

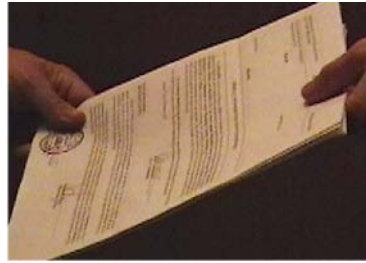
Federal Laws

Federal laws, or statutes, are created by the United States Congress to safeguard the citizens of this country. For example, federal statutes outlaw civil rights violations, such as refusing someone housing or education based on race. Moreover, federal laws ban environmental hazards, including the polluting of U.S. rivers and streams. In addition, federal statutes provide the federal government with the authority to sue individuals and corporations for violating contracts with the government or committing fraud in federal procurement, agriculture, or health care. Violations of federal law are litigated in Federal District Court.



Federal laws also establish the right of the United States Attorney to represent the U.S. in lawsuits and other legal proceedings, such as land condemnations, bankruptcies, and foreclosures. These actions may be litigated in state court or federal court.

When Someone is Sued for Violating a Federal Law...



1. Summons and Complaint

When the United States Attorney determines that a federal civil law has been violated, a civil litigator,

known as an Assistant U.S. Attorney, files a Summons and Complaint in Federal District Court and has a copy of the documents served on the alleged offender, who is called the defendant.

The Summons identifies the court where the case was filed and the names of the parties involved. It also sets forth the time period during which the defendant must respond to the Complaint.

The Complaint outlines the facts and allegations relative to the lawsuit as well as the relief sought by the plaintiff, who is the party that filed the suit.



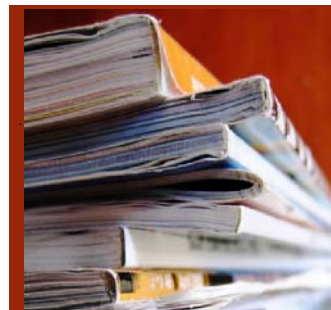
2. Default Judgment If a defendant fails to file a response, or Answer, with the Federal District Court within the time allowed, a Default Judgment may be awarded, providing the plaintiff with the relief requested in the Complaint. Usually, the relief sought is money or action of some kind.



3. Answer/Discovery If the defendant files an Answer to the Complaint, litigation continues, with each party having the opportunity to discover facts about the other party's case.

Appropriately, this process is called discovery, and through it, each side may serve the other with a request for documents relative to the events that led to the lawsuit.

In addition, each party may serve the other with written questions to be answered. Those questions are called Interrogatories. The parties may also question the opposition in person in what is known as a deposition.



Finally, during the discovery stage, written Motions may be filed with the Federal District Court. Motions may address a variety of issues, including failure to answer Interrogatories or failure to comply with a Request for Documents.



4. Pre-Trial While a civil case is pending, a Federal Magistrate Judge occasionally meets with the parties to see if the dispute

can be resolved without going to trial. These meetings are called Pre-Trial Conferences.

During litigation, a case may be dismissed by the Federal District Court if the defendant files a Motion to Dismiss and successfully argues that the lawsuit lacks legal merit. A Federal District Court Judge rather than a Magistrate Judge must hear this Motion as well as all other Motions that could result in the disposition of the case.

A case may also be decided by way of Summary Judgment. If the parties do not dispute the facts of the case but, rather, simply disagree over how the law should be applied, one or both of them may file a Motion



for Summary Judgment and argue their legal points before a Federal District Court Judge. Then, the Judge may enter a Judgment in favor of the most persuasive party, awarding that party all or part of the relief sought.



5. Trial If the parties cannot reach some kind of settlement, if the case is not dismissed, and if Summary Judgment is not awarded, a Federal Magistrate Judge meets with the parties for a final Pre-Trial Conference. At that time, the Magistrate Judge directs an exchange of information, including lists of witnesses and



evidence the parties plan to introduce at trial. The Magistrate

Judge also works with the parties to resolve all remaining issues that do not involve the merits of the case. Based on the wishes of the parties, federal civil cases may be tried before a Federal District Court

Judge or in front of a jury of randomly selected citizens from across the judicial district.



(This federal judicial district encompasses all of Rhode Island.) A federal civil trial jury is typically made up of six to twelve people. All trials are overseen by a Federal District Court Judge.



6. Verdict At the conclusion of a trial before a jury, the Federal District Court Judge explains the relevant law and the decisions the jury must make. Usually, the jury is asked to decide if, in fact, the plaintiff was harmed by the defendant. If so, the jury must then determine the type and amount of compensation the defendant needs to convey to the plaintiff.

The decisions made by the trial jury are known as its verdict. A jury verdict in a federal civil case must be unanimous unless, before trial, the parties agree to a non-unanimous verdict.



If a federal civil case is tried before a Federal District Court Judge alone, in what is called a bench trial, the Judge determines the verdict.

In a civil case, the plaintiff must prove by a preponderance of the evidence that the defendant is responsible for the harm caused. In other words, the plaintiff must prove it is more likely than not that the defendant caused the plaintiffs suffering.

7. Appeal Once a trial is over and the verdict, or judgment, entered in favor of one party, the other party may file a Motion, asking the Federal District Court to vacate, or correct, the decision. If unsuccessful, that party may appeal the decision to the Appellate Court.



8. The United States as a Defendant

The United States Government may sometimes be the defendant in a federal civil case. For example, if a postal vehicle crashes into someone's automobile, that car's occupants may sue the U.S. for their injuries. Again, the United States Attorney would represent the government's interests.

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Federal Civil Litigation



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