

## **TIPS FOR HANDLING LAY WITNESS TRAVEL EXPENSES**

If you have a witness who is unable to pay for travel expenses and you must pay for lodging or advance funds for meals and mileage, you need to be aware of certain policies, procedures and pitfalls. Even if your witness is able to pay for the expenses and be reimbursed by OPDS, you may find these notes helpful when requesting preauthorization for non-routine witness travel.

**Preauthorization** - Any witness expense, other than the daily fee (\$5 per day) and statutory mileage (\$.08 for in-state and \$0.10 for out-of-state witnesses) is a non-routine expense and should be preauthorized. OPDS will approve reimbursement to the witness if the witness can afford to pay the travel expenses. Frequently, we approve reimbursement to counsel or to an investigator due to a witness' inability to pay and then wait to be reimbursed. Before you submit a request for preauthorization, you should determine what types of transportation are needed, whether lodging and meal funds will be required and if the witness can afford to pay for these expenses and be reimbursed by OPDS.

**Mileage** - If you request a mileage rate that is above the statutory amount, do not expect to receive approval for the same rate as that paid to providers. OPDS will generally approve an amount per mile that is enough to pay the actual cost of fuel at the current rate per gallon. That amount is approximately one-half the rate set by policy for providers.

**Meals** - If you must provide funds to a witness for meals, be prepared to give the witness cash. Many witnesses do not have the ability to cash a check. The amount OPDS will reimburse is based on travel times. The amount and qualifying times are in the payment policy and in the travel guideline sheet that are both available at our website. If the witness must be away from home for several days, you may want to consider giving the meal allowance to the witness in installments. Some witnesses might be inclined to spend the whole allowance in one day and then request additional money from you for the meals for the remaining days.

**Lodging** - If you make arrangements to pay for witness lodging, you will want to inform the establishment's management that you will be responsible for only the room and taxes. It is a good idea to put it in writing. A few attorneys and investigators have had to pay for in-room movies, room service meals and damages incurred by a witness. OPDS will reimburse the amount set by policy. That amount includes taxes. If you are unable to locate a lodging establishment that does not exceed the guideline amount, or there is some reason why a more costly place is necessary, the reason should be stated in the justification for preauthorization. Convenience to the courthouse, which reduces other costs, the special needs of a witness or seasonal rate increases are reasons a higher rate might be approved.

**Rental Vehicle** - Many witnesses do not have the ability to rent a car. Most rental agencies require a credit or debit card, proof of insurance and, of course, a valid driver's license. Using your personal or business credit card to secure a vehicle for a witness is not recommended as you will be responsible for damages to the vehicle, should there be any. If your witness is able to rent a vehicle, please be sure to advise the witness prior to the time the vehicle is rented, that OPDS will not reimburse for insurance costs associated with the rental. The cost of a mid-size vehicle will be reimbursed as well as fuel costs upon submission of original receipts. If a vehicle upgrade is necessary, the

reason must be stated in the request for preauthorization. Transportation for a witness with a disability, the anticipation of inclement weather or the number of people being transported are valid reasons for something other than mid-size car.

**Airfare** - When you submit a non-routine expense request for airfare, you must know the name of the traveler and their location. It is not necessary to know the name of the airport or the location of the airport closest to your witness. OPDS provides the travel agency with the state contract for airfare, with the name of the person traveling and their location. When you, or your witness, call the travel agency to make the reservation, the agent will arrange for travel from the commercial airport closest to the witness. Occasionally, the closest airport is not the most convenient for your witness. If there is not a significant difference in cost, it is acceptable to choose the most convenient place of departure. You need not worry about the cost of the ticket unless there is a significant difference between the cost of a refundable ticket versus non-refundable. Normally, the agent will call OPDS to discuss the possibility of booking the non-refundable ticket if the cost is considerably less than refundable. OPDS will be billed directly for the cost of airfare. Under no circumstances should you or the witness purchase a ticket as the cost will not be reimbursed.

**Other Travel Expenses** - Bus, train and taxi fare can be reimbursed if preauthorized and supported by a receipt. If the witness is approved for air travel, OPDS will reimburse the actual cost of airport parking without specific authorization. An original receipt for parking must be submitted.

**Receipts** - The person being reimbursed must have original receipts for lodging and the rental vehicle. If counsel or an investigator provides funds for any other expense, including meals and mileage, the person who will seek reimbursement must be able to provide OPDS with proof of payment. If cash is given, a receipt similar to the one shown below should be completed and submitted with the fee statement. A copy of a cancelled check can be submitted in lieu of a receipt.

**RECEIPT FOR LAY WITNESS FEES AND EXPENSES**

County \_\_\_\_\_ Case Number \_\_\_\_\_

Client \_\_\_\_\_ Counsel \_\_\_\_\_

I, \_\_\_\_\_, acknowledge receipt of \$\_\_\_\_\_ from \_\_\_\_\_ for fees and expenses as shown below.

Witness fee	\$
Mileage	\$
Lodging	\$
Meals	\$
Other travel expenses*	\$
Total	\$

Signature of recipient  
\_\_\_\_\_

Date signed  
\_\_\_\_\_

\*Please describe \_\_\_\_\_