

Arkansas Specialty Orthopaedics Policies and Procedures

Subject: Expert Witness Policy
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Policy:

It is the policy of Arkansas Specialty Orthopaedics (ASO) to make available services utilized for physician expert witness as called for. This policy will address:

1. Deposition, Physician Expert Witness & Regular Witness Fees
2. Payment Methodology of Fees
3. Providing Review for fellow ASO Physicians
4. ASO Expert Witness Ethics

For purposes of this policy and procedure, when using the acronym "ASO physicians" this is interpreted as all ASO employed physicians who are insured by the ASO liability coverage policy.

Experts employed by attorneys are generally hired as consultants to aid in the preparation of a matter of litigation, or used as an expert witness or regular witness in a court trial or a deposition. Often times a consultant will mature into an expert witness.

Procedures:

Physician Regular Witness Fee Recommendations

The recommended minimal fees for ASO Physician participation as a Regular Witness is set at a minimal charge below:

Deposition	\$1,000.00/hour
Video Deposition	\$1,200.00/hour
Teleconferences	\$400/hour
Personal Meetings	\$500/hour
Document Reviews	\$400/hour
Preparation for testimony	\$500/hour
Trial Time	\$1,200.00/hour

(Includes travel time and availability for trial)

Travel-related out of pocket expenses Reimbursed as dollar for dollar

(Includes transportation-tickets, mileage at .44/mile, parking, lodging, meals)

Expert Witness

In regards to Expert Witness activities, Physicians may set their own charges. Physicians must be ready to present proof of liability insurance covering witness review and testimony as an attachment to the Agreement.

Payment Methodology of Fees to ASO Physicians Hired as an Expert Witness:

1. Fees for teleconferences, personal meetings, document review(s) and preparation for testimony are payable within 10 business days of receipt and date noted on invoice. The amount will be paid in the form of a cashier's check, check from the law firm or bank wire to be received in the name of Arkansas Specialty Orthopaedics (with the physician name on the bottom of the check for income allocation and federal reporting purposes) no later than one week prior to the date of the trial.

Arkansas Specialty Orthopaedics Policies and Procedures

2. For trial preparation, a minimum of 4 hours per day will be paid in advance and upon notice of a trial date and requested presence for a trial. Actual time spent beyond 4 hours per day will be payable within 10 business days of receipt and date noted on invoice. The amount will be paid in the form of a cashier's check, check from the law firm or bank wire to be received in the name of Arkansas Specialty Orthopaedics (with the physician name on the bottom of the check for income allocation and federal reporting purposes) no later than one week prior to the date of the trial.
3. Travel related out of pocket expenses are payable within 10 business days of receipt and date noted on invoice accompanied by the proper original receipts. The amount will be paid in the form of a cashier's check, check from the law firm or bank wire to be received in the name of Arkansas Specialty Orthopaedics (with the physician name on the bottom of the check for income allocation and federal reporting purposes) no later than five business days following the date of the trial.
4. With regard to the time intervals below, if the complaint is withdrawn by the plaintiff and if the proceedings are deemed by the court to be settled, and upon timely written notification of such action received prior to the date of the trial. The retainer fee will be adjusted based upon the following scale:
 - 2 weeks (at least 10 business days) prior to the trial date – 50% reduction in retainer fees
 - 1 week (at least 5 business days) prior to the trial date – 25% reduction in retainer fees
 - If such notification occurs within 5 or less business days prior to the trial date there will be **NO** reduction in retainer fees.
5. Changes in the requested dates of appearance for trial availability will require the following notification timeframes, or additional fees may be charged. This is intended to minimize the practice schedule changes required. To invoke such a change, a written notification and the applicable additional payment must be received in the form of a cashier's check, check from the law firm or bank wire in the name of Arkansas Specialty Orthopaedics (with the physician name on the bottom of the check for income allocation and federal reporting purposes) no later than one week prior to the date of the trial:
 - ≥ 4 weeks (20 business days) prior notice of trial date change – no increase in fees,
 - ≥ 2 weeks (10-19 business days) prior notice of trial date change – increase to a minimum of 6 hours per day retainer fee, payable upon change notification; and
 - Less than 10 business days prior notice of trial date change will result in an increase to a minimum of 8 hours per day retainer fee, payable upon change of notification.

Bank wire payment transfers will require Arkansas Specialty Orthopaedics bank account information. Please defer anyone wishing to send a bank account wire to the Chief Financial Officer of Arkansas Specialty Orthopaedics.

Fee Reimbursement for ASO Physicians Performing Review for Fellow ASO Physicians as Secondary Specialist Expert Witness

ASO Physicians will agree to the fee schedule noted in this policy and procedure as the minimum payment for regular witness services when contacted/hired by an attorney and/or asked to provide additional review by another ASO Physician as a specialist. When acting as an expert witness or a secondary specialist expert witness for any other ASO member covered under the ASO group insurance liability coverage policy, the fees in this policy and procedure are the fees to be charged for the services rendered. ASO physicians may charge their own fees when asked to serve as an expert witness or as a secondary specialist expert witness.

Arkansas Specialty Orthopaedics Policies and Procedures

Ethics in Expert Witness Review

1. ASO Physicians will only accept expert case requests in matters where he/she has the knowledge, experience, academic qualifications, professional training and resources appropriate for the assignment.
2. ASO Physicians will maintain client confidentiality except where there is a legal or overriding professional duty to disclose.
3. When providing evidence, whether written or oral, the primary duty of the ASO Physician is to the court.
4. An ASO Physician will not accept instruction in any matter where there is an actual or potential conflict of interest.
5. ASO Physicians will comply with the code of professional behavior / ethics of any body of which he/she is a member.
6. ASO Physicians will only accept an instruction that is clear, precise and unambiguous. Orally accepted instructions should be confirmed in writing.
7. A timetable must be agreed and where this cannot be met, notice of the delay must be communicated at the earliest opportunity to the relevant parties.
8. Where an ASO Physician requires specialist assistance with any part of the assignment, prior agreement must be obtained from those issuing instructions and the name of the specialist (and/or organization) to be engaged together with details of relevant experience and qualifications must be provided.

Liability

ASO Physicians will maintain appropriate professional indemnity coverage in respect of full liability of the expert service itself. Arkansas Specialty Orthopaedics P.A. maintains coverage of malpractice insurance which will protect in Regular and Expert Witness review and testimony.

Quality Improvement

This policy will be reviewed annually or more often as needed. The Chief Financial Officer will monitor payments received regarding expert witness review services. The Chief Financial Officer will appropriately allocate the income to the physician's income statement.