

Membership to Vote on Bylaw Changes at Spring Meeting



At its October 18, 2003, meeting the Section Council approved changes to the Section's bylaws. In order for the revisions to become effective, the changes must be approved by a vote of the section membership. Voting will take place at the Section's Spring Meeting in San Juan, Puerto Rico, on April 30, 2004. The voting will be held from 7 A.M. to 1 P.M. in the Hospitality Room at the meeting. To be eligible to vote, a member must be registered for the meeting and a member of the section, whose good standing can be certified by official Association records for the 30 days prior to the day of voting. The full text of the bylaws with proposed changes can be found on the Section's Web site at:

www.abanet.org/family.

The text of the recommended bylaw changes *only*, as submitted by the section secretary, James B. Preston, is as follows:

Article II: Membership

Section 2.3 DUES. Dues for membership in the Section shall be in an amount set by the Section Council up to ~~the maximum of Fifty Dollars (\$50) as set~~ and approved by the Board of Governors, payable upon enrollment and thereafter annually in advance each year at the beginning of the Association's fiscal year.

Section 2.5 LAW STUDENTS. Any member in good standing of the Law Student Division of the American Bar Association may become a law student member of this Section upon written application for such membership and payment of annual Section dues in such amounts as may be established from time to time by the Council and approved by the Board of Governors. Law student members ~~shall be entitled to receive all publications which this Section distributes generally to its members and~~ may attend all meetings of members of this Section, but without vote.

Article III: Meetings of the Membership

Section 3.1 ANNUAL MEETING. The Section shall hold an Annual Meeting of members ~~in conjunction with the Annual Meeting of the Association.~~ The Section may, upon approval of the Board of Governors, hold other meetings of members throughout the year.

Section 3.4 VOTING ELIGIBILITY. Any member of the Association and the Section whose good standing can be certified by official Association records for thirty days prior to the time of voting shall be eligible to vote. A member must be registered ~~for the~~ and **be present at the Annual Meeting of the Section** in order to be eligible to vote at the election of Officers and Council Members.

Article IV: Officers

Section 4.2 CHAIR.

- (a) The Chair, ~~or successively the Chair-elect and the Vice-chair in the absence of the Chair,~~ shall preside at all meetings of the Section, Council, and the Executive Committee.
- (b) **In the event of a committee vacancy during the Chair's term,** the Chair shall appoint the committee chair and members of all committees of the Section who are to hold office during the Chair's term, except committees otherwise constituted in the bylaws.

The Chair shall ~~plan~~ **implement** goals and objectives of the Section in accordance with the purposes of the Section **and as contained in the Long Range Plan of the Section,** subject to the directions and approval of the Council.

The Chair shall ~~supervise the performance of all~~ **oversee the** activities of the Section, ~~and shall keep informed and carry out its decisions.~~ **inform the Council** ~~duly informed and carry out its decisions.~~ **members of the activities of the Section, and shall implement the directions of the Council.**

The Chair shall perform such other duties and acts as may be designated by the Council. ~~The Chair shall appoint the Financial Officer for a one year term.~~



Ready for San Juan?

The Section of Family Law will meet April 28–May 1, 2004, at the beautiful Ritz Carlton, San Juan, for the Spring CLE Conference and Committee Meetings.

Plenary sessions will be offered on:

- international aspects of divorce,
- using technology and your practice, and
- business valuation.

Additionally, there will be nine one-hour committee CLE programs. The Section of Family Law Council will meet as well as all substantive committees of the Section. A detailed conference brochure will be mailed later this month.

Our spring conference social events include a trip to El Yunque Rainforest and a festive evening featuring the cuisine of the island and salsa dancing. Room reservations can be made by calling the Ritz Carlton at 1-800-241-3333 and referring to the ABA Family Law Spring CLE Conference. The room rate is \$185 per night. If you would like additional information, please contact section staff at 312/988-5145. See you in San Juan!

