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National Inter-Professional Code for Physicians and Attorneys

Wyoming State Bar

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NATIONAL INTER-PROFESSIONAL CODE
FOR
PHYSICIANS AND ATTORNEYS

PREAMBLE

The provisions of this Code are intended as guides for physicians and attorneys in their inter-related practice in the areas covered by its provisions. They are not laws, but suggested rules of conduct for members of the two professions, subject to the principles of medical and legal ethics and the rules of law prescribed for their individual conduct.

This code constitutes the recognition that, with the growing inter-relationship of medicine and law, it is inevitable that physicians and attorneys will be drawn into steadily increasing association. It will serve its purpose if it promotes the public welfare, improves the practical working relationships of the two professions, and facilitates the administration of justice.

MEDICAL REPORTS

The physicians upon proper authorization should promptly furnish the attorney with a complete medical report, and should realize that delays in providing medical information may prejudice the opportunity of the patient either to settle his claim or suit, delay the trial of a case, or cause additional expense or the loss of important testimony.

The attorney should give the physician reasonable notice of the need for a report and clearly specify the medical information which he seeks.

CONFERENCES

It is the duty of each profession to present fairly and adequately the medical information involved in legal controversies. To that end the practice of discussion in advance of the trial between the physician and attorney is encouraged and recommended. Such discussion should be had in all instances unless it is mutually agreed that it is unnecessary.

Conferences should be held at a time and place mutually convenient to the parties. The attorney and the physician should fully disclose and discuss the medical information involved in the controversy.

SUBPOENA FOR MEDICAL WITNESS

Because of conditions in a particular case or jurisdiction or because of the necessity for protecting himself or his client, the attorney is sometimes required to subpoena the physician as a witness. Although the physician should not take offense at being subpoenaed the attorney should not cause the subpoena to be issued without prior notification to the physician. The duty of the physician is the same as that of any other person to respond to judicial process.

ARRANGEMENTS FOR COURT APPEARANCES

While it is recognized that the conduct of the business of the courts cannot depend upon the convenience of litigants, lawyers or witnesses,

arrangements can and should be made for the attendance of the physician as a witness which take into consideration the professional demands upon his time. Such arrangements contemplate reasonable notice to the physician of the intention to call him as a witness and to advise him by telephone, after the trial has commenced, of the approximate time of his required attendance. The attorney should make every effort to conserve the time of the physician.

PHYSICIAN CALLED AS WITNESS

The attorney and the physician should treat one another with dignity and respect in the courtroom. The physician should testify solely as to the medical facts in the case and should frankly state his medical opinion. He should never be an advocate and should realize that his testimony is intended to enlighten rather than to impress or prejudice the court or the jury.

It is improper for the attorney to abuse a medical witness or to seek to influence his medical opinion. Established rules of evidence afford ample opportunity to test the qualifications, competence and credibility of a medical witness; and it is always improper and unnecessary for the attorney to embarrass or harass the physician.

FEES FOR SERVICE OF PHYSICIAN RELATIVE TO LITIGATION

The physician is entitled to reasonable compensation for time spent in conferences, preparation of medical reports, and for court or other appearances. These are proper and necessary items of expense in litigation involving medical questions. The amount of the physician's fee should never be contingent upon the outcome of the case or the amount of damages awarded.

PAYMENT OF MEDICAL FEES

The attorney should do everything possible to assure payment for services rendered by the physician for himself or his client. When the physician has not been fully paid the attorney should request permission of the patient to pay the physician from any recovery which the attorney may receive in behalf of the patient.

IMPLEMENTATION OF THIS CODE AT STATE AND LOCAL LEVELS

In the event similar action has not already been taken this Code should, in the public interest, be appropriately implemented at state and local levels for the purpose of improving the inter-professional relationship between the legal and medical professions.

CONSIDERATION AND DISPOSITION OF COMPLAINTS

The public airing of any complaint or criticism by a member of one profession against the other profession or any of its members is to be deplored. Such complaints or criticism, including complaints of the violation of the principles of this Code, should be referred by the com-

plaining doctor or lawyer through his own association to the appropriate association of the other profession; and all such complaints or criticism should be promptly and adequately processed by the association receiving them.

STATEMENT OF PRINCIPLES

The Wyoming State Bar adopted the Statement of Principles with respect to the practice of law formulated by the American Bar Association and resolved that it be published at length as a part of the minutes of the meeting. Because of space limitations, the Wyoming Law Journal will be unable to publish the Statement as a part of a regular issue. However, a limited number of copies of the Statement are available by writing the College of Law, University of Wyoming, Laramie, Wyoming.