

## **Rule 29. Brief of an Amicus Curiae**

### (a) DURING INITIAL CONSIDERATION OF A CASE ON THE MERITS.

(1) *Applicability.* Rule 29 (a) governs amicus filings during the court's initial consideration of a case on the merits.

(2) *When Permitted.* The United States or the District of Columbia, or an officer or agency of either, or a state, territory, commonwealth, or political subdivision thereof, may file an amicus brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing, but the court may prohibit the filing of or may strike an amicus brief that would result in a judge's disqualification.

(3) *Motion for Leave to File.* The motion must be accompanied by the proposed brief and state:

(A) the movant's interest; and

(B) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.

(4) *Contents and Form.* An amicus brief must comply with Rule 32. Additionally, the title page or cover must contain the information required by Rule 28 (a)(1), identify the party or parties supported, and indicate whether the brief supports affirmance or reversal. An amicus brief need not otherwise comply with Rule 28, but must include the following:

(A) if the amicus curiae is a corporation, a disclosure statement like that required of parties by Rule 26.1;

(B) a table of contents, with page references;

(C) a table of authorities — cases (alphabetically arranged), statutes, and other authorities — with references to the pages of the brief where they are cited, and with an asterisk designating the cases chiefly relied upon;

(D) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file; and

(E) an argument, which may be preceded by a summary and need not include a statement of the applicable standard of review.

(5) *Length.* Except by the court's permission, an amicus brief may not exceed 25 pages.

(6) *Time for Filing.* An amicus curiae must file its brief, accompanied by a motion for filing

when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's principal brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer.

(7) *Reply*. Except by the court's permission, an amicus curiae may not file a reply brief.

(8) *Oral Argument*. An amicus curiae may participate in oral argument only with the court's permission.

(b) DURING CONSIDERATION OF WHETHER TO GRANT REHEARING.

(1) *Applicability*. Rule 29 (b) governs amicus filings during a court's consideration of whether to grant panel rehearing or rehearing en banc.

(2) *When Permitted*. The United States or the District of Columbia, or an officer or agency of either, or a state, territory, commonwealth, or political subdivision thereof, may file an amicus brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court.

(3) *Motion for Leave to File*. Rule 29 (a)(3) applies to a motion for leave.

(4) *Contents, Form, and Length*. Rule 29 (a)(4) applies to the amicus brief. The brief must not exceed 10 pages.

(5) *Time for Filing*. An amicus curiae supporting the petition for rehearing or supporting neither party must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the petition is filed. An amicus curiae opposing the petition must file its brief, accompanied by a motion for filing when necessary, no later than the date set by the court for the response.