

## Proposed Amendments to Rule 76

Rule 76 is amended as follows:

### **Rule 76. *Amicus Curiae***

The filing of a brief by an *amicus curiae* may be allowed ~~upon~~**on** motion made as prescribed by Rule 7, or at the request of the court. The brief may be conditionally filed with the motion. The motion for leave ~~shall~~**must** identify the interest of the applicant and ~~shall~~state the reasons why an *amicus curiae* is desirable. An *amicus curiae* ~~shall~~**must** file its brief within the time allowed the party whose position the *amicus curiae* brief will support unless the court for cause shown ~~shall~~**grants** leave for later filing. In that event the court ~~shall~~**will** specify within what period an opposing party may answer. A motion of an *amicus curiae* to participate in the oral argument will be granted only for extraordinary reasons.

**PRACTICE COMMENT:** To provide information to assist a judge in determining whether there is reason for disqualification ~~upon~~**on** the grounds of a financial interest, under 28 U.S.C. § 455, a completed "Disclosure Statement" form, available ~~upon~~**on** request from the office of the clerk, must be filed by certain corporations, trade associations, and others appearing as parties, intervenors, or *amicus curiae*. A copy of the "Disclosure Statement" form is shown in Form 13 of the Appendix of Forms.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982-); ~~\_\_\_\_\_~~, **2009, eff. \_\_\_\_\_, 2010.**)

### **Advisory Committee Note**

The language of Rule 76 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.