

RULES OF SUPREME COURT OF VIRGINIA  
PART FIVE  
THE SUPREME COURT  
G. PROCEDURE FOLLOWING PERFECTION OF APPEAL

**Rule 5:30. Briefs Amicus Curiae.**

(a) *Stage of proceedings.* Subject to the requirements outlined in this Rule, a brief amicus curiae may be filed during the petition, perfected appeal or rehearing stages of the appellate proceedings in this Court, and in proceedings invoking this Court's original jurisdiction.

(b) *Who May File a Brief Amicus Curiae Without Leave of Court.*

~~(1) (i) The United States of America; and~~

~~(ii) or the The Commonwealth of Virginia; and~~

~~(2) Any other person whose filing is accompanied by the written consent of all counsel; and~~

~~(3) Any person requested by the Court to file a brief amicus curiae pursuant to paragraph (f) of this Rule.~~

(c) *Who Needs Leave of Court to File a Brief Amicus Curiae.* ~~Any person or entity other than those described in paragraph (b) of this Rule. Except as provided in paragraph (b) of this Rule, any person or entity seeking to file a brief amicus curiae must obtain leave of Court by motion. Such motion shall:~~

~~(i) state whether the brief would be in support of the appellant(s) or appellee(s), or in support of none of the parties; and~~

~~(ii) certify that the applicant has sought to obtain consent of all parties to the appeal; and~~

~~(iii) state which, if any, of the parties has consented to the motion.~~

(d) *When a Brief Amicus Curiae Must Be Filed.* A brief amicus curiae will be accepted only if filed on or before the date on which the brief of the party supported is required to be filed. A brief amicus curiae may be filed at the time of filing of the reply brief of the appellant only if an opening brief amicus curiae has been filed. If a person or entity is filing an amicus brief that is not in support of either party, it will only be accepted if filed on or before the date on which the appellant's brief is required to be filed.

(e) *What a Brief Amicus Curiae Must Contain.* A brief amicus curiae shall comply with the rules applicable to the brief of the party supported. If a person or entity is filing an amicus brief that is not in support of either party, its brief amicus curiae shall comply with the rules applicable to the appellant.

(f) *This Court's Authority to Request a Brief Amicus Curiae.* Notwithstanding the provisions of this Rule, this Court may request that a brief amicus curiae be filed at any time.

**Promulgated by Order dated Friday, April 30, 2010; effective July 1, 2010.**

**Last amended by Order dated November 1, 2016; effective January 1, 2017.**