

## *Amicus curiae*

### *Procedure for requesting LACT participation as amicus curiae*

1. A request for LACT *amicus curiae* participation must be directed to the LACT General Counsel. Requests may be submitted electronically and must include all relevant documentation (described below).
2. The request must be from a League member governing body, or from the attorney for the governing body, acting on behalf of the jurisdiction or entity requesting the League's participation as *amicus curiae*.
3. The request must describe:
  - The nature of the case and the issues presented,
  - Why this appeal is of particular importance to Arizona municipalities statewide,
  - The procedural status of the appeal, including the briefing schedule, if known,
  - The name, title and contact information for the person or persons representing the municipality in appeal.
4. The request should be accompanied by whatever attachments the applicant believes the League's *Amicus* Committee would find useful in making its decision including a copy of the court order or decision appealed from, briefs to the lower court(s) on relevant issues, notices of appeal, cert petitions, orders setting briefing schedules and so forth.

### *Procedure for review of request*

1. LACT General Counsel and the League's *Amicus* Committee will review the *amicus* request and attached materials. The General Counsel and the committee may solicit advice from attorneys with expertise in the particular area or areas of law addressed in the appeal, as necessary or useful to assist in their analysis. Committee members are also free to consult directly with the applicant.
2. General Counsel and the *Amicus* Committee may discuss an *amicus* request through whatever means are convenient including by email or conference call. General Counsel may make a recommendation to the committee as a starting point for committee discussion.
3. A recommendation from the *Amicus* Committee will be submitted to the League officers and Executive Director. The committee may recommend participation in the appeal or not.
4. A member of the committee whose client is requesting LACT *amicus* participation may not vote on the committee's recommendation. The League is not bound by the committee's recommendation.

5. If, in the opinion of the League officers, the proposed position on the matter under consideration is not widely supported by all cities and towns, they may choose to refer the question to the full Executive Committee. Otherwise, the League officers and Executive Director may authorize the preparation and filing of an *amicus* brief on behalf of the League.
6. Those involved in appellate litigation generally have plenty of time to avoid last minute requests for *amicus* participation to the League. The League officers will ordinarily have an opportunity to consider a request before a filing must be made. Nonetheless, late requests do occur, and General Counsel may proceed with preparation of a brief, or cooperate with others in the preparation of a brief, should the briefing schedule make it prudent to do so, upon a recommendation to do so from the *Amicus* Committee, and with the consent of the Executive Director, prior to the League officers considering the request.
7. The League Executive Committee will receive periodic reports on the filings and outcomes of cases in which League *amicus* briefs have been filed.

#### *Designation of the LACT Amicus Committee*

The *Amicus* Committee will be comprised of seven municipal attorneys, who will be voting members of the committee. The League's General Counsel will serve as Chairman. One of the members of the *Amicus* Committee will be the current president of the Arizona City Attorneys Association and other committee members will serve two year terms and may be appointed or reappointed, at the discretion of president. Should a vacancy occur on the committee, League General Counsel will recommend a replacement to the president. Any person appointed to fill such a vacancy shall serve out the remainder of the term, and may then be reappointed.

*Adopted by the Executive Committee at their February 2013 meeting.*