

SUPREME JUDICIAL COURT OF MASSACHUSETTS

LeBlanc v. Commonwealth

457 Mass. 94 (2010) · Decided June 11, 2010

SUMMARY

The Massachusetts Supreme Judicial Court affirmed dismissal of negligence claims arising from an erroneous autopsy report that caused the plaintiffs to exhume and test their deceased son's remains. The court held that G. L. c. 38, § 2, barred liability arising from the lawful disclosure of an autopsy report, including claims concerning the report's content or correction, and extended that protection to the medical examiner involved.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Gants, J.
JURISDICTION	Massachusetts
DECIDED	June 11, 2010
DISPOSITION	affirmed
PROCEDURAL POSTURE	The plaintiffs brought negligence claims under the Massachusetts Tort Claims Act against the Commonwealth and later added medical examiner Abraham Philip individually. The Superior Court dismissed all claims; the Appeals Court affirmed, and the Supreme Judicial Court granted further appellate review and affirmed.
STANDARD OF REVIEW	The court reviewed the dismissal of the plaintiffs' claims as a matter of law, accepting the complaint's well-pleaded factual allegations for purposes of determining whether the claims were legally cognizable.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joseph LeBlanc, Marilyn LeBlanc v. Commonwealth of Massachusetts, Abraham Philip

TOPICS

- negligence
- statutory interpretation
- municipal liability
- municipal law
- legislative history

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the statutory protection for the Office of the Chief Medical Examiner and its employees from civil liability for lawfully disclosing an autopsy report extends to negligence claims arising from the report's content and the failure to notify the decedent's family of a correction.
2. Whether medical examiner Abraham Philip was protected by the statutory exemption from liability even though the complaint alleged that he was an independent contractor rather than an employee.
3. Whether the Commonwealth could be liable under the Massachusetts Tort Claims Act for the alleged conduct of the chief medical examiner or Office of the Chief Medical Examiner employees.

HOLDINGS

1. The statutory exemption shielding the Office of the Chief Medical Examiner and its employees from civil liability for lawfully disclosing an autopsy report broadly covers claims arising from the content of the lawfully disclosed report, including negligence claims concerning errors in the report or failure to correct and disclose those errors.
2. Medical examiner Abraham Philip was among the persons protected by G. L. c. 38, § 2, even though the complaint alleged that he was an independent contractor, because it also alleged that he acted as a medical examiner, examined the remains, and signed the autopsy report in that capacity.
3. The Commonwealth could not be held liable for the plaintiffs' claims because those claims were based on conduct for which the chief medical examiner and OCME employees were statutorily protected from liability.

KEY QUOTATIONS

“We conclude that the broader interpretation more likely reflects the Legislature’s intent in enacting this provision.” (457 Mass. at 98-99)

“If the surviving spouse or next of kin could file a complaint against the OCME concerning the content of an autopsy report, the paramount public interest in obtaining the truth would be compromised by the fear of liability” (457 Mass. at 99)

“Without question, the OCME should have told the LeBlancs that the autopsy report was in error regarding the circumcision as soon as it recognized the error” (457 Mass. at 101)

FACTUAL BACKGROUND

Joseph LeBlanc, Jr., died in a small-airplane crash, and the Office of the Chief Medical Examiner performed an autopsy on recovered remains. The autopsy report incorrectly stated that the remains were uncircumcised, although the plaintiffs knew their son had been circumcised, leading them to fear that the wrong body had been delivered and buried. After the plaintiffs' attorney notified the medical examiner's office, the office allegedly corrected the report but did not notify the plaintiffs, who obtained an exhumation order and DNA testing that confirmed the remains were their son's.

PROCEDURAL HISTORY

The plaintiffs sued after receiving an autopsy report containing an erroneous statement that their deceased son was uncircumcised, causing them to fear that the wrong body had been buried and to exhume and DNA-test the remains. The Superior Court dismissed the claims. The Appeals Court affirmed, with one justice dissenting, and the Supreme Judicial Court granted further appellate review and affirmed the judgment of dismissal.

DISPOSITION

affirmed

CASES CITED

- *Macrelli v. Children's Hosp.*, 451 Mass. 690, 691 (2008)
- *Globe Newspaper Co. v. Chief Med. Examiner*, 404 Mass. 132, 136 (1989)
- *Gahn v. Leary*, 318 Mass. 425, 428-429 (1945)
- *Lauer v. City of N.Y.*, 95 N.Y.2d 95, 97-98, 101, 103, 105 (2000)
- *Sims-Hearn v. Office of the Med. Examiner*, 359 Ill. App. 3d 439 (2005)
- *Maiden v. Rozwood*, 461 Mich. 109, 132 (1999)
- *Griswold v. Boston & Me. R.R.*, 183 Mass. 434, 437 (1903)

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