

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 97-78

December 4, 1997

To : All Regional Directors, Officers-in-Charge,
and Resident Officers

From : Richard A. Siegel, Acting Associate General Counsel

Subject: Information on EAJA Cases

At the Field Managers Training Conference, concerns were raised about the field reporting requirements regarding EAJA. Currently, all Regions must report on a monthly basis the status of all EAJA cases, consistent with the unnumbered General Counsel memorandum which issued October 31, 1990. In response to concerns raised at the Field Managers Training Conference we have decided to change the notification system in the following manner on a trial basis:

When served with an EAJA claim, the Region should immediately forward to Acting Deputy Associate General Counsel Anne Purcell, Division of Operations-Management the following information:

1. Case Name and Number.
2. EAJA issues involved.
3. The amount of the EAJA claim.
4. An assessment of the likelihood of success in defending the EAJA claim.
5. Status of the case.

On a quarterly basis, on the first working day of the months of January, April, July and October, Regions must issue an updated report directed to Anne Purcell detailing subsequent significant events in the EAJA litigation. This quarterly report will replace the monthly report currently required. The type of information required in the report will remain the same, only the frequency with which the report is required has been changed on a trial basis.

All previous EAJA guidelines and instructions, including those concerning the transmission of documents to Washington, continue unchanged. For example, the Regional Offices are to continue to contact the Division of Advice concerning EAJA

cases they wish to settle. This would also be the type of case status information the Regions should be including in their now-quarterly EAJA reports. If a quarterly report provides sufficient information to manage the EAJA caseload, we will convert to a quarterly system on a permanent basis.

If you have any questions, please contact your Assistant General Counsel, or Deputy or the undersigned.

R.A.S

cc: Linda Sher, Associate General Counsel
Division of Enforcement Litigation
Barry J. Kearney, Associate General Counsel
Division of Advice
NLRBU

MEMORANDUM OM 97-78

