

Article 8

[TEXT AS ADOPTED ON NOVEMBER 6, 2006]

Amicus Briefs

The filing of an amicus curiae brief will be authorized only on behalf of the CBA. Individual Sections or Committees of the CBA are not authorized to submit amicus briefs on their own behalf.

The issues to be addressed and the positions to be advanced in any such amicus brief must be consistent with the overall goals and the mission of the CBA, and involve (a) a matter of compelling public interest; or (b) a matter of particular significance to the practice of law, the legal profession, the legal system, or the administration of justice. Any such brief must be of the highest professional quality, and should present the position of the CBA in a fashion that will assist the court in its analysis of the issues rather than simply repeating arguments presented by the parties or others filing amicus briefs. Absent exceptional circumstances, amicus briefs will not be authorized with respect to matters at the trial court level.

The filing of an amicus brief and approval of the position(s) to be taken in such brief must be authorized by the House of Delegates of the CBA or – between meetings of the House of Delegates – by the Board of Governors. The Board of Governors must report on any action taken with respect to a request to file an amicus brief at the next meeting of the House of Delegates.

A request to file an amicus brief must be submitted by a CBA Section or Committee, following approval by that Section (or its Executive Committee) or Committee. The request should note whether the Section or Committee is acting in response to a request from the court. The Section or Committee shall submit its request for authorization to the Executive Director of the CBA (along with a plain-language summary and explanation of the proposal, the rationale for the proposal, and the basis of the approval – i.e., whether it was approved by the Section or Committee or an Executive Committee thereof) for distribution to each CBA Section and Committee. The Section or Committee proposal, along with any objection, concurrence, comment or action by another Section or Committee shall then be submitted to the CBA Executive Committee for presentation to the House of Delegates or Board of Governors.