

August 2010 Approved by the BOG

AMICUS CURIAE COMMITTEE
American College of Legal Medicine

The purpose and intent of the following guidelines is to establish uniform guidelines for the processing of requests to the American College of Legal Medicine (“ACLM” or “College”) for its consideration of filing an *Amicus Curiae* (“friend of the court”) brief with a court or other tribunal.

Consistent with the current mission statement of the College, any ACLM member or other person or entity may submit a request to the College that it consider preparing an amicus brief or joining with another entity in submitting an amicus brief in a case that satisfies the requirements set out in Paragraph 5 of these Guidelines. Such request shall be addressed to the President of the College and to the Chair of the Amicus Curiae Committee, c/o the staff offices of the ACLM, presently in Schaumburg, IL. The request can be submitted by facsimile or by e-mail. The person submitting the request shall disclose any personal, professional, or financial relationship he/she has with either party of the case in question.

Any such inquiry must identify the court or tribunal in which the ACLM is asked to file a brief as an *amicus* party, or to join in an already existing or planned *amicus* brief as an additional party, any pertinent lower court ruling or decision, the facts of the underlying case, and the position requested of the College, *i.e.*, supporting Petitioner, Respondent, or neither. The inquiry should be submitted as soon as possible, so that the ACLM may thoroughly investigate whether or not to submit a brief, or join in one, as appropriate. A request that is not timely may not provide the College with the opportunity to participate.

The person requesting the College prepare and submit an amicus brief or join with another party in preparing and submitting an amicus brief should provide all relevant materials described in the paragraph above electronically to the Executive Director for transmission to the Executive Committee. Failure to do so may result in the College not acting on the request. The materials should be sent to the Executive Director at the College's administrative offices. The Executive Director will be responsible for distributing the materials to the members of the Amicus Curiae Committee.

Upon receipt of the request with supporting materials, the Chair shall make an initial determination whether the issues presented are of sufficient importance pertaining to one or more areas at the intersection of law, medicine and health care, but nonetheless consistent with the ACLM mission and the importance of them nationally to warrant further attention. It is preferred that only issues before the highest court of a state, commonwealth or territory, federal appeals court or before the United States Supreme Court be considered as appropriate for the College's consideration. The ACLM disfavors issues or cases which pertain to any one individual (ACLM member or not), the fact of a specific case, or any one entity unless the case involves a matter of potential general applicability to physicians, attorneys, or entities in the medical-legal arena.

If the Chair of the Amicus Committee determines that the case in question does NOT satisfy the requirements set out in the preceding paragraph, he/she will transmit that decision to the President of the College. The President will convey that recommendation to the members of the Executive Committee within one day of receiving it and request a reply from each member of the EC within one day expressing agreement or disagreement with the recommendation of the Chair of the Amicus Curiae Committee.

If the Chair of the Amicus Curiae Committee determines that the case satisfies the conditions set out in Paragraph 5 or if the Executive Committee by a majority vote disagrees with a negative determination by the Chair, the Chair shall forward the request together with the supporting materials to the members of the Amicus Curiae Committee for their consideration. By majority vote, the committee will vote to determine whether the College should participate as an *amicus* party, what issues should be addressed, and what party in the case should be supported, if any. Any such recommendation will be forwarded to the Executive Committee (“EC”) for review and determination. If the EC approves the recommendation of the committee, one or more of the committee’s Members will prepare the *amicus* brief as an assignment from the chair. Should, however, the EC not accept the recommendation of the committee, the committee, as its option, can either reconsider the position of the EC in order to conform to it, or request that its initial recommendation to the EC be appealed to the Board of Governors for final determination. Any such appeal shall be initiated for determination before any brief is undertaken.

The preparation and writing of the *amicus* brief shall remain solely within the authority of the College’s *amicus* committee. Once completed, the chair of the committee will transmit the brief electronically to the President of the College who will transmit the brief electronically to the members of the Executive Committee (EC) for their review and approval. The members of the EC who choose to review and respond to the brief will be expected to do so in 24 hours. The purpose of the review by the members of the EC is to confirm that the text of the brief is consistent with the mission, values, and opinions of the College as defined by the Board of Governors. Absent a determination by a majority of the EC that the brief is not suitable for submission to the court, the President will forward approval for filing the brief to the Chair of the

Amicus Curiae Committee. Once approval is received the brief will be sent to the committee's chair to be printed, where appropriate, providing that funding exists within the current budget to undertake this expense. After being printed, and filed, courtesy copies of all filings will be sent to each member of the Board of Governors as well as the EC, with a copy to staff offices for archiving. The completed brief will be posted on the ACLM website. In addition the Amicus Committee will be responsible for distribution of the brief to the Court.

There may be occasions where the College is asked to author an amicus brief whose subject or content does not fit within the criteria set forth above. In these circumstances, it may be possible for the College to join in on a brief prepared by another entity or person. When this arises, the person(s) requesting that the College add its name to the brief of another shall submit the following information: the name of the case, jurisdiction and court where the case will be heard, and, where known, the docket number of the case. Also to be supplied is the name of the entity on whose behalf this other brief will be filed, the position to be asserted by this other entity, and the lawyer(s) and contact information who is preparing this other brief, why it is important that the College join in the brief, and a draft of the other brief. Three copies of all such information shall be supplied to the College - one each to the Executive Director of the College, the President of the College, and to the Chair of the Amicus Curiae Committee. Upon receipt of the information, (1) the President of the College will forward the information to the members of the EC, and (2) the Chair of the Amicus Curiae Committee shall make a recommendation to the EC. The decision of the EC shall be final on whether or not the College will participate as an additional signatory to this other brief.
