

Seeking Effective Amicus Support

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Seeking Effective Amicus Support

Amicus curiae – *friend of the court* – briefs can be useful advocacy tools for both parties to an appeal and for non-parties who may be affected by a pending court decision. Parties often seek amicus curiae support to buttress their positions in cases of first impression. Parties may also want to show courts that their decision will have a broad effect; an amicus curiae brief from similarly situated parties can drive that point home. Likewise, non-parties may volunteer support where a decision will affect them. In the context of municipalities, an appellate decision will often affect every city within the appellate court’s jurisdiction, which can range from a cluster of Texas counties to the entire United States. Thus, appeals affecting municipalities and other local governmental entities are prime candidates for amicus curiae briefs.

The purpose of this paper is to provide some practical thoughts on advocacy through amicus curiae briefs. Topics include evaluating issues, seeking support, making the argument, and following court rules.

I. IDENTIFYING WORTHY ISSUES.

The first criterion for an effective amicus curiae brief is selecting a worthy cause for support. The following factors are useful in evaluating whether a cause is a strong candidate.

A. Broad Appeal.

The first factor for evaluating a worthy issue is whether it has broad appeal. If the case presents an issue that will effect many similarly situated parties (such as municipalities), you are more likely to find amicus curiae support. Where there is broad appeal, an organization – such as the Texas Municipal League (TML) / Texas City

Attorneys Association (TCAA) or the International Municipal Lawyers Association (IMLA) – may agree to file an amicus curiae brief on behalf of its members. If an appeal is narrow, the interest in the case will also be narrow, and may go no farther than the parties to the suit. In some cases, a narrow issue may garner amicus curiae support if the supporter is also faced with the same narrow issue.

B. Relevant to Client / Organization.

When seeking amicus curiae support, it is crucial that the legal issue be relevant to the amicus curiae. Relevance goes beyond merely having a broad topic; the outcome of the pending decision must affect the amicus curiae. Without relevance, the friend has no motive to use his or her resources to support your cause. Further, an amicus curiae brief submitted by a person or entity with no real interest may carry little weight with the court.

C. Issue of First Impression.

Whether an issue is one of first impression is a strong factor for evaluating whether amicus curiae support is appropriate. Any case setting a new standard has potential to affect people and entities beyond the parties to the lawsuit. TML and TCAA’s *Guidelines for Amicus Curiae Support* drive this point home, stating: “Cases presenting compelling, unsettled, or new issues of law are of special interest to TML.”¹ On the other hand, little or no purpose would be served by filing an amicus curiae brief in a case with well-settled issues of law, absent a legitimate argument that the law should be changed.

¹ Texas Municipal League and Texas City Attorneys Association “Legal Defense Program” *Guidelines for Amicus Curiae Support* (Appendix “A”).

D. Quality of Briefing by the Parties. A similarly situated person or entity may choose to file an amicus curiae brief – whether requested or not – if the relevant party to the suit has done a poor job of briefing. These non-parties opt to pro-actively protect their own interest, rather than acting merely to support a friend.

E. Expound on Arguments. In complex cases where the parties to the litigation are pushed against briefing page limits, amicus curiae briefs can serve as mechanisms to present additional legal and policy arguments to the courts. Amici curiae frequently provide analysis of additional case law and policy implications. This may serendipitously serve as a way to enlarge briefing page limits.

II. CRITERIA.

If you seek amicus curiae support from an organization, always check their criteria *before* submitting your request. The TCAA, for example, has specific criteria for evaluating requests for amicus curiae support. Your requests for support should clearly address the organization’s criteria. Although other organizations may use a less formal review process, the TCAA guidelines provide a good general outline for making your case for amicus curiae support.

The TCAA’s criteria include:

- ◆ Does the case have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?
- ◆ Does the case address a central municipal value, or is it only indirectly related to municipal government?
- ◆ Is this case, when compared to others, important enough to be part of TML’s list of priorities?

- ◆ Is this case one that city officials, more than any other group, should and do care about?²

The TML and TCAA's guidelines are attached as Appendix "A".

Whether or not an organization has specific criteria, you must have compelling reasons for an organization to use its resources to support your case. In cases where an organization does not have specific criteria, your analysis of whether a legal issue is worthy for amicus curiae support makes great talking points for convincing a friend to support your cause.

