

## **RESOLUTION ON CHARGES FOR EXPERT WITNESSES IN PRIVATE LITIGATION**

WHEREAS, the Lake County Health Department/Community Health Center ("LCHD") employs a number of medical professionals, including medical doctors, psychiatrists, and licensed clinical social workers, to provide public health professional services to and for residents and recipients in Lake County, Illinois; and

WHEREAS, the Board of Health is advised by its attorney and Executive Director that, as there have been numerous situations in the past, and continue to be instances, where private attorneys in private litigation (in which the LCHD is not a party) have attempted to obtain free or uncompensated expert (opinion) testimony by subpoena of LCHD professionals for deposition or trial expert witness testimony in that private litigation; and

WHEREAS, LCHD medical and social work professional employees consistently have waiting lists of public health clients/patients in need of their professional services, and time spent in giving deposition or trial testimony in private litigation results in the cancellation and/or re-arranging of dozens of scheduled appointments of LCHD clients/patients; and

WHEREAS, in an attempt to minimize disruptions in the provision of public health professional services to LCHD clients/patients, the Health Department's attorney and Administration has implemented a policy that attorneys who subpoena LCHD physicians or licensed clinical social workers for deposition or trial testimony in private litigation (in which the LCHD is not a party) are required to pre-pay to the LCHD for the witness time away from LCHD duties, at the rate of \$375.00/hour for physicians, \$225.00/hour for Psychologists, and \$200.00/hour for licensed clinical social workers (in ½ hour increments) and Licensed Clinical Professional Counselors, together with travel costs, if any; and

WHEREAS, this Board of Health is advised that, in the event of a disagreement relating to the reasonable fee for services, where an attorney has subpoenaed a LCHD professional health care worker, that a written Resolution of this Board will assist the Circuit Court in its determination of a reasonable expert witness fee, pursuant to 735 ILCS 5/2-1101; and

WHEREAS, it is anticipated that the LCHD will continue to have its professional employees be subject to subpoena by private attorneys in private litigation, and the LCHD attorney and Executive Director recommend that there be a written Resolution of this Board of Health formally stating the policy of this Board relating to the charge(s) for the time of LCHD physicians, psychologists, licensed clinical social workers, and licensed clinical professional counselors when subpoenaed to testify in private litigation, in which the LCHD is not a party.

NOW, THEREFORE, BE IT RESOLVED, by this Board of Health of the Lake County Health Department/Community Health Center:

1. That, while the clear expectation and preference of this Board of Health is and remains that LCHD physical and mental health care workers devote all of their working hours towards the provision of public health services to and for LCHD clients/patients, it is recognized that there may be certain instances where LCHD physicians,

psychologists, and licensed clinical social workers are called upon to testify in matters involving private litigation. This Resolution states the Board of Health determination of the reasonable charge for time expended by LCHD health care workers as expert, opinion or occurrence witnesses in private litigation matters.

2. That the following rates shall be charged for LCHD health care professionals as witnesses in private litigation, where the LCHD is not a party:

- a) Doctors (licensed physicians and psychiatrists) ..... \$375.00 per hour;
- b) Psychologists ..... \$225.00 per hour,
- c) Licensed Clinical Social Workers ..... \$200.00 per hour,
- d) Licensed Clinical Professional Counselors ..... \$200.00 per hour.

All time shall be billed or charged in ½ hour increments, based upon a reasonable estimate of time away from job duties. Payment for services shall be pre-paid, prior to the scheduled time of testimony.

3. The Director of Business Operations is directed to place this Resolution bi-annually on the Board of Health list of annual resolutions, for reconsideration, and possible adjustment, to the hourly rates charged herein.

**DATED**, at Waukegan, Lake County, Illinois on this 27th day of June, A.D., 2007.

Amended: November 20, 2019

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President, Board of Health

ATTEST:

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Secretary, Board of Health