- (g) **The Chair shall plan and supervise the Section program of the Annual Meeting of the Section occurring immediately after the Chair's election to office, and shall supervise the planning of all other meetings of the Section, during the Chair's term, subject to the direction and approval of the Council.**

Section 4.3 CHAIR-ELECT.

- (a) The Chair-Elect shall, on consultation with the Chair, **Vice Chair and Secretary**, designate the appointment of the committee chairs and members of all committees who are to hold office during ~~his/her coming term~~ **the Chair-Elect's upcoming term** as Chair, except committees otherwise constituted in these bylaws **that have a different procedure, by June 1 of the year in which the Chair-Elect is to take office as Chair.**
- (b) **In the absence of the Chair, the Chair-Elect shall preside at all meetings of the Section, Council and the Executive Committee.**
- ~~(c) He/she~~ **The Chair-Elect shall aid the Chair in the performance of his/her the Chair's responsibilities in such manner and to such extent as the Chair may request.**
- ~~(d) He/she~~ **The Chair-Elect shall perform such further duties and have such further powers as usually pertain to his/her the Chair-Elect's office or as may be designated by the Council or the Chair.**
- ~~(e) In case of the death, resignation, or disability of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term or disability, as the case may be, and then shall succeed to the office of Chair for his/her the Chair-Elect's own term.~~
- ~~(e) He/she shall plan and supervise the Section program of the next Annual Meeting of the current Association fiscal year, subject to the direction and approval of the Chair, and supervise the planning of all Regional Meetings of the Section, subject to the direction and approval of the Council.~~

The Chair-Elect shall ~~submit to Council at the Annual Meeting a proposed Section budget for the following fiscal year. prepare a draft budget by June 1 of the year in which the Chair-Elect is to take office, and shall provide it to the Chair, Vice Chair, Secretary, Financial Officer and Financial Officer designee for their review and comment. The draft budget will be submitted to the Section's Council at the Annual Meeting for final approval.~~

The Chair-elect shall appoint the Financial Officer for a two-year term, after consultation with the Vice Chair and Secretary, when there is a vacancy in this position pursuant to Section 4.7 (h).

Section 4.4 VICE-CHAIR. The Vice-Chair shall have the following duties and responsibilities:

- (a) **The Vice-Chair shall aid the Chair in the performance of his/her the Chair's responsibilities in the manner and to the extent as the Chair may request.**
- (b) **In the absence of the Chair and Chair-Elect the Vice-Chair shall preside at all meetings of the Section, Council and the Executive Committee.**
- ~~(c) In case of the Chair-Elect's death, resignation, absence, disability, or implementation of Section 4.3 (d) (e), or disability of the Chair-Elect, above, the Vice Chair shall perform the duties of the Chair-Elect for the remainder of the Chair-Elect's term or disability, except the duties set forth in Sections 4.3 (a) and (f), above, which duties shall be performed by the Chair.~~
- ~~(e) (d) The Vice-Chair shall make an one appointment to the Long Range Planning Committee pursuant to Section 7.4(b), below.~~

Section 4.6 SECTION DELEGATES.

- (c) The Section Delegates shall vote ~~his/her the Delegate's~~ own conscience on all matters in the House of Delegates unless otherwise directed by the Council.

Section 4.7 FINANCIAL OFFICER. The Financial Officer shall have the following duties and responsibilities;

- (e) Prepare a **draft three (3) year projected** Section budget, **along with the Chair-elect, by July 1 each year. prior to the Annual Meeting for the Chair-Elect.**
- (f) Submit to the **Council and Officers, Section** at the Annual Meeting, a report of the Section's financial affairs and financial condition;
- (g) Prepare such other recommendations and special reports of financial affairs of the Section as may be requested by the Chair of the Section **or Council. He/she shall be appointed by the incoming Chair for a one-year term and may be reappointed without limitation as to the number of terms.**
- (h) **The Financial Officer shall be appointed by the Chair-elect, in consultation with the Vice Chair and Secretary, for a two-year term, and may be reappointed to an additional two-year term, however, not to exceed two terms.**

Section 4.9 VOTING/NONVOTING. All officers are voting members of Council and the Executive Committee.

