

**STATE OF CONNECTICUT REGULATION OF
OFFICE OF THE CHIEF MEDICAL EXAMINER
CONCERNING 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**

The Regulations of Connecticut State Agencies are amended by adding section 19a-403-1 as follows:

(NEW) Section 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 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 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 shall also provide free consultation services to the parties in such cases. They may testify free of charge and provide free consultation services in criminal cases brought in the courts of other states. 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.

(1) The per diem rate for the courtroom appearance of the Chief Medical Examiner or a member of the professional staff of the Office 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 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 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 compensation of the Chief Medical Examiner or a member of the professional staff of the Office for travel, meal and lodging expenses is the responsibility of the party that calls him. If the Chief Medical Examiner or such member of the professional staff of the Office travels to court or a hearing venue in his own vehicle he shall receive from the party that called him 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 is called to testify in a civil deposition or to 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 at the rate of one hundred twenty-five dollars (\$125.00) 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 is one hundred twenty-five dollars (\$125.00) 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 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, such counsel shall compensate the State of Connecticut for time spent in consultation in excess of two (2) hours at the rate of one hundred twenty-five dollars (\$125.00) 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.

STATEMENT OF PURPOSE:

To prescribe fees to be charged for expert services, including witness and consultation services, provided by the Chief Medical Examiner or any member of the professional staff of the Office of the Chief Medical Examiner and to specify the situations in which these fees apply in accordance with Connecticut General Statutes Sections 19a-401, 19a-403 and Chapter 54 of the General Statutes.