



ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL
POLICIES AND PROCEDURES (APAAC)

Revision Approval:

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POLICY: Amicus Curiae Policy

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APAAC recognizes that one of the ways in which it can support the interests of its council is by filing an *amicus curiae* brief in select matters. There are no policies currently in place regarding when APAAC should file an *amicus*, and who must approve the filing. Due to the timelines involved, and the limited resources APAAC has at its disposal, it is recommended that the council consider adopting the following policy:

The head of any prosecuting agency in Arizona may ask APAAC to file an *amicus curiae* brief in a case where the prosecuting agency is a party. That request should be submitted in writing, and include the specific reason why the prosecuting agency believes APAAC's support would be beneficial to the resolution of the case.

The APAAC Executive Director will advise the chairman when APAAC has received an *amicus* request. The issue of whether APAAC will file an *amicus* will either be placed on the agenda of the next regularly scheduled council meeting, or a special council meeting will be convened. The council may consider the following factors in deciding whether APAAC should file an *amicus*:

1. Whether the prosecuting agency's position in the case is firmly supported by the law.
2. Whether the presented issue is fact-specific, or if it is based on a legal principle.
3. The likelihood that the resolution of the issue will impact criminal cases across Arizona.
4. The timeframe within which an *amicus* would need to be filed.
5. Whether the resources necessary to prepare an *amicus* would unduly impact other APAAC functions.
6. Any other relevant factor.