

Guidelines and case selection criteria
for requests for amicus curiae briefs
to the Government Law Section

In reviewing a request or invitation to file an amicus curiae brief, the Government Law Section Council and its Amicus Committee should consider the following questions and criteria.

1. Review the written request or application for an amicus curiae brief, and request a telephone appearance by a representative of the requesting party or agency.
2. Identify the government law issue involved in the case, and evaluate the significance of the government law issue to the Government Law Section.
3. Evaluate the statewide impacts of a government law case that may
 - (a) resolve a conflict in case law
 - (b) decide a matter of first impression
 - (c) overrule established precedent
 - (d) modify or extend existing law
 - (e) construe a significant government law statute
 - (f) construe a section of the Michigan Constitution that establishes or affects government law, or local governmental units or agencies
4. What is the potential risk of a decision that will have broad negative ramifications or consequences to the affected government law or governmental units, and will the litigants adequately inform the court of the potential negative ramifications or consequences?
5. Who is requesting an amicus brief from the GLS, such as the Michigan Supreme Court, a litigant, an agency or association like the Michigan Township Association, the Michigan Municipal league, or another section of the State Bar?
6. Will the briefs of the parties or other amici adequately address the government law issues in the case?
7. What are the time constraints on providing an amicus curiae brief?
8. Who is willing and able to write the amicus curiae brief?
9. What is the estimated cost of preparing and filing the amicus curiae brief?

10. Are there opportunities to join with other organizations in preparing an amicus curiae brief, and sharing the cost?