

# **Procedure for League Evaluation of Requests for *Amicus Curiae* Briefs**

**Background.** In today's legal climate, cities and city officials are often involved in litigation. The complexity of municipal government, coupled with expanding statutory and regulatory requirements, creates an environment for increased levels of litigation. The Iowa League of Cities understands the benefit of making the best legal arguments in cases involving critical municipal issues, but also recognizes that resources are scarce. This evaluation procedure is intended to maximize limited resources while providing consistent guidelines on League participation to member communities.

**Criteria.** Requests for League participation in preparing an *amicus curiae* brief or providing other legal assistance will be considered based on the following: (a) the importance of the case to municipal interests, (b) the potential that League participation will affect the outcome, (c) the lack of legislative or other remedy, and (d) the cost of League participation. There are factors that preclude League participation. The League will not participate in cases that involve a conflict between cities, in cases where filing a brief undercuts a position taken by a member city, or in cases that put the League in a position of advocating an issue in conflict with existing League policy.

**Procedure.** The following procedure will be used in determining whether the League will participate in a particular case and the level assistance that will be rendered.

- Step One. An official from a member city requests in writing that the League file an *amicus curiae* brief or provide other support of a party in litigation. That requests shall be forwarded to the executive director.
- Step Two. The executive director and general counsel will evaluate the request using the established criteria. During the evaluation, the executive director and general counsel may ask for assistance from a panel of the Iowa Municipal Attorneys Association (IMAA). The executive director will make a recommendation based on the evaluation, and provide that recommendation, in writing, to the city official requesting assistance.
- Step Three. If the city official requesting assistance is not satisfied by the recommendation of the executive director, the official may request review by the Executive Board. The request for the review should be in writing and forwarded to the executive director.
- Step Four. The executive director will place on the agenda of the next meeting of the Executive Board any recommendation to file an *amicus curiae* brief and any request for review of the recommendation of the executive director. Approval of the Executive Board is required for the League to file an *amicus curiae* brief. The Executive Board may approve, disapprove or modify the recommendation of the executive director. The decision shall be communicated in writing to the official requesting League participation.