

DATE SUBMITTED:September 22, 2003**SUBMITTED BY:**Amy Hale-Janeke, Chair of LISP SIS **sender email:**ahale@sdcll.org**ON BEHALF OF ENTITY:**LISP SIS **BOARD LIASON:**James Duggan**REQUIRES:**Action**TOPIC:**Request that the Executive Board adopt a formal policy regarding the submission of amicus briefs by special interest sections and committees.

SUMMARY:

In June 2003, the LISP SIS was approached by a pro bono lawyer in Florida and asked to submit an amicus brief in a Florida case dealing with prisoners' access to law materials. Several prisoners in Florida are suing the state due to lack of access to law books and tools to prepare their own legal pleadings. LISP decided to pursue this and secured funding from LISP's treasury and also from the Social Responsibilities Special Interest Section (SR-SIS).

Currently there is no policy in place dealing with this type of situation. Much time was lost in discussing whether this is something AALL wanted to support and figuring out the correct procedure for approval.

Eventually LISP and SR-SIS obtained permission from AALL President Janis Johnston to work with Bob Oakley in the Washington Affairs Office of AALL in the preparation and submission of this brief on behalf of LISP and SR-SIS as subsections of AALL.

MOTION FOR BOARD ACTION:

Approval of the procedure outlined below regarding amicus briefs.

If a Special Interest Section or Committee of AALL wishes to have AALL approve an amicus brief on a particular topic, then the following procedure would apply:

- 1) A letter requesting AALL's involvement via amicus brief would be sent to the Washington Affairs office either by e-mail or by regular letter. The request will outline the reasons for involvement and how the amicus brief is to be funded.
- 2) If the Washington Affairs office deems this an issue worthy of AALL's involvement, it will send a letter or e-mail will be sent to the AALL President outlining the situation and asking for permission to proceed.
- 3) The President of AALL will then consider the proposed request and will tender an answer to the Washing Affairs office and the requesting Special Interest Section or Committee of AALL within 10 (ten) working days.
 - 1) If the request is approved, then the AALL entity will work with the Washington Affairs office to develop the brief and ensure that the contents of the brief reflect the policies of AALL.
 - 1) A final version of the brief will be submitted to the Washington Affairs office and the President of AALL for approval. The approved brief will then be submitted to the court and a hard copy shall be sent to all members of the Executive Board and a copy shall also be submitted to the AALL Archive.
 - 2) If the request is denied, the AALL entity petitioning for the brief has 10 (ten) working days to petition the full AALL Executive Board for reconsideration.

- 1) The petition will consist of a letter or memo outlining the reasons for AALL's involvement via an amicus brief and how the amicus brief is to be funded.
- 2) The Executive Board shall then add discussion of this motion to the next Board agenda and make a decision as to whether to proceed at the next AALL Board business meeting. A decision shall be issued to the Washington Affairs office and requesting Special Interest Section or Committee of AALL within 10 (ten) working days.
 - (1) If the request for submission of the amicus brief is approved, then the procedures outlined in (a) above shall be followed.
 - (2) If the request for submission of an amicus brief is denied, then the AALL entity petitioning for the brief may place the item on the agenda for the annual meeting and ask for a vote by the membership.
 - (1) If the brief is supported by at least 2/3 of the AALL membership, then the brief shall go forward and be submitted.
 - (2) If the brief is not supported by at least 2/3 of the AALL membership, then the request shall be denied and the issue shall be deemed dead.

FUNDS REQUIRED:

No funds are currently required for this procedure. In the event that a special interest section or committee wanted to prepare an amicus brief, that committee or SIS would be responsible for raising the necessary funds for producing the brief.

ACTION TAKEN: