

Vermont Planners Association
Policy for Filing *Amicus Curiae* Briefs

The Vermont Planners Association (VPA), through its elected Executive Committee, will consider filing *amicus curiae* (friend of the court) briefs in cases before the Vermont Supreme Court that involve important issues of planning policy or law that may broadly impact the practice of planning in Vermont. This activity is supported by our members as an extension of VPA's ongoing educational and legislative work to promote sound planning policy, practices and principles, as defined by our profession. VPA's role in this process is not that of a party (intervenor), but rather to serve as a resource—to inform and educate the Court with regard to the broader implications of a particular ruling. Given that such filings may involve a significant commitment of time and resources, the following policies are intended to clarify the process used by the Executive Committee to consider and file amicus briefs on behalf of VPA.

1. **Applicability.** The VPA Executive Committee will consider filing amicus briefs only in cases that have been decided by a trial court and have been appealed to the Vermont Supreme Court.
2. **Written Request.** The VPA Executive Committee will consider filing an amicus brief only in response to a written request by a VPA member, directed to the VPA President or another member of the Executive Committee. A written request shall include:
 - the court decision in question;
 - a brief summary of the decision, including a description of the planning policy or law in question; and
 - a brief explanation of why the decision has important consequences or implications for the practice of planning in Vermont.
3. **Committee Review.** The Executive Committee shall notify VPA via the listserv that an amicus request has been received and solicit member participation; and not less than one week later appoint an ad hoc "Amicus Curiae Committee" of no less than three members to review and evaluate the merits of the request, and seek additional input from VPA members as appropriate. The Amicus Curiae Committee should be generally representative of the VPA membership, and not include any VPA member who is a party to the case. The Amicus Curiae Committee shall make recommendations to the Executive Committee in a timely fashion, in relation to filing deadlines established by the Court. The Executive Committee may also retain the services of an attorney to provide a written analysis and recommendations.
4. **Considerations.** The Executive Committee, in deciding whether to file a brief, shall determine that:
 - The case clearly involves an important issue of planning law or policy that has broader implications for planning in Vermont.

- Filing is warranted based on the review, analysis and recommendations of the Amicus Curiae Committee and legal counsel.
 - The brief may also serve to highlight, clarify or resolve any potentially conflicting planning laws, principles or interests.
 - The organization has the ability to respond within required filing deadlines set by the Court.
 - The cost of filing is warranted, in relation to the organization's annual budget and reserve fund, and the ability to defray costs through the use of pro bono legal services or by sharing costs through joint filings with other organizations as appropriate. The Executive Committee may set a cap on the amount to be expended in a particular case.
5. **Decisions.** Members of the Executive Committee who are a party to the case may represent their position before the Executive Committee, but must recuse themselves from Committee deliberations and votes. The decision to file an Amicus Curiae brief shall be made by majority vote of the members of the Executive Committee, excluding vacancies and recusals. A majority decision of the Executive Committee with regard to whether to file a brief shall be final and reflected in the minutes of the meeting in which the vote was taken. The notification of a decision shall be issued in writing to all parties making the request.
6. **Filing.** Upon approval by the EC, the VPA President or other appointed representative, in consultation with the Executive and Amicus Curiae Committees, shall provide ongoing guidance to legal counsel charged with preparing and filing a brief on behalf of VPA. Once filed, a link to or copies of the brief shall be posted on VPA's website, and made available to any VPA member upon request.

This policy is effective upon adoption, and may be amended at any time by majority vote of the Executive Committee.