



U.S. Department of Justice

Civil Rights Division


Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 18 2011

MEMORANDUM

TO: All Civil Rights Division Staff

FROM: Thomas E. Perez 
Assistant Attorney General

SUBJECT: Principles Governing Civil Rights Division Case Assignments

The following are the general principles that govern the assignment of cases, matters, or projects to attorneys and non-attorney professionals, including paralegals and investigators (hereinafter "staff members"), in each Section of the Civil Rights Division. As each Section's management structure and substantive work varies, each Section should consider these principles in developing a written assignment policy to fit the structure and work of a particular Section.

I. Transparency

Each Section should develop a written document setting forth its policies, procedures and considerations relevant to making and/or modifying case assignments. This document should be distributed to all incumbent staff members and to new staff members upon joining the office.

Sections should explain how assignments are made and which managers are responsible for making assignments. Sections may consider advertising assignments and giving staff members an opportunity to volunteer for particular assignments.

When appropriate, managers may discuss potential assignments with staff members before making final decisions.

II. General Factors To Be Considered in Making Substantive Assignments

Section managers should attempt to match the type of assignment with the role, ability, availability and interests of the staff members, taking into account the Section's overall mission, needs, resources and specific priorities.

With regard to the type of assignment, the factors considered include:

- Stage of the Project (e.g., investigation, pre-suit negotiations, litigation, trial or compliance)
- Duration of the Assignment and Any Time Constraints on Specific Tasks to be Assigned
- Statute and Type of Claim
- Factual or Legal Complexity of the Project
- Geographic Location (e.g., whether assignment to a staff member with other matters in the same area would promote efficiency and decrease costs)

With regard to the selection of the staff members for the assignment, among the factors to be considered include:

- Level of substantive experience and type of skills necessary for successful completion of assignment, taking into account the other staff members assigned to the project (if any). The level of experience includes subject matter expertise and knowledge, as well as proficiency in particular skills (i.e., taking depositions)
- Staff member performance
- Staff member availability
- Prior contacts or interactions with the jurisdiction, parties, or agencies
- Staff member interest
- Project or case team dynamics
- Staff member substantive and professional development needs
- Balancing staff members workloads and any pending deadlines for other projects
- Providing an opportunity for staff members to work with different reviewers and different staff members
- Conflicts of interest

III. Methods for Staff Member Input on Substantive Assignments

Managers should develop a process that encourages staff members to discuss substantive assignment interests with management on an ongoing basis. Periodic docket reviews should be only one of many opportunities for such discussions to take place.

With regard to specific projects, staff members should be encouraged to identify and/or develop new matters that should be opened. When doing so, if a staff member expresses an interest in handling the matter, management should attempt to assign that staff to the matter s/he identified or developed, taking into consideration the factors listed in Section II, above.

Staff members play a critical role in their own professional development. Staff members shall have the opportunity to come forward to Section management and state their substantive interests and provide their own assessment of their development needs.

Staff members are encouraged to volunteer for particular types of assignments and to respond positively to specific assignments that are advertised and of interest to them.