

AMICUS / ADVOCACY POLICY

The Law and Society Association is a diverse membership organization that excludes no one because of his or her views about issues of public policy and contains members whose views span the political spectrum. Its mission is to promote education and research on matters related to law and society and not to advocate for or promote particular policies. Yet issues arise that relate to the health of the law and society enterprise and of its constituents' disciplines or to its members' ability to effectively practice their profession and fulfill their own teaching and research missions. In addition, the Association has an interest in ensuring that research within its areas of concern offered to influence public policy or other decisions is sound and fairly presented. The Association may also have an interest in ensuring that policy makers and courts have access to relevant information in the Association's areas of expertise. In addition, sometimes statements regarding issues of public concern are directly related to the conduct of Association business, such as statements relating to immigration, discrimination on the basis of sexual preferences and union efforts to achieve a living wage for hotel workers, all of which may affect Association decisions with respect to the locale of its annual meeting. Finally, there are occasions when a number of similar professional associations are joining to state a position on a matter of mutual concern. The Association may have an interest in being perceived as a member of the group. The first two considerations counsel in favor of a presumption against the Association as an Association taking positions on matters of public policy, while the latter considerations counsel against an absolute bar. Hence the President and Executive Officer of the Association are authorized to formulate and communicate Association positions in appropriate ways subject to the following principles:

- 1) No policy position, except positions relating directly to the conduct of Association business, may be taken unless those acting for the Association have a good faith belief that a substantial majority of the Association's members would not disagree with the position taken. In appropriate instances and where time permits the President, Executive Officer or the President's designee may communicate electronically with the entire membership to ascertain the members' views.
- 2) The Association shall only take positions on matters of public policy when the matter is directly related to the Association's educational and/or research mission or Association business as determined by the President of the Association.
 - a) This limitation may be waived if at least three-quarters of the trustees who are present and voting at an Association annual meeting agree to do so or if at least 85% of the membership responding to an electronic survey so agree.
- 3) If a matter in either 1) or 2) is not time sensitive, the matter shall be brought to the Association's Board of Trustees, who may decide to take a position so long as two-thirds of those present and voting agree. Other issues, such as how the position shall be disseminated, may be decided by a majority vote or left to the President and/or Executive Officer in the Board's discretion.

4) If a matter is time sensitive, the President of the Association shall consult with the members of the Association's Executive Committee as a group, using conference phone calls, group e-mail or other feasible means. The decision whether to take a position shall be put to a vote of the Executive Committee and no position shall be taken if more than one member of the Executive Committee objects. The President shall inform the Board after making a decision to take a position if he or she makes that decision without an opportunity to consult with the Board.

5) Nothing in these rules shall prevent the President or Executive Officer of the Association from taking positions on issues as individuals. If their relationship to the Association is of relevance they may indicate their role in the Association so long as it is clear that they are not stating a position of the Association.

Adopted, Board of Trustees Meeting, Boston, MA, May 29, 2013