

## SNSA RULES FOR MEDICAL LEGAL AND EXPERT OPINION SERVICES

Neurosurgeons may be required to complete reports for legal use regarding patient disability or they may be required to give expert testimony regarding patient care. It is important that this testimony is accurate, impartial and available to all parties. The following rules apply to all SNSA members giving written or verbal testimony for legal purposes.

### The expert witness

1. A neurosurgeon acting as an expert witness must be experienced and have up to date knowledge of the subject on which he or she are offering opinion.
2. If offering opinion on a particular procedure, the surgeon should have performed many themselves and done the procedure in question within the last 5 years.
3. When providing expert opinion a neurosurgeon is ethically and legally obliged to tell the truth. The neurosurgeon must supply the SNSA with any transcripts or documents relating to an opinion should it be requested for peer review. Failure to provide truthful and accurate testimony exposes the neurosurgeon to criminal prosecution for perjury, civil suits for negligence, loss of professional registration and suspension from the SNSA.

### Impartial testimony

1. The neurosurgeons role is to inform and educate the court on the subject of neurosurgical practice.
2. The expert should represent the behavior and actions of a reasonably skilled neurosurgeon explaining the various options that may be chosen where these exist at the time that the procedure was performed.
3. Evidence based practice should be presented as the norm and where there is little or no evidence the expert should indicate the level of evidence quoted and thereby the certainty that a particular view may be presented as a standard of care.
4. Opinion should not be supported by “cherry picking” publications from the literature. Where publications are used to support a particular action or opinion the articles should have been chosen by systematic review and the counter views should also be presented.
5. The expert should show impartiality in acting for the complainant and defendant.

### Compensation

1. A neurosurgeon may not accept a contingency fee when providing expert opinion.
2. Charges for expert services should be reasonable and based on the time given to preparation at testimony.