

Understanding the Academy's Expert Witness Affirmation

In October 2004, the American Academy of Ophthalmology's Board of Trustees adopted the American College of Surgeons' (ACS) Expert Witness Affirmation to help members who provide expert testimony. The affirmation declares the expert witness will uphold certain professional principles in providing testimony. The affirmation is consistent with the Academy's [Rule of Ethics 16](#), "Expert Testimony" (see below), and is intended for voluntary use by Academy fellows and members who wish to document their commitment to serving as a knowledgeable and ethical expert witness.

Fellows and members may elect to sign the affirmation (see following page) and give it to the attorney representing the party on whose behalf they intend to testify. **The document is for the fellows' and members' personal use and files; please do not forward it to the Academy.**

The affirmation may be used in litigation as part of the qualifications of those who have signed it. The affirmation has proven useful to members of other organizations having similar statements about appropriate expert witness testimony.

Rule of Ethics 16

Expert Testimony. Expert testimony should be provided in an objective manner using medical knowledge to form expert medical opinions. Nonmedical factors (such as solicitation of business from attorneys, competition with other physicians, and personal bias unrelated to professional expertise) should not bias testimony. It is unethical for a physician to accept compensation that is contingent upon the outcome of litigation. False, deceptive or misleading expert testimony is unethical.

The American Academy of Ophthalmology fully acknowledges the American College of Surgeons as the originator of this material regarding the Expert Witness Affirmation and the excerpted accompanying introductory information.

Expert Witness Affirmation

As a member of the medical profession and the American Academy of Ophthalmology, I affirm my duty, when giving evidence or testifying as an expert witness, to do so solely in accordance with the merits of the case. Furthermore, I declare that I will uphold the following professional principles in providing expert evidence or expert witness testimony.

1. I will always be truthful.
2. I will conduct a thorough, fair, and impartial review of the facts and medical care provided, not excluding any relevant information.
3. I will provide evidence or testify only in matters in which I have relevant clinical experience and knowledge in the areas of medicine that are the subject of the proceeding.
4. I will evaluate the medical care provided in light of generally accepted standards, neither condemning performance that falls within generally accepted practice standards nor endorsing or condoning performance that falls below these standards.
5. I will evaluate the medical care provided in light of the generally accepted standards that prevailed at the time of the occurrence.
6. I will provide evidence or testimony that is complete, objective, scientifically based, and helpful to a just resolution of the proceeding.
7. I will make a clear distinction between a departure from accepted practice standards and an untoward outcome.
8. I will make every effort to determine whether there is a causal relationship between the alleged substandard practice and the medical outcome.
9. I will submit my testimony to peer review, if requested by a professional organization to which I belong.
10. I will not accept compensation that is contingent upon the outcome of the litigation.

Name _____

Signature _____

Name of Certifying Board _____

DATE CERTIFIED _____ **DATE RECERTIFIED** _____