

Comment #2 – 4/21/17 – 2:35 p.m.

My comments on the Proposed Revision of Actuarial Standard of Practice No. 17 Expert Testimony by Actuaries Standard of Practice (ASOP 17) are as follows:

1.2 SCOPE

When one hovers over the word “testimony” it is defined as “Communication of opinions or findings presented in the capacity of an expert witness at trial, in hearing or dispute resolution, in deposition, by declaration or affidavit, or by any other means through which testimony may be received.

Such testimony may be oral or written.” The first sentence should be expanded to include all these examples otherwise the concept that testimony includes declarations, affidavits and other writings will be lost to the reader of ASOP 17. Failure to make this change in the paragraph will create a conflict between the standard when one reviews it with hypertext and when one reads the printed word. Of course, court filings of this standard will only contain the printed word.

It is stated that “This standard does not apply to an individual whose testimony and qualification as an expert is unrelated to the individual’s education, training, experience or employment as an actuary.” Needed is some way for the user of such testimony to understand this to be the case. For example, a statement to that effect could be required in written testimony. Alternatively, an actuary could be limited to not include any initials from any actuarial organization to which the actuarial standards of practice apply after their signature on any written testimony.

2.4 EXPERT

The following sentence should be added to remind actuaries employed by a party to the controversy that whenever they provide testimony as defined in 1.2 above, they are acting as an Expert within ASOP 17 – “Experts include not only third-party experts hired to support the controversy at hand but also actuaries employed by a party to the controversy and called upon to testify.”

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