



**Asian American
Bar Association
of New York**

Policy and Protocol on Signing on to Amicus Briefs or Support Letters

From time to time, the Asian American Bar Association of New York (AABANY) receives requests from other bar associations and community groups to sign on to an amicus brief (“Amicus”) or sign a letter advocating for or espousing certain positions on an issue of public interest or in support of an organization’s activities (“Support Letter”). This policy sets forth the circumstances and procedures by which AABANY may agree to sign on to an Amicus or a Support Letter.

I. Policy and Protocol Common to Both Amicus Briefs and Support Letters

- A. Any request to AABANY to sign on to an Amicus or a Support letter must be made in writing and sent by mail to AABANY’s office or email addressed to the President, President-Elect or Executive Director of AABANY at main@aabany.org.
- B. Requests for AABANY to sign on to an Amicus or a Support Letter should to the greatest extent possible be made with sufficient time for AABANY to consider the request.
- C. In the regular course, Board approval shall be sought and given before AABANY can sign on to an Amicus or a Support Letter, except in instances suitable for applying the Expedited Procedure in Section IV.
- D. Approval to sign on to an Amicus or Support Letter shall be given to AABANY as an organization and not on behalf of one or more committees. No committee of AABANY has the power or authority to sign on to an Amicus or sign on to a Support Letter on behalf of AABANY or in the committee’s own name.

E. Once the Board gives approval, the President, President-Elect or Executive Director shall convey the approval to the requesting party.

F. Criteria for AABANY to sign on to an Amicus or a Support Letter may include (without limitation):

1. Whether such action is consistent with or promotes AABANY's mission;
2. Whether the issues raised by the Amicus or Support Letter pertain to problems and challenges faced by the Asian American, Pacific Islander or South Asian communities;
3. Whether the issues raised by the Amicus or Support Letter pertain to problems and challenges faced by people of color, under-represented groups, minorities, or others who have suffered racism, discrimination, unequal treatment or violation of civil rights;
4. Whether the issues raised by the Amicus or Support Letter address matters of diversity and inclusion in the legal profession or in society as a whole.
5. These criteria are illustrative and do not preclude the Board from offering or considering other criteria as may be warranted under the circumstances or context of any request made to AABANY to sign on to an Amicus or a Support Letter.

II. Policy and Protocol Applicable Only to Support Letters

A. Requests to sign on to Support Letters, once received by the President, President-Elect or Executive Director, shall be referred to the Issues Committee for initial review.

B. Requests to sign on to Support Letters should typically be made with at least 30 days' lead-time for AABANY to approve the request in accordance with this policy and protocol. If a faster response is required, the procedure for Expedited Consideration in Section IV shall apply.

C. In line with the criteria set forth at Section I.F., the Issues Committee shall consider whether joining or issuing a letter is consistent with or promotes AABANY's mission or is otherwise in AABANY's best interests to do so. If the Issues Committee determines that it is, it shall recommend to the President, President-Elect and Executive

Director that AABANY sign on to the letter, explaining the reasons for its conclusions in writing.

D. If the President accepts the Issues Committee's recommendation, and the request is made with sufficient time for the President to present the recommendation for Board approval at the next regularly scheduled Board meeting, a draft of the letter and the Issues Committee's recommendation shall be sent to the Board in advance of the Board meeting for the Board's review, and the Board shall vote on the recommendation at the Board meeting.

E. If the President accepts the Issues Committee's recommendation but the request is made without sufficient time for the President to seek Board approval at the next regularly scheduled Board meeting, the procedure for Expedited Consideration (Section IV.) shall apply.

III. Policy and Protocol Applicable Only to Amicus Briefs

A. Requests to sign on to an Amicus, once received by the President, President-Elect or Executive Director, shall be referred to an ad hoc Amicus Committee ("Amicus Committee") for initial review.

B. The President shall appoint the members of the Amicus Committee which shall include the Executive Director, Chair or Co-Chairs of the Issues Committee, at least one other officer, at least one Board member and any other persons (whether or not members of AABANY). The President or another officer designated by the President shall chair the Amicus Committee.

C. Requests to sign on to an Amicus should typically be made with at least 45 days' lead-time for AABANY to approve the request in accordance with this policy and protocol. If a faster response is required, the procedure for Expedited Consideration (Section IV.) shall apply.

D. In line with the criteria enumerated in Section I.F., the Amicus Committee shall review the request and decide whether or not signing on to the Amicus is consistent with or promotes AABANY's mission. If the Amicus Committee determines that it is, it shall recommend to the Board to approve AABANY signing on to the Amicus, explaining in writing why AABANY should do so and how it is consistent with or supports AABANY's mission. The Amicus Committee shall make such recommendation in

advance of the next regularly scheduled Board meeting, submitting along with the recommendation a copy of the amicus brief.

E. If the Amicus Committee recommends that AABANY sign on to the Amicus but response is required before the next regularly scheduled Board meeting, the procedure for Expedited Consideration (Section IV.) shall apply.

IV. Procedure for Expedited Consideration

A. If a request is made to AABANY to sign on to an Amicus or Support Letter but a response or action is required before approval can be sought from the Board at a regularly scheduled Board meeting, these procedures shall apply.

B. If the President accepts the Issues Committee's recommendation to sign on to an Advocacy Letter or the Amicus Committee recommends that AABANY sign on to an Amicus but action or response is required before the next regularly scheduled Board meeting, then the Board can delegate authority to the President, President-Elect and the Executive Director to take action on behalf of AABANY, provided that:

1. Such action is consistent with one or more of the criteria listed in Section I.F. or with any other applicable criteria that the Board may offer or advance from time to time.
2. The President, President-Elect and the Executive Director agree unanimously that responding in the affirmative to the request is in the best interest of AABANY and serves or promotes its mission.
3. The unanimous agreement of the President, President-Elect and Executive Director shall be memorialized in writing at the time it is made and entered into the minutes of the next regularly scheduled Board meeting.
4. If the President, President-Elect or the Executive Director casts an abstention vote, such vote will not defeat unanimity. If any of these officers casts a negative vote, unanimity is not reached.
5. The President, President-Elect or Executive Director notifies the Board that this procedure is being followed prior to any action taken by them under this section.

V. AABANY Submitting its own Amicus Brief or Support Letter

- A. Nothing in this policy and protocol is intended to limit in any way AABANY's ability to prepare and file its own Amicus in a matter or to prepare a Support Letter on its own that it seeks other organizations to join as signatories.
- B. In the case of preparing an Amicus, the President may convene an Amicus Committee per Section III.B. to make recommendations to the Board on the matter. If the Board approves the Amicus Committee's recommendation, that Committee retains discretion on selecting an author, preparing drafts and making revisions to the drafts before submitting a final draft to the Board for final review and approval.
- C. In the case of preparing a Support Letter, any Board member may suggest that AABANY do so, and the President may assign the Issues Committee to work on the letter together with any other Committees or Board members as the subject or topic may require.
- D. In the regular course, the Board shall approve any Amicus or Support Letter prepared by AABANY at a regularly scheduled Board meeting. If the circumstances require action before a regularly scheduled Board meeting, the procedures for Expedited Consideration (Section IV.) shall apply.
- E. Any Support Letters approved by the Board and issued by AABANY shall be released on AABANY letterhead that does not contain the names of any Board members.

Approved by the Board at the June 14, 2016 AABANY Board Meeting.