

**AMERICAN LEGAL & FINANCIAL NETWORK (“ALFN”)
AMICUS BRIEFS COMMITTEE (“AMICUS”)**

**POLICY AND PROCEDURES
FOR REVIEW AND FILING OF AMICUS CURIAE BRIEFS**

The ALFN Standing Committee on Amicus Curiae Briefs

The Standing Committee on Amicus Curiae Briefs (“Committee”) is comprised of ALFN members and mortgage servicer or GSE participants who are attorneys, one of whom is and shall be an ALFN board member (“ALFN Board Liaison”) who will serve as liaison with the ALFN Board of Directors, and the ALFN President & CEO who will also participate in the decision to accept or reject an application to draft and submit an amicus brief on behalf of the ALFN. There will also be an ALFN staff member (“ALFN Staff Liaison”) to assist with the committee. The Committee Leadership Team is comprised of a Chair, Vice Chair, Servicer/GSE Chair (or Co-Chairs), Chair Emeritus, ALFN Board Liaison and an ALFN Staff Liaison. There will also be a Secretary for the purpose of recording and distributing minutes.

Purpose of the Standing Committee

The purpose of the Committee is to solicit and review proposals and applications for amicus curiae briefs to be filed on behalf of the ALFN in federal and state jurisdictions throughout the United States. All decisions regarding approval of submissions and funding are made by the Amicus Board Liaison in consultation with the Committee, ALFN’s President & CEO and the ALFN Board of Directors.

Nature of Cases the Standing Committee Will Consider for Review

Generally, a case is eligible for ALFN amicus consideration if (i) the ALFN can make a meaningful and original contribution to an appeal by presenting arguments, perspectives, or information that supplement rather than duplicate the arguments of the primary litigants; (ii) the case is, or the issues are, of substantial significance to the ALFN membership and mortgage banking/servicing industry that has (or could have) an impact nationally; and (iii) the positions to be advocated in the amicus brief are consistent with the ALFN’s mission and goals.

Submission and Review of Cases and Issues

Proposals for amicus curiae briefs should provide all information sought in the attached form, including the names and contact information for all counsel ready, willing and able to prepare the proposed brief, as well as individuals or entities willing to fund the briefing effort, if any. If the proposal seeks ALFN assistance with drafting or other substantive input, the proposal must describe in detail the nature and extent of the ALFN assistance requested. Time is of the essence.

All proposals shall be submitted no later than 45 days before the filing deadline of the brief with the court. All proposals shall be submitted to the ALFN Staff Liaison, who will present the proposal to the full Committee for review. The proposal will be reviewed by the Committee via email, or periodically by teleconference as needed. The committee will have 24 hours to provide feedback on the proposal. The ALFN’s Amicus Committee Leadership Team and ALFN’s President & CEO will then review all committee feedback. Final decision on whether to proceed in drafting an Amicus Brief will be made by the ALFN Amicus Board Liaison.

Prior to the filing of any amicus brief, the Committee will review the brief for any recommended revisions. The final copy will then be sent to the ALFN Board of Directors who will review the same in order to ensure that the arguments articulated, and positions taken therein are consistent with the mission statement and policies of the ALFN. The ALFN Amicus Board Liaison has and shall retain sole and exclusive authority to determine whether a brief meets these criteria and is approved for filing.

Funding

Briefs are done pro bono by ALFN members or other approved counsel. In extraordinary circumstances, such as an appeal to the federal Courts of Appeal or the United States Supreme Court, the ALFN may provide compensation in the form of reasonable attorney's fees. The amount of any such fee shall be determined by the ALFN's President & CEO and must be approved by the Amicus Board Liaison. When requested, ALFN will make reimbursement of hard costs associated with the filing process in all cases.

Sample Timeline of Review for Submitted Proposals & Drafting of Briefs

The preparation, review and filing of an amicus brief requires a significant effort over a short timespan. The demands of each case vary, as do the court requirements. Likewise, the number of potential drafters available is often proportional to the number of ALFN firms in each jurisdiction.

As a result, the following sample timeline is suggestive only, and will be customized to the needs of each case and the resources available within the ALFN at the time the amicus proposal is reviewed.

