Whereas, According to their website, The Litigation Center is an integral part of the AMA’s advocacy efforts for physicians and their patients, and can help state medical societies or other entities with legal issues of exceptional importance or which have national implications; and

Whereas, ‘Medical societies can benefit from the actions of the Litigation Center in any number of ways, including participation as a party in a lawsuit, filing of an amicus curiae (“friend of the court”) brief, financial grants, or in-kind services. Sometimes, the Litigation Center can help “level the playing field” when a physician feels overwhelmed by the legal system’; and

Whereas, The Litigation Center will on occasion approach a state medical society with an invitation to join in its efforts such as in preparing an amicus; and

Whereas, The AMA Board in consultation with the Litigation Center will interpret the will of or policy of the AMA House of Delegates in setting forth its legal strategy/approach; and

Whereas, There is sometimes a disjunction between the interpretation of AMA policy by the state medical society’s leadership and the attorneys of the Litigation Center--because of the different perspective between attorneys and physicians; and

Whereas, This disjunction can prevent the state medical society from joining the AMA in an Amicus due to this disjunction (despite sharing a desire to achieve a similar outcome); and

Whereas, Typically the AMA recognizes that legal battle would be more effective were the pertinent state medical society to join an AMA amicus; therefore be it

RESOLVED, That when seeking a state medical society’s support of an amicus brief on a legal matter, especially one pertaining to an issue in that state, the American Medical Association Litigation Center consider the state medical society’s point of view in developing the argument, and maintain full disclosure during the drafting of the amicus or any change in strategy.

Directive to Take Action

Fiscal Note: Not yet determined

Received: 04/25/19