



# OHIO PROSECUTING ATTORNEYS ASSOCIATION

## AMICUS COMMITTEE

### GUIDELINES

**January 2023**

The Amicus Committee of the Ohio Prosecuting Attorneys Association exists to consider whether requests for amicus support made by its member counties or other friendly entities in specific cases before a court of last resort should be accepted. Requests are made to the Committee Chair, who will notify the Committee members of the request and the nature thereof, including the current posture of the case. Discussion, deliberation, and, ultimately, voting will be held among the members. A decision will be rendered by a simple majority of the Committee members. All actions of the Committee may, and often will be, held via electronic or other non-in-person means (currently email).

In order to guide the Ohio counties in seeking Amicus support from the Ohio Prosecuting Attorneys Association, the Amicus Committee has set forth several guidelines. While these guidelines do not represent unyielding rules, they are the threshold presumptive decision for the Committee. The Committee may vote to reject a request based solely on these guidelines. Requests to overcome the presumption established by these guidelines should include an explanation for the exception.

1. The Committee will only consider requests made relative to cases before the Ohio Supreme Court or the United States Supreme Court. The Committee will not consider request for amicus support before any Ohio appellate court, and it is presumed that it will not consider support in any case before a federal appellate court.
2. It is presumed that requests for support will be made at the merit briefing phase, not the jurisdictional phase, of an appeal.
3. In criminal matters, it is presumed that requests will be made relative to felony, not misdemeanor, matters.
4. While it is typical for the Committee to consider support when requested by a member county, the Committee reserves the right to vote to contact a member county or other friendly entity at the merit briefing phase before the Ohio Supreme Court to offer amicus support from the OPAA. The Amicus Committee shall not vote to enter a case if the offer is rejected.
5. Should the Committee determine the position of the OPAA may compromise the position or argument of a requesting member county or entity, it shall notify that county or entity and inquire whether the request for support is withdrawn.
6. While it is presumed that OPAA staff will write the brief of any accepted case, the requesting county may recommend another member county as the author. Additionally, the OPAA staff reserves the right to recommend that the Committee seek an alternative author for reasons of time constraints, knowledge base, or other valid concerns.
7. Requests for amicus support should come from the elected prosecutor of the member county. Requests made by assistant prosecutors should copy the elected prosecutor and include a statement that the elected prosecutor is aware of and approves the request. Requests made by assistants which do not comply with this guideline may be rejected or delayed while assurance is sought by the elected prosecutor.