



American College of  
Emergency Physicians®

ADVANCING EMERGENCY CARE 

# POLICY STATEMENT

Approved January 2025

## *Anonymous Affidavits of Merit*

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April 2022

Originally approved  
June 2016

Affidavits of merit provided by the plaintiff's expert witness are required in some jurisdictions to assure that a legal case has a substantive basis for filing purposes. Their stated intent is to reduce the number of frivolous lawsuits. Anonymous affidavits of merit are uncommon; however, in some cases and regions courts allow affidavits of merit to be filed anonymously.

Anonymous testimony, in any form, prevents confirmation of the expert's qualifications, authoritative expertise, and potential bias, all of which are crucial to fair and proper evaluation of claims.

The American College of Emergency Physicians (ACEP) recommends that an affidavit of merit in all cases involving emergency care must be from a board-certified emergency physician,<sup>1</sup> practicing in the same specialty who is licensed and currently practicing in the same state.

ACEP opposes the admission of anonymous affidavits of merit in medical malpractice litigation and other judicial proceedings.

<sup>1</sup> <https://www.acep.org/patient-care/policy-statements/definition-of-an-emergency-physician>