

Interaction between Lawyers and Physicians in Litigation

Guidelines for Lawyers and Physicians by the Joint Medical-Legal Committee of the College of Physicians and Surgeons of Saskatchewan, Saskatchewan Medical Association, The Law Society of Saskatchewan, and The Saskatchewan Branch of The Canadian Bar Association

Adapted for Saskatchewan by Neil G. Gabrielson¹, Q.C., Law Society of Saskatchewan, from a booklet prepared by Rose M. Carter², Law Society of Alberta for the Joint Medical Legal Committee of the College of Physicians and Surgeons, Alberta Medical Association and The Law Society of Alberta

¹ *Barrister and Solicitor, McKercher McKercher & Whitmore, Saskatoon Member of the Joint Committee.*

² *Barrister and Solicitor, Bennett Jones, Edmonton, Alberta.*

References

The Joint Committee found a number of publications helpful in the preparation of these guidelines. Particular reference was made to "Medico-Legal Report", a comment approved by the Medical Legal Society of Toronto and published in the Canadian Bar Review (Vol. 70, Sept. 1991, No. 3). Another useful reference on this topic is Legal Liability of Doctors and Hospitals in Canada by The Hon. Ellen I. Picard and G. Robinson, (Toronto: Carswell Legal Publications, third edition, 1996).

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A good relationship is based on a good communication, mutual respect, trust, and understanding. It is hoped that this publication, a product of the Joint Medical-Legal Committee of the College of Physicians and Surgeons of Saskatchewan, Saskatchewan Medical Association, The Law Society of Saskatchewan, and the Saskatchewan Branch of The Canadian Bar Association, may assist in fostering such a relationship between our respective professions.

The primary focus of these guidelines is the interaction between lawyers and physicians during lawsuits arising as a result of claims for personal injuries. This publication covers the litigation process in Saskatchewan, criminal proceedings, and other matters such as requests for the general release of medical records. Readers are asked to keep in mind that these guidelines have been written by and for members of both professions.

Commencing a Legal Action

A legal action for personal injuries must, as a general rule, be commenced within two years, with the commencement of such period starting when the injured person becomes aware they have a cause of action. However, certain individuals, such as medical doctors sued for professional services requested or rendered, must have a lawsuit commenced against them within two years from the date when professional services terminated in respect of the matter that is the subject of complaint. (*The Medical Profession Act*, 1981 S.S. c. M-10.1, s. 72).

A lawsuit is commenced by filing, with the Registrar of the Court, a document entitled a Statement of Claim. The person commencing the action is called the Plaintiff and the person being sued is called the Defendant. (The Plaintiff and the Defendant may also be known as "the parties" or "opposite parties".) Following filing, the Statement of Claim is served on the Defendant. The Defendant files, with the Registrar of the Court, a Statement of Defence, which must also be served on the Plaintiff's solicitor.

A filed document is one which bears the stamp of the Registrar of the Court denoting the date it was filed.

Production of Documents

Parties on both sides are required to disclose all the documents which are or have been in their possession or power and which have a bearing on the lawsuit. Documents include recordings of sound, photographs, films, x-rays, charts, graphs, notes and records of any kind. The parties' solicitors prepare a list of such documents called a Statement as to Documents.

A Statement as to Documents is filed by the parties and served by the Plaintiff upon the Defendant and by the Defendant upon the Plaintiff.

Examinations for Discovery and Undertakings

After the Statement of Claim and Statement of Defence are filed and served, Examinations for Discovery are conducted whereby the lawyer representing the Plaintiff has an opportunity to question the Defendant under oath. At the conclusion of examination of the Defendant the lawyer representing the Defendant has an opportunity to question the Plaintiff under oath.

All evidence given at Examinations for Discovery is rendered into a permanent record, called a "transcript". At Examinations for Discovery the documents relied upon by the parties are usually entered as exhibits and form part of the permanent record.

The parties may be asked during their respective examinations to give undertakings. An undertaking involves a promise by either party to provide answers to questions by seeking out further information and providing the acquired information to the lawyers.

Often parties are requested, by way of undertakings, to provide medical records secured from present or former treating physicians and from hospitals where they attended as patients.