Article V: Executive Committee

Section 5.3 MEETINGS. The Executive Committee may meet by telephone (either conference call or serially), mail, or in person. A meeting of the Executive Committee may be called by the Chair or by any two other members of the Executive Committee and shall give at least twenty-four hours actual notice in writing by prepaid certified mail, courier delivery, electronic mail, telephone, or other actual notice ~~(to be confirmed in writing within forty-eight hours)~~ of the time and place of such meeting to each member of the Executive Committee. Action of the Executive Committee shall be by a majority vote of its members. Minutes shall be kept of all meetings and shall be mailed to each Council member within twenty-one days of such meeting.

Article VI: Council

Section 6.1 POWERS.

- (b) It shall adopt a budget at the Annual Meeting **of the Section for the following fiscal year immediately following that Annual Meeting of the Section.**
- (e) At appropriate times, as determined by the Conference of Section Chairs, the Council shall designate ~~which Section~~ **the Senior Delegate to shall** serve on the Nominating Committee of the House of Delegates.

Section 6.2 COMPOSITION. The Council shall be composed of the following persons:

- (g) A Young Lawyer Division representative, **appointed by that Division**, who shall serve for a one-year term.
- (h) A Law Student Division representative, **appointed by that Division**, who shall serve for a one-year term.
- (i) **Parliamentarian**
- (j) **Board of Governors Liaison**
- (k) **Past Chairs of the Section. The past chairs, except the immediate past chair, shall be ex-officio members of the Council.**
- (l) **Chair of the CLE Committee.**

Section 6.3 TERMS OF COUNCIL MEMBERS. ~~No person Council member at large or regional member of the Council may serve more than two successive full three-year terms as an elected member of Council, other than as an officer. a member at large or Regional member, as the case may be.~~

Termination of a position by absence as set forth in Section 9.3, resignation or disability, is deemed a full three-year term.

Section 6.4 QUORUM AND VOTING. A quorum consisting of a majority of the **voting** Council members shall be required to conduct its business. There shall be neither absentee nor proxy voting. Action of the Council shall be by majority vote of those members present. **All members of Council are voting members, except the Past Chairs (not including the Immediate Past Chair), Parliamentarian, Board of Governors Liaison and the Law Student Representative. are non-voting members of Council.**

Section 6.5 MEETINGS. The Council shall hold at least two regular meetings each year. **One meeting shall be an Annual Meeting of the Section, and the others shall be designated by the Chair. The Chair-elect shall select the dates of the meetings for the year the Chair-elect is scheduled to be Chair, by the conclusion of the Annual Meeting when the Chair-elect is elected.** ~~One to be at the Annual Meeting of the Association and others to be designated by the Chair. The Chair may, or upon the written request of at least one-third (1/3) of the members of the Council, call a special meeting of the Council at such other time and place as the Chair shall designate. Minutes shall be kept of each meeting and shall be distributed mailed or electronically transmitted~~ to all members of the Council **within thirty (30) days of the meeting.**

Section 6.6 POLL OF THE COUNCIL BETWEEN MEETINGS. The Chair of the ~~Section Executive Committee~~ may, or upon the written request of five members of the Council, direct the Secretary to request a poll of the Council. The poll shall be in writing setting forth the proposition which the Chair or Executive Committee or the five members of the Council want submitted to the Council and will be advisory in nature.