III. HELPING YOUR FRIEND HELP YOU.

Once you have a friend, you can help your friend by making his or her work easier. Several ways to help follow.

A. Coordinate in Advance / Don't Ask at the Last Minute.

It's important to line up support as early as possible. The last thing an amicus curiae brief writer wants to hear is: "It's due in two days." The odds of convincing someone to support your cause go down exponentially with a lack of time to complete the project. Advance coordination is crucial in federal cases, which have strict and short deadlines for amicus curiae briefs.³

B. Send Supporting Materials Immediately.

Your friend will need supporting materials to prepare the amicus curiae brief. The supporting documents include relevant briefing from the trial court and any available briefing at the appellate level. You can also help by providing the relevant cases to your supporter. If you've gotten your amicus curiae support early, the appellate briefs may not

² Quoting Texas Municipal League and Texas City Attorneys Association "Legal Defense Program" *Guidelines for Amicus Curiae Support* (Appendix "A").

³ See Section V.B., below.

be available initially. A great way to speed the process is to email documents (briefs, record excerpts, and cases) to your friend rather than relying on traditional mail.

C. Make it Easy!

If your friend doesn't have time to write a full blown brief, ask if they can submit a letter brief in support of your cause. A letter brief can be a concise statement on policy or law. This option is particularly useful for potential supporters who don't have the resources or time to prepare a full-blown amicus curiae brief. This option is also effective where an entity wants to show support, but has little additional substantive analysis to add for the court's consideration.

D. Limit What You Ask For.

If you are looking for support on a principal issue in your appeal, make sure your supporting party knows that up front. They may be more likely to assist if the task is well defined and limited in scope.

IV. MAKING YOUR AMICUS CURIAE BRIEF EFFECTIVE.

Whether you are a party writing an amicus curiae brief or the party being supported, you want the brief to be effective. There are a number of factors that can make your brief more useful to the court. Some of the factors apply universally to all briefs, such as good legal writing and analysis. However, there are two factors – avoiding redundancy and providing perspective – that apply with greater force to amicus curiae briefs.

A. Avoid Redundancy.

There are no appellate justices looking for more briefs to read – they have plenty. The worst thing an *amicus curiae* can do is simply regurgitate arguments, providing nothing new. Supreme Court Rule 37 states:

An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court. An *amicus curiae* brief that does not serve this purpose burdens the Court, and its filing is not favored.

This same idea – providing useful, but not redundant information – is also formalized in Fifth Circuit Rule 29.2, which reads (in part): “The brief should avoid the repetition of facts or legal arguments contained in the principal brief and should focus on points either not made or not adequately discussed in those briefs. Any non-conforming brief may be stricken, on motion or sua sponte.”

By the time a judge or staff attorney is near the bottom of the day’s stack of briefs (and near the bottom of a strongly caffeinated drink), the last thing he or she wants to see is an *amicus* brief that has large “cut-and-paste” sections of a party’s brief with nothing more than inconsequential revisions in phraseology. No matter how tempting it is, an *amicus curiae* must strive – above and beyond that of any other brief writer – to avoid redundancy. This can be done efficiently by stating the *amicus curiae* agrees – in all or part – with the argument of the supported party and then stating the additional legal and policy arguments that the *amicus curiae* believes are relevant.

If you are writing an *amicus curiae* brief and do not have new policy or legal analysis, consider simply filing a letter brief stating your support for a particular legal outcome and briefly state why. This is a particularly effective option for an entity who wants to briefly advise the court of the potential effects of a legal decision on a group of

entities, such as Texas municipalities. The goal is accomplished efficiently for both the writer and the reader.

B. Provide Perspective.

An amicus curiae can often assist the court by providing a unique perspective of the effects of a legal decision. Whether this is in a business or governmental context, an amicus curiae may be able to provide the court with practical information that would otherwise be unavailable. Contextual information is particularly helpful to explain the potential effects of new law on a particular business or governmental entity. Unfortunately, the briefing often degenerates into a “the sky is falling” analysis, which is often dismissed as ineffective rhetoric. If the sky really is falling, the writer needs to use a strong factual basis of support in the amicus curiae brief.

