

Research

Consulting

Consulting in Connection with Litigation (SC – 540)

This policy applies to consulting by HHMI laboratory heads in connection with litigation. It should be read in conjunction with [HHMI Policy SC-500, Consulting for Companies - General Policy](#), which also applies to this type of consulting activity.

This policy applies only to HHMI laboratory heads, i.e., HHMI Investigators and Early Career Scientists at HHMI's host-based sites, and Group Leaders and Fellows at HHMI's Janelia Farm Research Campus. Other laboratory employees are not permitted to consult in connection with litigation.

HHMI laboratory heads who are asked by companies or law firms to serve as experts in connection with litigation over patent claims and similar matters should be aware that service of this type can be time-consuming and burdensome, particularly if the service includes testifying as an expert witness. For example, this type of commitment can lead to extensive requests for information and documents relating to the consulting scientist's expertise, experience, and credentials, and can include efforts by opposing counsel to discredit the expert. In addition, HHMI scientists have, at times, found themselves on opposite sides of a litigation matter. For these reasons, HHMI discourages service by an HHMI laboratory head as an expert witness or similar service in connection with litigation. If HHMI determines that the consulting commitment could affect the operations of the laboratory or HHMI's administrative offices due to document requests or similar burdens, the request to consult in connection with litigation is not likely to be approved.

HHMI has prepared a document that includes the terms it requires in agreements relating to consulting in connection with litigation (a ["uniform provisions" document](#)) that may be attached to a company's or law firm's standard agreement for these types of services.

Issued by: Office of the President

Issue Date: December 13, 2011

Related Forms:

[Consulting Questionnaire – Form SC-510](#)

[Uniform Consulting Agreement Provisions for Expert Witness Service – Form SC-516](#)