

CRITERIA FOR EVALUATION OF AN AMICUS BRIEF
(Advisory Committee on Litigation, 9/90, 10/93, 8/94)

1. Does the case raise a significant religious or ethical issue of concern for the Presbyterian Church (U.S.A.)?
2. Has the Presbyterian Church (U.S.A.), through the General Assembly, the Church *Constitution*, or accepted biblical, confessional, and theological principles, advocated or adopted a position which is relevant to the issue or issues raised in the case?
3. Can the Church's position on the issue or issues be persuasively and effectively communicated in the amicus brief?
4. Does the amicus brief enunciate statements inconsistent with policies and positions adopted by the Presbyterian Church (U.S.A.) through the General Assembly or inconsistent with accepted theological principles? If such an inconsistency exists, can the Church's position be expressed in such a way as to accurately reflect the Church's position without compromising that position or the integrity of the amicus brief? or should a separate amicus brief be prepared?
5. Is the proposed amicus brief well-written and practically and legally well-reasoned and persuasive?
6. Has the Committee and the Stated Clerk been provided with adequate time to evaluate any proposed amicus brief and the issues presented?
7. Are the issues raised in the case based on a properly developed record and have key pleadings and lower court decisions been supplied?
8. What other organizations, including other religious entities, have been requested to join as amici?
9. Who has prepared the draft amicus brief and for what purpose?
10. Are there issues in the case that will need interpretation to presbyteries and congregations? Should pastors and governing bodies be notified of the case so that they may be able to answer questions? If yes, staff are instructed to notify.
11. Are the issues raised in the case of sufficient importance to justify participation?
12. Does the proposed amicus brief really add anything to the court's consideration of the issues presented?
13. Within the judicial system, is the level appropriate for the Church's participation?
14. What positions or views will other proposed amici take with respect to the issue or issues raised?
15. Is there a legislative remedy?
16. Criteria 1-5 are guidelines and in each case the Committee will exercise its best judgment, but may also consider other factors in making its decision.