

## MEMORANDUM

**To:** Interested Persons  
**From:** Dan Rossmiller, Public Affairs Director  
**Date:** June 25, 2004  
**Re:** Checklist for Board of Governors *amicus*

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Pursuant to Article VII, §1 of the State Bar of Wisconsin bylaws, any party seeking the authorization of a brief *amicus curiae* by the State Bar of Wisconsin must meet the following criteria:<sup>1</sup>

### AUTHORIZATION STANDARD<sup>2</sup>

- A brief *amicus curiae* must be approved by a two-thirds majority\* by the State Bar of Wisconsin's Board of Governors. (\*two-thirds of members present and voting).
- To be placed on the agenda of the Board of Governors, the Executive Committee of the State Bar of Wisconsin must approve the request as an action item for the agenda.

### APPROPRIATE CASE STANDARD<sup>3</sup>

- A brief *amicus curiae* may be authorized only when consistent with the purposes of the State Bar, as expressed in SCR 10.02(2).

### PREPARATION AND FILING OF BRIEFS STANDARD<sup>4</sup>

- A brief *amicus curiae* may be filed only after review and approval of the President of the State Bar who, in consultation with others as may be necessary and appropriate, shall insure that **the brief is of high professional quality and an accurate representation of State Bar policy.**<sup>5</sup>
- In addition to the person or persons actually preparing the brief, the President of the State Bar shall also appear as counsel on the brief.

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<sup>1</sup> The standards can be found in your *2004 Wisconsin Lawyer Directory*, pages 652-653.

<sup>2</sup> Article VII, §1, (a).

<sup>3</sup> Article VII, §1, (b).

<sup>4</sup> Article VII, §1, (c).

<sup>5</sup> Emphasis added.

- The State Bar of Wisconsin shall pay for the costs of printing and filing a brief *amicus curiae* but will pay no legal fees for preparation or review of such a brief.

**ROLE OF INDIVIDUAL MEMBERS, COMMITTEES, DIVISIONS, AND SECTIONS STANDARD<sup>6</sup>**

- Whenever practicable, appropriate State Bar committees, divisions, and sections shall be consulted prior to the authorization of a brief *amicus curiae*.

**REQUIREMENTS OF MEMBERS, COMMITTEES, DIVISIONS, AND SECTIONS RECOMMENDING A BRIEF AMICUS CURIAE BE FILED IN THE NAME OF THE STATE BAR OF WISCONSIN<sup>7</sup>**

- A full statement of the facts of the controversy and the status of the litigation.
- A statement of the principles of law to be supported with a full explanation of the applicant's reasons for believing that the case is an appropriate one for State Bar involvement.
- A statement advising when the recommendation was authorized and a description of any dissenting views when presented by a committee, division, or section.
- A full disclosure of any personal or professional interests in the matter of any proponent of the recommendation, or of any individual member of the section or division directors or officers or committee members which authorized the submission of the recommendation.
- The name of the person or persons who are proposed to prepare the brief *amicus curiae*.
- The names of all interested parties to whom a copy of the recommendation has been furnished prior to submission to the Board of Governors or Executive Committee.

**REQUIREMENTS FOR INVOLVEMENT BY STATE BAR MEMBERSHIP<sup>8</sup>**

- Whenever practicable prior to authorizing or filing a brief *amicus curiae*, notice of the proposed action shall be published in the State Bar *Wisconsin Lawyer* or *Newsletter* inviting comment and recommendations from the State Bar membership.
- All comments and recommendations from the membership timely received in response to the publication procedure outlined above shall be considered by the Board of Governors or Executive Committee prior to taking action.

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<sup>6</sup> Article VII, §1, (d) 1.

<sup>7</sup> Article VII, §1, (d) 2.

<sup>8</sup> Article VII, §1, (e).