

State of Connecticut
Regulation of
Office of the Chief Medical Examiner
Concerning
Services of the Office of Chief Medical Examiner and Professional Staff

Section 1. Section 19a-403-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 19a-403-1. Fees to be charged for the services of the Chief Medical Examiner and the professional staff of the Office of the Chief Medical Examiner as experts in matters concerning deaths investigated by the office.

(a) **Definitions.** As used in this section:

- (1) “Consultation” means a conference at which advice is given or views are exchanged;
- (2) “Consultation Services” means services performed with a view to rendering expert advice in a case;
- (3) “Office” means the Office of the Chief Medical Examiner;
- (4) “Party” means a person admitted or named as a party in a court case or an administrative proceeding;

(5) “Professional Staff of the Office of the Chief Medical Examiner” means the Chief or Deputy Chief Medical Examiner, Associate Medical Examiners, [the Director of the Office of the Chief Medical Examiner toxicology laboratory,] and any other full time employees of the Office whose job description includes giving expert testimony[. The term], but does not apply to Assistant Medical Examiners or consultants the Office retains; and

(6) “Testimony” means expert testimony as well as testimony as to facts witnessed.

(b) **Criminal Cases.** The [Chief Medical Examiner and the] professional staff of the Office of the Chief Medical Examiner shall, without charge to the parties, testify in court in criminal cases brought in the courts of this state or in federal courts. [They] Professional staff of the Office of the Chief Medical Examiner shall also provide free consultation services to the parties in such cases. [They] Professional staff of the Office of the Chief Medical Examiner may testify free of charge and provide free consultation services in criminal cases brought in the courts of other states that relate to a death investigation performed in Connecticut. When testimony or consultation services in cases in jurisdictions outside Connecticut require travel out of state, the party requesting the testimony or services shall bear the cost of such travel. The party requesting the testimony or services shall also bear the necessary cost of lodging and meals associated with such travel.

(c) **Civil Cases.** The professional staff of the Office of the Chief Medical Examiner may be requested to render expert opinions or testimony relating to death investigations falling within the Office’s jurisdiction resulting in civil litigation.

(1) The [per diem] rate for the courtroom appearance of [the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner is five hundred dollars [(\$500.00)]. The per diem rate for the appearance of [the Chief Medical Examiner or] a member of the professional staff of the [office] Office of the Chief Medical Examiner at a hearing before a tribunal such as a magistrate, hearing officer, board or commission is five hundred dollars [(\$500.00)]. These fees do not apply to the State of Connecticut or any of its agencies or any of its

employees acting in an official capacity. If [the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner travels to the court or the venue of a hearing at the request of the party, [calling him] but does not testify, such party is still liable for the per diem rate.

(2) The party that calls upon [compensation of the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner is responsible for the compensation of [for] travel, meal and lodging expenses [is the responsibility of the party that calls him]. If [the Chief Medical Examiner or] such a member of the professional staff of the Office of the Chief Medical Examiner travels to court or a hearing venue in [his] their own vehicle, [he shall receive from] the party that called [him] the member of the professional staff of the Office of the Chief Medical Examiner shall reimburse the member of the professional staff of the Office of the Chief Medical Examiner mileage expenses at a per mile rate equal to that payable by the State of Connecticut.

(d) **Depositions or affidavits in Civil Matters.** Whenever [the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner is called [to testify in a civil deposition or to prepare an affidavit,] to testify in a civil deposition or prepare an affidavit, the party calling the deposition or requesting the affidavit shall compensate the State of Connecticut for the time of the [Chief Medical Examiner or a] member of the professional staff of the Office of the Chief Medical Examiner at the rate of [one hundred twenty-five dollars (\$125.00)] four hundred dollars per hour. The rate for the proofreading of the deposition transcript or affidavit and the completion of an errata sheet by [the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner is [one hundred twenty-five dollars (\$125.00)] four hundred dollars per hour. The party calling the deposition or requesting the affidavit is responsible for paying these fees. The State of Connecticut, its agencies and its employees acting in their official capacity [are] shall be exempt from paying these fees.

(e) **Compensation for Consultation Services.** If counsel for parties involved in a civil action seeks consultation with [the Chief Medical Examiner or] a member of the professional staff of the Office of the Chief Medical Examiner, such counsel shall compensate the State of Connecticut for time spent in consultation in excess of [two (2) hours] one hour at the rate of [one hundred twenty-five dollars (\$125.00)] four hundred dollars an hour. Such consultation shall be at the discretion of the Chief Medical Examiner. This rate does not apply to anybody serving as counsel for the State of Connecticut, its agencies or employees acting in their official capacity.

[(f)] **Actions for Failure to Pay for Services Rendered.** Failure to pay for services rendered under the provisions of this section shall subject the party failing to pay for services rendered to a lawsuit by the State of Connecticut. The Office may also initiate grievance proceedings before the Statewide Grievance Committee against the lawyer or lawyers involved.]

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The proposed revisions to section 19a-403-1 will remove obsolete language and update the fees required in this section.