ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Eliminating Purposeless Procedural Traps

Committee on Judicial Review

FACT SHEET

fast facts

SCOPE

The project aims to identify and eliminate procedural rules that serve no discernable purpose and result in the non-merits-based dismissal of claims involving the Federal government. The first "procedural trap" the Committee will study is that created by 28 U.S.C. § 1500.

CURRENT STATUS

The Committee on Judicial Review met to discuss a recommendation for resolving the procedural trap created by 28 U.S.C. § 1500. The Committee will hold one or more additional meetings to consider the issue.

CONTACTS

Committee Chair
Lisa Schultz Bressman
Vanderbilt University Law School
ACUS Public Member

In-House Researcher
Emily F. Schleicher
Jonathan R. Siegel

Staff Counsel
Reeve T. Bull
202 . 480 . 2083
rbull@acus.gov

at a glance

ACUS RESESARCH

Administrative Conference research projects are gathered from many sources: from Congress, from other federal agencies, from public interest or other organizations, from academics and other experts, and from members of the public.

The first subject of study for the on-going Procedural Traps project is 28 U.S.C. § 1500. Section 1500 deprives the Court of Federal Claims of jurisdiction to consider claims pending in another court. Changes in the legal landscape, combined with poor draftsmanship and counterintuitive judicial interpretations have conspired to turn Section 1500 into a purposeless trap for the unwary.

BACKGROUND

Procedural rules are necessary to protect litigant rights and ensure the efficient administration of justice. But sometimes, mistakes are made, and procedural rules can operate to deprive litigants of their rights for no discernable reason. Such purposeless procedural traps may persist if there is insufficient pressure to eradicate them.

The project seeks to find and recommend ways to fix purposeless procedural traps. Although this project will be an ongoing one, the Conference has identified 28 U.S.C. § 1500 as the first object of study.

RESOURCES

Project materials are available at on the ACUS website under Research>Current Research Projects.

February 2011

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ACUS RESEARCH PROJECTS

Availability of Administrative Legal Materials

Congressional Review Act

e-Rulemaking Innovations and Experiments

FACA in the 21st Century

FDA / Inspections

Government Contractor Ethics

Government in the Sunshine Act

Immigration Adjudication

Incorporation by Reference

International Regulatory Cooperation

Legal Issues in e-Rulemaking

Methods of Collaborative Governance

Midnight Rules

Model Agency

Purposeless Procedural Traps

Rulemaking Comments

Science in the Administrative Process

Video Hearings

what we do

The Administrative Conference of the United States is an independent federal agency dedicated to improving the administrative process through consensus-driven applied research, providing nonpartisan expert advice and recommendations for improvement of federal agency procedures.

who we are

Its membership is composed of innovative federal officials and experts with diverse views and backgrounds from both the private sector and academia. The membership of the Conference, also known as the Assembly, includes the Chairman, the Council, members from approximately 50 federal executive departments and agencies and independent regulatory boards and commissions, and 40 members of the public representing diverse views and backgrounds.

how we do it

The Conference is committed to promoting effective public participation and efficiency in the rulemaking process by leveraging interactive technologies and encouraging open communication with the public as well as making improvements to the regulatory process by reducing unnecessary litigation, improving the use of science and improving the use of applicable laws.

Learn more about our research projects, our team and how we are working together to make government work better at www.acus.gov.

MEDIA CONTACT
Kathy Kyle
202 . 480 . 2091
kkyle@acus.gov

June 2011