

SUPREME COURT OF ALABAMA

Altapointe Health Systems, Inc. v. Mobile County Probate Court

141 So. 3d 998 (Ala. 2013) · Decided September 20, 2013

SUMMARY

The Alabama Supreme Court held that a publicly funded mental-health organization may receive reasonable expert-witness fees when its qualified employees provide expert testimony in involuntary civil-commitment proceedings. The court interpreted Alabama Code § 22-52-14 according to its plain language, concluding that the statute does not exclude salaried employees or publicly funded organizations from eligibility. The court reversed the Mobile County Probate Court's denial of fees and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Chief Justice Moore; Moore, C.J.; Stuart, J.; Parker, J.; Murdock, J.; Bolin, J.; Main, J.; Wise, J.; Bryan, J.; Shaw, J.
JURISDICTION	Alabama
DECIDED	September 20, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Altapointe Health Systems, Inc. appealed from the Mobile County Probate Court's order denying its petition for expert-witness fees for testimony provided by its employees in involuntary civil-commitment proceedings.
STANDARD OF REVIEW	De novo review of the interpretation of § 22-52-14, Ala. Code 1975.
PRECEDENTIAL VALUE	Published Alabama Supreme Court opinion; precedential.
PARTIES	Altapointe Health Systems, Inc. v. Mobile County Probate Court

TOPICS

statutory interpretation probate procedure expert testimony health law evidence

PRACTICE AREAS

statutory interpretation probate mental health law evidence appellate procedure

QUESTIONS PRESENTED

1. Whether § 22-52-14, Ala. Code 1975, authorizes reasonable expert-witness fees when a publicly funded mental-health organization provides expert testimony through a qualified employee in an involuntary civil-commitment proceeding.
2. Whether the probate court may deny expert-witness fees because the expert is a salaried employee of the requesting organization or because the organization receives funding from other sources.

HOLDINGS

1. Section 22-52-14 authorizes payment from the state general fund of reasonable expert-witness fees when a qualified employee of Altapointe provides expert testimony in an involuntary civil-commitment hearing.
2. Once a qualified expert provides expert testimony within the scope of § 22-52-14, the probate court may determine the amount of a reasonable fee but may not categorically refuse payment based on the expert's employment relationship or public funding.

KEY QUOTATIONS

“Words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says.” (1002)

“Once the AHS employee qualifies as an expert witness, reasonable fees “shall be paid.”” (1003)

“Neither the probate court nor this Court, however, is free to limit the scope of the statute through an exclusionary judicial construction not stated in its text.” (1003)

“We therefore reverse the Mobile County Probate Court’s order of April 19, 2012, and remand the case for further proceedings consistent with this opinion.” (1004)

FACTUAL BACKGROUND

Altapointe is a publicly funded community mental-health agency serving Mobile and Washington Counties. Its employee Joyce Barber conducted preparation and provided expert testimony concerning court-ordered mental-health evaluations in involuntary civil-commitment hearings. Although Altapointe received public and private funding for its services, it asserted that those funds could not be used to pay expert-witness fees and sought payment from the state general fund under § 22-52-14. The probate court denied payment because Barber was a salaried employee and the testimony was viewed as an integral part of an already compensated evaluation process.

PROCEDURAL HISTORY

The probate court had discontinued payment of Altapointe's \$160-per-hearing fee after determining that the organization was already compensated for mental-health evaluations through other funding sources. After an earlier fee request was denied without appeal, Altapointe filed a new petition seeking \$188,800 for testimony at 1,180 commitment hearings. The probate court again denied the petition, concluding that the statute did not

reimburse an employer for an employee's testimony and that the testimony was part of the compensated evaluation process. The Alabama Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Mobile County Probate Court must reconsider Altapointe's fee petition consistently with the opinion and determine the reasonable amount of expert-witness fees. It may distinguish between expert and non-expert testimony and need not award fees for non-expert factual testimony.

CASES CITED

- Ex parte Greater Mobile-Washington Cnty. Mental Health-Mental Retardation Bd., Inc., 940 So. 2d 990, 1005 (Ala. 2006)
- Ex parte City of Brundidge, 897 So. 2d 1129, 1131 (Ala. 2004)
- Wallace v. State, 507 So. 2d 466, 468 (Ala. 1987)
- Tuscaloosa Cnty. Comm'n v. Deputy Sheriffs' Ass'n of Tuscaloosa Cnty., 589 So. 2d 687, 689 (Ala. 1991)
- Jansen v. State, 273 Ala. 166, 168, 137 So. 2d 47, 48 (1962)
- Personnel Bd. of Mobile Cnty. v. City of Mobile, 264 Ala. 56, 60-61, 84 So. 2d 365, 369 (1955)
- Dennis v. Chang, 611 F.2d 1302, 1307 (9th Cir. 1980)
- Southeast Env'tl. Infrastructures, L.L.C. v. Rivers, 12 So. 3d 32, 52 (Ala. 2008)

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