

## CCI *AMICUS* BRIEF PROCESS AND POLICY

The CCI Board of Directors, following review and discussion of the appropriate role and involvement of CCI in the appellate adjudication of issues important to and affecting Colorado county governments, adopts the following procedures for receiving and determining requests for *amicus* and other participation by CCI in appellate judicial matters: Requests for *amicus* briefs must be made by counties or cities and counties who are members of CCI.

1. All requests for *amicus* participation or efforts to initiate CCI interest in such activity should be submitted in writing to the CCI offices at 800 Grant, Suite 500 in Denver, to the attention of the CCI Executive Director. In the alternative, a request could be directed to the Board Counsel, to be forwarded for approval to the Board. In appropriate circumstances, the Board may also initiate an *amicus* effort without an external request, based upon its own perception of the importance of such an undertaking.
2. A county request for an *amicus* brief must come in time for CCI to give 10 day notice (unless extenuating circumstances exist) and post the nature of the request on CCI'S website. Any county may submit comments to the Board during this 10-day period. By rule, *amicus* briefs are now due to the Court at the same time as is the brief of the party whose interests prompt the *amicus* brief. C.A.R. Rule 29. All *amicus* briefs require acceptance by the appellate court and a motion seeking leave to file is mandatory.
3. Any request for a CCI *amicus* brief should be accompanied by an explanation of the statewide significance of the issue to be addressed, as well as by some indication of the contribution a CCI brief may offer to the appellate process, apart from the anticipated contributions of the parties to the appeal.
4. In appropriate circumstances, an *amicus* brief may be submitted in conjunction with other organizations or entities. An *amicus* request anticipating such prospect should identify the other potential participants in the process, as well as any perceived utility in a collective effort.
5. *Amicus* requests may also express views regarding others whose interest in the issue may justify their inclusion in the process of developing an *amicus* position. The complexity and variety of issues confronting counties demand substantial participation by county government experts in most county litigation. Such reality prompts the Board's strong desire to encourage county government involvement in the *amicus* process, as well as throughout CCI operations.
6. When appropriate, the CCI Board would entertain input, critiques and suggestions from established groups of county government experts, particularly legal experts, respecting any specific matter that may be receiving *amicus* consideration. The establishment of regular liaison relationships with such groups is encouraged, as are other suggestions for strengthening the *amicus* efforts put forth on behalf of counties.
7. At times, direct CCI involvement as an *amicus* may not be the optimum approach. In such circumstances, requests for technical assistance, historical background and other support within the limitations of CCI may be presented to the Board for consideration. Likewise, other CCI

participation in litigation activities may be appropriate, as where a statewide perspective not otherwise available to the process could be provided through the organization. The Board is willing to evaluate and consider proposals for such involvement.

8. The Board will make every effort to provide a timely response to applications for *amicus* participation, in order to facilitate the preparation and planning of those submitting such requests.

Note: An *amicus* group of county attorneys normally reviews *amicus* requests that have merit. After careful review, the county attorneys report back to CCI counsel, Tom Lyons, of Hall and Evans with their recommendations regarding the request. Mr. Lyons acts as the lead for CCI and the Board regarding any *amicus* requests that are approved by the Board for action.

Original policy dated August 1994

Updated with new address August 2005

Updated policy by Colorado Counties, Inc. Board of Directors vote 01-17-08