V. TRAPs, FRAPs, & SC[RA]Ps – PROCEDURAL RULES.

Appellate courts have different rules for amicus curiae to follow. The differences vary between state and federal courts. There are also differences between levels of courts in the federal system. It is crucial that an amicus curiae follow the procedural rules. Otherwise, the court may reject the brief and all of the work will be wasted.

A. TRAPs – Texas Rules of Appellate Procedure.

Rule 11 of the Texas Rules of Appellate Procedure governs amicus curiae briefs filed in the Texas Supreme Court and the Texas intermediate appellate courts. Other than identifying the source of any fees and stating on whose behalf the brief is filed, lawyers preparing amicus curiae briefs for state courts simply comply with the briefing rules applicable to the parties. Rule 11 provides:

Rule 11. Amicus Curiae Briefs

An appellate clerk may receive, but not file, an amicus curiae brief. But the court for good cause may refuse to consider the brief and order that it be returned. An amicus curiae brief must:

- (a) comply with the briefing rules for parties;
- (b) identify the person or entity on whose behalf the brief is tendered;
- (c) disclose the source of any fee paid or to be paid for preparing the brief; and
- (d) certify that copies have been served on all parties.

Notes and Comments

Comment to 1997 change: This is former Rule 20. The rule is rewritten and now requires disclosure of the identity of the person or entity on whose behalf the brief is filed, and the source of any fee paid.

Comment to 2002 change: The change expressly recognizes that a court may refuse to consider an amicus curiae brief for good cause.

1. Rejecting Briefs for Good Cause.

As noted by the comment to the 2002 rule change, Rule 11 “expressly recognizes that a court may refuse to consider an amicus curiae brief for good cause.” In *Real-Edwards Conservation and Reclamation District v. Save the Frio Foundation, Inc.*,⁴ a non-governmental party (at the trial court level) filed an amicus curiae brief in the appellate court supporting the District’s interlocutory appeal of a jurisdictional issue. The amicus curiae e-mailed a 17-page brief to the court of appeals the day before oral argument. However, “the amicus brief was not properly received by mail until” the day after oral argument. On these facts, the appellate court found “good cause to refuse to consider the amicus brief.” Although the state court rules do not have the strict deadlines of federal court, amicus curiae should not push the court’s limits.

⁴ 2010 Tex. App. Lexis 1048 at *10 n.1 (Tex. App.–San Antonio 2010, no pet.) (memorandum op.).

2. Request for Amicus Curiae Briefs.

There are at least several instances where the Texas Supreme Court has requested amicus curiae briefing from the State.⁵ For example, in the *City of San Antonio v. City of Boerne* case, the Court sought factual information from the State on whether it had an ownership interest in roads included within land subject to a municipal annexation dispute.⁶

Likewise, it is not a common practice for Texas intermediate appellate courts to seek amicus curiae briefing. However, the Waco Court of Appeals has published several orders requesting amicus curiae briefs in cases affecting the public.⁷ In two of these cases, the Waco Court of Appeals not only invited the public to respond, but also sought amicus briefing from entities likely to have an interest in the subject. In *Murray*, involving the suspension of a Justice of the Peace, the Waco Court of Appeals sought briefing from the Attorney General, the State Commission on Judicial Conduct, and the Justices of the Peace and Constables Association of Texas.⁸ In *Hix*, involving access rights to Hog Creek, the Court invited briefing from the Attorney General, Texas Water Development Board, Texas Parks and Wildlife, Texas Commission on Environmental Quality, and the Texas General Land Office.⁹ Each of these request were submitted in

⁵ See *Brown v. Cruz*, 156 S.W.3d 560, 566 (Tex. 2004) (question of whether State could enforce Texas Property Code provision); *City of San Antonio v. City of Boerne*, 111 S.W.3d 22, 30 (Tex. 2003) (request for factual information).

⁶ *City of San Antonio*, 111 S.W.3d at 30.

⁷ See *In re Murray*, 257 S.W.3d 861, 861 (Tex. App.—Waco 2008, orig. proceeding) (Order) (issue concerning suspension of Justice of the Peace); *Hix v. Robertson*, 193 S.W.3d 928, 928 (Tex. App.—Waco 2006, no pet. on order) (Order Requesting Amicus Briefing) (whether portions of Hog Creed are statutory navigable streams with public access); *Pena v. State*, 192 S.W.3d 684, 684 (Tex. App.—Waco 2006, no pet. on order) (Order Requesting Briefing) (novel Due Course of Law Clause issue under the Texas Constitution).

