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## Introduction

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## INTRODUCTION

*The Honorable Strom Thurmond\**

I am pleased to introduce this issue of the *Catholic University Law Review*, which is devoted to considering subjects pertaining to the United States Claims Court. Since its creation in 1982, the Claims Court has played a vital and important role in the federal judiciary system.

The predecessor of today's United States Claims Court, the United States Court of Claims, was established by Congress in 1855 to provide a tribunal to hear claims brought by individuals and corporations against the Federal Government for money damages, and to report its recommendations to Congress. Later, the court was modified so that it operated under a bifurcated system whereby trial commissioners heard cases and made recommendations to judges in the appellate division who had the sole authority to render dispositive judgments. In the Federal Courts Improvements Act of 1982, Congress reorganized the trial and appellate divisions of the United States Court of Claims to streamline the two-tier court, and to reduce the backlog and delay that existed under the old system. The Claims Court today represents the trial division of the former Court of Claims and has jurisdiction to hear and decide the same types of cases. The appellate section of the Court of Claims was combined with the Customs and Patent Appeals Court to become the new United States Court of Appeals for the Federal Circuit.

The new Claims Court was created as an article I tribunal, in contrast to the old Court of Claims which was an article III court. The new court consists of sixteen judges who are appointed for fifteen year terms. Although the principal office of the court is in the District of Columbia, its jurisdiction is not limited to one place, and the judges may hear cases anywhere within the United States. In all cases before the Claims Court, the United States is named as the defendant.

Suits against the United States Federal Government for money damages are subject to the doctrine of sovereign immunity, wherein an individual is precluded from bringing suit against the Federal Government. In certain

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\* Strom Thurmond, Republican from South Carolina, is the most senior member of the United States Senate. He is the ranking minority member of the Senate Judiciary Committee, serving as a member of the Committee since 1967 and as Committee Chairman from 1981 to 1987.

types of claims, however, Congress has waived sovereign immunity and allowed these suits to proceed. The United States Claims Court is a forum for many of these types of claims.

The United States Claims Courts has nationwide jurisdiction over a broad range of nontort actions. The court considers lawsuits for money damages for contracts entered into with the Federal Government, disputes over tax refunds with the Internal Revenue Service, as well as claims for just compensation under the fifth amendment. The court also may review private relief claims where an individual or corporation has gone to Congress and alleged harm by the Federal Government. In these cases, if Congress believes that the claim has merit, it passes a bill referring the action to the Claims Court for its consideration.

Jurisdiction of the Claims Court addresses a number of other issues as well. The court considers claims by Indians and Indian tribes against the Federal Government. In addition, military personnel and civil service employees may bring suit in the Claims Court for disputes over pay. The court also hears cases alleging injury due to childhood vaccines, and has authority over lawsuits against the United States for compensation for infringement of patents or copyrights.

As well as expanding the jurisdiction of the Claims Court, the Federal Courts Improvement Act of 1982 expanded the power of the court by granting it the authority to issue injunctions. This new power gives the court greater control over the parties before it. In many instances, the Claims Court is the only available forum for individuals challenging the power of the Federal Government. These claims often involve extremely large sums of money. In fiscal year 1990, the Claims Court entered monetary awards in favor of plaintiffs in excess of three hundred million dollars.

Clearly, the Claims Court considers a broad range of complex issues. To assist in attaining a just and fair resolution of each of these claims, the Claims Court has developed many innovative procedures. The court has created a flexible management system that contemplates early involvement by the judges and the parties involved in the controversy. The goal of this system is to narrow the issues and focus pretrial preparation on discovery needs, facts in contention, and settlement possibilities. The court also encourages alternative dispute resolution. Undoubtedly, the Claims Court has made a concentrated effort to reduce litigation costs and to efficiently and expeditiously resolve litigation it considers.

I am pleased to have the opportunity to introduce this issue of the *Catholic University Law Review* to its readers. I believe that it will greatly serve to

advance the understanding of the complex matters considered by the Claims Court.

