

CHAPTER 5

ADMINISTRATIVE MATTERS

5-1. Liaison with U.S. Attorneys. District and Division Counsels will maintain close coordination with the U.S. Attorneys, and will furnish requested assistance as needed to defend or prosecute cases involving Corps activities. When a litigation report cannot be furnished in sufficient time to meet deadlines for filing answers to complaints, the U.S. Attorney's office should be contacted and an attempt made to provide sufficient information so that obtaining an extension of time for filing the answer will not be necessary.

5-2. Interim Status Reports for Lawsuits. Interim status reports on all significant or material developments in nationally significant or precedential lawsuits must be made through channels to CECC-K, and must also be entered on CMIS-II (or its successor) within three days of notification that an action has occurred. These reports will be made whenever pleadings or motions are filed; whenever trials or hearings are held; whenever judgments or opinions are entered; whenever settlements are proposed; whenever questions regarding rehearing, appeal or certiorari will be considered; whenever a suit is finally concluded; whenever special assistance is requested from the U.S. Attorney's office; and whenever an issue arises which might be of interest to the Chief Counsel in supervising the Corps' participation in the litigation. These interim reports may be brief, and should include a copy of any pertinent pleadings or other papers. One copy of the report shall be forwarded to CECC-K. In all other cases, timely entry of updated material on CMIS-II (or its successor) is sufficient.

5-3. Trials and Hearings. When litigation is of significant interest to the Corps, a representative from the Division, District, Laboratory or FOA Office of Counsel will attend hearings and make prompt status updates on CMIS-II (or its successor).

5-4. Settlements and Appeals. When a settlement exceeds the authority of the U.S. Attorney, or an adverse decision is rendered, a recommendation regarding settlement or appeal shall be forwarded through channels to CECC-K.

ER 27-1-1
15 Sep 96

The report will include a concise summary of the issues presented and recommendations as to any actions which should be taken by the Chief Counsel. While recommendations regarding settlements which are within the District, Laboratory or FOA Counsel's delegated authority may be sent directly to the U.S. Attorney, in no event will a District or Division recommendation regarding settlement, appeal, rehearing, or certiorari be sent directly to the Justice Department without authorization by the Chief Counsel.