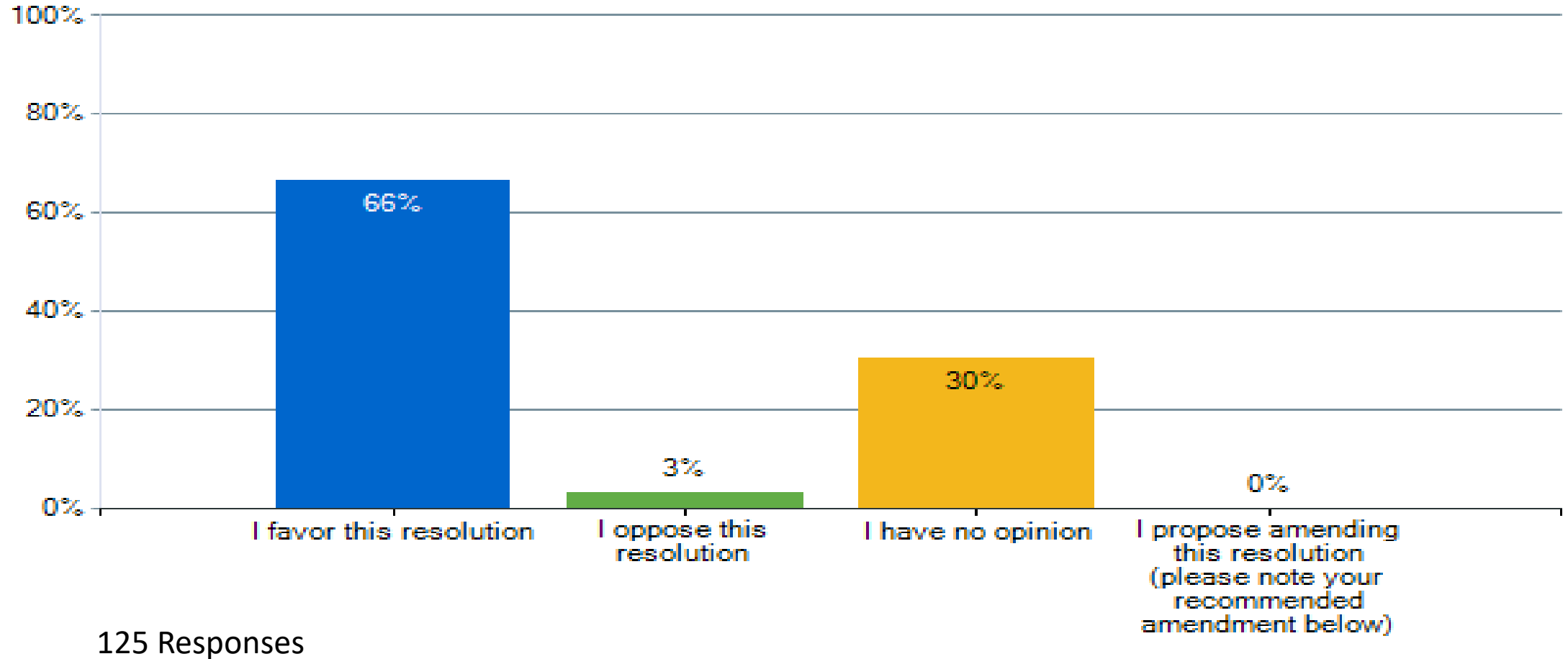
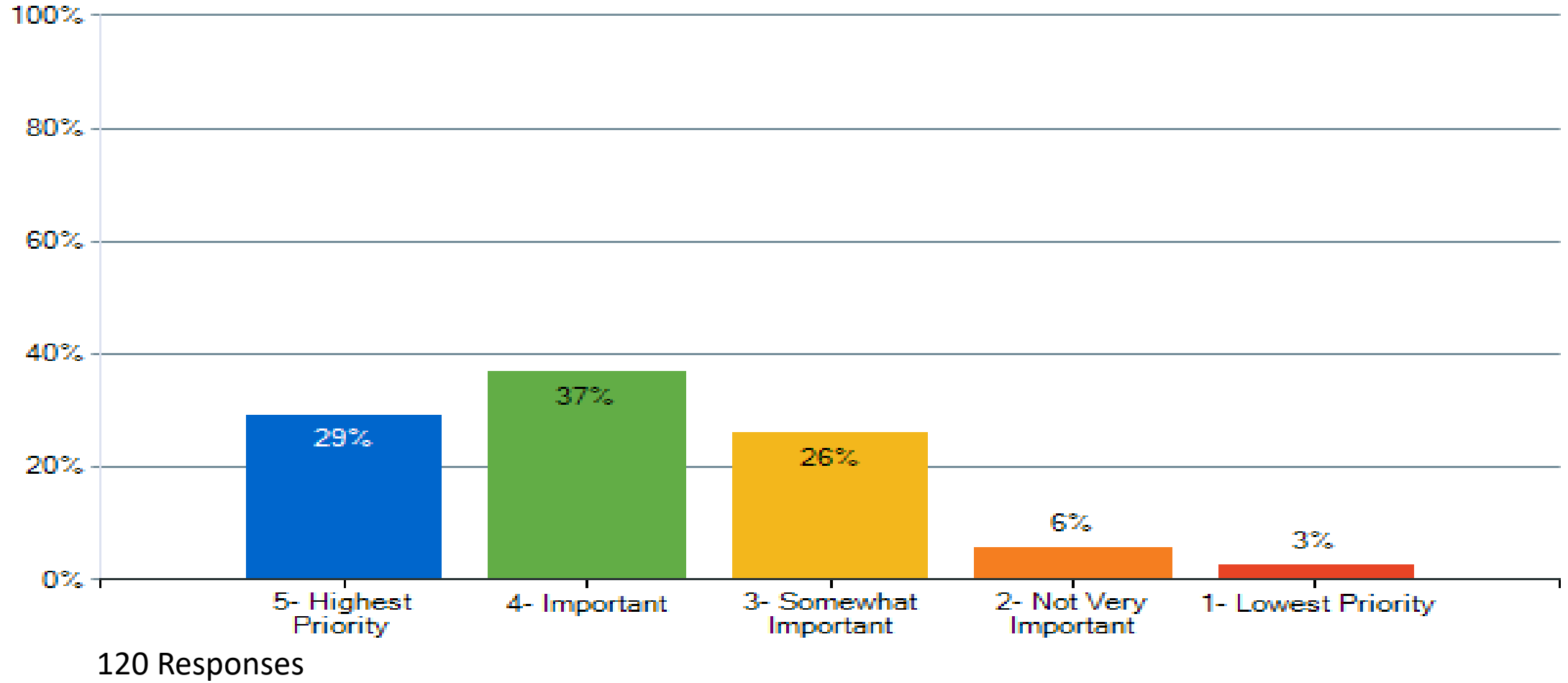