⁸ *In re Murray*, 257 S.W.3d at 861.

⁹ *Hix*, 193 S.W.3d at 928.

the form of court orders and provided a specific deadline for the filing of amicus briefs.¹⁰ One common theme in the instances where courts seek amicus curiae briefing is that the courts are seeking input from the State or its agencies.

B. FRAPs – Federal Rules of Appellate Procedure.

Federal Rule of Appellate Procedure 29 governing amicus curiae briefs is more arduous than its state-law counter-part. The FRAP 29 provisions follow, with comments inserted between the subparts.

(a) *When Permitted.* The United States or its officer or agency, or a State, Territory, Commonwealth, or the District of Columbia may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.

FRAP 29(a) allows that certain governmental entities may file an amicus curiae brief without consent of the parties or leave of court. The rule specifically names the United States (and its officers and agencies), states, territories, commonwealths, and the District of Columbia. In *Ingalls Shipbuilding, Inc. v. Director, Office of Workers' Compensation Programs*, Justice Scalia noted that the Director was “guaranteed the right to file an amicus brief in the court of appeals, with or without the consent of the parties.”¹¹ However, municipalities and counties or notably absent from the list in FRAP 29(a). Thus, governmental entities not expressly listed in FRAP 29(a) should seek leave of court or obtain consent of all parties when filing amicus curiae briefs.

(b) *Motion for Leave to File.* The motion must be accompanied by the proposed brief and state:

- (1) the movant's interest; and

¹⁰ *Murray*, 257 S.W.3d at 861 (filing deadline 21 days after date of order) (Order); *Hix*, 193 S.W.3d at 928 (filing deadline 45 days after date of order); *Pena*, 192 S.W.3d at 684 (filing deadline 45 days after date of order).

¹¹ 519 U.S. 248, 276 (1997) (Scalia, J., dissenting).

(2) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.

(c) *Contents and Form.* An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. If an amicus curiae is a corporation, the brief must include a disclosure statement like that required of parties by Rule 26.1. An amicus brief need not comply with Rule 28, but must include the following:

- (1) a table of contents, with page references;
- (2) a table of authorities — cases (alphabetically arranged), statutes and other authorities — with references to the pages of the brief where they are cited;
- (3) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
- (4) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and
- (5) a certificate of compliance, if required by Rule 32(a)(7).

An amicus curiae brief must conform to the general requirements found in FRAP 32 governing the form of briefs. These rules provide specific requirements for: reproduction (clear black image on light paper, et cetera), binding, cover, paper size, line spacing, and margins. The one requirement specific to amicus curiae briefs is that the cover of an amicus curiae brief must be green. FRAP 32(a)(2). Have you ever wondered what size type your footnotes should be? The Fifth Circuit addresses this, too. Footnotes should be 12 point type or larger. Thus, these rules are very specific, and should be followed to the letter. If your brief does not comply with FRAP 32, you can expect that it will be rejected.¹²

(d) *Length.* Except by the court's permission, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.

¹² 5TH CIR. R. 32.5.

Once again, an amicus curiae brief writer must turn to FRAP 32 for instruction. Based on the length limitations for parties, an amicus curiae brief can be 15 pages, 7,000 words, or 650 lines of monospaced face text.¹³

(e) *Time for Filing.* An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed. A court may grant leave for later filing, specifying the time within which an opposing party may answer.

Because of the short timing, it is crucial that attorneys seeking amicus curiae support in federal cases coordinate with the party they are supporting. FRAP 29(e) states that the amicus curiae brief is due “no later than 7 days after the principal brief of the party being supported is filed.” This rule – from a practical standpoint – makes it difficult for a party to start from scratch after the principal brief is filed. A party can also seek leave for later filing, but there are no guarantees when taking this route.

(f) *Reply Brief.* Except by the court's permission, an amicus curiae may not file a reply brief.

