert medical opinion services.
2. Charges for medical expert opinion services shall be reasonable and commensurate with the time and effort given to preparing and providing those services.