



## **I.A.R. 8 Amicus curiae**

Idaho Appellate Rule 8. Amicus curiae.

(a) When Permitted. An attorney, or person or entity through an attorney, may appear as amicus curiae in any proceeding by request of the Supreme Court; or by leave of the Supreme Court upon written motion served upon all parties.

(b) Motion for Leave to File. The motion must be accompanied by the proposed brief and set forth the interest of the movant in the appeal or proceeding and the name of the party in whose support the amicus curiae would appear. The motion shall also state whether leave is sought to file an amicus curiae brief or participate in oral argument, or both.

(c) Contents and Form. An amicus brief must comply with Rule 36. In addition to the requirements of Rule 36, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 35, but it must include the following:

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

(2) a table of cases (alphabetically arranged), statutes, and other authorities, with page references;

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

(4) a statement that indicates whether:

(i) a party's counsel authored the brief in whole or in part;

(ii) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and

(iii) a person or entity - other than the amicus curiae, its members, or its counsel - contributed money



that was intended to fund preparing or submitting the brief and, if so, identifies each such person or entity; and

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

(d) Time for Filing. An amicus curiae must file its brief, accompanied by a motion for leave to file, no later than seven (7) days after the initial brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than seven (7) days after the appellant's initial brief is filed. The court may grant leave for later filing, specifying the time within which an opposing party may answer.

(e) Objections. Any objection to the appearance of an amicus curiae must be made by motion within 14 days of service of the motion for leave to file in the manner provided for motions under Rule 32.

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

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

(h) Order. Leave to appear as amicus curiae shall be by written order of the Supreme Court which shall specify the manner of appearance by the amicus curiae attorney.

(Adopted March 25, 1977, effective July 1, 1977; amended April 18, 1983, effective July 1, 1983; amended March 23, 1990, effective July 1, 1990; amended April 28, 2022, effective July 1, 2022.)

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