FRAP 29(f) allows that an amicus curiae can file a reply brief, but only with the court's permission. From a practical standpoint, I have never seen a reply brief filed by an amicus curiae. An amicus curiae needs to say everything he, she, or it has to say up front. Otherwise, you are likely to be pushing the court's patience.

(g) *Oral Argument.* An amicus curiae may participate in oral argument only with the court's permission.

As to obtaining permission to argue as an amicus curiae, I believe it would be a very unusual case to justify making this request. Because grants of such request are rare,

¹³ See FED. R. APP. P. 32(a)(7).

an amicus curiae brief writer should always make his or her best argument in the written brief.

In addition to FRAP 29, the Fifth Circuit has a local rule – Fifth Circuit Rule 29 – providing additional requirements for amicus curiae briefs. Fifth Circuit Rule 29 follows:

FIFTH CIRCUIT RULE 29

29.1 Time for Filing Motion. Those wishing to file an amicus curiae brief should file a motion within 7 days after the filing of the principal brief of the party whose position the amicus brief will support.

29.2 Contents and Form. Briefs filed under this rule must comply with the applicable FED. R. APP. P. provisions and with 5TH CIR. R. 31 and 32. The brief must include a supplemental statement of interested parties, if necessary to fully disclose all those with an interest in the amicus brief. The brief should avoid the repetition of facts or legal arguments contained in the principal brief and should focus on points either not made or not adequately discussed in those briefs. Any non-conforming brief may be stricken, on motion or sua sponte.

29.3 Length of Briefs. See FED. R. APP. P. 29(d).

29.4 Denial of Amicus Curiae Status. After a panel opinion is issued, amicus curiae status will not be permitted if the allowance would result in the disqualification of any member of the panel or of the en banc court.

There is no corresponding statute or rule that controls amicus curiae briefs filed in federal district courts.¹⁴ In the absence of controlling authority, district courts commonly refer to FRAP 29 for guidance.¹⁵ “The extent to which the court permits or denies amicus curiae briefing lies solely within the court’s discretion.”¹⁶ Whether the amicus curiae brief is “timely and useful” or “otherwise necessary for the administration of justice” are factors for determining if an amicus curiae brief should be allowed.¹⁷

¹⁴ *U.S. v. Deloitte Consulting LLP*, 512 F.Supp.2d 920, 927 (S.D. Tex. 2007).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

Always check for the current rule before writing an amicus curiae brief. FRAP 29 and Fifth Circuit Rule 29, as quoted here, were taken from the Fifth Circuit website (www.ca5.uscourts.gov).

C. SCR[AP]s – Supreme Court Rules.

The United States Supreme Court has its own unique rules governing amicus curiae briefing. The Supreme Court's rules are available on its website at www.supremecourt.gov. Among other things, an amicus curiae brief must:

- ◆ be filed by an attorney admitted to practice before the Supreme Court;¹⁸
- ◆ be prepared in a 6¹/₈- inch by 9¹/₄-inch booklet format using a standard typesetting process (except for limited exceptions) and must meet other formatting requirements;¹⁹
- ◆ be limited to 6,000 words and have a cream colored cover if filed at the petition stage;²⁰
- ◆ be limited to 9,000 words and have a light green colored cover if filed at the merits stage *and* filed in support of the petitioner or neither party;²¹
- ◆ be limited to 9,000 words and have a dark green colored cover if filed at the merits stage *and* filed in support of the respondent;²²
- ◆ “indicate that counsel of record received timely notice of the intent to file the brief under this Rule and shall specify whether consent was granted.”²³

The Supreme Court Rules provide different deadlines for filing amicus curiae briefs depending on the stage of the filing and the party supported.²⁴ The deadlines are critical because: “Motions to extend the time for filing an amicus curiae brief will not

¹⁸ SUP. CT. R. 37.1.

¹⁹ SUP. CT. R. 33.1(g).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ SUP. CT. R. 37.2(a).

