

Another Big Term for Amicus Briefs at the Supreme Court

The 2012-2013 term of the U.S. Supreme Court was another “big term” for amicus curiae, or friend-of-the-court briefs, filed with the nation’s highest court, according to a recent ABA Journal article titled “Frequent Filers.”

Amicus briefs are legal briefs filed by individuals with an interest in the outcome or decision in a case. They most often filed by interest groups seeking to advance a favorable legal or public policy point. According to the article, amicus briefs were filed in 96% of the 73 cases receiving full review at the Supreme Court last term, with 96 amicus briefs alone filed in the same-sex marriage case of *Hollingsworth v. Perry*. The rate at which amicus briefs are cited in Supreme Court opinions is an instructive proxy for the influence of amicus briefs. For the 2012-2013 term, the justice citing the most amicus briefs in written opinions was Justice Sotomayor, who cited amicus briefs in 69% of her 16 written opinions. Justice Scalia, “traditionally a bit dubious of amicus briefs,” only cited amicus briefs in 13% of his 23 written opinions.

The article also discusses the ongoing debate over the usefulness of amicus briefs to interest groups and what makes for an effective amicus brief. Amicus briefs can be a “relatively expensive yet effective way for an organization to make a legal or public policy point.” Many amicus briefs, however, “are not helpful and tend to be . . . poorly written or merely lobbying documents,” according to a survey of former Supreme Court clerks. Employing experienced legal counsel to write an amicus brief can improve the persuasiveness and effectiveness of an amicus brief. Chief Justice John Roberts approvingly quoted and cited an amicus brief submitted by former acting U.S. Solicitor General Walter Dellinger in a key portion of his majority opinion in *Perry*.

The article can be found [here](#).

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