

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board —in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Expert Testimony Provisions Act

Did you know that global pharmaceutical company Bayer Healthcare was the corporate co-chair in 2011?

Summary

The purpose of this Act is to outline the qualifications of expert witnesses in medical malpractice actions and to prohibit contingency fees for expert witnesses. This legislation accomplishes two important goals. First it would eliminate bias and unfair testimony made by expert witnesses. And second, it would prohibit underqualified professionals from testifying. The Expert Testimony Provisions Act provides the qualifications of expert testimony. Such expert testimony may be admitted only if witness is qualified in the "field in which the expert is called" and the testimony is "based on a widely accepted explanatory theory." Contingency fees would be prohibited for expert witnesses. A part may, through interrogatories, deposition and document requests, require identification for experts, the subject matter in which they are expected to testify, and a list of formal training and publications, etc.

Model Legislation

{Title, enacting clause, etc.}

Section 1. This Act may be cited as the Expert Testimony Provision Act.

Section 2. {Qualification of Expert Testimony}

(A) If the court finds:

(1) that scientific, technical, or otherwise specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue;

(2) that the witness is licensed by the appropriate regulatory agency to practice his or her profession in the state;

(3) that the witness is qualified as an expert in the field for which the expert is called to testify by knowledge, skill, experience, training, or education; and

(4) that the testimony is based on a widely accepted explanatory theory,

(B) Then the witness may testify thereto in the form of an opinion or otherwise.

Section 3. {Prohibition on Contingent Fee for Expert Witness} A witness shall be qualified to testify as an expert witness only if the courts finds that any compensation to the witness directly or indirectly will not vary as a result of any outcome of the case.

Section 4. {Interrogatories} A party may through interrogatories require any other party to identify each person whom the other party expects to call an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to whom the expert is expected to testify and a summary of the grounds for each opinion, to list the expert's formal training and a list of the expert's publications, and to state the compensation fee for expert.

Section 5. {Deposition} A party may, without the necessity of a court order, depose each person the other party expects to call as an expert witness at trial, at a reasonable time prior to trial as long as the party seeking discovery pays the expert a reasonable fee for the time spent in the deposition, unless by motion a court determines the payment of such fees would result in manifest injustice, or the parties agree otherwise.

Section 6. {Document Requests} A party may, without the necessity of a court order, request all documents upon which the expert relies or has reviewed in preparation for his testimony.

Section 7. {Severity clause}

Section 8. {Repealer clause}

Were your laws repealed?

Section 9. {Effective date}

1995 Sourcebook of American State Legislation. Ammended by the Health and Human Services Task Force and approved by the ALEC Board of Directors in 2002.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.