

## DRI's Amicus Curiae Program

# The Defense Bar's Voice in the U.S. Supreme Court

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**D**uring the past decade, DRI—The Voice of the Defense Bar has become a much sought-after amicus curiae in appeals involving core legal issues that have far-reaching importance to civil defense counsel, their clients, and the civil litigation system. Those issues include, for example, class action certification, the availability of appellate review, the right to arbitrate, product liability and tort defenses, litigation time bars, and protection of companies' confidential business information.

The DRI Amicus Committee, which is a component of the DRI Center for Law and Public Policy, reviews a steady stream of requests for DRI amicus support and decides in which cases to file. Our committee is composed of highly experienced appellate attorneys and operates under case-eligibility guidelines approved by the DRI Executive Committee. In general, DRI may file an amicus brief if it can present arguments, perspectives, or information that supplement rather than replicate a supported party's or other amici's briefs; the issues are exceptionally important to DRI and its members; and the positions to be advocated are consistent with DRI's mission statement and goals.

Due to budgetary constraints, DRI focuses its amicus activity on U.S. Supreme Court appeals, both at the certiorari and merits stages. DRI only rarely files in federal courts of appeals, and requests for amicus support in state appellate courts are referred by DRI to the appropriate state and local defense organization. Even at the Supreme Court level, the Amicus Committee carefully selects the cases in which

DRI will file an amicus brief. In 2015 the Amicus Committee approved about 20 of 60 requests for amicus support.

Every DRI amicus brief begins with an Interest of the Amicus Curiae section that states something like this:

DRI—The Voice of the Defense Bar ([dri.org](http://dri.org)) is an international membership organization composed of more than 22,000 attorneys who defend the interests of businesses and individuals in civil litigation. DRI's mission includes enhancing the skills, effectiveness, and professionalism of defense



lawyers; promoting appreciation of the role of defense lawyers in the civil justice system; anticipating and addressing substantive and procedural issues germane to defense lawyers and the civil justice system; improving the civil justice system; and preserving the civil jury. To help foster these objectives, DRI participates as amicus curiae at both the certiorari and merits stages in carefully selected Supreme Court appeals presenting questions that are exceptionally important to civil defense attorneys, their corporate or individual clients, and the conduct of civil litigation. Because DRI offers the unique perspective of the civil defense bar, it almost never signs onto other organizations' briefs as a co-amicus.

Most requests for DRI amicus support emanate from DRI members or other attorneys who are representing a party in a Su-

preme Court appeal. Every requestor must complete and submit an Amicus Curiae Request Form, which is available from Jay Ludlam, DRI Director of Publications ([jludlam@dri.org](mailto:jludlam@dri.org)). Except in extenuating circumstances, an amicus Request Form must be emailed to DRI ([amicus@dri.org](mailto:amicus@dri.org)) at least 45 days before the requested amicus brief is due. A completed request form provides basic identifying information about an appeal, including the court, the parties, and their counsel; case background and a summary of the questions presented; and the reasons why the requesting attorney believes that DRI amicus support is desirable.

Members of the Amicus Committee carefully consider each request. We share our views with each other as to whether filing an amicus brief in a particular case would be a worthwhile expenditure of DRI resources. This includes the question of what DRI can contribute to a case that is not already presented by the requesting party or other amici. In most cases DRI will file an amicus brief only if there is an affirmative consensus among Amicus Committee members. To help ensure consistency, DRI usually calls upon a member of the Amicus Committee to draft each amicus brief. Another member of the Amicus Committee serves as case manager and principal reviewer of the draft brief before it is filed.

DRI members are fortunate to belong to an organization that represents their interests in the most important cases affecting the civil justice system by maintaining an active amicus program. As chair and vice chair of the Amicus Committee, we encourage you to seek DRI amicus support in cases that fit within the guidelines described above.



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