

**UNIVERSITY OF HOUSTON SYSTEM  
ADMINISTRATIVE MEMORANDUM**

**SECTION: Human Resources**

**NUMBER: 02.D.07**

**AREA: Leave Entitlement**

**SUBJECT: Expert Witness Services**

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1. PURPOSE

This administrative memorandum is written to comply with the requirements of the Government Code [§659.005](#) which addresses service as an expert witness by a State employee.

2. POLICY

- 2.1. In accordance with Government Code, State employees paid from the State appropriated funds are prohibited from accepting witness fees as defined by these provisions. University of Houston System policy applies this prohibition to all employees, regardless of funding source.
- 2.2. Any state official or employee called to appear in his or her official capacity on behalf of any component of the University of Houston System in any judicial action or legislative investigation shall neither accept nor receive any witness fees for such governmental appearance.
- 2.3. This prohibition against accepting compensation shall not extend to any mileage or per diem allowance tendered to the state employee for expenses incurred while serving as a witness, unless the state employee has also made a claim for such expenses against the state, and in no instance shall there be double reimbursement for expenses.
- 2.4. State regulations permit an employee to appear as a witness and receive a customary witness fee when the employee is called to testify from personal knowledge concerning matters related to the inquiry not on behalf of the System. In this circumstance, the employee's appearance as an expert witness is considered to be in an unofficial capacity. The employee must request paid or unpaid leave to perform this service. However, time away for this type of service must be with the appropriate administrator's prior approval and normal request procedures for compensatory time, leave without pay, or vacation use apply.

- 2.5. An employee who is asked to serve as an uncompensated witness, but is not appearing in an official capacity on behalf of the System, must request paid or unpaid leave to perform this service. However, time away for this type of service must be with the appropriate administrator's prior approval and normal request procedures for compensatory time, leave without pay, or vacation use apply.
- 2.6. If travel expenses are incurred as a result of appearing as an expert witness in other than in an official capacity, regardless of receipt of a witness fee, such travel expenses may not be paid by the component university.
- 2.7. Whenever an employee is asked to serve as an expert witness and this service would meet the criteria defined as consulting and paid professional service, the provisions of University of Houston System Administrative Memorandum [02.A.08](#) shall apply.

3. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice Chancellor for Finance

Review: Every five years, on or before August 31

4. APPROVAL

Approved: Jim McShan  
Interim Vice Chancellor for Administration and Finance

Renu Khator  
Chancellor

Date: April 7, 2008

5. INDEXING TERMS

Expert witness  
Subpoena  
Testimony  
Witness