



# Seisinger v. Siebel, 203 P.3d 483 (Ariz. 2009)

Topics Covered: Expert Witnesses

**Outcome: Very Favorable**

## Issue

The issue in this case was whether the Arizona statute governing expert witness qualifications in medical malpractice actions violated Arizona's constitutional separation of powers requirement.

## AMA Interest

The AMA considers medical liability reform its highest legislative priority.

## Case Summary

Laura Seisinger sued Scott Siebel, MD, for alleged medical malpractice when he administered a spinal epidural during labor. Ms. Seisinger identified an expert witness on the standard of care. However, her designated expert had not engaged in clinical practice for over eight years.

A.R.S. § 12-2604(A) provides that, in a medical malpractice suit, an expert witness can testify on the appropriate standard of care only if the witness meets defined criteria of expertise and experience. The trial court found that Ms. Seisinger's expert did not meet these standards, that the statute barred his testimony, and that the statute is constitutional. Ms. Seisinger appealed. The Arizona Court of Appeals reversed and held the statute unconstitutional.

Dr. Siebel then appealed to the Arizona Supreme Court. The Arizona Supreme Court reversed the decision of the Court of Appeals and held the statute constitutional. It found that the statute was a change in the substantive law and thus did not conflict with the judiciary's prerogative of establishing procedural rules for the courts.

## Litigation Center Involvement

The Litigation Center and the Arizona Medical Association, along with numerous other health care organizations, filed an amicus curiae brief with the Arizona Supreme Court.

Arizona Supreme Court brief