

GUIDELINES FOR CONSIDERING *AMICUS* REQUESTS

I. POLICY

It is the policy of the National Association of Bond Lawyers ("NABL") to limit its participation as *amicus* to those cases where its *amicus* brief would constitute a significant contribution to the resolution of the issue or issues involved and only when the position sought to be advanced is one in which NABL's members have a direct and important interest and which is not inconsistent with previously adopted NABL policies or statements.

Among the other factors to be considered in reviewing *amicus* requests will be the impact of the decision on NABL members and their practices, the likelihood of success, particularly the difference in the likelihood of success that NABL's participation would make, the geographical application, the precedential effect, and the feasibility of filing an *amicus* brief including timing, availability of drafters and reviewers and cost. NABL will also consider the positions being taken by the IRS, SEC and other industry groups.

Except in extraordinary situations, a NABL *amicus* brief will be authorized only at the appellate level. NABL will not address or argue factual issues. NABL's decision not to file an *amicus* brief shall not create any inference as to NABL's view of the requesting party's position.

II. PROCEDURE

- A. Request: NABL members or committees may request the filing of an *amicus* brief by NABL. Such a request shall be in written form addressed to the President of NABL. If it is complete, the request will be transmitted to the Executive Committee for their prompt consideration and recommendation to the full NABL Board. Ordinarily, the recommendations of the Executive Committee will be discussed at the next Board meeting. In extraordinary circumstances where time constraints require expedited consideration, the President may call a special meeting of the Board of Directors to consider the request..
- B. Contents: The written request shall contain the following information:
1. Documentation: The caption of the case, the identification of the last court to render a decision in the case and the court in which the brief is proposed to be filed. A copy of the decision or order appealed from, any accompanying opinion and any other relevant documents should be attached. It would be helpful to be able to review copies of supporting and opposing briefs filed in the lower courts.
 2. Timing: A statement of the date by which the proposed *amicus* brief must be filed.

3. Facts: A full statement of the relevant facts of the controversy.
 4. Issues: A statement of the issues that have been appealed or the court agreed to hear.
 5. Importance to NABL: An explanation of the reasons why this controversy is a significant one for NABL participation.
 6. Disclosure: A disclosure of any personal or professional interest of the requesting party or parties in the issues involved.
 7. Argument: An outline of the argument to be set forth in the proposed *amicus* brief or a draft of the *amicus* brief to be filed.
 8. Costs: A proposal for providing for financial support for the proposed *amicus* brief. In the typical case, it will be assumed that the requesting party will identify a source to pay any expenses and out-of-pocket costs incurred by NABL. However, the Executive Committee may waive such payment requirement when circumstances warrant.
- C. Brief Writers: The Executive Committee will make every effort to enlist NABL members in the drafting or review of an *amicus* brief.
- D. Joint Briefs: Upon the recommendation of the *Executive* Committee, NABL may participate in jointly submitted *amicus* briefs. The Executive Committee will consider the ability of NABL to actively participate in the form and content of such a brief when considering a joint brief.
- E. Notice: The consideration and declining of an *amicus* request by NABL will not be disclosed unless the requesting party discloses. The acceptance of an *amicus* request will be communicated to NABL members in the Weekly Wrap or NABL News unless another communication method is deemed necessary or desirable by the NABL Board.

Adopted by the Board of Directors of the National Association of Bond Lawyers on April 13, 1995.
Revised in July 2004 and revised and adopted by the Board of Directors on January 17, 2014.