

Guidelines for NLG Amicus Curiae Briefs

The National Lawyers Guild contributes to litigation and the larger public discourse by submitting considered amicus curiae briefs in appropriate cases, consistent with NLG policy. A full list of NLG Amicus Briefs can be found at: nlg.org/category/publications/amicus-briefs/.

Responsibility for approving briefs in the NLG's name and for facilitating the identification of important cases and the drafting of briefs ultimately falls to the NLG Amicus Committee. Current Guild members are eligible to participate in the Amicus Committee. If you are interested in joining, please email NLG Executive Director Pooja Gehi at director@nlg.org.

This document is intended to clarify policy and procedures and to assist members and Guild entities who have or know of a case that they believe would benefit from an NLG amicus brief.

All amicus briefs to be submitted in the name of the NLG must be approved by the Amicus Committee. (Please see below for discussion of briefs submitted in the name of Chapters, Committees, and Projects.)

Criteria

Most essentially, the NLG seeks to submit amicus briefs when doing so would contribute something to the judiciary's and the public's understanding of an issue that is important to the NLG and its members. An amicus brief is an opportunity to go beyond the confines of what a party to a case may argue, exploring the larger historic or political context or making an argument regarding what should be the judiciary's approach to an evolving issue. Accordingly, we consider the following non-exhaustive list of questions:

- Is the case itself important to political movements and positions the NLG supports, or does it raise issues that will impact our constituencies?
- What is it about the NLG's history, membership, expertise, political position, or other distinctive aspect of this organization that makes it particularly well suited to speak to the issues in this case?
- Considering the above, what sort of argument might the NLG make that would contribute meaningfully to the understanding of the issues raised by this case?
- Practical considerations: How much time do we have? Who would be highly qualified, willing, and available to draft the brief?

Process

If you know of a case for which you think the NLG should write an amicus brief, please get in touch with the Committee promptly by emailing Pooja Gehi at director@nlg.org. We wish to know as early as possible what cases are of interest to the membership and how we are going to participate. If, however, you are only now learning of these policies and have already drafted a brief that needs to be submitted shortly, please send it to the Committee immediately, c/o Pooja Gehi at director@nlg.org. It will be circulated to the rest of the Committee for review and you

will be contacted when a decision has been made regarding whether it is appropriate to submit the brief in the name of the NLG.

NLG Chapters, Committees and Projects are free to submit amicus briefs in their own name (e.g., not as a brief of the “National Lawyers Guild,” but rather as a brief of the “NLG Massachusetts Chapter” or “NLG International Committee”) without Amicus Committee approval, provided that the positions taken in the brief are consistent with national policy. However, we strongly encourage you to be in early and regular contact with the Committee. We might suggest that this is a brief that should be joined either by the national organization or by some other Committee or Project, to indicate the breadth of interest of this organization and of the potential effects of the case. In any event, it serves consistency and institutional memory if the Committee is at least aware of all briefs submitted by any NLG entity.

Finally, while the focus of this document has been on cases in which the NLG will be drafting the brief, similar considerations apply to joining briefs written by other organizations. If you are aware of another organization that has drafted a strong amicus brief and would like the NLG to join it, please send Pooja Gehi (director@nlg.org) a short description of the case and the position of the brief, and who to contact about joining it.