



DEPARTMENT OF OHIO



Post Judge Advocate

Presented by
Dept. of Ohio Judge Advocate

WHAT IS A JUDGE ADVOCATE

Webster Dictionary

noun, plural **judge advocates**. *Military*. 1.

a staff officer designated as legal adviser to a commander and charged with the administration of military justice

AMVETS

A post Officer designated to counsel the post, Commander and officers in AMVET Rules.

Interprets the Post standing rules, Nat.& State CBL. & UPCBL Meeting parliamentarian and Post Prosecutor.

Advocate for all Post members

What makes a good Post Judge Advocate!



Excellent knowledge of the Nat. & State CBL.

Extensive working knowledge of the UPCBL.

A good grasp and working knowledge of Roberts rules
of Order.

GUTS to stand up for what's right!

By ensuring that the rules set forth in the CBL's &
UPCBL are followed by everyone.

Members, officers & trustees alike

Good old Fashioned
COMMON SENSE!



DUTIES

ARTICLE XV. Section 5.

Duties of Officers

Judge Advocate

The Post judge advocate is responsible for interpreting the Post's Standing Rules, Post, State and National Constitution and bylaws (CBL), and to advise the Post on issues that pertain to Robert's Rules of Order.

DUTIES BREAKDOWN

Article XV Section 5.

The Post judge advocate is responsible for interpreting the Post's Standing Rules, Post, State and National Constitution and bylaws (CBL), and to advise the Post on issues that pertain to Robert's Rules of Order.

WHAT ARE POST STANDING RULES

UPCBL ARTICLE XXIII. STANDING RULES

Standing Rules may be developed by this Post provided such rules are not in conflict with this Constitution and By-laws, the State Constitution and By-laws, or the National Constitution and By-laws. Post Standing Rules are to be reviewed **By the Department Judge Advocate annually or when changes are made.**

NOTE: Examples of standing rules are voting procedures, meeting dates and times, committees not listed in the Constitution and By-laws, those who are eligible to receive delegate fees and reimbursement for expenses to attend State meetings, and any other items incidental to this Post that may not be addressed in this document.

DUTIES BREAKDOWN

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CBL / UPCBL

A Judge Advocate must be as familiar as possible with the National, State & Uniform Post Constitution & By Laws.

This Information is needed to keep your post and its business within AMVET Rules & Guidelines.

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ROBERTS RULES OF ORDER

Robert Rules of Order was written in 1876 and follows parliamentary procedures followed by Congress.

As the original Rules were written in old English. It can at times be hard to understand. Look for newer revised editions

Learn the basics of Motions and amendments. This can help assure a productive meeting.

OTHER DUTIES

Another important role the Judge Advocate assumes is that of Post Prosecutor.

Lets take a look at this important role, what it means to the post, its members and officers

DISCIPLINARY PROCESS

Appendix B:

Suspension or Expulsion of Members

UNIFORM CODE OF PROCEDURE FOR THE SUSPENSION OR EXPULSION OF A MEMBER

(Adopted Pursuant to Article V, Section 2, of AMVETS National Bylaws)

Section 5.

The post or state judge advocate, as the case may be, shall prosecute the charges and the attendance of a court reporter shall be permitted.

DISCIPLINARY PROCESS

The Judge Advocate should be the Post expert in the AMVET disciplinary process.

As it is very important to the MEMBER, the post and its Officers & Trustees that this process is followed correctly and by the book.

Doing so is a direct reflection on the officers and trustees as to their fairness, and their diligence to do their duties correctly.....As

Nothing Angers a member more than being mistreated or treated unfairly during a poorly run disciplinary hearing. Such a hearing can make a member feel as if they have been railroaded or persecuted. Almost ensuring the loss of a member.

And in this day of membership shortages can we really afford to treat our members this way?



NO !

***“That wasn’t Fair
I’m Outta Here”***

Many Good and productive post members have made mistakes and faced discipline by a board that did not know how to run a proper disciplinary hearing or did not run the hearing fairly.

Giving the member a kangaroo court experience.

This must not be allowed !!!!

It is the Post Judge Advocates job as a member of the Executive Board to make sure the officers & trustees of the post know how to conduct a proper hearing.

How do you do this?

- By knowing the proper procedures and the disciplinary process as defined in the CBL & UPCBL . Knowing these the J.A. can assist the rest of the board in the proper process, thus helping to ensure a fair hearing for the accused.
- Pull the training from the Department website (ohamvets.org) and review it with them during Eboard & BOT meetings.
- Train the membership during a (general meeting or special Training meeting) in proper disciplinary procedures so they know what to expect during a hearing.
- Having a “Frank” discussion with the Officers & Trustees. stressing the importance in conducting a proper hearing.

Need assistance

Do not hesitate to call the District or
the Department Judge Advocate.

(419) 306-5350

Judge Advocate Disciplinary Cheat Sheet

- Canteen Violations - Are heard by the post 3 member Disciplinary Panel not by the BOT
- The BOT only hears a canteen violation on appeal.
- Serious Post Violations - (conduct unbecoming) are heard by the Executive Board even if the violation occurred in the Canteen.- Appeals are sent up the Chain of Command.
- All Charges and letters of complaint must be in writing, signed and dated by the complainant on the proper form.
(if it's not in writing it didn't happen)

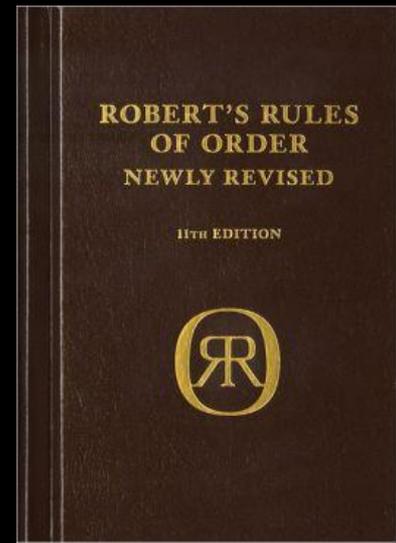
- All Notifications of Charges (with a copy of the complaint) must be sent by certified Mail.
- Verify that hearing dates fall within UPCBL guidelines.

You must verify that these things are done correctly or insist that the charges be dismissed.
Remember you are also an advocate for the accused, until the hearing.



SUMMARY

The Post judge advocate is responsible for interpreting the Post's Standing Rules, Post, State and National Constitution and bylaws (CBL), and to advise the Post on issues that pertain to Robert's Rules of Order.



SUMMARY

The JA must have:

Excellent knowledge of Nat., State and Post CBLs & standing rules.

A good working knowledge of Roberts Rules of order.

The ability to stand up for what's right, by ensuring officers, trustees and members follows the rules and procedures set forth in the CBLs.

Excellent knowledge in disciplinary rules and procedures.

And the desire to serve your post

Thank You

Questions?

Call your District Judge Advocate
or

The Department Judge Advocate