

AAAL Amicus Curiae Procedures
(As adopted by the Board January 7, 2003)

I. Criteria for Filing a Brief Amicus Curiae

A. The issue to be addressed in the brief must relate to appellate practice, not litigation practice that is unrelated to appeals.

B. A Fellow of the Academy must author the brief, in whole or in substantial part.

C. The court in which the brief is to be filed must be the highest appellate tribunal of a state, a United States Court of Appeals or the United States Supreme Court.

D. The request to prepare a brief must be submitted to, and approved by, the Amicus Committee and the Board of Directors sufficiently in advance of the filing deadline to permit preparation of a high quality brief and review of the final draft by the Board.

E. While the Academy will not necessarily decline to file a brief in a case in which a Fellow appears as counsel for a party, it will not file unless the preparation and filing occurs without any direction or control from that Fellow. In such a case the brief must include a statement noting that one of the counsel of record is a Fellow and that the Academy takes no position with respect to any issue or argument presented other than those expressed in the Academy's own brief.

F. No fee will be paid for the preparation of the brief, but the Academy will pay all costs of printing, copying and filing.

II. Amicus Brief Committee

A. A committee of five Fellows, at least one of whom shall have served at some time as a judicial officer, will be appointed annually by the President. The Committee shall consist of:

1. The President-elect who shall serve as Chair of the Committee
2. Two past-presidents of the Academy
3. Two Fellows who have not previously served as an officer or director of the Academy

B. All suggestions for filing of an amicus brief shall be submitted to the Chair of the Committee. If the Committee determines that preparation of an amicus brief meets the criteria and identifies the Fellow or Fellows who have agreed to prepare the brief, the Chair shall promptly notify the Board of the positions likely to be taken, together with a description of all relevant aspects of the appeal. The Committee may, if it so chooses, notify the membership of its intention to prepare a brief.

C. Within 2 days of notification, the Board shall approve or disapprove preparation of the proposed brief and provide notice of its decision to all Fellows using an email announcement and a posting on the Fellows-only section of the Academy Fora.

D. The final draft brief shall be sent to the Committee and all voting members of the Board at least 3 days in advance of the filing deadline.

E. The filing must be approved by separate majority vote of both the Committee and the Board.

III. Additional Requirements

A. The President-elect, the Fellow responsible for preparation of the brief and local counsel, if any, appear on the brief. Any other Fellow who substantially contributed to its preparation may also appear on the brief.

B. The Brief shall include the following disclaimer:

Some of the Fellows of the Academy are present or former judicial officers. No present judicial officer has participated in the decision to file this brief or in its preparation. The brief has been reviewed by at least one Fellow who has served as a judicial officer of another appellate tribunal but who no longer serves in that capacity.

C. A copy of the Brief shall be posted on the Academy website contemporaneously with its filing.