

Issue #9 November 2010

U.S. Attorney's Report to the District

While criminal prosecutions make up the majority of cases handled by this office, an extremely important, if less well-known, function of the office is to represent the United States in all manner of civil suits filed in federal court. Our Defense Litigation Unit, headed by Sylvia Quast, is responsible for defending the United States in civil cases. That unit handles a broad array of cases, ranging from slips and falls on federal property to motor vehicle accidents involving federal employees to alleged violations of federal employment and environmental laws by federal agencies. Where damages are caused through activity for which a federal government agency or employee is legally responsible, Assistant U.S. Attorneys work hard to reach fair and reasonable settlements. But those litigators also work hard to defend the government against frivolous or overstated claims, saving taxpayers millions of dollars every year.

For example, the Defense Litigation Unit recently won an order dismissing a case involving alleged medical malpractice. The federal government provides medical care in various contexts, including to veterans through Veterans' Administration hospitals and to under-served communities through the Federally Supported Health Centers Assistance Act. A young man who had hyper-extended his back after performing a handstand sought treatment from a federally supported health center, and then sued the government for a large sum, claiming that he was paralyzed. In the course of the litigation, the Assistant U.S. Attorney handling the case established that the plaintiff could in fact walk, and that there was no evidence to support his claim that the health center had provided inadequate care, leading to dismissal of the case.

The Defense Litigation Unit also handles other types of cases, including Freedom of Information Act proceedings and actions to condemn property for important public uses such as flood protection. In one recent case, the unit represented the U.S. Air Force in proceedings to obtain a small parcel of land to improve security at a base located in the district. The landowner did not object to the condemnation, but claimed that the property was worth far more than the just compensation that the Air Force had offered for the property. The Assistant U.S. Attorney on the case, relying on an appraisal conducted by an independent expert, won an order from the court setting the government's liability at millions of dollars less than the landowner had claimed.

When litigation results from the activities of the various federal government agencies in this district, our responsibility is to not to win at all costs, but to do the right thing – both for the taxpayer and for members of the public who are adversely impacted by those activities. Although these cases may generate fewer headlines than some others handled by this office, the outstanding work of the Defense Litigation Unit is vital to our mission of effectively representing the interests of the United States.