

MEDICAL SOCIETY OF THE STATE OF NEW YORK

Introduced by: Frank Dowling, MD, MSSNY Secretary
Subject: Clarification of MSSNY Policy for Approval of any Amicus Brief
Referred to: Council, September 17, 2020

Whereas, MSSNY has, at times, supported pending litigation by submitting an amicus curiae brief, and has, at times, been invited to join an amicus brief at no cost to MSSNY; and

Whereas, the House of Delegates, or Council when the House of Delegates is not in session, makes MSSNY policy, and the Board of Trustees is responsible for financial matters and does not make MSSNY policy; and

Whereas, participation in amicus briefs is often entirely consistent with the mission and policies of MSSNY as established by the House of Delegates or Council when the House of Delegates is not in session, and such opportunities to sign on to an amicus brief often have a short timeframe for MSSNY to elect to participate; and

Whereas, the requirement for MSSNY Board of Trustees approval for participation in any and all amicus briefs may prevent MSSNY from effectively carrying out its mission; and can be seen as contrary to the wording and intent of MSSNY Bylaws which state that the Board of Trustees does not make policy or policy decisions; therefore, be it

RESOLVED, that MSSNY policy **207.966** be Amended by Addition and Deletions as follows:

MSSNY Approval of any Amicus Brief

Any proposed MSSNY amicus, or proposed participation in any amicus brief by MSSNY, will require the approval of the Office of the President when MSSNY has related policy; approval of Council or Executive Committee when there is no relevant MSSNY policy and approval of MSSNY Board of Trustees and the MSSNY Council or Executive Committee when expenditures are required in relation to the amicus brief.