



Ohio Legislative Service Commission

Terry Steele

Fiscal Note & Local Impact Statement

Bill: [H.B. 192 of the 128th G.A.](#)

Date: June 16, 2009

Status: As Introduced

Sponsor: Rep. Letson

Local Impact Statement Procedure Required: No — No local cost

Contents: To establish compensation for county coroners testifying in civil trials

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2010 – FUTURE YEARS

County General Funds

Revenues

Potential gain in coroner compensation for civil trial testimony,
offsetting existing costs of providing this testimony

Expenditures

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Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill establishes a method that courts and county commissioners would use to reimburse county coroners, forensic investigators, or physicians for certain costs they incur in preparing to testify during civil trials. These reimbursements would offset the costs that coroners' offices incur in preparing for civil trials.

Detailed Fiscal Analysis

Overview of the bill

Under current law, a witness in a civil case is entitled to a fee of \$12 for each full day's attendance and \$6 for each half day's attendance at a court of record, mayor's court, or before a person authorized to take depositions and ten cents for each mile traveled to and from the witness's place of residence to the place of giving testimony. These fees are taxed in the bill of costs. For attending a coroner's inquest, a witness is entitled to the same fees, but they are payable from the county treasury on the certificate of the coroner.

Under the bill, when the coroner, another physician, or a forensic investigator is deposed or called as a witness in a civil action to testify about professional services for autopsies and toxicology interpretations or forensic investigations performed by or on behalf of the coroner, a fee for testifying is to be taxed as a cost. The fee may include time spent preparing for and attending a deposition as well as time spent preparing for and testifying in court. In these circumstances, the court is to award to the appropriate county treasury the amount that county commissioners determine that a coroner, a coroner employee, or forensic investigator incurred in preparing for and attending depositions and trials. This would also apply in cases where the coroner's office in one county performed for a coroner in another county. In situations where a coroner may have contracted with a private physician for these services, the court is to award those costs directly to the physician.

Fiscal effect

As a result of the bill, counties would be able to offset the personnel costs incurred by coroners that are required to testify in civil trials, costs for which they are not compensated under current law. As an example, the Franklin County Coroner has a salary of \$121,323.¹ This equates to approximately \$58.33 per hour. This would be the hourly rate of compensation to the county should the coroner have to prepare and testify in a civil trial. It should be noted that if other coroner's office employees were included in trial depositions and testimony, then the costs would increase. Franklin County's forensic pathologists have a salary ranging between \$144,000 and \$154,000 per year, which would equate to between \$69.23 per hour and \$74.03 per hour.

The Trumbull County Coroner's Office provided LSC with some estimates concerning coroner staff time and costs involved with preparing for pretrial conferences and depositions. Generally, the overall time involved is roughly four to five hours in preparation and pretrial conferences and approximately two hours for depositions.

¹ Coroners' salaries are statutorily set at two levels. One level is for coroners who operate a private practice, and one level is for those who do not. The Franklin County Coroner does not operate a private practice. If she did, her salary would be \$74,302.

Complex medical malpractice cases would require roughly three to four hours of preparation, roughly two hours for pretrial work, and an additional two hours of further deposition if the case is subsequently settled out of court. Therefore, for eight hours of preparatory work on a civil case at a cost of \$350 per hour for all employees involved, the coroner's office would incur \$2,800 in reimbursable costs. The Trumbull County Coroner estimates that their office handles roughly 225 cases per year. Larger counties such as Cuyahoga, Franklin, Hamilton, and Lucas handle approximately 2,000 cases per year.

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