



General Legal Activities Civil Division (CIV)

FY 2011 Budget Request At A Glance

FY 2010 Enacted:	\$287.8 million (1,475 positions; 1,059 attorneys)
Current Services Adjustments:	+\$30.6 million (10.6% above FY 2010 Enacted)
Program Changes:	+\$16.6 million
FY 2011 Budget Request:	\$334.9 million (1,500 positions; 1,072 attorneys)
Change from FY 2010 Enacted:	+\$47.1 million (+16.4%) (+25 positions; +13 attys)

Mission:

The Civil Division represents the United States, its departments and agencies, Members of Congress, Cabinet officers, and other federal employees in all civil matters. Its litigation reflects the diversity of government activities, involving, for example, the defense of challenges to Presidential actions; national security issues; benefit programs; energy policies; commercial issues, such as contract disputes, banking, insurance, patents, fraud, and debt collection; all manner of accident and liability claims; and criminal violations of the immigration and consumer protection laws. Division attorneys handle over 55,000 cases each year that collectively involve billions of dollars in claims and recoveries. The Division confronts significant policy issues, which often rise to constitutional dimensions, in defending and enforcing various federal programs and actions.

Resources:

The budget request for FY 2011 totals \$334.9 million, which is a 16.4 percent increase from the FY 2010 Enacted level.

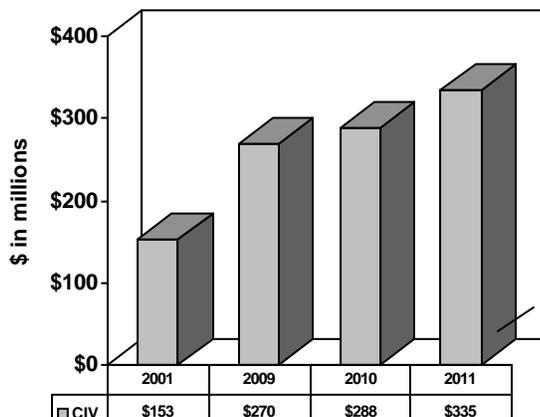
Organization:

The Civil Division is headed by an Assistant Attorney General who is appointed by the President and confirmed by the Senate. The Division's role is two-fold in that it must represent approximately 200 federal agencies and Congress while maintaining uniformity in government policy. For every case, the Division must provide the best possible representation to its client agencies. This responsibility must be balanced with the need to represent the government as a whole and to ensure precedents favorable to the United States.

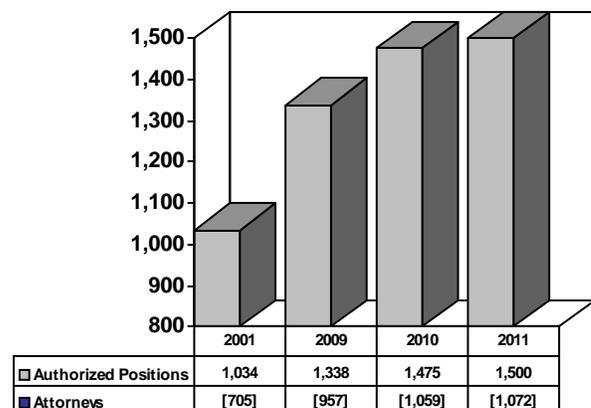
Personnel:

The Civil Division's requested authorized positions for FY 2011 total 1,500 positions, including 1,072 attorneys. Of the total authorized positions, 18 are assigned to domestic field offices and one is assigned to London, England. The FY 2011 request includes an increase of 25 positions, including 13 attorneys, over the FY 2010 level of 1,475 direct authorized positions.

Funding (FY 2001 - 2011)



Personnel (FY 2001 - 2011)



* includes reimbursable agents.

