

Minnesota State Bar Association
Section and Committee
Amicus Positions
2021-22

Article 13 of the [MSBA Bylaws](#) sets forth rules and procedures for amicus briefs. There are two ways an amicus brief might be filed: in the name of the MSBA per Article 13.1 or in the name of the section or committee only per Article 13.2. This form must be completed no matter which method the section or committee wishes to pursue.

The MSBA Council must approve all amicus briefs filed in the name of the MSBA and the MSBA president has the final authority to approve the wording of the brief and present the position of the MSBA.

Sections and committees that meet certain requirements and comply with procedures may file an amicus brief in the name of the section or committee as long as the MSBA president does not preempt the action. This form should be submitted to the MSBA before submitting the Petition to Appear Amicus to the court.

To: Jennifer Thompson, MSBA President (jthompson@mnbars.org)
Kara Haro, MSBA Section Services Director (kharo@mnbars.org)
Nancy Mischel, MSBA Senior Director of Policy (nmischel@mnbars.org)

From: _____
(Committee or Section Name)

(If the Minnesota Court of Appeals or the Minnesota Supreme Court has invited an amicus curiae brief from a section of the MSBA, please skip to Section 2.)

Section 1:

In accordance with MSBA Bylaws Section 13.2.2, I, the chair of the above-named committee or section of the MSBA, certifies that the action was approved by the section or committee named above on the date indicated below.

I further certify:

- The **attached proposal** is germane to the business of the section or committee and outlines the specific issues to be included in the brief;
- The proposal has been approved in accordance with the section's bylaws, or in the case of a committee, by a majority of the quorum;
The vote totals on the matter were: Pro _____ Con _____ Abstain _____ .
- The proposal is not contrary to any current position of the MSBA and does not address an issue pending consideration by the Council or Assembly of the MSBA.
- The proposal indicates that it is the action of the section or committee and does not represent the view or action of the MSBA. (Do not check this box if the request is for the MSBA to file the amicus brief.)

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- The proposal was submitted for comment to every member of the section or committee before this form was submitted to the MSBA and the members of the section or committee were invited to make comments. (It is sufficient if the section or committee includes notice of a pending amicus application on the agenda of the meeting where the decision was made.)
- The section or committee ____ did or _____ did not seek comments regarding the proposal from any other section or committee.

If comments were sought from other sections, attach a copy of the comments received:

I understand I must wait at least **two business days** from the time of submission of this document and attached proposal to the MSBA before making any public statement of the position or filing with the court.

Signature

Date

Section 2: Amicus at the Invitation of the Court

Sometimes the Court invites a section to submit an amicus brief (Section 2 does not permit committees to file amicus briefs using this process.). In these instances, the section may use a streamlined process.

Upon receiving the invitation, MSBA staff will immediately provide the invitation to any additional sections and committees that may have an interest in the subject. Interested sections and committees have two days from when the invitation is sent to submit comments to the President and the section identified in the Court's invitation.

In accordance with MSBA Bylaws Section 13.2.1, I, the chair of the above-named committee or section of the MSBA, certify the following to the MSBA President:

- This action has been approved in accordance with the section's bylaws.
- The vote totals on the matter were: Pro _____ Con _____ Abstain _____ .
- Attached is a brief statement of the position to be addressed, or if no position has been established, a statement to that effect and an explanation for the absence of a position.
- A statement that indicates the brief is the action of the section and does not represent the view or action of the MSBA

I understand I must wait at least **two business days** from the time of submission of this document to the MSBA before making any public statement of the position or filing with the court.

Signature

Date