Experts

During the course of a personal injury lawsuit it is not unusual for experts to be retained by one or more parties. Experts retained may include medical physicians, other health caregivers, economists, accountants or others whom the lawyers deem would be of assistance to them. The individuals retained as experts usually base their expert opinions on the documentation provided to them by the lawyers retaining them and occasionally a hypothetical fact situation. The documents usually include, but are not limited to, the following:

- i) Statement of Claim;
- ii) Statement of Defence;
- iii) Documents provided either in the Statement as to Documents of each party or in response to undertakings (including medical records such as x-rays, business documentation, etcetera).

When physicians agree to act as experts, and the lawyers retaining them expect to call them at trial, the other parties must be advised at least 10 days prior to a Pre-Trial Conference.

The substance of the experts' opinion is converted to the format required by the *Saskatchewan Rules of Court*, commonly referred to as Rule 284D Notice. The Rule 284D Notice is served on the opposite party at least 10 days before the Pre-Trial Conference.

Fees for Experts

Lawyers retaining physicians to act as expert witnesses will ascertain the hourly fee to be

charged by physicians for preparing expert reports and for attendance at trial. Lawyers will advise their clients of the expected costs for retaining experts and secure letters from their clients authorizing them to retain experts. Physicians will advise lawyers, in writing, of their agreement to act as expert witnesses, their hourly fee for preparing and discussing the expert reports with the retaining lawyers, and the expected costs for their attendance in court to give expert evidence.

Compliance with Rule 284D requires the statement contain the expert's qualification. That is why lawyers, in these circumstances, request a *Curriculum Vitae* or résumé from physicians.

Medical Examination During the Course of Litigation

Physicians must be advised when examinations requested by patients are solely for medical legal purposes. Saskatchewan Health does not cover medical examinations done solely for the purpose of litigation with certain exceptions in Social Services or Criminal Law situations. For lawyers to suggest to clients that they ask practitioners for referrals to specialists under the guise the referrals are for medical reasons when the real intention is to obtain independent medical specialist reports, paid for by Saskatchewan Health Care for the purpose of litigation could be seen as a fraud on Saskatchewan Health.

It is recognized that when treating practitioners refer patients to specialists for medical opinions for diagnoses and treatment purposes, whether at the request of lawyers or patients, medical reports so generated may be producible.

Independent (s. 50) Medical Examinations

During the course of a personal injury lawsuit, the Defendant may wish to have the Plaintiff undergo an independent medical examination by a physician agreed upon by all parties. To assist the physician doing the independent medical examination, the lawyer representing the Defendant usually provides the physician with documentation similar to that provided to the experts.

Prior to the Plaintiff having an independent medical examination, the lawyers may consider providing a Consent Order to examine the Plaintiff (*The Queen's Bench Act*, s. 50). The lawyers may, by agreement, dispense with the need for a Consent Order. If so, the Plaintiff must consent, in writing, to undergo the examination.

When performing independent medical examinations physicians may ask to be provided with a copy of the filed Consent Order or written authorization.

Usually the lawyers should contact the physicians retained prior to finalizing the Consent Order. If the physicians expect it will be necessary to subject the Plaintiff to invasive testing, such as myelogram, or even such non-invasive procedures as photographing the injury site, physicians should advise the lawyers retaining them of the need for these procedures. That will enable lawyers to include the procedures in the Consent Order and the physicians will not be put in a position where patients at time of examinations refuse to undergo certain procedures which the physicians deem to be necessary to the performance of complete medical examinations.

The Consent Order requires the examining physician to provide the court as well as the lawyers for all parties with a written report. The report from the physician would include such things as test results and may require the physician to provide copies of x-rays, sonograms, etcetera, taken at the time of the examination.

Physicians should be advised that the medical legal report will be provided to the Plaintiff's lawyer and, perhaps, to the Plaintiff.

If the matter proceeds to trial, the physician performing the independent medical

examination may be required to attend in court to give evidence. Physicians attending to give evidence should expect to be subjected to cross-examination by the lawyers for either the Plaintiff, the Defendant, or both.

