before such physician is to testify. A reasonable charge, if any, should be directed to the requesting party.

Cooperation by both physician and lawyer in scheduling should be attempted to prevent issuance of a subpoena for a randomly selected date for deposition testimony.

5. Cooperation with Court

It is recognized that the proper and efficient dispatch of the business of the courts can not depend upon the convenience of the litigants, the lawyers or the witnesses, including physicians who may be called to testify. Both the lawyer and the physician should recognize, accept and discharge their obligation to aid and cooperate with the courts in the presentation of medical testimony at trial or by deposition.

6. Fee for Time for Testimony

When a physician is called to testify as a witness, either in court or by deposition, a reasonable charge, if any, should be directed to the requesting party. It shall be the duty of the lawyer to assure adequate arrangements for payment of the fee.

7. Contingent Fees

Neither the physician called as a witness nor the lawyer shall invite or enter into any arrangement whereby the charge for the physician's appearance, testimony or assistance shall be contingent on the outcome of the litigation or on the amount of damages awarded in the case.

JOINT CONFERENCE COMMITTEE

8. Appointment and Function of Committee

For the purpose of improving and revising from time to time this Statement of Principles, a Joint Conference Committee, composed of five lawyers and five physicians, shall be appointed by the Presidents of the Toledo Bar Association and The Academy of Medicine of Toledo and Lucas County, respectively. The Joint Conference Committee shall select its own Chairman from among the Committee's members.

The Statement of Principles was promulgated March 29, 1957, by the Joint Conference Committee of the Toledo Bar Association and The Academy of Medicine of Toledo and Lucas County, and was approved by the Executive Committee of the Bar Association and the Council of The Academy. Revised and approved, June 1, 1977. Revised and approved, February 9, 2006.

Statement of Principles Governing Certain Physician-Lawyer Relationships

The Toledo Bar Association and

The Academy of Medicine of Toledo and Lucas County

Statement of Principles Governing Certain Physician-Lawyer Relationships

In the interest of facilitating the harmonious pursuit of matters involving physicians and lawyers, the Toledo Bar Association and The Academy of Medicine of Toledo and Lucas County developed a Statement of Principles Governing Certain Physician-Lawyer Relationships in 1957. The Principles have been amended from time to time to reflect legislative and practice changes.

Whereas, physicians and lawyers are members of professions dedicated to furnishing professional skill and service to the public; and

Whereas, a substantial part of the practice of medicine, and of the practice of law is concerned with medico-legal problems connected with, or arising out of, injuries to, illness or disability of members of the public; and

Whereas, certain problems frequently arise in each profession in connection with these medico-legal problems affecting the relationship between the physician and the lawyer, the physician and his patient, and the lawyer and his client; and

Whereas, the public interest, the interests of the physicians and their patients, and the interests of the lawyers and their clients will best be served by an understanding on the part of members of each profession as to the functions, scope, rights, duties and responsibilities of the other profession in connection with such medico-legal problems, and by the cooperation of the members of both professions in the solution of such problems;

Now, therefore, the following Statement of Principles is hereby adopted by The Toledo Bar Association and The Academy of Medicine of Toledo and Lucas County, with the caveat that these principles are intended as guidelines for physicians and lawyers in their interrelated practice. They are not legally binding on physicians or lawyers, and they do not create a standard of practice. Further, nothing contained in this Statement of Principles is intended to alter the rules of law with reference to the attendance of witnesses and fees for their attendance, nor the rules of law with reference to privileged communications:

RELEASE OF PROTECTED HEALTH INFORMATION

1. Provision of Protected Health Information

Upon receipt of an appropriate authorization for release of a patient's Protected Health Information from a lawyer, a physician should provide the requested information. A physician should provide complete copies of all records requested. Fees for provision of medical records are governed by statute.

2. Reports to Patient or Lawyer

The patient or the patient's lawyer, when duly authorized by the patient (or the patient's authorized representative), shall be entitled upon written request to a prompt report from the attending or treating physician concerning the patient's history, findings, treatment, diagnosis and prognosis. The lawyer requesting the report should make clear in his request the specific information desired. The physician shall be entitled to a reasonable fee for the preparation of detailed reports requiring an analysis or study of the patient's medical records, or for a consultation with the patient's lawyer. In every instance where a lawyer requests a report, it shall be the duty of the lawyer to assure adequate arrangements for the payment of the fee.

3. Examination of Adverse Party or Employee

If a medical examination is requested or arranged by a party adverse to the individual to be examined, or by a prospective employer as a pre-employment medical examination, the report of such examination should be made directly to the person requesting the medical examination.

PHYSICIANS CALLED AS WITNESSES; PREPARATION AND ARRANGEMENTS

4. Conference Before Testimony

It is the duty of each profession to present fairly and adequately the medical questions involved in legal controversies. To that end, the practice of pretrial discussions between the physician who is to testify and the lawyer calling such a physician as a witness concerning the medical questions involved is encouraged and recommended. It is recognized that it is always proper, and in most instances quite desirable from the standpoint of the physician and lawyer, that a conference should be held between the patient's physician and lawyer at some mutually convenient time before the physician is to testify. Likewise, the physician who has made an examination of a person at the request of a party adverse to the person examined and the lawyer planning to call such a physician as a witness, should confer at some mutually convenient time