



FULL TEXT LINKS

Case Reports [Am J Forensic Med Pathol.](#) 1997 Jun;18(2):119-23.

doi: 10.1097/00000433-199706000-00002.

Lawsuits against medical examiners or coroners arising from death certificates

R Hanzlick ¹

Affiliations

PMID: 9185925 DOI: [10.1097/00000433-199706000-00002](#)

Abstract

A data base search through Westlaw was conducted to ascertain lawsuits in which a medical examiner or coroner (ME/C) was sued because of the cause or manner of death stated on the death certificate. Sixteen reported cases were found between 1948 and 1995, with 10 of the cases occurring since 1985. The frequency of reported cases is approximately 1/400,000 ME/C death certificates, but based on certain assumptions, the actual frequency may be estimated at 1/40,000 ME/C death certificates. Nine cases involved plaintiffs who contested when the manner of death was indicated as suicide. In 15 of the 16 cases, the lower court decision favored the ME/C viewpoint. Five of the 15 decisions were ultimately reversed by a higher court, but the ultimate outcomes of these cases were not available. Overall, it appears that most courts and decisions have recognized ME/C actions as discretionary or immune and that ME/Cs have been at low risk for such suits to date. This seems especially true if the ME/C position is defensible and the ME/C has acted in accordance with statute and without evidence of corruption, incompetence, arbitrariness, capriciousness, abuse of discretion, or outrageous conduct.

[PubMed Disclaimer](#)

LinkOut - more resources

Full Text Sources

[Ovid Technologies, Inc.](#)[Wolters Kluwer](#)