



NATIONAL ASSOCIATION OF
INSURANCE COMMISSIONERS

Guidelines for Requests for Friend of the Court (*Amicus Curiae*) Briefs from the NAIC

1. The NAIC will file a friend of the court brief only upon approval of the Executive Committee. Requests for friend of the court briefs from the NAIC will be researched by the NAIC legal staff. This may include the gathering of background information such as copies of court papers from the case in question. A written summary of the case will be prepared by the NAIC legal staff and circulated to the Executive Committee and to all NAIC members a reasonable amount of time prior to a vote being taken.
2. The written request for a friend of the court brief must be received from or under the authority of a member of the NAIC in sufficient time for the matter to be given due consideration by the Executive Committee and for NAIC staff counsel to prepare and file the brief.
3. Criteria for consideration of a request for a friend of the court brief are:
 - a. The case must be in an appellate stage. If a case is not in the appellate stage, a request for a friend of the court brief may be approved contingent upon issuance of an order in the case if it appears that the appellate filing may be due before the Executive Committee can give timely consideration to the request.
 - b. Issues should touch upon the general purposes of the NAIC, such as effective regulation of insurance, constitutionality of insurance regulatory laws, financial stability of the insurance industry, market conduct of the insurance industry, equitable treatment of policyholders, etc.
 - c. The filing of a friend of the court brief must serve to assist state insurance regulators, either collectively or individually.
4. There may be extraordinary circumstances which require variance from these guidelines. The chief executive officer or the general counsel may recommend specific action to the Executive Committee as to whether a variation is appropriate.