Billing for Independent Medical Examinations (s. 50)

Independent medicals are not covered by Saskatchewan Health. Therefore, it is suggested physicians discuss their fees for performing independent medicals. Lawyers and physicians should agree to a payment schedule prior to physicians performing independent medical examinations.

Medical Legal Reports Not Involving Attendances with Patients

Often lawyers request physicians provide a report, commonly called a "medical legal report", commenting on matter which occurred during the time a physician was providing care to a patient who is now involved in a lawsuit.

The content of the medical legal report will vary with the particular circumstances in each case, including whether or not the physician is currently treating the Plaintiff.

Where a physician has only attended with the Plaintiff on one occasion all that may be required is a description of injuries observed on examination, the diagnosis and treatment and the Plaintiff's response to treatment.

When the physician preparing a medical legal report is the Plaintiff's ongoing treating physician and is therefore familiar with the Plaintiff's medical history, the physician may be asked to provide an opinion on the effect of the injuries on the Plaintiff having regard to the Plaintiff's previous medical history, occupation, work history, recreational activities and other relevant information as known to the treating physician. The lawyer may request the

physician's opinion regarding prognosis and the long term effect of the injuries on the patient from a work and recreational point of view.

As a guideline, the Joint Committee suggests that within two weeks of physicians receiving requests for medical legal reports the lawyers' requests be acknowledged with an indication that a substantive response will occur within a one-month period or indicate why a response would not be possible.

The Joint Committee reminds physicians and lawyers that it is not appropriate for lawyers to draft the medical legal report for the physician's signature.

Fees for Medical Legal Reports

Lawyers requesting medical legal reports from physicians are reminded that the Code of Professional Conduct makes them personally responsible for paying physicians' fees for providing the reports. The Code of Professional Conduct (Chapter 19) Commentary 7 states:

"The lawyer has a professional duty, apart from any legal liability, to meet financial obligations incurred or assumed in the course of practice when called upon to do so. Examples are agency accounts, obligations to members of the profession, trade accounts directly related to the lawyer's practice, fees or charges of witnesses, sheriffs, special examiners, registrars, reporters and public officials as well as the deductible under a governing body's errors and omissions insurance policy."

The Joint Committee suggests physicians, in assessing the appropriate fee to be charged, take into account the following:

- whether the request is on an urgent or non-urgent basis;
- amount of time spent;
- expertise and experience of the physicians;
- complexity of the case;
- whether the report is repetitious of previous work already done;
- whether the report is a follow-up to an earlier report; and
- complexity and number of documents

reviewed.

Physicians ought to be prepared to disclose the hourly rate they propose to charge for preparation of a medical legal report. To assist in fostering good relationships the fee to be charged should be communicated to lawyers prior to writing the report. The Saskatchewan Medical Association's guide for billing uninsured services is provided as a guide to physicians when considering appropriate charges for release of information and appears as Appendix A. It is to be remembered, however, that the Tariff under the Rules of Court provides that the Party and Party costs taxable for a medical legal report is only \$200.

It is recommended physicians ascertain the mode of payment of their fees prior to commencing work on medical legal reports. It is important physicians provide accounts for independent examinations or medical legal reports to requesting lawyers as soon as possible, preferably at the time they render medical legal reports, because once an action is complete the lawyers will disburse funds and close their files. Lawyers are reminded that, according to the Code of Professional Conduct, if the account arrives in the lawyers' office after funds have been disbursed and the files are closed, lawyers may be responsible for paying the account from their own funds.

Complaints by Lawyers against Doctors

Lawyers who do not receive medical legal reports within a reasonable period of time from physicians who have previously examined or treated their clients and have been provided with proper authorization for release of information or who have other complaints against physicians may complain to the College of Physicians and Surgeons of Saskatchewan, the regulatory body of the medical profession. That regulatory body is akin to the Law Society of Saskatchewan, which governs barristers and solicitors. Before lodging complaints, lawyers should advise physicians of the intention to do so and afford the physicians an opportunity to respond.

In accordance with the regulations, complaints are to be made in writing and directed to the Registrar of the College. The physicians should be identified and the circumstances of the complaints set out.

