

## Guidelines for IADC Amicus Curiae Briefs

- I. **IADC Member Request:** An IADC member must make a request for amicus curiae support to warrant the IADC's participation in the case. If an IADC member represents an adverse party in the case, the IADC will consider this in deciding whether to provide amicus curiae support.
- II. **Appellate Courts:** As a general rule, the IADC will consider providing amicus curiae support in cases pending only in a state supreme court or the United States Supreme Court. In cases where the court has discretionary jurisdiction, the Amicus Curiae Committee will recommend whether to participate at the initial stage of the appeal or only after review is granted. The IADC will consider providing amicus curiae support in the federal circuit courts of appeal and state intermediate appellate courts only in exceptional cases.
- III. **Issues Presented:** The IADC will consider whether there is a clear and obvious defense position presented in the case under consideration. The issue(s) to be decided should also be one of broad application. The Committee will also consider the facts of the case in making a recommendation to the Board of Directors.
- IV. **Case Review Procedures:** Upon receipt of a request for amicus curiae support, the Committee shall review the briefs and other relevant material and summarize the appeal for the Committee's consideration. The Committee will vote on whether the IADC should provide amicus curiae support. If a majority of the Committee decides that the IADC should file an amicus brief in the case, the Committee will then present that recommendation to the Board of Directors. The Board of Directors will make the final determination as to whether an amicus curiae brief is appropriate in the case.
- V. **Preparation of the Brief:** If the IADC decides to participate as an amicus, the Committee chair will appoint counsel to draft the brief.
- VI. **Committee Appointments:** Members of the IADC Amicus Curiae Committee are appointed by the President of the IADC. Members of the Committee must agree to write one brief per year if requested to do so while serving on the Committee.