

AMICUS CURIAE COMMITTEE
AMICUS BRIEF PROCEDURES

In accordance with the by-laws of the Florida Association of County Attorney's, Inc., the criteria for the Association filing amicus briefs in pending appellate cases are those that involve a matter of compelling public interest of significance to local governments and/or one that is of special significance to the one or more of the sixty-seven (67) counties in the State of Florida. Additionally, the process for requesting an amicus brief by the Association is as follows:

1. An application shall be submitted via email to the Amicus Curiae Committee Chair or Vice-Chair. The application shall include any related materials to the matter in which an amicus brief is being sought, as more specifically set forth below.
2. The Amicus Curiae Committee shall review and forward the application and all related materials, along with its recommendation on whether the application should be accepted, to the Association Officers.
3. Once an application is accepted by the Association Officers, the Amicus Curiae Committee shall coordinate and seek the assistance of one or more of the County Attorneys, who are members of the Association, to take the lead on preparing and filing said amicus brief. Once an amicus brief is in final form and before it is to be filed with the appellate court, a copy shall be submitted to the Amicus Curiae Committee for its final review and approval, in accordance with the timeline established by the Committee.

A. Application: The requesting party shall provide the following information in its request:

1. A statement that articulates the specific legal issue(s) that the requesting party believes the Association should address;
2. A statement outlining the facts of the case;
3. A brief discussion of the case's procedural history, including the name of the court in which the brief will be filed;
4. The arguments that the principal brief will make;
5. A survey of significant cases that address the issues(s);
6. A statement explaining how the legal issue(s) relate to the Association's amicus curiae brief criteria;
7. A copy of the order being appealed and any briefs already filed on appeal;
8. The date the amicus brief is due. All requests for Association participation must be made not later than fifty (50) days before the Association's amicus brief would be due;
9. The names and addresses of other persons or organizations which have submitted or are considering submitting an amicus brief; and
10. Recommendations of counsel who are qualified, able and willing to prepare the proposed brief in the time available, if requested to do so by the Association.

Requests for amicus participation may be submitted by non-members of the Association but preference will be given to member requests. The request for amicus participation will be

distributed, as soon as possible, to the Amicus Curiae Committee Members. Unless exceptional circumstances exist, a request for amicus participation will not be reviewed and granted for participation at the trial court level. Briefs will generally be filed only at the appellate level and generally only before the highest court in which the issue is likely to be determined. In addition, briefs will be filed only when an appeal is to be heard on the merits. However, exceptional circumstances may exist when the Association would consider filing a brief in support of a petition or leave to appeal or certiorari, including by way of example, to the United States Supreme Court.

- B. Time Schedule:** The Committee must be provided a reasonable amount of time to review the amicus brief. Upon approval of the application to file an amicus brief by the Association, the Amicus Curiae Committee Chairman or Vice Chair shall develop and approve a time schedule to which the attorney selected to draft the brief must adhere. Generally, the subject amicus brief must be submitted by the attorney drafting same to the Committee for the review not less than seven (7) days prior to the date upon which the amicus brief is due to be filed.
- C. List of Attorney's to Draft Brief:** The preparation and filing of a brief will be conditioned on the Association's securing the assistance of qualified counsel to draft and file the amicus brief. The Committee shall develop a list of qualified volunteer attorneys to draft proposed amicus briefs for approval by the Chairman. The qualified volunteer attorney's list shall be updated annually by the Committee. Upon the recommendation of the Committee, the Chairman shall select an attorney to draft and file the brief from the list of qualified volunteer attorneys, or another attorney with special expertise in the subject area of the particular amicus request.

Approved this 29th day of November, 2012.

(s) Patrick McCormack
Chairman, Patrick McCormack
FACA Amicus Curiae Committee