

ADLA's *AMICUS CURIAE* POLICY

ADLA POLICY RE: REQUESTS FOR *AMICUS CURIAE* BRIEFS IN CASES IN WHICH AN ADLA MEMBER IS COUNSEL FOR AN ADVERSE PARTY

At ADLA's Board of Directors meeting on April 11, 2008, the Board voted to institute the following policy to be adhered to when a request for an *amicus curiae* brief is made in a case in which an ADLA member is counsel for an adverse party: (1) the request for an *amicus curiae* brief by ADLA will be considered solely on the basis of the issue presented, and membership in ADLA by a lawyer whose interest is adverse will not be a factor to be considered by the *Amicus Curiae* Committee in determining whether a brief should be submitted on behalf of ADLA; and, (2) the request submitted to the *Amicus Curiae* Committee and all attachments thereto, the names of the *Amicus Curiae* Committee members considering the request for the brief, the details of the deliberation process, the vote of the Committee members, and the name of the ADLA member who has been asked to write the brief shall remain confidential (with the understanding that the name of the attorney writing the brief will be disclosed when the brief is filed). At ADLA's Board of Directors meeting on June 13, 2013, the Board voted to institute a new ADLA policy precluding opposing counsel from having the opportunity to address the *Amicus Curiae* Committee.

ADLA POLICY RE: \$3,000 PAYMENT OF FEE FOR PREPARATION OF *AMICUS CURIAE* BRIEF

ADLA's Board of Directors has approved the payment of up to \$3,000 per *amicus curiae* brief to help underwrite the costs. In addition to the \$3,000 fee, the Association will reimburse reasonable copying and binding costs associated with the brief. ADLA continues to adhere to the policy that no Association member can accept payment from any party for the preparation of *amicus curiae* briefs.

REQUESTS FOR *AMICUS CURIAE* BRIEFS

Please inform the Committee as soon as possible of issues on appeal that you believe would be of interest to the Association. The following information should be furnished with the request: (1) the name of the case and the appellate court where the case is pending; (2) a summary of the facts of the case and its procedural history; (3) a statement of all the issues of law involved in the appeal, identifying those issues with respect to which ADLA involvement is sought; (4) the date by which an *amicus* brief would have to be filed; and, (5) the consent of the attorney of record for the party in support of whom ADLA involvement is being sought. The request must be in writing to be considered by the *Amicus Curiae* Committee. Please submit the request to the Chair of the *Amicus Curiae* Committee at the following address:

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Rumberger, Kirk & Caldwell, P.C.
2001 Park Place North, Suite 1300
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ADLA POLICY REGARDING *AMICUS CURIAE* BRIEFS

It shall be the policy of the Association to authorize the filing of briefs amicus curiae sparingly and only in appropriate cases as described. Briefs amicus curiae authorized by the Association shall be filed only in the name of the Association.

A. APPROPRIATE CASES

1. Only at the appellate level and only in the highest court where the issue is likely to be determined.
2. Only when such a brief would constitute a significant contribution to the determination of the issue or issues involved and only where the issue or issues sought to be determined is:
 - (a) of particular significance to the interests of the defense trial bar; or
 - (b) of particular significance to the fair administration of justice.
3. Only to advance argument with respect to the legal issues and not factual questions.

B. AUTHORIZATION

Briefs *amicus curiae* filed on behalf of the Association shall be authorized by the *Amicus Curiae* Committee.

C. APPLICATION

1. Application for authorization of briefs *amicus curiae* may be submitted to the President who will refer the matter to the Executive Committee with the advice of the Chair of the *Amicus Curiae* Committee.
2. Each application shall be accompanied by:
 - (a) A full statement of the facts of the controversy and the status of the litigation;
 - (b) A statement of the principle or principles of law to be supported together with an explanation of the applicant's reasons for believing that the case is an appropriate one for Association involvement;
 - (c) A full disclosure of any personal or professional interest in the matter of any applicant or proponent of the application.

D. JOINT BRIEFS

As a general rule, the Association will not join in briefs *amicus curiae* with other organizations except other local defense associations.

E. COSTS

1. The Association will NOT accept payment from any applicant for the preparation or argument of briefs *amicus curiae*.
2. Costs of printing and filing the brief shall be borne by the Association. A fee of up to \$3,000 may be paid to the author of the brief upon approval of the Committee Chair.

F. APPEARANCES

The brief *amicus curiae* shall show as counsel for the Association, the author of the brief, the President of the Association and Chair of the *Amicus Curiae* Committee.