Upon receipt, letters of complaint are forwarded to the physicians with the request that they answer, setting out any explanation or representation with respect to the matter, within a fixed and brief period of time. Subsequent to that, the response of physicians, if any, is brought to the attention of the complainants. The Registrar makes every attempt to resolve the issue at that stage and, in most cases, this results in reports being forwarded to the requesting lawyers.

If physicians continue to refuse to provide reports, without alleging any just cause, the College may take more decisive action in respect to such situations. If all other methods of persuasion fail, charges of unprofessional conduct may be laid against a physician and be referred to the College's Discipline Hearing Committee for a hearing of evidence relevant to a charge.

Complaints by Doctors against Lawyers

Doctors with concerns regarding the conduct of lawyers in relation to medical legal reports or other dealings may complain to the Law Society of Saskatchewan, the regulatory body of the legal profession. That regulatory body is akin to the College of Physicians and Surgeons of Saskatchewan, which governs medical doctors in this province. Before lodging complaints, doctors should advise lawyers of the intention to do so and afford lawyers an opportunity to respond.

Complaints should be in writing and directed to the Secretary of the Law Society of Saskatchewan. The lawyers should be identified and the circumstances of the complaints set out.

Upon receipt, letters of complaint are

forwarded to lawyers with the request that they answer, setting out any explanation or representation with respect to the matter, within a fixed brief period of time. The Secretary (or Complaints Officer) makes every attempt to resolve the issue at that stage. The Secretary has the power to decide to either dismiss the complaint or refer it to the Discipline Committee. When referred to the Discipline Committee, the Committee may dismiss complaints; direct lawyers to attend meetings to discuss their conduct; send complaints to the Professional Standards Committee that will oversee the lawyer's practice; or send complaints to a formal Hearing.

Physicians as Expert and Ordinary Witnesses

Physicians may be required to attend at court as either expert or ordinary witnesses.

When physicians appear in court as expert witnesses they do so on the basis that they are retained by lawyers to give evidence on behalf of those lawyers' clients. The evidence given by physicians, if they are qualified as an expert by the court, is expert evidence. In a civil action, the substance of the physician's expert opinion is to be served on opposing counsel 10 days prior to the Pre-Trial Settlement Conference.

It is recommended that lawyers thoroughly discuss the contents of the expert statement with physicians prior to appearance in court. It is further recommended that physicians initial each page of the reports they sign.

Treating physicians, if called to give evidence, usually appear as ordinary witnesses.

Physicians have the right to decline to act as experts. However, they do not have the right to decline to appear as ordinary witnesses to give evidence concerning treatment provided by them to their patients. Physicians, not acting as experts, should expect to be served with a Notice to Attend as Witness (subpoena) along with conduct monies at least five days before trial.

The current fee for an attendance at trial by a professional person is \$100 plus the cost of bus transportation (*Saskatchewan Rules of Court*, Rule 562) for each half-day plus the cost of bus transportation; although this may be increased to \$200 per half-day for a consultant called to give expert testimony. The above noted fees are maximum fees recoverable as taxable costs and may not reflect the fee which an expert will negotiate with the lawyer asking them to review a file and to prepare a report.

The Joint Committee suggests that lawyers speak to physicians prior to issuing a Notice to Attend as Witness (subpoena) so that physicians' schedules can be considered. Once served with a Notice to Attend the physician must attend at court to give evidence or risk a civil contempt charge (*Saskatchewan Rules of Court*, Rule 296).

Physicians so served should note on reviewing the Notice to Attend as Witness the instruction to bring, to court, all documentation in their possession pertaining to the lawsuit. In the case of a physician testifying regarding a patient, that means all medical records pertaining to that patient in the possession of the physician.

Patient confidentiality is not an issue when the physician is giving evidence in court.

It is recommended that physicians discuss with lawyers the need to be thoroughly briefed prior to giving evidence in court. The Joint Committee reminds lawyers that the court room is alien to most non-lawyers and it is of assistance to physicians to be thoroughly briefed and prepared by the lawyers calling them prior to their attendance in court. The physicians should be advised that they may be subjected to vigorous cross-examination and that this is normal under our adversarial system.

