

Strategic Use of Amicus Support

When to Seek It, How to Get It, and Tips for Working with Amicus Counsel



On June 23, 2026, members of the DRI [Center for Law and Public Policy](#)'s [Amicus Committee](#) presented an online "lunch-and-learn" for the DRI [Corporate Counsel Committee](#) (C3) titled **"Strategic Use of Amicus Support: When to Seek It, How to Get It, and Tips for Working with Amicus Counsel."** Designed especially for in-house corporate counsel, the program offered practical guidance on when amicus support can advance a company's litigation objectives and important considerations for effectively seeking that support. The presentation was moderated by Center Amicus Committee Chair [Melinda Kollross](#) (*Clausen Miller PC*) and included committee members [Larry Ebner](#) (*Capital Appellate LLC*), [Lorie Gildea](#) (*Greenberg Traurig LLP*), and [Susan Snowden](#) (*Jackson Kelly PLLC*) as panelists.

For companies facing litigation with implications beyond a single dispute, amicus support can be a powerful strategic tool. The panelists explained how a well-conceived brief can help a court understand how a ruling may affect an industry, regulatory framework, commercial expectations, or the civil justice system more broadly. But the panel emphasized that amicus participation should be pursued with discipline. The key question is whether the amicus can add something meaningful that the parties cannot, or should not, say themselves. One of the clearest messages was that "more is often not better." In reality, additional briefs may do more harm than good if they merely repeat the party's arguments or duplicate one another. For courts, the most helpful amicus briefs provide a distinct perspective, specialized expertise, or real-world consequences that illuminate the stakes. For in-house counsel, the goal should be to identify

credible voices capable of saying something different and useful—not simply to assemble the largest possible coalition. Courts are most receptive to briefs that help them decide the case. Helpful amicus briefs may explain practical consequences, provide technical or industry-specific context, identify how a legal rule will operate beyond the parties, or offer institutional expertise. Unhelpful briefs simply repeat the party’s arguments in a different voice.

According to the panelists, amicus support is most valuable in cases that reach beyond the immediate parties, including matters involving splits of authority, recurring legal questions, constitutional issues, novel liability theories, or rulings that could affect an entire industry or class of corporate defendants. In-house counsel should ask early whether the case presents broader consequences the court may not fully appreciate from the party briefs alone. If so, an amicus brief may help frame the policy, practical, economic, scientific, regulatory, or institutional implications of the court’s decision.

Timing!



Timing is critical—amicus solicitation should never be an afterthought. The panelists emphasized that organizations need time to evaluate whether the case fits their mission, obtain internal approvals, identify authors, coordinate with stakeholders, review drafts, and meet court-specific filing requirements. For corporate counsel, early planning matters because effective amici often have their own governance processes, reputational considerations, and substantive priorities. Waiting until the party brief is nearly complete may leave too little time for an independent and persuasive submission.

Potential Amici

Potential amici may include trade associations, professional groups, industry coalitions, academics, scientists, economists, former government officials, nonprofit organizations, or other entities with relevant expertise. In-house counsel can help identify potential amici by looking to associations, business partners, advocacy organizations, and subject-matter experts who understand the issue and may have a principled interest in the outcome.

Coordinating with Party Counsel

Effective coordination requires clarity without over-control. Party counsel and amicus counsel should communicate enough to avoid duplication, preserve consistency on key points, and ensure the amicus brief complements the party's strategy. At the same time, the brief must remain the amicus's own work, reflecting its independent perspective and credibility.

Amicus counsel should focus on what the party brief cannot fully develop: industry context, broader consequences, specialized expertise, or a concise reframing of why the legal rule matters. The most effective amicus briefs are targeted submissions, not longer versions of the party brief.

Ethical Considerations

Ethical and procedural issues also require close attention. Counsel should confirm the governing rules for consent, motions for leave, word limits, deadlines, and required disclosures; address authorship and funding issues carefully; coordinate with the party briefing schedule; avoid duplicative filings; and maintain the amicus's independence throughout the process.

Key Takeaways for In-House Counsel

The panel's practical advice can be reduced to a few core principles: start early, choose amici strategically, focus on unique value rather than volume, coordinate carefully but ethically, and give amicus counsel enough time to prepare a strong brief. For in-house corporate counsel, strategic use of amicus support begins with disciplined judgment. Not every important case needs an amicus brief, and not every supportive organization will improve the court's understanding of the issue. But when a case presents broader consequences, the right amici can speak credibly to those consequences, and counsel coordinates early and ethically, amicus support can help shape the law in ways that matter well beyond the dispute at hand.