- **Day 1:** ALFN's Staff Liaison submits proposal to Committee.
- **Day 2:** Committee Reviews Proposal and provides feedback and suggestions on whether the ALFN should proceed further.
- **Day 3:** ALFN's Amicus Committee Leadership Team & ALFN's President & CEO will review Committee feedback. Final decision on whether to proceed and confirmation of lead counsel will be made by the ALFN Amicus Board Liaison.
- **Day 4:** If a decision is made to proceed with drafting the brief, then ALFN's President & CEO will submit the proposal to the USFN and to the Legal League 100 to see if they want to be involved.
- **Day 5:** Final decision made from USFN & Legal League 100 on their intended participation level. If participation is confirmed, each group should submit two attorneys (or more if needed) that can participate as drafters. If either association does not want to be involved in drafting, they should indicate if they want to continue to participate and sign the brief on behalf of their group if they so approve after reviewing the final draft.
- **Day 6-7:** Any additional drafters are assigned by the ALFN's President & CEO with consultation from the ALFN Amicus Board Liaison and Committee Chair. Motion for leave to file an amicus brief is filed with the court by the lead drafter.
- **Day 7-10:** Drafters meet via teleconference (assembled by the lead drafter) to discuss the brief and what each individual will contribute, as well as all deadlines.

- **Day 7-28:** Lead drafter collects all submissions from other drafters and assembles the brief in the necessary format. Lead drafter submits first assembled draft to the ALFN Amicus Board Liaison, Amicus Committee Leadership Team & ALFN's President & CEO. If USFN and Legal League 100 are participating, then a copy should go to their designated contacts as well.
- **Day 28-34:** All involved individuals review the first draft and submit any suggested revisions to the lead drafter who assembles them into the final draft.
- **Day 34-41:** Lead drafter sends revised draft for final approval by all groups that are involved. USFN and Legal League 100 send their approval on the final draft to the ALFN Amicus Board Liaison.
- **Day 41:** ALFN Amicus Board Liaison makes final approval on the final draft and provides approval to the lead drafter.
- **Day 41-45:** Once a final draft is approved, the lead drafter files the brief by the deadline and returns the filed copy to ALFN's Committee Staff Liaison, who will distribute to all involved individuals.

This policy and procedures were approved and adopted by ALFN on November 12, 2019, after full review by the ALFN Board of Directors.

APPLICATION FOR SUBMISSION OF ALFN AMICUS CURIAE BRIEFS

Please complete as much information as possible in this Application and submit it with all appropriate attachments to:

ALFN's Committee Staff Liaison - Susan Rosen via email at srosen@alfn.org. Please follow up your submission to confirm receipt of same.

This application can be completed online at <https://www.surveymonkey.com/r/CVRS93M>

1. Name and Contact Information of Person Submitting the Application ("Person Submitting").
2. Name and Contact Information for any individual or entity, other than the Person Submitting, requesting that the ALFN participate in the appeal and their affiliation with the ALFN and the Person Submitting.
3. Full caption of the case in which the proposed amicus brief is to be filed.
4. Date by which the motion for leave to file an amicus brief must be filed.
5. Date by which the amicus brief must be filed.
6. Recommendation for an attorney to file this brief for the ALFN.
7. Question(s) and/or issue(s) addressed or to be addressed to the Court, and copies of all orders subject to or on appeal, if available.
8. Procedural History and Brief Factual Synopsis of the Case. (If available, attach all relevant rulings and opinions rendered at the trial level. If the matter is not currently before an appellate court, please describe the nature of the assistance requested from the ALFN at this point in the proceedings).

9. Brief statement as to how participation by the ALFN will advance its mission, benefit its membership, and the expertise the ALFN membership may provide.
10. Brief statement of the anticipated position of the ALFN before the appellate court.
11. Brief statement of the legal standards and requirements for filing an amicus brief in the jurisdiction in which the brief is to be filed.
12. Attorneys who will draft the brief.
 - a. Names and contact information of all attorneys who the Person Submitting the application expects will participate in drafting the brief (including lead counsel), being sure to note whether they are ALFN members and that they will donate their time to do so (ALFN briefs are typically done on pro-bono basis by ALFN members or other designated counsel).
 - b. Whether and to what extent the assistance of the ALFN will be required, being sure to describe in detail the nature and anticipated extent of the ALFN's requested participation.
13. Any person or entity other than the ALFN offering to sponsor or fund drafting and filing of the amicus brief.
14. If known, the identification of any other organizations that are filing, or that are expected to file, amicus briefs in the case, whether in support of or opposition to your position on the issue(s) to be considered.
15. Anticipated costs associated with the brief and for which reimbursement will be sought from the ALFN (ALFN briefs are done pro bono by ALFN members or other designated counsel. Upon request, we can reimburse for any hard costs involved for printing and submitting).
16. Any additional information you consider relevant to the Standing Committee's determination of whether the ALFN should approve the filing of an amicus brief in the matter on its behalf.