

PAUL FIGLEY

PROFESSIONAL HISTORY

Washington College of Law, American University, Washington, D.C.

Emeritus Professor of Legal Rhetoric

Classes Taught

Torts; Legal Rhetoric; Advanced Lawyering Skills–Tort Litigation

Honors

Emalee C. Godsey Scholar Award (for Faculty Scholarship), 2017

WCL Student Bar Association *Faculty Member of the Year* for 2014-15

WCL Student Bar Association *Professor of the Year* for 2012-13

Legal Rhetoric Program

Associate Director (2006-2019), Acting Director (2012, 2017, 2019-20).

U.S. Department of Justice, Washington, D.C.

Civil Division, Torts Branch, Federal Tort Claims Act Staff

Deputy Director (1991-2006) - Second in command in office that manages the tort litigation of the federal government.

Prior service in various roles in Civil Division offices responsible for Federal Tort Claims Act, Freedom of Information Act, and Privacy Act litigation.

Honors

Civil Division Award for Dedicated Service, 2005

(One of six to receive this award from among 700 attorneys.)

Two Civil Division Special Commendation Awards

Numerous Special Achievement Awards

Litigation

Extensive experience in federal district court and appellate court litigation

73 reported federal opinions, including 22 from U.S. Circuit Courts of Appeal

Directed teams for Agent Orange, Katrina, & Nuclear Radiation Litigation

Handled or supervised most CIA tort litigation from 1983 - 2006

EDUCATIONAL HISTORY

Southern Methodist University School of Law, Dallas, Texas - Juris Doctor

Leading Articles Editor, JOURNAL OF AIR LAW & COMMERCE

Hatton W. Sumners Scholar

(One of five in class to receive three-year grant for full tuition and expenses.)

Admissions Committee

Franklin & Marshall College, Lancaster, Pennsylvania - B.A. *Cum Laude*

History major, Office of Public Relations, Varsity Soccer (MVP), Varsity Baseball

PUBLICATIONS

Paul Figley, A GUIDE TO THE FEDERAL TORT CLAIMS ACT (ABA, 2d ed. 2018).

Paul Figley, *Defending Government Tort Litigation: Considerations for Scholars*, 13 J. Tort L. 259 (2020).

- Paul Figley, *The Judgment Fund: America's Deepest Pocket & its Susceptibility to Executive Branch Misuse*, 18 U. PA. J. CONST. L. 145 (2015).
- Paul Figley, *Using Problems to Teach Quantitative Damages in a First Year Torts Class*, 63. J. OF LEGAL ED. 113 (2013).
- Paul Figley, *Ethical Intersections & the Federal Tort Claims Act: An Approach for Government Attorneys*, 8 ST. THOMAS U. L. J. 347 (2011).
- Paul Figley, *In Defense of Feres: An Unfairly Maligned Opinion*, 60 AM. U. L. REV. 393 (2011).
- Paul Figley, *Teaching Rule Synthesis with Real Cases*, 61. J. OF LEGAL ED. 245 (2011).
- Paul Figley & Jay Tidmarsh, *The Appropriations Power and Sovereign Immunity*, 107 MICH. L. REV. 1207 (2009).
- Paul Figley, *Understanding the Federal Tort Claims Act: A Different Metaphor*, 44 TORT TR. & INS. PRAC. L.J. 1105 (2009).
- Paul Figley, *Calls for Justice & "Joint and Several Liability,"* in MATERIALS ON TORT REFORM 89-91 (Andrew F. Popper ed., 2010).

#### AREAS OF SPECIALIZATION

Torts, Federal Tort Claims Act, Sovereign Immunity, Law & Government, Legal Writing

#### SELECTED PRESENTATIONS

- Congressional Testimony on "Feres Doctrine – A Policy in Need of Reform?" before the Committee on Armed Services, Subcommittee on Military Personnel, United States House of Representatives (Washington, D.C., April 30, 2019).
- Congressional Testimony on "Oversight of the Judgment Fund" before the Committee on the Judiciary, Subcommittee on the Constitution and Civil Justice, United States House of Representatives (Washington, D.C., March 2, 2017).
- Congressional Testimony on "Oversight of the Judgment Fund: Iran, Big Settlements, and the Lack of Transparency" before the Committee on the Judiciary, Subcommittee on the Constitution and Civil Justice, United States House of Representatives (Washington, D.C., September 2, 2016).
- Congressional Testimony on the "Stop Settlement Slush Funds Act of 2016," before the Committee on the Judiciary, Subcommittee on Regulatory Reform, Commercial and Antitrust Law, United States House of Representatives (Washington, D.C., April 28, 2016).
- "Great Legal Writing: Part 2 – Representing the Government," at the International Law Institute - Legal English and Legal Writing Seminar (Washington, D.C., July 15, 2024).
- "The Federal Tort Claims Act as a Model for Tort Reform," at the American Tort Reform Assn. Annual Membership Meeting (Washington, D.C., March 22, 2016).
- "An Overview of American Tort Law," at the Embassy of Kazakhstan (Washington, D.C., March 18, 2016).
- "Suing the Government: The Ins and Outs of the Federal Tort Claims Act," at the States & Nation Policy Summit, American Legislative Exchange Council (Scottsdale, Az., December 4, 2015).

