



Litigation with the Federal Government (Hornbook)

Gregory Sisk



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Any lawyer who practices regularly in the federal courts will encounter the federal government as a party and will learn, as the Supreme Court warned nearly 60 years ago, that the United States is *not* “just another private litigant.” The federal government is a party, as plaintiff or defendant, to between one-fifth and one-quarter of all *civil* cases in the federal courts, including such special tribunals as the Court of Federal Claims and the Court of Appeals for Veterans Claims. The federal government (and its employees) may be protected by sovereign or official immunities, assert special defenses, and enjoy certain exceptions from liability. Federal government cases often involve issues central to the lives of many people, such as claims involving personal injury under the Federal Tort Claims Act; civilian and employee military claims under the Civil Service Reform Act and Tucker Act; governmental expropriation of property under the Tucker Act; and contractual obligations under the Contract Disputes Act; *Bivens* constitutional claims against federal officers; and claims for attorney’s fees under such unique statutes as the Equal Access to Justice Act.



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