

PROCEDURES AND GUIDELINES FOR STATE AND LOCAL LEAGUE PARTICIPATION IN LEGAL ACTION

A local or state League can litigate as a plaintiff or as an *amicus curiae* (friend of the court) in a wide variety of cases. When any legal action is being considered and before any commitment is made, a local League must notify the New York State League board (policy adopted by the state League board 3/1/93). Leagues should be aware that litigation is time consuming and expensive. Even if an attorney is willing to work without fee the question of what costs might be incurred and who will pay for them must be discussed prior to commitment. League members should be informed when any decision to take legal action has been made by a local or the state League board.

The basis purpose of an *amicus* brief is to provide the court with special information, expertise or insight that it might not receive from the litigants. In a legal sense it is not meant to be a "lobbying" or a public relations technique where the more support registered the better. However, for practical purposes, organizations and agencies use this as a mechanism for showing support.

If the League is asked to participate in legal action where others are taking the lead, these questions should be considered:

- A. Is this an organization or cause with which we wish to be associated? What does it expect to accomplish through court action? What other organizations or individuals are participating?
- B. Who will actually prepare the appropriate legal documents? Who will make the argument, if any? Be sure it is an attorney who can devote sufficient time and resources to do a reputable job. Is the attorney familiar with the subject in question? Has she/he access to resources necessary to understand the subject?
- C. What is the time frame? Haste is the biggest obstacle. There should be time for:
 1. the League to see a preliminary draft and approve this substantive trend of the argument;
 2. the League's legal advisor to study and comment;
 3. approval of the final draft both by the League director or committee responsible and by the League's legal advisor.
- D. A written commitment should be given that nothing will be filed or published by the major litigant that the League has not seen and approved.