



American College of
Emergency Physicians®

ADVANCING EMERGENCY CARE 

POLICY STATEMENT

Approved June 2015

*College Board Member and Officer Expert Testimony**

Reaffirmed June 2015,
October 2009

Revised February 2003

Originally approved
September 2002 titled "Board
Member and Council Officer
Expert Testimony"

Board members and Council officers of the American College of Emergency Physicians (ACEP) shall not provide expert testimony in professional liability litigation during his or her term in office. Leadership positions in ACEP will not be used as prima-facie evidence of expertise in emergency medicine. Alleged violations of this policy will be addressed through the "Procedures for Addressing Charges of Ethical Violations and Other Misconduct."

Nothing in this policy shall prohibit the Board of Directors as a whole from directing the College to provide support to a member. In addition, ACEP presidents may authorize *amicus briefs* that clarify disputed facts or provide the emergency medicine perspective on behalf of ACEP members in professional liability litigation.

A Board member or Council officer who is involved in litigation as an expert witness at the time of adoption of this policy or upon his or her election and who wishes to continue in that role shall present the reasons to the Board for continuing to serve as an expert witness. The Board will determine by a simple majority vote whether the reasons provided justify the granting of an exception to this policy.

* ACEP, based on pronouncements by the US Supreme Court, is at risk of incurring liability as an entity whenever an individual causes injury or damage while even only appearing to be representing the College. The Supreme Court has imposed "strict liability" upon nonprofit membership organizations, such as the College, under this "apparent authority" principle even when the organization did not authorize the individual's conduct, did not benefit from it, and indeed did not even know about it.

It behooves the College to assure that its individual Board members and Council officers not be regarded as representatives of the College in presenting expert testimony in professional liability litigation, lest any untoward liability ramifications of that testimony redound to the College.