

Amicus Brief Policy {Adopted 1/30/2018 }

Once Section Council (“Section Council”) of the Probate and Trust Section (the “Section”) of the Minnesota State Bar Association (the “MSBA”) has approved moving forward on the preparation of an amicus filing, the Section Chair will post an open call on the Section website (currently mnbar.org) and/or community page of the Section for a request for proposals (“RFP”) with at least a 24 hour submission deadline. In general, the RFP will be posted after the Court grants leave for the Section to file an amicus brief but may be posted sooner in the discretion of the Section Chair to accommodate scheduling. The RFP will establish an appropriate maximum budget that the Section is willing to pay for the project (a not to exceed budget) and will briefly disclose the position or information sought to be represented in the brief on behalf of the Section. The RFP will require the applicant to respond to the following items:

- a) Identify all individuals (if more than one) at the firm on the team who would prepare the brief;
- b) Identify whether such individuals are members of the Section;
- c) Brief description of amicus or appellate experience of the team;
- d) Disclosure of any conflicts (in general no conflicts will be permitted);
- e) Proposed legal fees (not to exceed the proposed budget; third party expenses if any will generally be paid directly by the Section; pro bono applications will also be accepted);
and
- f) Short writing sample.

Applications to prepare the brief will be reviewed by the Officers and the members of the Amicus Committee who are also voting members of Section Council; excluding any Officers or such members who have a conflict or who are submitting an application to prepare the amicus brief. Once a final selection is made, the Section Chair will disclose the identity of the firm preparing the brief, the costs and expenses to be paid, and a copy of the brief as filed (once available) by posting on the Section website and/or community page for the Section. The selected firm will report directly to the Section Chair, or her designee, in preparing and finalizing the amicus brief. No amicus brief shall be filed without the approval of the Section Chair (if filed on behalf of the Section) and the president of the MSBA (if filed on behalf of the MSBA).