



The Role of the Post Judge Advocate

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2026 DEPARTMENT OF FLORIDA

DEPARTMENT CONVENTION

The Role of the Post Judge Advocate



The American Legion – Department of Florida

**Presented by: R. Curtis McNeil
Department Assistant Judge Advocate**

(Revised for 2026 Training – Based on the Official Department of Florida Post Judge Advocate Manual, National Officer's Guide & Manual of Ceremonies, and Department Constitution & By-Laws)

Welcome & Opening

- **The vital role of the Post Judge Advocate.**
 - Guardian of our Post's constitutional government
 - Advisor on legality and procedure
 - Protector of the integrity of The American Legion
- **Installation Charge (verbatim from National Officer's Guide):**
 - "To you is assigned a most important duty for which your legal training and/or past Legion experience so aptly prepare you. You are the interpreter of the constitution and by-laws of your post... You are also charged with protecting the integrity of our organization and keeping alight the torch of truth and fidelity... Protect that heritage."

Primary Duty of the Post Judge Advocate

(Direct quote from Department of Florida Post Judge Advocate Manual – Revised 2025, Page 2)

- “The primary duty of the Judge Advocate is to supply advice based on your legal training or past American Legion experience, which have prepared you for the office. You are the interpreter of the Constitution and By-Laws of your Post... and at any time may be called upon by the Commander and other officers and members to rule on the legality of their actions and decisions insofar as they affect the good of The American Legion.”
- **Key Principles:**
 - Never render decisions based on personal opinion.
 - Always reference the Post Constitution & By-Laws (the governing documents).
 - If in doubt → Contact the **Department Judge Advocate** immediately.
 - Protect the heritage of “For God and Country.”

Core Responsibilities

1. **Advisor & Parliamentarian** – Provide professional legal/procedural advice to the Commander, Executive Committee, and all officers.
2. **Guardian of Compliance** – Ensure all Post actions comply with National, Department, and Post Constitutions & By-Laws.
3. **Auditor** – Serve on the auditing committee (annual financial audit + Post Responsibility Audit).
4. **Presiding Officer** – Chair disciplinary hearings/trials (unless recused).
5. **C&BL Custodian** – Oversee updates and ensure Department approval of Post Constitution & By-Laws.
6. **Liaison** – Maintain contacts with local government officials; assist Service Officer (legal matters) and Americanism Committee (education/naturalization).

Are **not** required to be a licensed attorney (a parliamentarian may serve), but you must obtain licensed counsel when true legal practice is needed.

Constitution & By-Laws –Most Important Role (Department of Florida Constitution, Article X, Section 10)

- Every Post **must** maintain its own Constitution & By-Laws (do **not** copy Department language verbatim).
- **Amendment/Approval Process (mandatory):**
 1. Post membership approves changes.
 2. Signed by at least two Post officers.
 3. Submit to Department Headquarters (NOT directly to Dept. JA).
 4. Reviewed by Department Judge Advocate or Assistant Judge Advocate.
 5. Approved by Department Commander → Certification issued.
- **Recommendation:** Review and update every three (3) years with your Post C&BL Committee.
- Use National templates (Officer's Guide, pages 85-91) but modify to comply with Florida rules (e.g., expulsion requires full trial process – not just Executive Committee vote).

Parliamentary Procedure Officers Guide & Robert's Rules

- **JA Role:**
 - Act as parliamentarian at all meetings.
 - Advise on motions, order of business, points of order.
 - Ensure fairness, majority rule, minority rights, & one thing at a time.
- **Standard Order of Business** (National Officer's Guide):
 1. Call to order
 2. Pledge of Allegiance
 3. Opening prayer
 4. Reading of minutes
 5. Officer reports
 6. Committee reports
 7. Unfinished business (Old business)
 8. New business
 9. Good of the Legion
 10. Closing

Use this to keep meetings efficient and lawful.

Audits – Protecting Post Finances

- The Judge Advocate (with the Finance Officer and Legal Committee) **must** conduct:
 - **Annual Financial Audit** (before officer elections).
 - **Post Responsibility Audit** (National requirement).
- **Purpose:**
 - Verify all funds are properly received, deposited, and expended per budget.
 - Ensure bonding/insurance compliance.
 - Protect the Post and its officers from liability.
- Report findings to the Executive Committee and membership. Perform more frequently if concerns arise.

Disciplinary Proceedings & Hearings

- **National & Florida Rule (Department Constitution, Article X, Section 13):**
 - A Post may suspend or expel only **after due process** for: disloyalty, neglect of duty, dishonesty, or conduct unbecoming a member.
- **JA Role as Presiding Officer:**
 - Charges must be in writing, under oath, filed with the Adjutant.
 - JA preside at the trial (unless they are a party).
 - Rule on evidence relevancy/materiality.
 - Ensure orderly procedure (15+ days notice, right to present witnesses, 2/3 vote to expel/suspend).
 - Record verdict and certify it.
- **Appeals:** Only the accused may appeal to the Department Executive Committee (final).
- **Important:** The Department does **not** conduct Post-level trials. Follow the Department's "Rules Governing Trials" exactly.
- Full due-process checklist is in the National Officer's Guide (Appendix).

Assistance to Other Officers & Committees

- **Commander & Executive Committee** – Advise on all legal/business matters, contracts, MOUs.
- **Service Officer** – Legal questions on veterans' benefits.
- **Americanism** – Education & naturalization law.
- **All Committees** – Parliamentary help and government contacts.
- **Elections** – Oversee proper conduct if requested.
- JA stands for "Just Ask"
 - JA is the "go-to" advisor across the entire Post.

Key Resources & When to Call the Department

- **Must-Have Documents (on your desk):**
 - Department of Florida Post Judge Advocate Manual (2025)
 - National Officer's Guide & Manual of Ceremonies (latest)
 - Roberts' Rules of Order (current edition)
 - Post Constitution & By-Laws (approved copy)
 - Department Constitution & By-Laws
- **Contact the Department Judge Advocate immediately if:**
 - Uncertainty on legality or procedure.
 - C&BL submission or conflict.
 - Complex disciplinary matter.
 - Post charter revocation risk or major dispute.
- Department website: floridalegion.org → Resources → Forms & Documents.

Closing & Call to Action

- The Post Judge Advocate is the **legal and constitutional backbone** of every Post in Florida.
 - When you serve faithfully, you protect our organization, our members, and the principles for which we stand.
- **Final Charge Reminder:** “Protect that heritage.”
- Thank you for your service.
- Questions? I am available to assist every Post Judge Advocate in Florida.
- **For God and Country.**

Thank You!

