



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

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POLICY: Amicus Curiae Policy

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Purpose. In cases before the bench, the role of amicus curiae is threefold: (1) to aid in a matter of general public interest; (2) to supplement efforts of counsel; and (3) to highlight relevant law that has escaped consideration. An appellate court may grant permission to file amicus curiae briefs to persons who are not parties because the issue is one of public interest and the amici may be able to highlight arguments and relevant law that may otherwise escape the Court's consideration, or that go beyond the help that the parties provide. *Miracle v. Hobbs*, 333 F.R.D. 151, 156 (D. Ariz. 2019) (citing *Miller-Wohl Co. v. Comm'r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir. 1982)); see also Ariz. R. Civ. App. P. 16(b)(1)(C)(iii).

Process. 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 Executive Committee meeting, or a special Executive Committee meeting will be convened. The Executive Committee 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.