

ELECTED OFFICERS WORKSHOP 2010

LEGAL MATTERS

Today's outline

- ❑ 1. Organization
- ❑ 2. Mission
- ❑ 3. Common issues
 - ❑ Standing rules
 - ❑ Contracts and agreements
 - ❑ Liability generally
 - ❑ Donations
 - ❑ Property ownership
 - ❑ Conflict resolution
 - ❑

Organization

- National L Department
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- District L
- - DSO and three ADSO's
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- No parallel staffing

Mission

- ❑ L—general counsel to Auxiliary, National Board and Department Chiefs
- ❑
- ❑ DSO-LP—general counsel to Commodore, District Board and staff, Divisions and Flotillas

Standing Rules

- ❑ Unit operating charter (bylaws)
- ❑ Must conform
- ❑ Superior rules always trump
 - ❑ National > District > Division > Flotilla
 - ❑ Manual / Directives / Instructions

Your Mission

- Find your rules
- Read and review them
- Virtually all now out of date (titles)
- Work with Legal to update



Contracts and Agreements

- ❑ LP approval if related to real property or spending money
- ❑ Certain clauses prohibited
- ❑ Avoid the personal liability trap
- ❑ ‘Insurance’ coverage letters available
- ❑ Send for review as soon as possible—policy is prior legal review



Liability Generally

- ❑ Instrumentality of U.S. when ‘under orders’
- ❑ Federal Tort Claims Act (and others)
- ❑ Personal liability when ‘outside orders’
- ❑ Assignment to duty is key

Donations

- ❑ DCO and/or DIRAUX approval
- ❑ Flotillas can solicit 'locally'
- ❑ All units—unsolicited donations OK
- ❑ Public entities (and Team CG) OK
- ❑ Approving authority related to dollar amount
- ❑ When in doubt...ask, ask, ask
- ❑

Property Ownership

- ❑ Unit can own personal property
 - ❑ Boats, trailers, equipment
- ❑ Use important for liability protection
 - ❑ Exclusive use
 - ❑ Authorized missions
- ❑ U.S. property for liability purposes
- ❑ Unit insurance for property loss/damage

How Conflicts Arise In The Auxiliary

- Different basic attitudes
- Leadership styles
- Personality differences
- Different approaches to missions and tasks
- Stress, impatience, 'volunteerism'
- More encounters, more conflicts
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Conflict Resolution

- Leadership responsibility
- Disciplinary tools not always well suited
- Mediation an alternative



Mediation As A Tool To Help Resolve Conflicts

- Mediation increasingly more common
- Formal and informal
- Third person involvement
- Neutral party
- Objective and knowledgeable
- Goal: resolve while avoiding discipline

Resources

- ❑ The Manuals Rule
- ❑ District Web Site
 - Legal web page
 - <http://services.d11nuscgaux.info/legal/info.html>
 - Linked email—click and send
- ❑ Today's handout—names and phones

Questions?...call us....