



## Prosecuting Attorneys' Council of Georgia

**Policies & Procedures**

**Approved Oct. 17, 2002**

**8.1**

**Trial Support**

**Amicus Curiae Briefs**

1. The Prosecuting Attorneys' Council of Georgia will file as an amicus curiae in the Georgia Supreme Court, Georgia Court of Appeals, a trial court or a federal court under the following circumstances:
  - a. The Council is requested or ordered to submit a brief as amicus curiae by the court. A copy of a request/order will be forwarded to all Council members by the most expeditious means, or
  - b. A majority of the Council determines that a matter pending before a court is of great public importance and the decision of the Court will necessarily have a significant direct impact on all prosecuting attorneys in this State.
2. When an amicus curiae brief is submitted to a Court in the name of the Council, it is prepared by the Council staff and submitted to the Council for review prior to being filed. The names and positions of the Chairman, Vice Chairman and Secretary appear on the cover of the brief. The brief will be signed by one of the Council officers, the Executive Director and the staff attorneys who prepared the brief.
3. The Council may join in an amicus curiae brief being submitted by the Attorney General of Georgia, a District Attorney, a Solicitor-General, a federal prosecutor or either the District Attorney's Association of Georgia or Georgia Association of Solicitors-General if a majority of the Council determines that a matter pending before a court is of great public importance and the decision of the Court will necessarily have a significant direct impact on all prosecuting attorneys, the criminal law or criminal procedure.
  - a. A copy of any communication which is received by the staff requesting that the Council join in a brief as amicus curiae is submitted to the Council by the most expeditious means.
  - b. When the Council joins in an amicus curiae brief, the name and position of the Chairman will appear on the face of the brief. The brief will be signed by one of the Council officers, the Executive Director and any staff attorneys who assisted in the writing of the brief.
  - c. Any request for an amicus curiae brief which is submitted to the Council staff by a district attorney or a solicitor-general (either orally or in writing) will be referred to the President of the respective organization of district attorneys or solicitors-general, or his or her designee.



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- d. The Council staff may assist in the research and writing of the brief if requested by the association member designated to prepare the brief.
  - e. Briefs may be co-signed by a staff member who assisted in the writing of an amicus brief if required by the Code of Professional Conduct or the rules of the court in which the brief is filed.
4. The Council staff may, upon request of a district attorney or solicitor-general, prepare briefs or legal memorandums to be submitted to a trial court. Such brief or legal memorandum will be submitted in the name of the district attorney or solicitor-general. The brief or legal memorandum will be signed by the district attorney or solicitor-general or the lead assistant(s) in the case. Council staff attorneys may co-sign the brief if required by the Code of Professional Conduct or the rules of the court in which the brief is filed.