

---

# MESSAGE FROM THE PRESIDENT

---

## Will the real expert witness please take the stand

Over the past years I have been involved in several medical legal cases in which some of our senior colleagues were asked to be expert witnesses. I am sad to say that some of them were mangled by the opposition's legal teams.

The prime consideration for a medical expert is an ethical one. Carter (2012) asks this crucial question: 'Must an expert witness in a medical malpractice case put on his [or her] gloves, take up the cause, and fight for the party who instructs him [or her]?'

It is common knowledge among legal experts that the medical evidence in a malpractice case determines its outcome to a great extent; therefore the medical expert summoned to take the stand has the obligation to assist the court in coming to a correct decision with respect to issues relating to his or her field of specialisation. As a witness the medical expert has to remain objective and independent and cannot propagate an individual's case.

Expert witnesses in medical malpractice cases who do propagate a party's case jeopardise their reputation and run the risk of facing civil claims and/or complaints to the HPCSA.

Medical practitioners should guard against acting as an expert witness for a patient should their relationship with such a patient render their objective opinion questionable. It is imperative that the medical expert remain objective at all costs.

### Reference

1. Carter, M. 2012. MPS: On neutral ground. Accessed on 4 March 2012 from: <http://www.medicalprotection.org/southafrica/casebook-may-2011/on-neutral-ground>



*Prof TLB le Roux  
President: South African Orthopaedic Association*

---