Article VII: Committees

Section 7.1 COMMITTEES. Committees of the Section shall be established and authorized by the Council or by the Chair with the advice and consent of the Council and shall be responsible to the Council, except those committees specifically constituted otherwise **and as set forth below.**

Section 7.2 COMMITTEE CHAIRS. The Chair-Elect of the Section shall appoint the members and name the Chair of each Committee of the Section (except those committee(s) otherwise constituted) for the following fiscal year **by June 1 of the year in which the Chair-elect is to take office as Chair.** ~~the last Business Session held during the Annual Meeting of the Section.~~

Section 7.3 SCOPE AND CORRELATION COMMITTEE.

- (a) The purposes of the Scope and Correlation Committee are as follows:
- (i) To study and review the purposes and goals **as established by Council or the Chair** of each Committee; ~~established by the Council or the Chair;~~
 - (ii) To establish reporting procedures for each Committee;
 - (iii) To report the progress or status of each Committee to the Chair **and Council**;
 - (iv) To recommend the continuance, termination, and future direction of each Committee to the Chair **and Council**;
 - (v) To analyze and monitor the expenditures of each Committee if requested by the Chair **or Council**; and Such other duties as the Chair **or Council** may direct.
- (b) The Scope and Correlation Committee shall be composed of five persons appointed by the ~~Chair-elect Chair~~ for a term of three years, none of whom can be an Officer of the Section or Editor-in-Chief of the *Family Advocate* or *Family Law Quarterly* or Chair of a Section Committee. No person may serve more than two terms. The **Chair-elect**

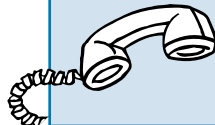
Save these dates!

2004 SECTION OF FAMILY LAW CALENDAR



February 5–10
ABA Midyear Meeting
San Antonio, TX

February 11



Teleseminar: "Family Law Trial Skills—What You Need to Know"
Noon to 1:30 p.m. EST
(To register, call 312/988-5145)



April 28–May 1
Spring CLE Conference
Ritz Carlton
San Juan, Puerto Rico

May 22–31

Trial Advocacy Institute
Four Seasons Hotel
Houston, Texas



August 5–8

Section of Family Law Annual Meeting
Atlanta, Georgia,
J.W. Marriott Buckhead/Lenox

October 20–23

Fall CLE Conference
Hyatt Regency
Milwaukee, Wisconsin



~~Chair~~ of the Section shall appoint a Chair and Vice Chair of the Committee to serve for one year. Vacancies for an expired term shall be filled by the **Chair-elect** ~~Chair~~ of the Section. Members of the Committee may not be removed during their term without a majority vote of the Council.

Article VIII: Elected Offices

Section 8.1(a) ELECTED OFFICES. At the Annual Meeting of the Section, the membership shall elect:

In ~~2003 1985~~ and each succeeding third year and in ~~2004 1987~~ and each succeeding third year, a Section Delegate shall be elected to serve for a term of three years.

Section 8.2 CHAIR. The Chair-Elect shall automatically succeed to the office of Chair. ~~The Chair He/she~~ shall serve a term of one year and may not again succeed to that office. In the event the office of Chair-Elect shall be vacant, then a Chair shall be elected in the manner set forth in Sections 8.6 and 8.7.

Section 8.3 CONCURRENT OFFICERS. No person may be nominated, elected, or serve **in** more than one of the offices as set forth in Section 4.

Section 8.5 APPOINTMENT OF NOMINATING COMMITTEE. At the last business session of the Annual Meeting, the incoming Chair shall appoint a Nominating Committee of five members of the Section who are not candidates for office and who cannot become candidates for office if they accept appointment. One

member shall be the Chair-Elect, **one member shall be a current Council member who is not currently seeking elected office, two one members shall may be a past Section Chairs or past Council member**, and two members shall be Section members who are not present or former Officers or Council members. Following the conclusion of the Annual Meeting, the Chair shall announce the names and addresses of the members of the Committee in the next issues of the *Quarterly* and the *Advocate*. The Chair may appoint a member to fill any vacancy which may arise thereafter in the Nominating Committee. **The Chair shall endeavor to appoint a diverse Nominating Committee.**

Section 8.6 ~~8.5a~~ DEADLINES FOR NOMINATIONS.

