



EDITOR'S LETTER

by Howard Blumstein, MD FAAEM

The “Remarkable Testimony” website is finally up and running. It has been a long time in coming. The purpose of the site is to “...make known to the emergency medicine community

those physicians whose testimony in malpractice actions is remarkable for any reason.” This column will describe its genesis and the response it has already generated.

The website was created at the suggestion of some members of the board of directors. Members had made clear that malpractice was one of their most important issues. They wanted AAEM to address it in a meaningful way. But how? AAEM is small as medical societies go. We don't pack the punch of the AMA or other really big organizations. So we needed to think outside the box to find a way we can make an impact. The idea was to create a website that would educate our members about some of the testimony being given in legal cases. We had long discussions regarding the content and format of the website. We agreed that we wanted to highlight both good and bad testimony. We agreed to give those physicians whose testimony was featured the opportunity to respond. We agreed that we wanted to post a complete record of the testimony given, rather than just highlights that could look as if they were taken out of context.

A call for such testimony went out by e-mail and via an article in *Common Sense*. Approximately eight examples of testimony were submitted. In screening these cases I was looking for something that jumped out at me. Something that would make my jaw drop. Something that would get the attention of our members and others who decided to peruse our web page.

Most of the submissions were from cases in which physicians were sued for failing to give tPA to patients with strokes. At the time I was viewing the submissions, I did not believe that tPA had been proven clearly effective for the treatment of strokes (I still don't). Certainly not clearly enough to be considered the standard of care. This is especially true at hospitals that do not have a great deal of experience with this therapy. I felt tremendous sympathy for those physicians who had given thought to this issue and decided that tPA was not a good idea. It is a decision we all have to make, and these docs were being punished for doing so. They were being

subjected to litigation for trying to practice evidence based medicine as best they could. But while some of the testimony against them seemed unfair, it did not rise to the standard I was seeking.

Then along came the case we have posted on the website. Here was an expert claiming to have given tPA as treatment for strokes three to four times a week! How could that be? This would surely make him the world's leader in the use of tPA for strokes! In the course of his testimony he made other impossible statements. Amusingly, he called tPA “that magic bullet.”

“Here,” I thought, “not only do I have an example of truly remarkable testimony, but I have also have a name for the case.”

And so this case and a description of its highlights (lowlights?) are posted on the AAEM website. The response we have received up to this point has been overwhelmingly positive. Emergency physicians from across the country have contacted us to say how excited they all are about a new and unique approach to the issue of expert testimony. One blog even picked up a discussion of the website, with positive commentary.

There are exceptions. One prominent emergency physician questioned the wisdom of our approach, stating that it will be taken by the general public as an effort to intimidate plaintiff's witnesses. I have also received two rambling e-mails, both unsigned and full of incorrect rhetoric, from an individual enraged by our website.

Are we stepping out of bounds with this website? I don't think so. AAEM's approach to its mission has always been to educate its members about key issues. We do this with *Common Sense*, presentations at the Scientific Assembly, the website and e-mail messages. The *Washington Sentinel*, the newsletter of our political representative, is another mechanism for getting out important information. And so our desire to educate the membership continues with this innovative effort. Hopefully the website will grow as news spreads and more cases are submitted.

I look forward to seeing what our membership does with this new information.

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