

# **Amateur Radio Legal Defense and Assistance Committee Guidelines (ARLDAC)**

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Since 2000, the ARRL has expended over \$31,000 assisting a variety of different Amateurs with their antenna and other Amateur-related legal issues. The lion's share of these expenditures have been in support of over 30 different situations, most relating to antenna ordinance issues in a variety of communities across the country from Maryland to Southern California. The support has been in the nature of research and legal briefs/opinions written by the ARRL's General Counsel up to and including direct financial support to fund legal costs in select situations.

All of this has come from the **ARRL's Legal Research and Resource Fund** which is funded through individual contributions from members.

The following criteria, rules, and procedures are used by the ARLDAC for determining whether to fund legal, legislative, or regulatory activities relating to Amateur Radio.

(1) To be funded, an activity must pertain to Amateur Radio. This may include situations involving Amateur Radio antenna height and placement, interference allegedly caused by Amateur Radio operations to non-Amateur Radio uses and services, interference received by Amateur Radio operations from non-Amateur Radio sources, matters pertaining to RF safety, aesthetics, structural safety, environmental issues, and any other matters found by the Committee to involve and potentially impact Amateur Radio operation.

(2) Funding shall be limited to activities that will or are predicted to provide precedent or example that will be significantly useful to other Amateurs in the situations described in paragraph (1). In general, preference shall be given, in descending order, as follows:

- a. to appellate level cases of national scope;
- b. to appellate level cases of statewide scope;
- c. to trial level cases;
- d. to initiatives involving laws, bylaws, or regulations, which do or may impact the ability of Amateur Radio operators to deploy effective antennas.

Administrative and local land use authority activities are not normally eligible for funding unless and until they reach the judicial level, due to the absence of precedent value of such cases. In rare and exceptional circumstances, the Committee will fund such an activity of this sort, upon a clear and convincing showing that the activity addresses a unique issue of law or may have wide ranging impact.

(3) Funding shall be limited to not more than \$10,000 per activity, so as to maximize the number that can be funded with the limited money available. Funding is also limited to the amount of the Legal Research and Resource Fund. In special situations in which the Committee feels that additional funding is warranted, the \$10,000 limitation may be waived by the ARRL Executive Committee.

(4) For a case involving a particular antenna installation, the case must have substantial merit on the facts, and must present a significant issue of law, or be likely to provide a persuasive example which other courts or administrative boards are likely to follow.

(5) For initiatives involving laws, bylaws, or regulations, the matter must have the potential to impact a large number of amateurs either directly or as a persuasive example to other regulatory or legislative entities.

(6) Activities must present a question or situation which maximizes leverage of ARRL funds. This includes situations which present, or are predicted to present, some or all of the following characteristics:

- activities with a high likelihood of success;
- activities in which a favorable result would have particularly high value to Amateur Radio;
- activities in which an unfavorable result would have particularly severe negative impact upon Amateur Radio.

(7) There must be some financial participation by the Amateurs involved, and/or by the local Amateur community. For initiatives involving laws, bylaws, or regulations, there must be a well developed effort on the part of affected Amateurs.

In addition to funding of legal or rulemaking activities, the Committee may also fund the following activities, not to exceed \$10,000 per calendar year in total.

(1) Provision of research and background materials, such as books, law review articles, amicus briefs, and the like, to attorneys representing Amateur Radio clients in cases involving Amateur Radio issues.

(2) Support of training for attorneys and other professionals involved in Amateur Radio related issues, to specifically include things such as Continuing Legal Education, classes and seminars.

All decisions on funding made by the "Amateur Radio Legal Defense and Assistance Committee" must be by 2/3 majority. The Committee consists of two ARRL Directors, one or more ARRL Vice Directors, an experienced attorney not a member of the ARRL Board, and the League Counsel.

Requests and inquiries should be forwarded to the Chairman, ARRL Amateur Radio Legal Defense and Assistance Committee c/o ARRL HQ, 225 Main St, Newington CT 06111.