

1 November 1993

Legal

QUALIFICATIONS AND DUTIES OF LEGAL OFFICERS

This regulation establishes the policy on qualifications and duties of legal personnel in Civil Air Patrol (CAP).

1. Responsibilities of Commanders. Wing and region commanders will ensure appointments of legal officers are tendered only to properly qualified persons.

2. Qualifications of Unit Legal Officers. Personnel assigned to positions as squadron, wing, region, or national legal officers:

a. Must be currently authorized and licensed to practice law before the highest court of a state or the District of Columbia. Qualification as a legal officer is not an authorization to practice law. Such authority is controlled by local law.

b. Must never have been disbarred as the result of misconduct or moral turpitude. Ibis requirement may be waived only upon authority of the national legal officer.

3. Duties of Legal Officers:

a. **Fiduciary Duty.** Civil Air Patrol is the client of each and every attorney assigned as a CAP legal officer. Every CAP legal officer owes a fiduciary duty to the Corporation.

b. **Responsibilities.** Subject to constraints imposed by local law upon the unauthorized practice of law, responsibilities of a CAP legal officer include, but are not limited to, the following:

(1) Rendering legal advice and opinions regarding CAP activities.

(2) Assisting the unit safety officer in conducting safety investigations.

(3) Investigating complaints under the direction of the unit commander in accordance with CAPR 123-2.

(4) Conducting legal reviews of adverse personnel actions including proposed membership nonrenewals and terminations prior to wing (or region) commander action. Also responsible for reviewing letters of notification to members concerned.

(5) Serving as CAP representative at termination

appeals hearings

(6) Serving on unit membership board as directed by the unit commander.

(7) Advising the unit commander on legal implications of CAP programs and activities to include interpretation of laws, regulations, and directives; contracts or agreements; claims; insurance; real estate; taxation; investigations; corporate records; fund raising; and relations with local agencies.

(8) Monitoring compliance with CAP Constitution and Bylaws and CAP directives.

4. Initial Appointment and Promotion. Policies relating to the appointment and promotion of legal officers are set forth in CAPR 35-5.

5. Suspension/Disbarment. If at any time the authority or license of a CAP legal officer in any state is suspended or terminated, the legal officer shall immediately advise his/her unit commander and the legal officer of the next higher echelon and shall be immediately on suspended status with regard to his/her duties as legal officer. In the event that the legal officer is disbarred, he/she shall be relieved of his/her duties as legal officer and an investigation shall be undertaken to determine if membership termination is warranted.

6. Uniforms and Insignia:

a. Legal officers are not required to wear a uniform unless required by a specific activity. When the uniform is worn, it will be worn as prescribed by CAPM 39-1. Any CAP uniform, including the CAP blazer combination and jumpsuit or appropriate civilian attire, may be worn.

b. Legal insignia, badges and certification patches, will be prescribed by CAPM 39-1.

OFFICIAL

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