

Texas Municipal League and Texas City Attorneys Association “Legal Defense Program”

Guidelines for Amicus Curiae Support

The Texas Municipal League Constitution states that the purpose of the League is to “render services which individual cities have neither the time, money nor strength to do alone.” The purpose of the Legal Defense Program is to advance and sustain the interests of Texas cities in accordance with the TML Constitution.

Through the Legal Defense Program in coordination with the Texas City Attorneys Association, the TML Legal Department submits amicus curiae (“friend of the court”) briefs in state or federal appellate court on behalf of our member cities. The Legal Department receives numerous requests for assistance, and the following information serves as a guide for determining whether TML will employ its resources to provide amicus curiae support.

The Legal Department reviews requests that coincide with our member cities’ interests and decides whether to provide amicus curiae support based on the following criteria:

1. Does the case have wide applicability to a broad range of cities of various sizes and in various parts of the state?
2. Are the interests of all or most cities generally similar on the issue(s), and not divergent in any substantial way or number?
3. Does the case address a central municipal value, or is it only indirectly related to municipal government?
4. Is the case, when compared to others, important enough to be part of TML’s list of priorities?
5. Is participation consistent with the League’s principles, policies, and interests?
6. Will the League’s participation provide a unique perspective on the issue(s), such that its participation would bring to the court’s attention law or arguments that might not otherwise be presented?
7. If the brief is to be prepared by League staff, will the current workload permit the staff adequate time, and does the staff have the substantive knowledge and expertise on the issue(s), to permit it to prepare the brief competently?

8. Is there a reasonable likelihood of success?
9. Is other, pending litigation likely to dispose of the same issue(s)?
10. Is the issue more appropriately resolved by legislation?

If your case aligns with the above criteria, you are invited to submit a request for support. Cases presenting compelling, unsettled, or new issues of law are of special interest to TML. Requests should include, at a minimum, the following information:

1. legal issue to be resolved and how it relates to the above criteria;
2. summary of the facts;
3. background of the litigants or other parties;
4. summary of past and projected administrative and/or legal proceedings;
5. other sources of legal support; and
6. how TML's support will increase the probability of obtaining a favorable result and the basis for that conclusion.

The Legal Department's staff of five lawyers serves more than 1,150 member cities and upwards of 15,000 city officials. Thus, it is impossible to provide amicus support in every case. The TML Executive Director will make the final determination on League participation, based on input from the League's General Counsel.

Submit Your Request (email preferred) to:

Evelyn W. Njuguna
Assistant Director of Legal Services
Texas Municipal League
1821 Rutherford Lane, Suite 400
Austin, Texas 78754
evelyn@tml.org
512-231-7400