

DEPARTMENT OF THE ARMY
Portland District Corps of Engineers
P. O. Box 2946
Portland, Oregon 97208-2946

CENPP-OC
Regulation
No. 27-2-1

7 January 1991

Legal Services
SUBPOENAS SERVED ON CORPS EMPLOYEES
IN PERSON OR BY MAIL OR OTHERWISE

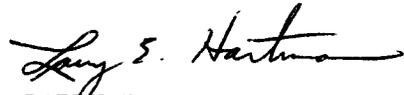
1. PURPOSE. This regulation provides policy and procedures for receiving and processing subpoenas, summons, complaints or other legal documents served on Corps employees and/or the U.S. Government being sued because of matters growing out of their performance of duty.
2. APPLICABILITY. This regulation is applicable to all employees of the Portland District (NPP).
3. POLICY. The Supreme Court has declared that as a general rule Federal officials enjoy no absolute immunity for violation of a person's constitutional rights nor any automatic right to be defended by the United States Government in legal suits seeking damages from Federal officials where it is alleged that the defendant's official acts violated the plaintiff's constitutional rights. To prevent possible personal liability any District employee, upon whom a subpoena or other legal process is served for matters relating to their official duty must refuse service and escort the process server to the Portland District Executive Office. Field personnel must inform the process server of this policy and direct the server to the Portland District Executive Office and notify the Office of Counsel of the attempted service. Unless the following procedure is strictly followed a default judgement could be entered against the individual. Any legal process or pleadings concerning official Government business delivered by mail or otherwise than by process server shall also be promptly hand-carried to the Office of Counsel if received in District headquarters or mailed if received in District field offices. Anyone mailing a legal process or pleading to Counsel should telephone Counsel to insure that mail delivery to Counsel has occurred. Delivery of legal process or pleadings to Counsel within 24 hours of mail receipt by employee (or next business day if holiday or weekend intervenes) is critical and essential to protecting employee's and Government's rights.
4. PROCEDURE.
 - a. The District Engineer delegates the following individuals authority to accept subpoenas or other legal documents on behalf of the Portland District, Corps of Engineers: Deputy District Engineer, District Counsel, and Executive Assistant.

*This regulation supersedes PDR 27-2-1, 25 July 1988.

7 January 1991

b. Designated individuals will stamp the records of the process server that he/she is "accepting service in his official capacity only". Additionally, the court records will be similarly notated by the Office of Counsel. Upon receipt of the legal process by the designated individual the District Counsel will be informed to provide for necessary reporting through Corps channels to the Department of Justice.

FOR THE COMMANDER:



LARRY E. HARTMAN
Major, Corps of Engineers
Deputy Commander

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