

GUIDELINES FOR EXPERT WITNESSES IN OBSTETRICS AND GYNAECOLOGY:

DEFINITION OF AN EXPERT WITNESS

Education, training and experience all contribute to define an expert.

Generally, an expert should have at least five years of practical experience.

An expert should have been actively involved in the relevant field during the last five years.

The specific field and context of each case is relevant and defines who an expert will be.

An expert should have an unblemished academic and clinical standing and must be objective and fair.

The expert should have current knowledge about standards and practise in:

- The division or sub-speciality relevant to the case
- The relevant health care sector where the case arose

MOTIVATIONS TO BE AN EXPERT WITNESS

The wish to assist the justice system to reach a fair evaluation and conclusion.

Personal satisfaction from the competitive nature, variation and status of the work.

Monetary gain or a secondary profession is a common motivation.

CODE OF CONDUCT

Remain in the field of special expertise and provide a CV relevant to the case.

Obtain and list the pleadings, evidence and assumptions available at the time of the report.

Never base your opinion and report on the opinion or letter of the plaintiff.

Obtain and research the most current scientific evidence about the case.

Critically and objectively assess the issues relevant to the case.

Logically evaluate the probabilities and reach an opinion.

Motivate how the opinion was reached and summarise.

Regular witnesses must take special care to be objective and available to both parties

TARIFFS

Tariffs are set by negotiation; general guidelines to a fee structure are from:

- R15 000 for a report
- R15 000 for a day or part of a day
- R1 500 per hour for consultations

Prepared by the executive and medico-legal committee of SASOG with assistance from the EOP.