

**MICHIGAN DEFENSE TRIAL COUNSEL**  
**REVISED AMICUS BRIEFING PROCESS**

- A. AMICUS REQUESTS.
1. BY THE MICHIGAN SUPREME COURT. The Michigan Supreme Court frequently invites the MDTC to submit amicus briefs. The MDTC will review all Supreme Court requests to determine those in which the MDTC's involvement has been invited.
  2. BY AN ATTORNEY. All attorney amicus requests should be forwarded to the amicus section chair. The request should provide a short synopsis of the issue on which support is sought and the position the requestor wants MDTC to take. It should be submitted on the following form below within a reasonable time before the amicus brief is due.
- B. APPROVAL PROCESS. Requests for amicus support will be reviewed to determine whether the case presented warrants MDTC's involvement. Factors to be taken into consideration include, but are not limited to, the following: whether the case involves an issue of concern to defense lawyers; whether the case involves an issue regarding the legal profession or the administration of justice on which the MDTC has a position; whether there has been a request for support from the MDTC; whether the case involves a novel issue or one of jurisprudential significance; and whether there are MDTC members involved in the case and on which side(s). Once the amicus chair has determined that the case warrants briefing, or that the MDTC should not participate in the case, the chair will submit the request together with the chair's recommendation to the MDTC President for approval. The President shall consult with the executive committee prior to approving the recommendation of the amicus chair. The President may consult with other MDTC members in the practice area affected by the issue(s) involved.
- C. AUTHOR SELECTION. Upon approval by the MDTC President, the amicus chair will be responsible for selecting a suitable author for the brief. The author should be experienced in appellate procedures, learned in brief writing, and in good standing in the legal community. The amicus chair will notify the MDTC President and the Executive Director when an author has agreed to draft the brief.
- D. BRIEF SUBMISSION. A draft of the brief will be submitted to the amicus chair in advance of the filing date for editing suggestions and approval. The amicus chair may require that additional drafts be submitted before approval is given for the filing of a brief. When the brief conforms to the highest professional standards, and appropriately sets forth MDTC's position, then it will be approved and may be filed. The drafter is responsible for timely filing the approved brief. The drafter will also forward final, as-filed copies of the brief to MDTC's Executive Director and President for electronic archiving.

Adopted at the May 19, 2011 Board Meeting

**MICHIGAN DEFENSE TRIAL COUNSEL**  
**REVISED APPLICATION FOR AMICUS BRIEFS**

\*\*PLEASE SUBMIT THIS APPLICATION TO THE AMICUS SECTION CHAIR WITHIN A REASONABLE TIME, I.E., NOT LESS THAN 35 DAYS BEFORE THE AMICUS BRIEF IS DUE.\*\*

- A. CAPTION OF THE CASE (if multiple parties are involved, please list all and be sure to include the names and contact information of the attorneys representing the parties to the litigation):
  
- B. NAME AND CONTACT INFORMATION OF INDIVIDUAL REQUESTING SUPPORT (please include the requestor's relationship to the case):
  
- C. FULL STATEMENT OF THE ISSUE OR ISSUES PRESENTED (if there are multiple issues, but MDTC's support is sought on only one, please identify all the issues but point out the specific issue on which MDTC's support is sought):
  
- D. FULL STATEMENT DETAILING WHY THIS ISSUE WARRANTS MDTC'S AMICUS INVOLVEMENT:
  
- E. DATE BY WHICH THE PROPOSED AMICUS BRIEF MUST BE FILED:
  
- F. COPY OF THE DECISION OR ORDER APPEALED FROM, ACCOMPANYING OPINION AND OTHER RELEVANT DOCUMENTS, INCLUDING BRIEFS OF THE PARTIES, AND OTHER MATERIALS

Adopted at the May 19, 2011 Board Meeting MCL