

Amicus Curiae Committee Guidelines

(adopted 9/16/95)

The following procedure and guidelines have been established for OCDLA Amicus Curiae Committee requests and assistance:

I. Procedure

- A. A written request for *amicus curiae* assistance should be made by letter or fax to the committee chair. The request should include (1) a concise statement of the case, including its procedural background, the legal issues involved, the reasons why the case has broad importance, and the reasons for OCDLA intervention; and (2) supporting documentation—such as appellate briefs, court opinions, and the petition for review—to enable the committee to fully analyze the request. See generally ORAP 9.07. Requesting counsel may wish to initially phone any committee member to discuss the case and the appropriate contents to be included in the request.
- B. The request will be photocopied and mailed to committee members for their prompt review. If the committee decides that *amicus* intervention is appropriate, the chair will consult with the OCDLA President to determine whether the case raises a controversial issue requiring a full review and decision by the Board of Directors.
- C. After a final decision is reached, the requesting counsel will be notified of the decision.
- D. The requesting attorney and the committee shall work together to locate an OCDLA member with substantial appellate experience who is willing to serve as the *amicus* author. The *amicus* attorney shall consult with the committee chair before completing the *amicus* brief. The *amicus* attorney shall file copies of the *amicus* application, *amicus* brief, and the court's decision with the OCDLA office.

II. Guidelines

- A. The committee will consider the following factors in deciding whether to enter as *amicus curiae* in a proceeding:
 1. The importance of the case to OCDLA goals.
 2. Whether the case will advance OCDLA's special values including:
 - a. A strong and independent defense bar.
 - b. The right of effective assistance of counsel for accused persons.
 - c. The defense of accused persons subjected to public prejudice.
 3. The extent of OCDLA membership support for the positions to be advocated.
 4. The complexity of the case.
 5. Whether the claimed error is preserved.
 6. The anticipated quality of direct advocacy by the requesting attorney.
 7. Whether the case will have precedential value.
 8. Other relevant factors set forth in ORAP 9.07.
- B. Absent unusual circumstances, OCDLA will defer appearing as *amicus curiae* until a case reaches the Oregon Supreme Court or the United States Court of Appeals for the Ninth Circuit.

For more information, contact
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