Criminal Proceedings

Many of the above apply to criminal proceedings. Usually in criminal proceedings the Crown is calling a physician to give evidence on behalf of a victim to whom medical

attention was rendered. The physician will be served with a subpoena. Conduct monies are not provided in criminal matters.

Given the nature of many criminal cases, the attendance in court of treating physicians is often required. The Crown Prosecutor's office encourages prosecutors to avoid calling physicians to give evidence unless absolutely necessary. When it is necessary to call physicians to give evidence in court the prosecutors, where possible, will attempt to accommodate the schedules of physicians by having them give evidence at the onset of the court proceedings.

The current fee schedule for payment by the Crown to physicians is included in the attached Appendix B.

Should physicians encounter any difficulties arising from the above, they should contact Public Prosecutions, Saskatchewan Justice, 1874 Scarth Street, Regina, SK, S4P 3V7, Telephone: 787-8943.

Production of Medical Records

Medical records, be they hospital charts (which include x-rays, ultrasound films, ECG reports, etcetera) or office charts, are legal documents. Requests for hospital charts should be made directly to the hospital instead of to treating physicians.

A direction from the College of Physicians and Surgeons of Saskatchewan is that physicians keep their records for a minimum of six years but recommend 10 years. If the patient is an infant, it is recommended that two years be added to the age of majority for the retention of medical records. The age of majority in Saskatchewan is 18 years.

The Joint Committee suggests that lawyers keep in mind that many physicians have limited support services. Even though physicians are obligated to provide the records, often they do not have facilities to photocopy, assimilate and distribute requested records within a short period of time.

Physicians may sometimes wonder why medical records are requested, and question the potential relevance of treatment rendered years before circumstances giving rise to the present lawsuit for personal injuries. Such concerns are understandable and admirable. Lawyers understand and respect the desire of physicians to maintain confidentiality of information provided by patients as required by the Code of Ethics, but lawyers involved in personal injury litigation also have obligations to clients.

Lawyers' obligations include being certain that all relevant information is put forward at Examinations for Discovery, to experts and, ultimately, to the courts. The search for objective medical information is not a "fishing expedition". Rather it is the professional requirement to have *all* relevant information before the courts (while considering security of information) in order that the interests of clients are carefully presented. Lawyers also deal in confidentiality and it is not their intention to put forward irrelevant information. However, it is lawyers, representing the best interests of their clients, and, ultimately, a judge who must determine the relevancy of medical information to lawsuits.

It is expected that lawyers will explain to clients why medical information is needed and what purpose such information will serve. Clients recognize that, once they proceed with litigation, there can be a requirement for disclosure of past and present medical information. To request release of medical information is ultimately the decision of clients as they must provide consents to their lawyers for presentation to physicians for the release of medical information.

In a personal injury claim one party is requesting the party opposite pay monies for injuries suffered. Generally speaking, when such a claim is made patients are putting their entire medical history at issue in the action. It is therefore essential to a proper assessment of damages that relevant medical history of patients be produced.

Madam Justice Picard of the Alberta Court of Queen's Bench ruled that when patients commence actions for damages placing their health in issue any right to confidentiality is waived [*Hay v. Sterns* (1990), 105 A.R. 276

(Q.B. Madam Justice Picard)]¹. The right to confidentiality is then eclipsed by the right of Defendants to know the basis and scope of the claims being advanced. Patients cannot use confidentiality to preclude the normal operation of the legal process and the adversary system.

However, by bringing a personal injury action, a patient does not bring into issue every possible medical treatment he or she has experienced which may be totally irrelevant to the injury and may in fact be very embarrassing and prejudicial to the Plaintiff. In such circumstances the records should be sent to the Plaintiff's lawyer who can decide which portions are relevant. If necessary, reference can be made to a judge pursuant to the *Saskatchewan Rules of Court* to determine which portions of the medical records should be produced in the action. If the records are produced, the lawyer has a duty to use this information only within the context of the litigation and for no other purpose. As such, the waiver of confidentiality is limited.