²⁴ *See* SUP. CT. R. 37.2(a) & 37.3(a).

be entertained.”²⁵ An amicus curiae must also “ensure that the counsel of record for all parties receive notice of its intention to file an amicus curiae brief at least 10 days prior to the due date for the amicus curiae brief, unless the amicus curiae brief is filed earlier than 10 days before the due date.”²⁶

The Supreme Court Rules require that amicus curiae briefs submitted before the Court’s consideration of a petition for writ of certiorari must be filed with the consent of all parties *or* submitted with a motion for leave to file.²⁷ However, no motion for leave is necessary if the brief is filed on behalf of a “city, county, town, or similar entity when submitted by an authorized law officer.”²⁸ Likewise, a motion for leave is not required for an amicus curiae brief presented on behalf of the United States or one of its agencies or by a state, commonwealth, territory, or possession when submitted by the proper representative.²⁹ In cases where a motion for leave is required, it must be filed with the brief and submitted within the time allowed for filing an amicus curiae brief.³⁰

Except for the governmental entities discussed in the prior paragraph, an amicus curiae brief filed in the Supreme Court “shall indicate whether counsel for a party authored the brief in whole or in part and whether such counsel or a party made a monetary contribution intended to fund the preparation or submission of the brief, and shall identify every person other than the amicus curiae, its members, or its counsel,

²⁵ SUP. CT. R. 37.3(a).

²⁶ SUP. CT. R. 37.2(a).

²⁷ SUP. CT. R. 37.1(a)&(b).

²⁸ SUP. CT. R. 37.4.

²⁹ *Id.*

³⁰ SUP. CT. R. 37.3(b).

who made such monetary contribution.”³¹ The disclosure must be made in the first footnote on the first page of text.³²

Last, amicus curiae are not allowed “the last word.” The Court will not file a reply brief tendered by an amicus curiae.³³ Further, the Court will not file an amicus curiae brief in support of or in opposition to a petition for rehearing.³⁴

VI. SAMPLE AMICUS CURIAE BRIEFS.

A sample amicus curiae brief is included in the Appendix for each of the courts addressed in the rules discussion above. (The sample briefs – Appendices B, C, and D – are posted separately on the TCAA website, below the paper.) The first brief was filed in a Texas intermediate appellate court and addressed the topic of paid or incurred medical expenses in personal injury cases. *See* Appendix “B”. The second brief was filed with the Fifth Circuit and addressed an official immunity statute of limitations issue. *See* Appendix “C”. The last sample brief is from the Supreme Court and addressed qualified immunity analysis for government officials. *See* Appendix “D”.

³¹ SUP. CT. R. 37.6.

³² *Id.*

³³ SUP. CT. R. 37.3(a).

³⁴ *Id.*

APPENDIX “A”

Texas Municipal League and Texas City Attorneys Association “Legal Defense Program”

Guidelines for Amicus Curiae Support

The Texas Municipal League (TML) Constitution states that the purpose of the League is to "render services which individual cities have neither the time, money nor strength to do alone." The purpose of the Legal Defense Program is to advance and sustain the interests of Texas cities in accordance with the TML Constitution.

Through the Legal Defense Program in coordination with the Texas City Attorney's Association, the TML Legal Department submits amicus curiae ("friend of the court") briefs in state or federal appellate court on behalf of our member cities. The Legal Department receives numerous requests for assistance, and the following information serves as a guide for determining whether TML will employ its resources to provide amicus curiae support.

The Legal Department reviews requests that coincide with our member cities' interests and decides whether to provide amicus curiae support based on the following criteria:

1. Does the case have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?
2. Does the case address a central municipal value, or is it only indirectly related to municipal government?
3. Is this case, when compared to others, important enough to be part of TML's list of priorities?
4. Is this case one that city officials, more than any other group, should and do care about?

If your case satisfies the above criteria, you are invited to submit a request for support. Cases presenting compelling, unsettled, or new issues of law are of special interest to TML. Requests should include, at a minimum, the following information:

1. legal issue to be resolved and how it relates to the above criteria;
2. summary of the facts;
3. background of the litigants or other parties;
4. summary of past and projected administrative and/or legal proceedings;
5. other sources of legal support; and
6. how TML's support will increase the probability of obtaining a favorable result and the basis for that conclusion.

The Legal Department's staff of four lawyers serves more than 1,050 member cities and upwards of 20,000 city officials. Thus, it is impossible to provide amicus support in every case.

Submit Your Request to:

Texas Municipal League, Legal Department
1821 Rutherford Lane, Suite 400
Austin, Texas 78755-5128

Contact us at:

Email: legal@tml.org
Phone: 512-231-7400
Fax: 512-231-7490