

# AMA Help on Local Legal Problems

ONE of the benefits of AMA chartered clubs is the retention of legal counsel on a national level. This service enables AMA always to have immediate local advice in many matters: insurance problems; HQ administration; interactions with the FAA, FCC, IRS, etc.; general noise, and flying site problems. However, this legal service is limited to matters which affect the organization, its members and clubs as a whole. In other words, we have direct access to legal help on all matters which affect the collective membership.

But in the area of local help, legal assistance is a different and special situation. The local problem in which an individual club often becomes involved requires the services of a lawyer who can attain a personal familiarity with the facts and persons involved. Often personal consultations and review of facts are absolutely necessary to an expeditious and favorable solution to a problem. We are not in a position to render such impersonal services to local clubs and cannot be present in each locale to provide the kind of control of cases that is often essential to avoid having additional problems stem from initially limited difficulties.

An additional reason for local clubs to be encouraged to consult a local lawyer is that many problems require prompt action to avoid becoming aggravated by the passage of time. When the local clubs have the impression that their legal counsel is distant from them and to be contacted indirectly, they may defer seeking advice until matters have become far more complicated than if local assistance were sought at an early stage. Indeed, many good cases are lost merely by delay in the client seeking legal counsel until his rights can no longer be protected. Many local matters that can be handled expeditiously by a local telephone call become much more difficult to deal with when a delay of several days arises because of the need to use the mails for communication. The Academy must, also, take care to avoid being placed by its affiliate clubs in a position of rendering legal services, because there are serious risks in doing so. The standard of care which must be exercised by a lawyer is determined by the standard of care which must be exercised by an average lawyer in the community.

However, should a non-lawyer, such as the Academy, undertake to render legal advice, the standard of care is absolute; that is, the advice must be correct. The Academy, which is not in the best position to determine the facts of local situations and deal with local laws, would accordingly assume particular risk if it undertook to render advice on any legal matter.

This does not mean that when a particular legal problem recurs with any frequency for the local clubs, AMA's counsel will not prepare for the AMA a general memorandum of law on the subject, as in the area of modeler noise complaints, designed to give the local club's officers and lawyers a body of general background information on the particular problem involved; and that AMA may not, thereafter, properly supply clubs with a copy of such a memorandum; but without seeking to apply the cases and general principles of law expressed to the individual facts of any club's particular legal problem. Thus, the Academy and its General Counsel are not in a position to render legal advice on specific local matters involving the affairs of local clubs. Therefore, we suggest that when problems arise requiring the service of a lawyer, that local counsel be promptly consulted.

In all this it needs to be realized that laws vary from state to state. For a practitioner to advise clients skillfully, he must possess an intimate knowledge of the laws of the relevant jurisdiction. For assistance on a particular local matter, a lawyer familiar with the laws of the particular jurisdiction should, therefore, be consulted. For that reason, local clubs should consult local lawyers on local problems. On the other hand, it is helpful and desirable to keep the Academy advised concerning any local legal proceedings. From the accumulation of such information, AMA is better able to understand local problems and develop case histories which may be useful to guide other clubs and local counsel in a general way. Also,

from these may develop national patterns which can result in programs and policies that Academy's counsel can support.

This is not, therefore, to say that AMA is uninterested or unconcerned. Quite the contrary. It will help greatly for AMA to be informed of local legal problems even though there are limitations to the amount of direct assistance AMA can render.