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December 3, 2024

Mark Harvey
Clerk of Court
U.S. Court of Military Commission Review
One Liberty Center
875 N. Randolph Street, Suite 8000
Arlington, VA 22203-1995

Re: Proposed Changes to Rule 15

Dear Colonel Harvey,

1. The National Institute of Military Justice (NIMJ) recommends a change to Rule 15 of the U.S. Court of Military Commission Review Rules of Practice. Currently, that rule requires an *amicus* to file its brief no later than the due date for the brief of the party they are supporting. At the same time, Rule 17(a)(1) implores *amici* not to brief matters already brought to the Court's attention by the parties. We think these provisions are often incompatible.
2. Although an *amicus* may know of the general parameters of a party's argument, it is unlikely the *amicus* would know the details until the party's brief is submitted to the Court, has undergone a security review, and has been posted to the Court's website. This makes it extremely difficult, if not impossible, for an *amicus* to comply with both rules.
3. Understanding the difficulty for an *amicus* when no PACER-like system exists, the U.S. Court of Appeals for the Armed Forces recently amended its timing rule. An *amicus* now has 14 days after the party to which its brief is supporting to file a brief. Rules of Practice and Procedure Rule 26(d). If no party is supported, CAAF requires the *amicus* brief to be filed within 7 days.

The National Institute of Military Justice is a private non-profit organization, founded in 1991, dedicated to the fair administration of justice in the armed forces and improved public understanding of military justice.

4. NIMJ recommends the Court adopt the same time standards as the CAAF. However, because of the necessary security review, the time for *amicus* to file should start to run only after the brief of the party supported is posted on the Court's website.

Sincerely,

A handwritten signature in black ink, appearing to read "F.D. Rosenblatt". The signature is written in a cursive, somewhat stylized font.

Franklin D. Rosenblatt
President, NIMJ