

**Report to the Board of Directors  
of the  
American Radio Relay League, Inc.  
January 2025  
from the Legal Defense Committee <sup>1</sup>**

**Members of the 2024 Legal Defense Committee:**

- Director Robert B. Famiglio, K3RF (Chair)
- Director John Robert Stratton, N5AUS
- International Affairs Vice President Rod Stafford, W6ROD
- ARRL FCC Counsel David Siddall, K3ZJ
- Fred Hopengarten, K1VR
- Michael Lazaroff, K3AIR

The Legal Defense Committee (LDC) is charged with undertaking the responsibilities generally provided in the guidelines which are attached to these minutes for reference by this Board. As reported midyear 2024, the Committee held its first meeting for 2024 at the Dayton Hamvention with an organizational gathering of members that were attending the Hamvention.

The minutes of the meeting were attached to the July report for reference. Those comments and minutes of record are incorporated herein by reference.

**By the close of 2024, there were no pending legal matters or court cases involving amateur radio which have been brought to the attention of the Committee for possible assistance.** I also observe that we have a shrinking list of available counsel to serve in the program. We have no mechanism, yet, to monitor matters referred to and undertaken by our list of ham lawyers. Yet, from my own observations, calls from members to my law practice with questions and concerns over a wide variety of ham radio legal issues has not abated, so we must assume we have hams nationwide calling for assistance in other geographical areas.

From the chairman's own experience, PRB-1 issues have been matched by legal issues involving radio operations from HOA and similar legally restricted locations above and apart from PRB-1 related conflicts. This observation is anecdotal but is similar to the experience of some discussions the chairman has had with other volunteer counsel. The other up can coming legal issue is RFI interference resolution, more prominent now because RFI is no longer just a powerline sourced problem. It becomes a legal issue for the most serious noise problems which prevent hams from

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<sup>1</sup> *a/k/a Amateur Radio Legal Defense and Assistance Committee*

operating.

Many calls for advice and assistance to counsel appear to be from clubs struggling with legal structure and governance issues, IRS non-profit application problems, insurance issues for liability protection, and other legal issues related to ham radio which has historically not been in the wheelhouse of the volunteer council program. It should be, however.

During the rest of 2024, emails were exchanged with responding volunteer counsel members as to how our League could enhance the program. What assistance do our volunteers need or what program expansion would they like to see which would help expand the shrinking list of Volunteer counsel?

One popular idea is to provide continuing legal education credits in antenna zoning for radio amateurs. In most all states, lawyers are required to obtain and report such credits based on topics approved by sanctioning bodies such as reputable CLE providers or bar associations. The guidelines for the use of LDC funds approve use up to a specified limit to provide such education for our volunteers. I believe this is an area which will swell the list which presently is less than 40 attorney-hams nationwide. This number was estimated based on a failure to list members to respond to inquiries to update their contact information and status.

Implementation of an accredited course to be presented live but with teleconferencing would likely be a relatively minor expense since qualified instructors might be obtained without paying fees for presentations. We have some of the best experts on the subjects available in the program, so instructor fees might be waived. There are fees necessary for having any program accredited in various states as this is frequently accomplished by national organizations such as the Federal Bar Association. Such continuing legal education credits are accepted in almost every state if properly documented.

The attrition of volunteer counsel is likely due largely to retirement. Lawyers, as in many learned and licensed professions, must provide for payment of state licensing fees each year, pay for and undertake continuing education credits and in many states, professional liability insurance as a requirement. These are concerns the chairman has heard over the years when discussing issues with recently retired lawyers who are hams. They wish to avoid any interaction with the public even on a pro bono basis without maintaining their license(s) to practice, their minimum yearly educational requirements, and maintaining a suitable liability limit to protect them from the expense of (unjustified) nuisance claims no matter how rare such claims are in this subject area. These costs are not miscellaneous or trivial, particularly if a practitioner is admitted to practice in several states and jurisdictions.

Looking to the future, fertile ground for development of the VC program and recommendations are as follows:

**Defining a program for forum shopping** for the purpose of understanding which cases might warrant support for the Legal Defense Committee. Such consideration would be to actively identify which cases might have the greatest impact and the greatest possibility of a favorable outcome for radio amateurs. Not all cases are automatically brought to the Committee's attention as there is presently no active monitoring of potentially significant litigation.

**Generate criteria for the US Circuit Courts of Appeal** related to picking such cases for the most "bang for the buck." Given later issues arising for hams, this is particularly important for determining an effective ruling that amateur radio is not covered under the Wireless Communications Facilities Act defining all towers and used by townships and counties for criteria against amateur radio towers needing to comply with those Draconian requirements. (47 USC 332).

**Develop a system to monitor the status of new state or federal legislation** proposal monitoring such as cell phone or texting bills, antenna restrictions or other bills offered that may impact amateur radio operations and what resources should be directed at monitoring such legal issues arising and should they be undertaken by the Committee.

**Drafting a uniform statute for a state PRB 1-type law** in concert with the Legislative Action Committee. Such work requires knowledgeable lawyers to draft effective bills. The Legislative Action Committee has several lawyers on the committee, but having resources in other states would be invaluable. The VC program is potentially a great source for this input. Some states have local laws which all have different levels of effectiveness and some have been artfully drafted for whatever reason. Researching uniform state laws to determine how a uniform law (such as Uniform Commercial Code, Uniform Probate Code, Uniform Unincorporated Association Act, and other such uniform laws) can be implemented may make sense and can provide significant relief to members in the future. Once a uniform law is drafted and is accepted, states will be more likely to adopt such a law since it's been reviewed and approved by some national authorities on state laws for uniformity in state laws.

The Committee earnestly solicits input, suggestions and criticisms from the Board with respect to the discussion of items above. Expansion of the role of the Volunteers on the VC list and the committee could bring new interest from lawyer-hams to participate and be of great interest to ARRL members. How should the role of the VC and/or this committee be adjusted, changed or completely revamped?

Respectfully Submitted,

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ARRL Atlantic Division Director,  
Chairman, Legal Defense Committee