Replacing the Frye Standard for the Daubert Standard in Expert Witness Testimony



Please indicate your view of this resolution as an ISMS priority.



Q7. Comments

Response Text

Unfamiliar with these Standards

New standard is better standard

Excellent idea. I was not previously familiar with this.

Without a detailed explanation in the resolution of what the difference means, I suspect few physicians will have any idea what this resolution is about. Unless it is precise and spells out the differences, I am against the resolution.

Agree with resolution. It is an IL state court issue. Should not be forwarded to AMA unless we have researched existing AMA policy to assure this is NEW and NOT REAFFIRMATION of existing AMA policy.

I support this resolution.

There are mixed data and support for when Daubert applies to the social sciences. The Frye standard may be more useful than Daubert when such concepts as "error" rate is applied to interpretive analysis or when an impartial assessment must integrate subjective information. Therefore, I have a mixed opinion regarding the resolution. I support the Daubert standard in science-based expert work, but Frye in the social sciences.

There should likely be a link to the two Expert Witness criteria.

Only a few states continue the Frye Standard rather than the Daubert.

I know nothing about either standard

No question that "science" has been open to critique in clinical medicine because the empiricism is based on observations and selected populations and with selected treatment protocols as opposed to pure science practices..

Frye standard is better because it requires that scientific evidence be generally accepted in scientific community. Daubert standard has no such restrictions. Illinois is one of the few states that still apply Frye standard which is a good thing. In any case this will have to be resolved by the Supreme Court of Illinois and not by ISMS or legislation. Why waste time on this ?

Completely agree. Many "experts" can be detrimental to either side of a case due to personality, etc. Standard of care by a sub specialist should not dictate what is common practice in the community. This line of reasoning fuels the attempts by Plaintiff Attorneys to paint every defendant/doctor as incompetent. It's bad enough that physicians never really are judged by a Jury of Their Peers, but by hand picked jurors that usually have poor medical knowledge/background to really understand the true complexities of medical decisions, and ignore to emotional cries of the Plaintiff Attorney.

I strongly support this initiative

No

A worthy resolution that should be investigated by the appropriate ISMS committees and/or councils along with input from our own ISMS counsel. Hence my neutral position.

AGREE

This is the most important single resolution introduced during my life time as a physician who has been sued several times. I wasn't even aware of these standards. Thanks for making me aware of the antiquity which still dictates the fate of sued physicians in this state disregarding science to defend science.

As a child abuse pediatrician, I have long endured the myriad of "defense expert witnesses" spouting all kinds of unsupported and incorrect hypotheses. It's time to change the "expert" in the court room. All in favor!!!!

I favor current policy

99 years is exceedingly likely to be an outdate for scientific and technologic analysis.

New may not be better, and the formality of the new language not in my vernacular at first glance, but I'll defer to those with expertise.

Q8. Replacing the Frye Standard for the Daubert Standard in Expert Witness Testimony

Response Text

No responses found.