FY 2011 Strategy:

The Civil Division is tasked with protecting the public fisc, defending U.S. policies, and enforcing civil statutes. In 2011, the Civil Division expects to play a crucial role in the Federal Financial Rescue effort, specifically in litigation that arises from the Emergency Economic Stabilization Act of 2008 and the American Recovery and Reinvestment Act of 2009. The government must be able to strongly assert itself in any potential litigation if it is to avoid losses in addition to the direct costs of the programs themselves. The Civil Division expects to serve in a variety of roles relating to the various types of litigation anticipated from these new programs: fraud, *qui tam* filings, contract claims, bankruptcy, statutory challenges, and appeals.

Nuclear utility plaintiffs have filed 72 cases in the United States Court of Federal Claims, accusing the Department of Energy (DOE) of breach of contract and of violating the Takings Clause of the Fifth Amendment of the United States Constitution. The utilities argue that they have had to build their own spent fuel storage facilities on site as a result of DOE's delay in providing a long-term storage facility. The nuclear utility industry estimates that damage claims will exceed \$50.0 billion. Already, in the 26 cases that have reached final trial court judgment or have been settled, \$1.4 billion is owed to the plaintiff utilities. Most of the judgments are on appeal.

The Department has undertaken a thorough review of its approach to handling document discovery in civil litigation on behalf of DOJ's clients. The review investigated how E-Discovery was handled in the private sector. Based on interviews with E-Discovery specialists from large, private law firms, it appears that the private sector is adapting to the demands of electronic discovery by developing a cadre of lawyers with more sophisticated technical expertise who perform a number of functions including analyzing and providing advice on the most difficult issues, facilitating conversations between litigating components and client's technical staff, participating in, or monitoring, Rule 26 conferences, and overseeing non-lawyer support staff that process and handle data.

FY 2011 Program Changes:

Spent Nuclear Fuel Litigation: \$11.4 million and 13 positions (10 attorneys) to defend as many as 25 trials that are expected in FY 2011. To date, a total of 72 cases have been filed by nuclear power utilities seeking in excess of \$50.0 billion in damages for the federal government's delay in accepting the utilities' spent nuclear fuel by January 1998, as mandated by the Nuclear Waste Policy Act of 1982. Defending these cases will involve intensive resources due to their complexity and high financial stakes. Without the requested additional funding, the government's posture will be severely weakened potentially leading to massive Treasury losses. FY 2011 current services for this initiative are 28 positions (22 attorneys) and \$10.5 million (including \$6.0 million for litigation support).

Response to Financial Crisis: \$3.5 million for support of litigation in FY 2011 involving fraud, contract claims, and statutory challenges resulting from the Emergency Economic Stabilization Act of 2008 and the American Recovery and Reinvestment Act of 2009. These programs are unprecedented in scope, size, and complexity and must be defended against legal challenges and fraud, waste, and abuse. Litigation support is crucial to achieving successful outcomes and ultimately protecting the U.S. Treasury. FY 2011 current services for this initiative are 118 positions (87 attorneys) and \$24.8 million (including \$5.1 million for litigation support).

E-Discovery: \$2.0 million and 12 positions (3 attorneys) to support CIV's electronic discovery and litigation support efforts. Electronic Discovery and Electronic Evidence in cases brought by or against the United States is critical to effective and efficient administration of justice. Technical expertise is required to meet amendments to the Federal Rules of Civil Procedures, as well as developing case law that imposed severe sanctions upon clients and counsel not equipped to meet the challenges presented by electronically-stored information. There are no current services for this initiative.

Travel and Management Efficiencies: The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2011, DOJ is focusing on travel as an area in which savings can be achieved. For the Civil Division, travel or other management efficiencies will result in offsets of \$341,000. This offset will be applied in a manner that will allow the continuation of effective law enforcement program efforts in support of Presidential and Departmental goals, while minimizing the risk to health, welfare and safety of agency personnel.

Financial Snapshot 2009

Clean Opinion on Financial Statements	Yes
Timely Financial Reporting	Yes
Material Weaknesses	None