

The American Legion Department of New Jersey



POLICY AND PROCEDURE FOR NON-DEPARTMENT OFFICERS TO RECEIVE AN OPINION FROM DEPARTMENT JUDGE ADVOCATE

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Approved By – Dept. of New Jersey Department Executive Committee

1. All requests for a ruling or an opinion of the Department Judge Advocate will be in writing; preferably typewritten; one copy sent to Department Adjutant and one copy sent to the requesting Posts County Commander, or if requesting party is a County Commander a request is sent to the Department Adjutant and Department Commander.
2. All requests for a ruling or an opinion of the Department Judge Advocate will set forth clearly the exact question or questions the party wants answered.
3. All requests for a ruling or an opinion of the Department Judge Advocate, where possible, will be accompanied by the written request for a ruling or opinion; in like manor; of the parties on the other side of the issue. Where this is not possible, the original requester will set forth the position of the parties on the other side of the issue, where there is an advocate for another position.
4. All requests for a ruling or opinion of the Department Judge Advocate, dealing with issues within a Post, will be accompanied by the written opinion of the Post Judge Advocate on the issue or issues and likewise the County Judge Advocate.
5. All requests for a ruling or opinion of the Department Judge Advocate, dealing with issues at a County level, will be accompanied by the written opinion of the County Judge Advocate on the issue or issues.
6. The only exception to 4, or 5, above will be if the Department Commander or Department Adjutant certifies in writing, to the Department Judge Advocate, that an emergency exists such that one or more of the above requirements should be waived; and

7. In emergency situations the written request for opinion or opinions may be faxed, emailed or mailed to the Department Judge Advocate by the Department Adjutant and the opinion or opinions of the Department Judge Advocate will be returned in similar manor.