The treating physicians become like any other witnesses and they can be interviewed by the defence without the consent of the patients or a court order. However, the physician still has the right to decide not to speak to the defence lawyer. A physician may consider the patient's instructions and, although not bound by confidentiality once the patient's health has been raised in litigation, the physician has the right to refuse to be interviewed by the defence and is not obligated in any way to discuss the Plaintiff's medical history other than in a formal court setting where the physician has been subpoenaed.

Medical records are invaluable because they are made contemporaneously by objective observers such as physicians. Therefore, contents of medical records are a trustworthy source of information for all parties involved in lawsuits. They assist Plaintiffs in validating claims and Defendants in refuting the validity of these claims for compensation for injuries allegedly sustained.

The Supreme Court of Canada has recognized the right of patients to gain access to their medical information. [*McInerney v. MacDonald* (1992) 93 D.L.R. (4th) 415 (S.C.C.)]. The court recognized that physicians are owners of the records but the information contained in those records is to be used by

physicians for the benefit of their patients.

Patients are entitled, upon request, to inspect and copy all information in their medical records which their physicians have considered in administering advice or treatment. Therefore, the *complete* medical record is producible. Correspondence from physicians to treating physicians such as consultation reports, referral

¹ There are no Saskatchewan case authorities on this issue and not all Canadian jurisdictions have followed the Hay decision.

letters, laboratory reports, x-ray reports or correspondence on which physicians provided advice or suggestions for treatment *must* be produced upon presentation to the physician of a consent for release of information.

There is an appropriate structure for requesting medical records. The Joint Committee recommends that lawyers be "up front" regarding why they are seeking copies of medical records and who is going to pay the physicians for photocopying. It is recommended that lawyers state in a covering letter to the physicians the name of the party they represent; why they are asking for medical records; if they wish a *complete* copy of the medical records rather than a synopsis of the medical records or a medical legal report; and that they will pay reasonable photocopying charges for the production of the record. The request must be accompanied by a currently dated, signed and witnessed authorization of the patient advising which medical records are to be provided.

Under *The Medical Profession Act* and *The Hospital Standards Act*, physicians are obliged not to divulge confidential information without first receiving consent from the patient. Lawyers requesting the information are therefore responsible for obtaining a valid and current authorization from the patient and providing the same to the physicians. A form of authorization is attached as Appendix C.

Time Frame for Releasing Medical Records

It is expected when physicians receive requests from lawyers for the production of medical

records that they will respond within a reasonable period of time. The Joint Committee suggests two weeks is a reasonable period for an initial response. In the initial response physicians should advise when lawyers may expect to receive medical records by setting a specific time, such as one month. Lawyers are advised that requesting medical records from physicians can be a burden to physicians. Patients, through their lawyers, must be prepared to pay physicians a reasonable fee for duplication of medical records.

Refusal to Release Medical Records

In *McInerney*, the Supreme Court of Canada stated that refusal by physicians to release medical records when requested must be exercised using proper principles and not in an arbitrary fashion. A refusal to release medical records can only arise if the physician is concerned that disclosure will harm the patient or a third party. Should access be denied by the physician it is incumbent upon the physician to satisfy the courts that nondisclosure is necessary to prevent potential harm either to the patient or a third party.

Disclosure of Medical Records

Upon receipt of medical records the lawyers may have to provide the medical records to lawyers representing the opposite parties. It is also possible patients will receive a copy of the medical records from their lawyers.

Dispute Resolution

The Secretary of the Law Society of Saskatchewan and the Executive Director of the Saskatchewan Medical Association are available for informal dispute resolution between

lawyers and physicians. If that is not successful, a formal complaint will find its way to the Joint Committee. If the matter cannot be resolved with the intervention of designated persons by the Joint Committee, a formal complaint may be issued to either governing body. For lawyers, that is the Law Society of Saskatchewan and for physicians, the College of Physicians and Surgeons of Saskatchewan.

APPENDIX B

Services Paid for by Provincial Agencies Other than Medical Services Plan (MSP) at Rates Negotiated with the SMA

This section consists of services that may be requested by a variety of Provincial and Federal agencies. The services listed in this section are not insured under the *Medical Care Insurance Act* and are, therefore, not paid by MSP. They are, however, paid for by the agencies who request these services at fixed rates negotiated with the Saskatchewan Medical Association. Unless otherwise noted, these services should be charged directly to the agency requesting the service.

