

Proposal 18-04
Amends Supreme Court Rule 345
Offered by Appellate Lawyers Association

Rule 345. Briefs Amicus Curiae

(a) Leave or Request of Court Necessary. A brief *amicus curiae* may be filed only by leave of the court or of a judge thereof, or at the request of the court. A motion for leave must be accompanied by the proposed brief and shall state the interest of the applicant and explain how an *amicus* brief will assist the court. Leave to file an *amicus* brief may be sought in support of, or in opposition to, a petition for leave to appeal, as well as during merits briefing in support of affirming or reversing the lower court's judgment.

(b) Forms; Conditions; Time. A brief of an *amicus curiae* in support of, or in opposition to, a petition for leave to appeal shall follow the form prescribed for an answer to a petition for leave to appeal. A brief in opposition to a petition for leave to appeal is permissible regardless of whether an answer is filed. A brief of an *amicus curiae* during merits briefing in support of affirmance or reversal shall follow the form prescribed for the brief of an appellee. Any brief of an *amicus curiae* shall identify the amicus as such on the cover of the brief, and shall conform to any conditions imposed by the court. Unless the court or a judge thereof specifies otherwise, the brief shall be filed on or before the due date of the petition for leave to appeal, answer, or initial merits brief of the party whose position it supports. The color of the cover shall be the same as that of the party's petition, answer, or brief whose position it supports.

(c) Oral Argument. *Amicus curiae* will not be allowed to argue orally.