



# Federal Bar Association

## **Policy No. 1-15: Advocacy of Public Policy Positions by FBA Entities**

**Approved By:** Board of Directors

**Date Approved:** March 20, 2019

**Date Effective:** March 20, 2019

### **Policy:**

An FBA Entity may advocate a public policy position only if it is not inconsistent with FBA National Policy and the Entity adheres to the process set forth in the Constitution and the guidelines of this policy. A Law School Student Chapter—in the name of the Law School Student Chapter—may advocate a public policy position only with the prior, written approval of the supervising Professional Chapter. A Standing or Special Committee may not advocate a public policy position; however, it may make recommendations or submit positions for consideration to the Board of Directors.

For purposes of this policy:

“FBA Entity” refers to a Division, Section, and Professional Chapter of the FBA.

“Public policy position” refers to oral or written positions, statements, reports, briefs and similar pronouncements advocated by an Entity.

“FBA National Policy” includes the FBA Issues Agenda, public statements of the Board of Directors, testimony, briefs, correspondence and similar expressions reflecting the best interests of the national Federal Bar Association.

### **Procedures:**

A. With the prior approval of the Board of Directors, an FBA Entity may—in the name of the Association—advocate a public policy position.

B. Alternatively, subject to paragraphs C, D and E of this policy, an Entity may advocate a public policy position without the prior approval of the Board of Directors, but only if it: (1) is not inconsistent with FBA National Policy; (2) generally reflects the views of the Entity's membership; and (3) includes a disclaimer that the position is in the name only of the Entity and not that of the National Association.

C. Before taking an action described in paragraph B, an FBA Entity should provide notice of the position to the Executive Director at least five days in advance of its issuance to facilitate review of its consistency with FBA National Policy.

If the Entity ultimately advocates the position, the Entity shall report that action immediately to the Board of Directors and the Executive Director.

D. To assure that the public policy position as referenced in paragraph B generally reflects the views of the Entity's membership, the position should: (1) be approved by the Entity's governing board and (2) take into account feedback solicited from the Entity's membership.

E. The disclaimer required under paragraph B must clearly state that the public policy position does not reflect the views of the National Association, any judicial member of the Association, or any other member of the Association for whom participation in the formulation of the position would conflict with that member's official or other professional responsibilities. For example, if an FBA Entity joins in an *amicus curiae* brief, the disclaimer should state: "The [name of Entity] of the Federal Bar Association joins this brief in its name only and not that of the national Federal Bar Association. Neither this brief nor the decision to join it should be interpreted to reflect the views of the national Federal Bar Association, nor of any member of the Association (including any member of the [name of Entity]) who is a judicial officer or is employed by or represents a party or other amicus in the case. This brief was not circulated to any such member prior to filing, and no inference should be drawn that any such member has participated in the adoption of or endorsement of any position advocated in this brief."

F. A Law School Student Chapter—in the name of the Law School Student Chapter—may issue reports, make public announcements, and publicly advocate positions on issues of concern only with the prior, written approval of the supervising Professional Chapter. The position statement shall include a disclaimer that states that the Law School Student Chapter is taking the position in the name of the Law School Student Chapter alone. If the Law School Student Chapter issues a position statement, the Professional Chapter shall report that action immediately to the Board of Directors in the same manner as its own position statements under the Constitution and this policy. A Professional Chapter on behalf of the Law School Student Chapter may make recommendations or submit positions for consideration to the Board of Directors. No report or position may be inconsistent with any existing position of the Association.

**Purpose:**

This policy addresses the processes established by the Constitution and the Board of Directors for the advocacy of public policy positions by FBA Entities.

**Sources of Authority:**

FBA Constitution Article 8, Section 2. Public Positions Taken by Divisions  
FBA Constitution Article 9, Section 2. Public Positions Taken by Sections or Committees  
FBA Constitution Article 10, Section 4. Public Positions Taken by Chapters  
FBA Bylaws Article 11. Public Positions by Association Entities  
FBA Policy No. 9-8: Law Student Chapters

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**Change Notice:**