



**Texas Alliance of Groundwater Districts
Amicus Brief Policy Statement
June 28, 2011**

1.0 Request for Amicus Brief

Any member requesting that TAGD file an amicus brief in a case must provide a request in writing to the Executive Committee that includes the following information:

- a. Name and summary of the case, including parties and other amici curiae, if any;
- b. A short description of the member's positions in the case and the position proposed for TAGD;
- c. An estimate of costs for filing the amicus brief and a proposal for sharing the costs among TAGD members;
- d. The name of the attorney proposing to file the brief on behalf of TAGD.

For the purposes of this policy, delivery of the required information to the Executive Director will constitute delivery to all Executive Committee members. Within ten (10) days, the Executive Committee will vote on the proposal. If all Executive Committee members are in favor, the member will be invited to present the request at the next regular or special meeting of the TAGD membership, but no vote will be taken at that time.

2.0 Membership Vote on Amicus Brief

TAGD will schedule the matter for a vote at a regular or special meeting following the meeting where the initial presentation is made. In no event shall the vote be scheduled for a meeting less than thirty (30) days from the date of the initial presentation. TAGD will not file an amicus brief in the case unless 100% of the District Members present at the meeting vote to approve filing the brief as presented or modified by the presenting member at the meeting. If the filing of the Amicus Brief is approved, payment and attorney details must also be resolved at the meeting and sufficient pledges to cover anticipated costs of filing the brief must be made.

3.0 Review and Filing of Amicus Brief

Upon sufficient pledges being received, the Executive Director shall negotiate a contract with the attorney filing the brief, and upon approval by the Executive Committee and the Executive Director, the contract shall be binding. The contract must incorporate this policy, including the following provisions:

- a. Final payment will be made to the attorney only upon approval and filing of the brief pursuant to this section.
- b. Upon completion of the brief, the Executive Committee and the Executive Director shall have a period of at least ten (10) days to review and request edits to the brief before it is filed.
- c. The review period must include additional time to review and approve any changes made to the brief pursuant to this section.
- d. The attorney may not file the brief before each Executive Committee member and the Executive Director have given approval.

During the review period described in this section, any change requested must be approved by all members of the Executive Committee and the Executive Director before it will be forwarded to the attorney for incorporation. Executive Committee Members and the Executive Director may not unreasonably withhold approval of the filing of the brief.

In the event that all monies pledged or received by the membership for the drafting of the brief are not used, the monies will be refunded to the pledging members on a pro-rata basis.