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TO: Assigned Counsel Contractors
Alternate Assigned Counsel

FROM: Charles S. Martin, Assigned Counsel Coordinator

SUBJECT: Independent (Other Than Court-Ordered) Evaluations by
Mental Health Practitioners

DATE: July 25, 1994

The number and cost for evaluations and testimony by mental health practitioners particularly in sex offender and termination of parental rights cases has been the fastest growing part of the Assigned Counsel Program budget. It is imperative that when you request these third party services that you establish in advance the hourly rate that will be charged. If it is not on the Expenditure Request Form you submit to me, the ERF will be returned unapproved. In your initial contact with the expert, you should explain that this is a public defense case. Often times experts will give the State of Vermont a discount on their rate. It never hurts to ask. Also, you should inquire of your proposed expert whether they have one-half and full day rates. I will establish maximum fees for evaluations and reports since the amount of time involved is susceptible to reasonable estimation. Obviously testimony at depositions or in court proceedings often cannot be accurately estimated. Once a fee is arrived at, you should ensure that the provider notify you if he/she anticipates going over that amount, and you must then contact me for additional approval.

Occasionally, expert evaluations could be paid for by BC/BS or private insurance. Assigned counsel requesting these services will be required to inquire whether the client or parent of a juvenile has coverage, and if so, to pass that information on to the provider so the insurer may be billed first.

If the State's Attorney deposes your expert, the State bears the cost, and the expert should be directed to submit his/her bill directly to the State's Attorney.

This is a very big cost item and your cooperation is appreciated.