

Board Policy Manual Subcommittee - September 24, 2021

**Proposed Change to Restrictions Provisions Regarding the Submission of Amicus Curiae Briefs
(Board Policy Manual Section 8.02.02)**

(Submitted by the State Bar Appellate Section and approved by the Policy Manual Subcommittee on August 25, 2021)

The State Bar Appellate Section sought a change to a State Bar amicus policy which it finds too restrictive considering the high probability that a council member's firm would be involved in cases before the Texas Supreme Court.

To remove an absolute prohibition on filing an amicus brief when a section counsel or amicus committee member's firm is involved in a case, the proposal is to delete the existing 8.02.02(E):

“(E) No State Bar section may file an amicus curiae brief in a case if any member of the section's council represents any party in that case.”

And replace it with a new 8.02.02(E):

“(E) A member of a State Bar section's council or amicus committee shall abstain from participating in the request-for-approval process concerning any case in which the member or the member's firm has participated, either directly or indirectly.”