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## CHAIR'S REPORT

*Jeffrey S. Levinger, Levinger PC, Dallas*

### AMICUS BRIEFING: THE SECTION'S NEWEST COMMITTEE

Under the leadership of its two former chairs—Scott Rothenberg and Heidi Bloch—the State Bar Appellate Section recently formed a new committee that has adopted guidelines for filing amicus briefs in appeals of importance to the State of Texas and the civil appellate bar. The Section believes it is the first appellate section in the country to have formally adopted an amicus policy. We are proud of this milestone and want to be sure that the bench and bar are aware of our new committee and its guidelines.

The Section wants its voice to matter. Thus, under the guidelines, the Section will file amicus briefs sparingly—only if the special knowledge, training, or experience of our membership will provide a significant contribution to an appellate court's consideration of important legal issues. Importantly, an amicus brief will not be filed if doing so carries the potential of deep philosophical or emotional division among a substantial segment of the Section's membership.

Although we have strived to minimize the red tape associated with getting approval for a Section amicus brief, an applicant should anticipate a several-month process involving the following steps:

- **Application:** A link to the application form is available on the Section's website at [tex-app.org](http://tex-app.org).
- **Preliminary approval and selection of counsel:** The Amicus Committee will review the application and submit its recommendation to the Council of the Appellate Section. If the Council accepts the application, the Committee will

select appropriate counsel to draft the brief.

- **Drafting the brief:** The drafters will submit the first draft to the Amicus Committee, which will provide comments leading to a second draft.
- **State Bar approval:** As required by the State Bar Board Policy Manual, the Amicus Committee will submit a request for approval to the State Bar.
- **Final approval:** If the State Bar permits the Section to assert its position in the case, the drafters and the Amicus Committee will finalize the brief and submit it to the Council for approval.

Not only will an applicant and his or her client benefit from a Section amicus brief, so too will its drafters. Although the Section pays no fees for the preparation or filing of a Section amicus brief, the drafters will have an opportunity to work closely with the experienced appellate practitioners who comprise the Amicus Committee. In addition, once the brief is filed, it will be posted on the Section's website. And both the substance of the brief and the fact of its filing will be announced to the membership of the Appellate Section in the following quarter's *Appellate Advocate*. Given that a Section amicus brief will usually be filed in cases in which the Texas Supreme Court has requested full briefing, the drafters' work is likely to add tangible value to the jurisprudence of the state.

I encourage all applicants and any potential drafters to take advantage of the opportunities offered by this important new committee. And I encourage all of our appellate justices—from both intermediate courts and the Supreme Court—to make a formal call for a Section amicus brief in any case that could potentially benefit from our membership's special knowledge, training, and experience. In the meantime, please do not hesitate to contact me or the co-chairs of the amicus

brief committee, Lisa Hobbs and Brandy Wingate Voss, if you have any questions or suggestions.

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