

MSBA Construction Section
Amicus Brief Sub-Committee

The MSBA Construction Section Amicus Brief Sub-Committee recommends that the following procedures and guidelines be implemented by the Section to evaluate requests for MSBA Construction Section sponsorship of an *amicus* brief in pending litigation.

1. **Submission and Approval Process:** Any member of the MSBA Construction Section who desires the Section to sponsor an *amicus* brief in a pending appeal shall first submit a proposal to the MSBA Construction Section President, who will forward the proposal to the Amicus Brief Sub-Committee for review and consideration. The Amicus Brief Sub-Committee shall review the proposal and provide a recommendation to the Section Council to either approve or decline the submission. If the Section Council approves the submission, the Section President will request that the Section vote on the submission at the next regular meeting of the Section. If a majority of the Section in attendance at the regular Section meeting approves the submission, then the requesting member shall have permission to submit an *amicus* brief with Section sponsorship; provided, however, that all other MSBA rules applicable to the approval of *amici* briefs are followed; and provided, further, that all other procedures set forth herein are followed.
2. **Review Criteria:** The Amicus Brief Subcommittee may consider the following criteria in evaluating a request for Section sponsorship of an *amicus* brief.
 - a. The quality of the argument that the MSBA Construction Section is being asked to sponsor.
 - b. The overall significance of the issue in question to the construction industry as a whole.
 - c. The degree to which MSBA Construction Section sponsorship is likely to positively influence the court's consideration of the issue in question.
 - d. The degree to which the MSBA Construction Section to sponsor a position on an issue that favors a particular sector of the industry over another that would promote an unjust imbalance.
3. **Submission Requirements:** Any submission requesting Section sponsorship of an *amicus* brief shall contain the following information and documentation:
 - a. Cover letter setting forth the issue for which Section sponsorship is sought, and a statement discussing the review criteria and other criteria the submitting member deems relevant.
 - b. Copies of the judgment or order being appealed, and the relevant trial level briefing submitted to the trial court on the issue being appealed.

4. **Amicus Brief Requirements.** All *amicus* briefs sponsored by the MSBA Construction Section shall conform to the highest professional standards of advocacy and quality, and shall faithfully implement the arguments proposed. The member responsible for drafting the *amicus* brief shall submit a proposed final draft to the MSBA Construction Section Amicus Brief Subcommittee sufficiently in advance of its due date to permit adequate review. The member responsible for drafting the *amicus* brief shall meet with the Amicus Brief Subcommittee at mutually agreeable times to discuss the proposed final draft of the *amicus* brief. The MSBA Construction Section Amicus Brief Subcommittee may recommend to the Section President that Section sponsorship be withdrawn if the proposed final draft of the *amicus* brief does not substantially conform with the argument presented in the original submission or the requirements herein.

5. **Other.** The member responsible for drafting the *amicus* brief shall be responsible for meeting all deadlines imposed by the court, these, and other applicable procedures.