

FACTOR ONE ELEMENTS

	TYPE I	TYPE II	TYPE III
(1) COMPLEXITY OF LEGAL AND FACTUAL ISSUES AND THE NATURE AND AVAILABILITY OF PRECEDENT DECISIONS	<p>The following features characterize this type:</p> <p>(1) The legal question or factual situation can be relatively easily resolved in the light of the well-established or easily determinable facts and clearly applicable precedents involved.</p>	<p>One or more of the following features characterizes this type:</p> <p>(1) Difficult legal or factual questions are involved because of the absence of clearly applicable precedents due to the newness of the program or the novelty of the issue; or it is highly arguable which precedents are applicable to the case at issue because of the complexity of the facts or the different possible constructions which may be placed on either the facts or the laws and precedents involved.</p>	<p>One or more of the following features characterizes this level:</p> <p>(1) Extremely complex and difficult legal questions or factual issues are involved in the drafting, interpretation, or application of legislation, regulations, contracts, orders, decisions, opinions, or other legal instruments and require for their solution a high order of original and creative legal endeavor in order to obtain a reasonable balance of conflicting interests (e.g., balancing the requirements of national security with individual liberties, determining legality of State/ local taxation on the use of Federal property by private business firms, recommending or making policy concerning consent decrees in anti-trust litigation, or developing material for Executive orders concerning the use of Federal troops in a domestic emergency); or complex factual or policy issues are involved requiring extensive research, analysis, and obtaining and evaluating of expert testimony or information in controversial areas of scientific, financial corporate, ...engineering, or other highly technical areas.</p>

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TYPE I

(2) IMPACT OF THE CASE OR PROBLEM (IN ECONOMIC, SOCIAL, OR POLITICAL TERMS) ON THE PUBLIC, ON RELATIONS WITH STATE OR LOCAL GOVERNMENTS, ON NATIONAL DEFENSE, ON FOREIGN RELATIONS, ON PRIVATE INTERESTS, OR ON AGENCY AUTHORITY, OPERATIONS, PROCEDURES, OR PRACTICES, ALSO, DELICACY (FOR TYPE II AND III ONLY).

(2) The impact or cases or legal problems is local, or limited to the parties directly concerned (private individuals or a local industry) since legal or administrative sanctions, fines or penalties are relatively minor and involve no new precedents of wider potential impact.

TYPE II

(2) The impact of the case or legal problem affects, economically, socially or politically, either directly or as a legal or administrative precedent, a significant segment of private or public interests (e.g., a large corporation, a large labor group, the residents of a large geographical region of the United States as in a large public works project, a large grant-in-aid program, a nationally organized professional group, the producers of a given farm commodity, the manufacturers of a given product, a class of Government contractors, i.e., suppliers of a particular service or product, or an important program of a Government agency). Also included in this type are cases or legal problems which have an impact on relations between the United States and foreign governments (e.g., acts by servicemen or other representatives of the United States stationed abroad, questions such as whether or not to buy foreign or American products, or negotiating and drafting consular conventions) and which must be handled with great care.

TYPE III

(2) The case or problem is such that it can have the effect of substantially broadening or restricting the activities of an agency (e.g., the enforcement of sanctions and trade regulations, tax laws, food and drug laws, or the law governing securities transactions); or it has an important impact on a major industry whose economic position affects the health and stability of the general economy (e.g., a merger or reorganization involving a basic industry, or on the rates, practices, or competitive position of a major industry, for example the position of the railroads in relation to the motor carriers based on the "reasonableness" of their respective rates, or the position of domestic airlines operating overseas in relation to restrictions on foreign airlines operation in this country). It has an important impact on major private or public interests (e.g., a substantial broadening or restriction of benefits to veterans under the law, amounting to many millions of dollars annually, or a major extension or revision in a State and/or other grant program or a nation-wide retirement system, the development of administrative

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TYPE I

(3) MONEY, NATURE OF THE COMPETITION, AND PUBLIC INTEREST

(3) Relatively limited sums of money are involved (e.g., a few thousand dollars). These cases have no widespread social or political impact. For example, where industry practices are involved no major effect on the industry can result from the decision. There is limited public interest in the case or legal problem.

TYPE II

(3) Large sums of money are directly or indirectly involved (e.g., about one hundred-thousand dollars), or there is considerable interest from a significant segment of the population (see paragraph 2 above), or the case is strongly contested in formal hearings or informal negotiations by the private individuals, corporations, or Government agencies involved.

TYPE III

regulations of such scope as the Armed Services Procurement Regulation, a substantial question of civil rights involving the due process clause, or a statement defining the legal rights of the Four Powers with respect to Berlin). Also included in this type are problems of unusual delicacy, such as fraud cases because of the serious consequence of error and the great burden of proof assumed by the Government.

(3) Cases or problems of this type frequently involve, directly or indirectly, very large sums of money (e.g., about a million dollars) and/or they are frequently vigorously contested by extremely capable legal talent (e.g., a major anti-trust case). Interest in these cases is generally nationwide.