Saskatchewan Justice

Appearance as a material witness for the Crown in criminal proceedings (effective January 1997)

	<u>Spec.</u>	<u>G.P.</u>
<u>Testimony in court</u>		
- For first court appearance during fiscal year		
- first hour or part thereof	\$175.00	\$150.00
- for each subsequent 15 mins. or major portion thereof	40.00	35.00
- For subsequent court appearance		
- first hour or part thereof	\$200.00	\$ 40.00
- for each subsequent 15 mins. or major portion thereof	45.00	40.00
1. Payment for preparation, pre-trial briefing, waiting time and/or travel time is included in the testimony fee.		
2. When submitting your claim, please include a statement as to whether this is a first or "subsequent" appearance during the current fiscal year (April 1 to March 31). An increased fee will be paid for any subsequent testimony during that fiscal year. Fees for payment as an "expert" witness are negotiable.		
3. Cancellation Notice		
Failure to give notification of adjournment or cancellation to the practitioners' offices by noon of the work day prior to the date of the scheduled court appearance		
(a "flat rate" fee will be paid)	\$150.00	\$125.00

Reimbursement of Expenses

Meal allowances (at Public Service Commission rates)

- breakfast	\$6.42
- lunch	\$8.58
- supper	\$11.77
Accommodation (max/night - receipt required)	\$65.00
Travel	
- commercial carrier (receipt required)	Cost
- private vehicle, per km	\$0.1560
- taxi (receipt required)	Cost

Medical Documentation requested by Lawyer

Letter

This is a factual report on past health and/or current condition based on review of office and/or hospital records which summarizes the history, symptomatology, investigation, therapy, and results.....

\$100.00

Report

This is an expert opinion concerning such matters as: cause and effect; long-term consequences; possible complications; and extent or percentage of disability. It involves the exercise of expert knowledge and judgment including a detailed prognosis, and may contain some comment as to the likelihood of permanent disability \$250.00

Note: Medical documentation fees are negotiable with the requesting lawyer if the report is complex.

Appearance as a witness in civil proceeding (effective January 1997)

Payment arrangements in a civil proceeding should be discussed/negotiated with the lawyer requesting your services. If a suitable fee cannot be agreed upon, you may be subpoenaed in which case the following rates will be paid for your appearance in court:

Professional witness	\$100.00 per half day
Consultant to give expert testimony	\$200.00 per half day

A reasonable fee for **preparation time** and reasonable fee in the **event of an adjournment** or settlement of the action prior to testimony in Court is allowed at the discretion of the taxing officer.

If a **medical report** arising out of an examination is admitted in evidence, and the physician or surgeon who made the report does not personally attend to give evidence, the fee payable to the physician or surgeon who made the report is..... \$200.00

Expenses will be paid on submission of receipts for necessary travel, accommodation and meals.

Payment Arrangements

Provincial Court

In Regina and Saskatoon submit claims for expenses, reports and court appearances to the prosecution office requesting your services. In all other areas of the province submit your claims to the RCMP or city police officer who requested your testimony.

Court of Queen's Bench

In all areas across Saskatchewan submit your claims for expenses, reports and court appearance to the prosecution office requesting your services.

For further information contact:

Public Prosecutions
Saskatchewan Justice
1874 Scarth Street
Regina SK S4P 3V7
Telephone: (306) 787-8943

APPENDIX C

Consent to Release Medical Information

TO WHOM IT MAY CONCERN

The _____ law _____ firm _____ of _____
are my legal representatives.

This document is my consent to provide and release all and any medical information in your possession including, but not limited to, hospital records, charts, nurses notes, x-rays, laboratory results, consultation reports and any other documents forming part of my medical records and forward same to

,
Barristers & Solicitors, _____
,
Saskatchewan.

Patient's Name - Signature to appear above

Address: _____

Telephone: _____

SHC No.: _____

DOB: _____

Witness

DATED at _____, Saskatchewan, this _____ day
of _____, 19____.

This consent is limited in time to _____

(month or years)