

## **Rule F. Witness Fees**

### **(a) Amounts.**

(1) Fees. Except as hereinafter provided, each witness attending court or a deposition pursuant to any rule or order of the Court shall receive \$ 40 or the fee as provided by D.C. Code § 15-714, whichever is higher, for each day's attendance and for the time necessarily occupied in going to and returning from the same. An expert witness shall receive such amount as he or she is entitled to by law.

No witness fee shall be paid to an employee of the United States or any agency thereof or of the District of Columbia who has been called as a witness on behalf of the United States or the District of Columbia in any judicial proceeding in which the United States or the District of Columbia is a party.

(2) Travel allowance. Except as hereinafter provided, each witness shall receive \$.51 per mile or the travel allowance provided by D.C. Code § 15-714, whichever is higher, for going from and returning to his or her residence. Regardless of the mode of travel employed by the witness, computation of mileage shall be made on the basis of a uniform table of distances adopted by the federal government. No witness residing in the District of Columbia shall be entitled to a travel allowance.

(3) Subsistence. Except as hereinafter provided, a witness attending Court or a deposition at a place so far removed from his or her residence as to prohibit return thereto from day to day shall be entitled to an additional allowance fixed by statute for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance.

An officer or employee of the United States or any agency thereof summoned as a witness on behalf of the United States shall receive a per diem allowance in lieu of subsistence. Such per diem shall be fixed at a rate prescribed by law.

(b) Payment from public funds. No witness entitled to any payment under paragraph (a) shall be paid from public funds except upon affidavit of the witness that he or she was compelled by subpoena to attend as a witness on behalf of the government or on behalf of a respondent unable to pay in a specified case and that he or she did attend. Such affidavit shall be endorsed by the counsel of record issuing the subpoena and shall be submitted to the Clerk of the Court for verification. The Executive Officer upon submission of the endorsed and verified affidavit shall make payment by cash or check.

(c) No payment of fee or allowance after voluntary appearance. No person voluntarily appearing in Court or at a deposition without having been served with a subpoena shall be paid a fee or allowance after the fact of such appearance.

(d) One fee rule. No person under subpoena to attend in a number of pending cases shall be permitted to receive more than 1 fee or allowance for attendance on any 1 day.

(e) Construction. This Rule shall not be construed to supersede or conflict with any statute of the United States or regulation promulgated thereunder or any statute of the District of Columbia.

## **COMMENT**

Payment of fees from public funds under section (b) omits the requirement of judicial certification after the witness' court attendance. Under Family Court General Rule E, the Court must approve in forma pauperis subpoenas before they are issued.