

September 2011

Nature of Suit Changes

The Committee on Judicial Resources's Subcommittee on Judicial Statistics approved creating seven new nature of suit codes and eliminating 13 nature of suit codes that are either obsolete or used so rarely that it is no longer necessary to have separate codes.

The following codes have been added to the Civil Cover Sheet:

- 367 TORTS - Personal Injury - Health Care/Pharmaceutical Personal Injury/Product Liability
- 375 False Claims Act
- 448 Civil Rights - Education
- 560 Prisoner Petitions - Civil Detainee - Conditions of Confinement
- 751 Labor - Family and Medical Leave Act
- 896 Other Statutes - Arbitration
- 899 Other Statutes - Administrative Procedure Act/Review or Appeal of Agency Decision

Additionally, the following codes have been eliminated from the Civil Cover Sheet:

- 444 Civil Rights - Welfare
- 610 Forfeiture/Penalty - Agriculture
- 620 Forfeiture/Penalty - Other Food & Drug
- 630 Forfeiture/Penalty - Liquor Laws
- 640 Forfeiture/Penalty - RR & Truck
- 650 Forfeiture/Penalty - Airline Regulations
- 660 Forfeiture/Penalty - Occupational Safety/Health
- 730 Labor - Labor/Mgmt Reporting and Disclosure Act
- 810 Other Statutes - Selective Service
- 875 Other Statutes - Customer Challenge 12 USC 3410
- 892 Economic Stabilization Act
- 894 Other Statutes - Energy Allocation Act
- 900 Other Statutes - Appeal of Fee Determination Under Equal Access to Justice Act

New Nature of Suit Code Definitions

The seven new nature of suit codes, categories, and definitions are as follows:

Personal Injury

367 - Health Care/Pharmaceutical Personal Injury Product Liability - Civil complaints alleging personal injury related to product liability involving prescription drugs, medical devices (e.g., joint replacements), or other health-care-related issues. The valid jurisdiction codes are 2, 3, 4, and 5, the same as nature of suit code 365, Personal Injury - Product Liability. The case weight is 0.61.

Civil Rights

448 - Education - Civil complaints filed under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401. The valid jurisdiction codes are 1, 2, 3, and 4, the same as nature of suit code 440, Other Civil Rights. The case weight is 1.92.

Prisoner Petitions

560 - Civil Detainee - Conditions of Confinement - Civil complaints brought by civil detainees regarding conditions of confinement. For example, a prisoner has been classified as a Sexually Dangerous Person (SDP) or Sexually Violent Predator (SVP). The prisoner's term has expired, but he or she remains in custody because it is assumed that the person is likely to engage in sexual offenses, if released. The valid jurisdiction codes are 2 and 3. The case weight is 0.75, if jurisdiction is 2; and 0.67, if jurisdiction is 3.

Labor

751 Family and Medical Leave Act - Civil complaints filed under the Family and Medical Leave Act, 29 U.S.C. § 2601. The valid jurisdiction codes are 1, 2, and 3, the same as nature of suit code 790, Other Labor Litigation. The case weight is 0.99.

Other Statutes

375 False Claims Act - Civil complaints filed by private individuals alleging fraud against the U.S. Government under 31 U.S.C. § 3729. The only valid jurisdiction code is 3. The case weight is 0.99.

896 Arbitration - Civil complaints involving actions to confirm or modify arbitration awards filed under Title 9 of the U.S. Code. The valid jurisdiction codes are 3 and 4. The case weight is 0.99.

899 Administrative Procedure Act/Review or Appeal of Agency Decision - Civil complaints filed under the Administrative Procedures Act, 5 U.S.C. § 701, or civil actions to review or appeal a federal agency decision. The valid jurisdiction codes are 2 and 3. The case weight is 0.99.

The 13 nature of suit codes to be eliminated are the following:

Nature of Suit Code Eliminated	New Nature of Suit Code to Use
444 - Welfare (Civil Rights)	440 - Other Civil Rights
610 -Agriculture (Forfeiture/Penalty)	690 - Other (Forfeiture/Penalty)
620 - Other Food & Drug	690 - Other (Forfeiture/Penalty)
630 - Liquor Laws (Forfeiture/Penalty)	690 - Other (Forfeiture/Penalty)
640 - R.R. & Truck (Forfeiture/Penalty)	690 - Other (Forfeiture/Penalty)
650 - Airline Regulations (Forfeiture/ Penalty)	690 - Other (Forfeiture/Penalty)
660 - Occupational Safety/Health(Forfeiture/Penalty)	690 - Other (Forfeiture/Penalty)
730 - Labor: Labor/Mgmt Reporting and Disclosure Act	790 - Other Labor Litigation
810 - Selective Service	890 - Other Statutory Actions
875 - Customer Challenge 12 USC 3410	890 - Other Statutory Actions
892 - Economic Stabilization Act	890 - Other Statutory Actions
894 - Energy Allocation Act	890 - Other Statutory Actions
900 - Appeal of Fee Determination under Equal Access to Justice Act	890 - Other Statutory Actions