

LOS ANGELES COUNTY BAR ASSOCIATION
GUIDELINES FOR AMICUS CURIAE BRIEFS

The Association and its committees and sections may file an amicus brief, or may participate in an amicus brief filed by another person or organization, in any court or agency, in any state or in the United States, upon the following conditions:

- I. Procedures for Obtaining Authorization to File Amicus Curiae Briefs.
 - A. The Association may appear as amicus only with the approval of the Board of Trustees. The Board may act on all amicus matters through its Executive Committee.
 1. Requests that the Association file or participate in an amicus brief should ordinarily be submitted to the Amicus Briefs Committee for evaluation and recommendation in light of the criteria in these Guidelines; however the board of Trustees may approve, deny, or otherwise deal with any request without Committee review.
 2. Requests that the Association file or participate in an amicus brief should provide information needed to fairly evaluate the issues, including:
 - a. The case in which the brief is to be filed, the court or agency in which it is pending, the current status of the case, all filing deadlines, and any other pertinent information.
 - b. Unless the request is accompanied by the proposed brief, a request should highlight the issue or issues proposed to be briefed, and the positions proposed to be taken. All requests should identify (either in report form or using attached documents) significant supporting and opposing views. Particular attention should be given to the manner in which the brief would come within criteria in Section II of these Guidelines.
 3. Requests should be submitted sufficiently in advance of filing deadlines to permit orderly fulfillment of the procedures required for approval.

4. The Chair of the Amicus Briefs committee shall submit all timely requests to the Committee for its recommendation. If the majority of those voting recommends LACBA participation in a case, the Chair shall submit the recommendation to the Executive Committee and, time permitting, to the Board of Trustees.
 5. After a request has been approved by the Board of Trustees, the attorney who made the initial request to the Amicus Briefs Committee shall be primarily responsible for enlisting counsel to write the brief and for assuring that the brief is filed. The Amicus Briefs Committee shall participate in or direct the preparation or evaluation of the brief as necessary to assure its quality and conformity to any conditions for Association approval.
 6. Letter briefs shall be signed by the President using LACBA stationery. Other briefs may be submitted under the caption of the attorneys or law firms representing LACBA on the matter.
- B. Amicus Curiae Briefs filed by Association Committees or Sections. Association committees or sections may file an amicus curiae brief, or may participate in an amicus brief filed by another person or organization, when the following guidelines are met:
1. A committee or section may request leave to file or participate in an amicus brief in its own name to address issues that are within the subject for which the committee or section is organized or are within the particular expertise of its members.
 2. A committee or section may not file an amicus brief in the Supreme Court of the United States, the United States Court of Appeals for the Ninth Circuit, or the California Supreme Court without affirmative Board of Trustee approval. Any request for an exception should identify why the issue to be briefed should not instead be evaluated for full Association participation, and any exceptions must receive affirmative Board of Trustee approval.
 3. Any request by a committee or section for leave to file or participate in an amicus brief in its own name must be submitted before filing for review by the President, who may submit the matter to the Amicus Briefs Committee, or to the Board of Trustees, or both.

4. Requests by an Association committee or section to file an amicus curiae brief, or to participate in an amicus brief filed by another person or organization, should provide information needed to fairly evaluate the issues, including:
 - a. The case in which the brief is to be filed, the court or agency in which it is pending, the current status of the case, all filing deadlines, and any other pertinent information.
 - b. Unless the request is accompanied by the proposed brief, a request should highlight the issue or issues proposed to be briefed, and the positions proposed to be taken. All requests should identify (either in report form or using attached documents) significant supporting and opposing views.
 - c. Particular attention should be given to the manner in which the issues to be briefed come within the subject matter or expertise of the committee or section, or the expertise or interests of its members.
5. Any brief filed on behalf of a committee or section must clearly identify the committee or section on whose behalf it is filed, and must clearly state that it is not authorized by the Association, and does not express the Association's position.

II. Criteria for Association Authorization of Amicus Brief Filings.

- A. The Association may file an amicus brief, or may participate in an amicus brief filed by another person or organization, in any court or agency, in any state or in the United States, when the following guidelines are met:
- B. The Board of Trustees ordinarily will authorize the filing of or participation in an *amicus* brief on behalf of the Association only if one or more of the following criteria are met:
 1. The views of the Association have been specifically requested by the Court;
 2. The issues to be briefed directly affect the activities of the Association as an association or as a representative of its members;
 3. The issues to be briefed substantially affect attorneys (or a significant number of attorneys) in the conduct of their professional activities;

4. The issues to be briefed are of substantial importance to our legal system or to the administration of justice, particularly in the Southern California area, and
 - a. The brief of the Association is likely to make a material contribution to the presentation of the issues; or
 - b. The views of the legal profession or the Association are likely to be of great interest and persuasive to the court.
- C. The Board of Trustees will ordinarily consider whether the position to be taken by the brief would be consistent with views of the Association's membership, and may weigh the potential effects of taking that position along with the importance of the brief.
- D. The Board of Trustees may take into account practical considerations such as the cost of preparing or reproducing the briefs; the feasibility of filing a brief in view of time constraints; and the availability of counsel to draft and review the brief.