



# THE ERISA INDUSTRY COMMITTEE

*Representing the Employee Benefit and Compensation Interests of America's Largest Employers*

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## REQUEST FOR BRIEF *AMICUS CURIAE* CRITERIA TO BE CONSIDERED

1. Does the case raise an issue of major importance to ERIC's members?
2. Is there a consensus among the membership of the Legal Committee as to how the issue should be resolved?
3. Is the issue in which ERIC has an interest (a) sharply presented and (b) likely to be dispositive?
4. Is the case likely to be an important precedent?
5. Are the posture of the case (e.g., a motion to dismiss) and the forum (e.g., court of appeals) appropriate for the filing of an *amicus* brief?
6. Will one or more of the parties to the case effectively present the arguments that ERIC would make?
7. Will other *amici* be filing briefs in the case? Will they effectively make the arguments ERIC would make?
8. Are there facts that are not on the record that ERIC should bring to the court's attention?
9. Would ERIC's brief bring to the court's attention issues or implications of which the court might not otherwise be aware?
10. With respect to a request for Supreme Court review, would ERIC's brief make the Supreme Court more likely to grant a petition for a writ of certiorari or to accept jurisdiction over an appeal (e.g., by calling the Court's attention to the importance of the issue)?
11. Are there other cases (or are there likely to be other cases) that would be more appropriate for the filing of an *amicus* brief?
12. Are there important institutional reasons for ERIC to file a brief in this case?