



Washington State Association of Municipal Attorneys

### Amicus Curiae Policy

1. The Amicus Committee shall review requests for WSAMA amicus curiae assistance and may consider whether to seek appearance in a case in which there has been no request. In general, the Amicus Committee will file briefs only in those forums generating precedential decisions affecting Washington cities and towns. These forums include, but are not limited to, the Washington Supreme Court, Washington Court of Appeals, United States Court of Appeals for the Ninth Circuit, United States Supreme Court, and certain state administrative tribunals (e.g., Public Employees Relations Commission). Absent extraordinary and compelling circumstances found to exist by the Board, WSAMA shall not appear as amicus curiae in a state district or superior court or federal district court.
2. Requests for WSAMA to participate as amicus in a case shall be made through the online form on WSAMA's website, [www.wsama.org](http://www.wsama.org). Requesters are advised that the substance of the form creates an email to the Amicus Committee Chair, which will be considered non-exempt under the Public Records Act. The request shall disclose whether any city or town is a potentially adverse party, or if there is reason to believe that a particular city or town would not want WSAMA to file an amicus brief. The Amicus Committee Chair may also require the requesting party transmit all briefs, orders, or other relevant documentation. The Amicus Committee Chair may, in his or her sole discretion, waive the requirement for completing the online form if the circumstances of the case so warrant and the Chair determines no city or town is a potentially adverse party and there is no reason to believe that a particular city or town would oppose WSAMA filing an amicus brief.
3. The Amicus Committee shall determine whether to participate as an amicus taking into consideration the following criteria:
  - Standard criterion** - The legal issue involved is of substantial interest to WSAMA or to a number of cities or towns.
  - Second tier criterion** (applies if a city or town would not want WSAMA to participate) - The legal issue involved is critical to the substantial majority of cities or towns.
4. Upon receiving a request for amicus participation, the Amicus Committee Chair shall determine whether the request requires prior Board approval pursuant to Section 5. If prior Board approval is not required, the Amicus Committee Chair shall communicate the request to the Committee for a decision. The Committee may approve or deny a request upon a majority vote provided 66% of the Committee is present for the vote, which shall constitute a quorum. The Chair shall determine the method (including but not limited to telephonic or electronic) through which committee members may be present for the vote. If a quorum is not present, the Chair may adjourn the meeting from time to time.

5. In general, the Amicus Committee will decide whether to submit a request to a court for WSAMA participation as an amicus applying the first tier criterion. However, prior Board approval will be needed in any of the following circumstances: (a) if the Amicus Committee has been advised that a city or town is a potentially adverse party or that one or more cities or towns would oppose WSAMA's participation; (b) if the Amicus Committee Chair believes that WSAMA participation is likely to create controversy among WSAMA members; or (c) if a majority of Board members become aware of a potential case in which a city or town is involved as an adverse party or would oppose WSAMA filing an amicus brief and the Secretary-Treasurer or the President so notifies the Amicus Committee Chair before the Committee submits a request to a court for WSAMA participation. In any of these circumstances, the Chair shall inform the Board as to the background regarding the case, the Board will apply the second tier criterion, and the approval of the Board will be needed before the Amicus Committee submits a request for WSAMA amicus participation to a court.
6. Once the Amicus Committee (acting on behalf of WSAMA) has submitted a request for amicus participation to a court, the Board will not reverse that decision. However, the Board may request that the Amicus Committee itself consider whether to withdraw participation.
7. Amicus Committee approval grants approval to file only a particular brief in a particular forum on the specific issues approved, along with any supporting procedural motions (such as a motion for leave to appear as amicus curiae). Any additional filings on separate issues or in any other forum must be approved separately by the Amicus Committee, except separate Committee approval is not required for:

An amicus curiae memorandum opposing a motion for reconsideration filed in the Washington Court of Appeals or Supreme Court; or

An amicus curiae brief on the merits where WSAMA filed a memorandum supporting a petition for review by the Supreme Court pursuant to RAP 13.4, and the Supreme Court granted review on one or more of the issues addressed in the WSAMA memorandum.

8. A WSAMA amicus brief may be principally authored by any individual admitted to appear in the forum to which the brief is submitted, PROVIDED that each WSAMA amicus brief and memorandum must be reviewed and signed by an Amicus Committee member in addition to the lead author or authors.