“Minimizing Medical Liability Exposure in Clinical Decision Making: A Prescription for Improving Patient Outcomes and Avoiding Litigation” – Panel, at the MedStar Health Legal Symposium (Washington, D.C., June 11, 2014).

“Development of Legal Drafting Skills,” at the Profile of the Judicial Officer Seminar, The Washington Center (Washington, D.C., May 12-14, 2014).

“Creating Better Documents: Planning, Revising, and the Review Process,” at the Dept. of Commerce, Office of the General Counsel Attorney Retreat (National Archives, Washington, D.C., October 13, 2011).

“Ethical Issues in Defending Federal Tort Claims Act Cases,” at the Symposium: Official Wrongdoing and the Civil Liability of the Federal Government and Officers, University of St. Thomas School of Law (Minneapolis, March 17-18, 2011).

“Writing the Brief: How to Write (and Re-Write) a First-Rate Appellate Brief,” at the Appellate Practice Conference of the National Attorney General Training and Research Institute (Washington, D.C., March 2009).

#### PODCASTS

“The Camp Lejeune Justice Act: What Happens Next?” March 13, 2023  
Produced by The Federalist Society Litigation Practice Group  
<https://www.youtube.com/watch?v=NuJ16XEIHq8&t=6s>

“The Judgment Fund,” March 21, 2023  
Produced by The Faculti Platform  
<https://faculti.net/the-judgment-fund/>

#### OP EDS

“Congress Should Cap Judgment Fund Payments,” Paul Figley, LAW360, March 9, 2022.

#### RECENT MEDIA APPEARANCES

The Dispatch, June 10, 2022, “Gymnasts File \$1 Billion Claim Against FBI.” Quoted in story about FBI liability under the FTCA.

Law360, June 9, 2022, “Nassar Victims May Have Law, Facts On Side In \$1B FBI Case.” Quoted in story about FBI liability under the FTCA.

AP, June 8, 2022, “Larry Nassar sex abuse victims seeking over \$1B US from FBI for failing to intervene.” Quoted in story about FBI liability under the FTCA.

Bloomberg Government, April 4, 2022, “Contractor Plane Crash Case Looks to SCOTUS on Immunity Issue.” Quoted in story about the Government Contractor Defense.

Washington Times, August 19, 2021, “Schools can mandate COVID-19 shots and unvaccinated teachers could face suits, experts warn.” Quoted in story about vaccine mandates.

National Public Radio, July 26, 2021, “A Lawsuit Against Jan. 6 Rally Speakers Forces DOJ To Consider Who's Legally Immune.” Quoted in story about whether Congressman has FTCA immunity for January 6 speech that allegedly incited mob violence.

Just Security, July 23, 2021, “Expert Backgrounder: The Westfall Act and Representative Brooks’s Speech.” Authored short piece on Westfall Act substitution.

The Hill, July 16, 2021, "Justice in legal knot in Mo Brooks, Trump case." Quoted in story about whether Congressman has FTCA immunity for January 6 speech that allegedly incited mob violence.

LAW 360, May 7, 2021, "Justices' Snub Has Military Rape Claimants Eyeing Congress." Quoted in story about the Federal Tort Claims Act.

Newsweek Magazine, April 21, 2020, "Federal Government Not Liable for Border Agent Who Assaulted, Terrorized Migrants, Appeals Court Says." Quoted in story about the Federal Tort Claims Act.

The Indiana Lawyer, April 15, 2020, "SCOTUS case highlights qualified immunity questions." Quoted in story about the Federal Tort Claims Act.

New York Times, December 12, 2019, "U.S. Troops Could Soon be Able to Sue Over Medical Blunders." Quoted in story about the Federal Tort Claims Act.

Military Times, December 11, 2019, "A dent to Feres Troops to be able to file claims – but not sue – for medical malpractice." Quoted in story about the Federal Tort Claims Act.

Fair Warning, January 24, 2019, "With Smack-Talking Invective, Lawyer Groups Appeal to Public as One Big Jury Pool" Quoted in story about litigation abuse.

Washington Free Beacon, January 23, 2018, "Expert: Suit Against FBI's Undercover Activity in ISIS Attack Faces Long Odds." Quoted in story about the Federal Tort Claims Act.

LAW 360, May 19, 2017, "DC Circ. Dissent Could Blunt Presidential Deal-Making Tool." Quoted in story about use of *cy pres* doctrine to bypass Congress' power of appropriation.