

ALABAMA LEAGUE OF MUNICIPALITIES  
POLICIES AND CRITERIA  
TO BE CONSIDERED WHEN REVIEWING  
A REQUEST FOR AN AMICUS CURIAE BRIEF

I. PARTICIPATION AS *AMICUS CURIAE*

- a. Requests. Requests for the League to appear as *amicus* must be submitted in writing through the League's General Counsel to the Executive Director. Requests should include, at a minimum, the following information:
  - i. Deadline for filing;
  - ii. Summary of the facts;
  - iii. Summary of past administrative and/or legal proceedings;
  - iv. Background of the litigants or other parties;
  - v. Legal issue to be resolved and how it relates to the decision criteria set out below;
  - vi. potential authors and sources of support to aid in the drafting of the *amicus* brief; and
  - vii. how the League's participation will increase the probability of obtaining a favorable result and the basis for that conclusion.
  
- b. Process. After receiving a written request to appear as *amicus*, the General Counsel will confer with the Executive Director and if necessary will convene a committee of municipal attorneys through the Alabama Municipal Attorneys Association (AAMA) to review the request and advise.
  
- c. Decision Criteria. When evaluating requests to participate as *amicus curiae* following criteria will be used:
  - i. Whether the legal issue is of statewide significance;
  - ii. Whether the interest of cities is clear, as opposed to the narrow interests of the parties in the underlying litigation;
  - iii. Whether the interest of cities is generally similar and not divergent in any substantial way or number;
  - iv. Whether participation is consistent with the League's principles, policies, or interests such as local control and judicial deference to local government determinations;
  - v. Whether the League's participation will be meaningful to the court's resolution of the matter, such as whether there are indefinable gaps or issues that would otherwise go unaddressed by the parties to the litigation;
  - vi. The timeliness of the request; and

- vii. The availability of resources to prepare or assist in the preparation of the *amicus* brief.
- d. Final Decision. The Executive Director will make the final determination on League participation, based on input from the League's General Counsel.
- e. Outside Counsel and *Amicus* Brief Guidelines. If outside counsel is drafting a petition or brief, the draft must be submitted to the League's General Counsel a minimum of five business days before the filing deadline in order to permit adequate review. Under no circumstances will a petition or brief be filed with a court without the approval of the General Counsel. Briefs prepared by outside counsel will bear the signature of the primary drafter on behalf of the Alabama League of municipalities along with the signature of the General Counsel and be joined with the name of any attorney who contributed to the brief. Briefs prepared by the League's Legal Department will bear the signature of the primary drafter and, if the primary drafter is not the General Counsel, the name of the General Counsel.