

Requests for Certified Copies of Reports and Expert Testimony Fees for Private Attorneys

Application: This policy applies to all OCME districts.

I. Policy

This policy is to ensure that the Office of the Chief Medical Examiner (OCME) has a policy and procedure regarding requests for reports and fees for private attorneys

II. Purpose

To outline procedures for fees for when staff interact with attorneys in reference to obtaining reports and testimony in legal matters.

III. Fees Schedule

A. Charges for Pre-trial Meetings, Court and Depositions in Civil Cases

- a. Fees for OCME forensic pathologists are as follows:
 - i. \$300.00 per hour for pre-trial conferences, etc. in person or by phone, plus travel time as applicable.
 - ii. \$1,200.00 for half-day court appearance (with or without testimony) for less than 4 hours, plus travel.
 - iii. \$2,400.00 for full day court appearance (with or without testimony) for 4 hours or more, plus travel.
- b. OCME will not charge for the 1st hour to meet with a civil attorney to discuss case findings and determine the type of consultation, if any, which is required.
- c. Fees for all other OCME staff are as follows:
 - i. The fee is calculated based off the hourly rate plus benefits of the employee, with a minimum charge for 4 hours.
- d. All related expenses must be paid to include but is not limited to: mileage, tolls, parking fees, tips, meals, lodging, travel, etc. Checks should be made payable to the Treasurer of Virginia.

B. Additional Charges

- a. Reports - \$75.00
- b. Digital photographs - \$5.00 per page of printed photos
- c. CD-R containing digital photographs - \$50.00/each
- d. Histology microscope slides - \$50.00/each
 - i. Microscope slides are recuts from the original paraffin blocks.
- e. X-Ray on x-ray film - \$35.00/each
- f. CD-R containing digital x-ray images - \$50.00/each

C. FOIA Exemptions

- a. §2.2-3705.5(1) and § 32.1-283.4(A) of the Code of Virginia

IV. Requesting Information

- A. The following needs to be completed prior to requesting information outlined in section III – B of additional charges:
 - a. Medical authorization signed by the next of kin
 - b. Subpoena is issued
 - c. Other legal documents that are signed to authorize document request.

OFFICE OF THE CHIEF MEDICAL EXAMINER

OCME Policy Number: ME – 110.03

Effective Date: 10/22/2007

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Next Review Cycle Date: 01/11/2020

V. Civil Litigation

- A. If an Assistant Chief Medical Examiner is needed to be an expert witness in civil matters involving OCME cases, there is a fee, which is outlined above in section III – A.
- B. Anytime a family would like the OCME to meet with them and their attorney, or an attorney with proper authorization from the family to understand the findings in an OCME death investigation, the OCME will not charge for the meeting (in person or by telephone)
- C. Anytime a family would like the OCME to meet with them and their attorney or an attorney with proper authorization from the family, for professional opinion to support civil litigation, the OCME will provide the schedule fee outlined above in section III – A.
- D. Code of Virginia §8.01 -390.2 - Reports by Chief Medical Examiner received as evidence
 Reports of investigations made by the Chief Medical Examiner, his assistants or medical examiners, and the records and certified reports of autopsies made under the authority of Title 32.1, shall be received as evidence in any court or other proceeding, and copies of photographs, laboratory findings and reports in the office of the Chief Medical Examiner or any medical examiner, when duly attested by the Chief Medical Examiner or an Assistant Chief Medical Examiner, shall be received as evidence in any court or other proceeding for any purpose for which the original could be received without proof of the official character or the person whose name is signed thereto.

VI. Criminal Litigation

- A. No fee is charged for OCME staff to attend in criminal matters.
- B. The OCME works with attorneys on availability dates for testimony to ensure continuity of operations but still attend court to testify.
- C. Code of Virginia §19.2-188 – Reports by Chief Medical Examiner received as evidence
 - A. Reports of investigations made by the Chief Medical Examiner, his assistants or medical examiners, and the records and certified reports of autopsies made under the authority of Title 32.1, shall be received as evidence in any court or other proceeding, and copies of photographs, laboratory findings and reports in the office of the Chief Medical Examiner or any medical examiner, when duly attested by the Chief Medical Examiner or one of his Assistant Chief Medical Examiners, shall be received as evidence in any court or other proceeding for any purpose for which the original could be received without proof of the official character or the person whose name is signed thereto.
 - B. Any statement of fact or of opinion in such reports and records concerning the physical or medical cause of death and not alleging any conduct by the accused shall be admissible as competent evidence of the cause of death in any preliminary hearing.

VII. Point of Contact for Questions

- A. Any questions regarding this policy should be directed to the Administrative Deputy for the OCME.



Approved:

William T. Gormley, M.D., Ph.D., Chief Medical Examiner

Date: 01.11.2018

Reviewed by:

Date: _____

Print Name

Signature