ARRL Amateur Radio Legal Defense & Assistance Committee Guidelines (ARLDAC)

Since 2000, the ARRL has assisted a variety of different amateurs with their antenna and other amateur-related legal issues. The lion's share of these expenditures has been in support of over thirty 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 Regulatory Counsel up to and including direct financial support to fund legal costs in select situations. This has all 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 litigation, legal, legislative, or regulatory activities relating to Amateur Radio.

(1) To be funded, a matter must pertain to, have the potential to benefit or protect Amateur Radio and Amateur Radio licensees.

(2) These may include, but are not limited to:
- situations involving Amateur Radio antenna height, location, type and number;
- , 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;
- interference received by Amateur Radio operations from improper or illegal Amateur Radio operations;
- matters about RF safety;
- matters that involve claims based on claims of aesthetic impact
- structural safety;
- environmental issues;
- unreasonable, illegal, or discriminatory ordinances or regulations, including those adopted by non-governmental entities;
- matters that involve the violation by non-Amateur radio licensees of civil or criminal laws designed to protect the rights of an Amateur Radio licensee; and,
- any other matters found by the Committee to involve and potentially impact Amateur Radio operation.

(3) Litigation or administrative actions for which funding may be provided may be either offensive or defensive in nature.

(4) Funding shall be limited to activities that may, or are predicted to, provide precedent or example that will be significantly useful to other Amateurs in the situations above. 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 or administrative 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.

(5) Administrative and local land use authority activities are not normally eligible for funding unless and until they reach the judicial or administrative level, due to the absence of precedent value of such cases. In rare and exceptional circumstances, the Committee will fund such 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.

(6) Funding shall be limited to not more than $25,000 per matter. Funding is 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 $25,000 limitation may be waived by the ARRL Executive Committee or the Board of Directors.

(7) 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 that other courts or administrative boards are likely to follow.

(8) 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.

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

a) activities with a high likelihood of success;

b) activities in which a favorable result would have a particularly high value to Amateur Radio;

c) activities in which an unfavorable result would have particularly severe negative impact upon Amateur Radio or individual Amateur Radio licensees.

(10) There must be some financial participation by the Amateurs involved, and/or by the local Amateur community.

(11) In addition to funding legal or rulemaking activities, the Committee may also fund the following activities, not to exceed $20,000 per calendar year in total:

a) 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;

b) Support of training for attorneys and other professionals involved in Amateur Radio related issues, specifically including things such as Continuing Legal Education, classes, and seminars, which may be provided in person, online, or at hamfests or conventions.

(12) All decisions on funding made by the Amateur Radio Legal Defense and Assistance Committee must be by 2/3 majority.

(13) The Committee may consist of two ARRL Directors and one or more ARRL Vice Directors. The Committee must also include at least two licensed attorneys who possess litigation experience and the ARRL's FCC Counsel. The attorneys appointed to the Committee are permitted to be, but are not required to be, Members of the ARRL Board. At least one of the appointed attorneys must be a currently licensed Amateur Radio operator who is a Member of the ARRL, and who holds at a minimum a General Class license.

(14) Requests and inquiries should be forwarded to the Chairman, ARRL Amateur Radio Legal Defense and Assistance Committee with copies to ARRL Headquarters. The Chairman of the Committee must forward all requests and inquires, including supporting materials to the Members of ARLDAC within ten calendar days after receipt.

(15) Any Member of ARLDAC may request a meeting to consider any request for assistance. A meeting to consider any request must occur within 21 days after the request is submitted in writing to the Chairman. Meetings may be in person or by electronic means that permit each Committee Member to be seen and heard. All meetings considering requests for funding are to be recorded.