Nominations by resume or letter shall be submitted to the Chair of the Nominating Committee **and the Section Director** no later than November 1. In the event of an office becoming vacant pursuant to Section 9.2 of these Bylaws after the report of the Nominating Committee has been given, nominations for such office becoming vacant shall be submitted to the Nominating Committee no later than thirty (30) days prior to the first business meeting of the Section at the Annual Meeting and the time requirements of Section **8.8 ~~8.7~~** are suspended. Procedures for nominations for office with vacancies in offices occurring within thirty (30) days of the Annual Meeting shall be determined by the Chair of the Section.

Section 8.7 ~~8.6~~ REPORT OF THE NOMINATING COMMITTEE.

The Nominating Committee shall make and report, no later than the last Business Session of a special meeting of the Council occurring after January 1st of each year, one nomination for each position, which is to be filled by election as provided elsewhere in these bylaws. The report shall identify each nominee and shall include a brief statement of **the nominee's his/her** activities in the Section and in the law profession generally. The Chair of the Nominating Committee shall submit the report of the Nominating Committee for the *Advocate* issue first published immediately subsequent to the adjournment of the meeting where the Nominating Committee announces its nominations, however, not later than seventy-five (75) days prior to **the ABA Opening Assembly of the Annual Meeting of the Section.**

Section 8.8 ~~8.7~~ NOMINATIONS BY PETITION. Additional nominations may be made for any elected office by petition signed by not less than twenty-five (25) members of the Section who are in good standing and eligible to vote at said election. The petition should state that the member nominated has agreed to the nomination. The petition shall be sent to the Chair of the Section and **the Section Director** and must be received by **the Chair him/her** not less than sixty (60) days prior to the ~~Opening Assembly of the Association at the Annual Meeting of the Section.~~ **Upon receiving a nomination by petition, the Chair shall immediately advise the Nominating Committee, the other candidates, the Council, and the Secretary of the Association Section of the petition.** Any nomination made by petition shall be made known by the Chair immediately to the Nominating Committee, ~~the other candidates, the Council, and the Secretary of the Association.~~ The Secretary shall publish, preceding the Annual Meeting, in an issue of the *ABA Journal* or other publication sent to all members of the Section, a notice of all contested elections, **setting forth the date(s) and time(s) and place of the election.** A petition for nomination may be submitted to the Chair at any time during the Association year, as provided herein, but only on behalf of an individual who has previously submitted an application in the same election year for nomination to the Nominating Committee, and only for the office or council seat for which the application was submitted. Said publication concerning a contested election shall state the name, address, and brief statement of each candidate's activities in the Section and in the law profession generally.

Section 8.9 ~~8.8~~ ANNOUNCEMENT OF NOMINEES. In addi-

tion to the Report of the Nominating Committee, as set forth in Section 8.7, and the requirements in Section 8.8, the Chair of the Nominating Committee shall announce the Committee's nominees at the first Business Session of the Section at the Annual Meeting, and the Chair of the Section thereupon shall announce the nomination of any other person for the same office by petition duly made in accordance with procedure prescribed herein.

Section 8.10 ~~8.9~~ TIME AND PLACE OF ELECTION. The Chair of the Section shall announce the time and place when the election shall be held, which shall be as stated in the Official Program of the Annual Meeting of the **Section, and as published pursuant to Section 8.8 above.** ~~Association.~~ In addition, a list of all nominations shall be posted at the Section Hospitality Room, if any, and at a location at the entrance of the room where the Business Sessions of the Section are scheduled to take place immediately after the first Section Business Session and at least twenty-four hours prior to the time set for the election. ~~All elections shall be held at a business session of the Section during the Annual Meeting.~~ Elections for contested positions shall be by written ballot, unless otherwise ordered by unanimous consent of the Section members present. Each contested position shall be voted upon separately. Election shall be by a majority of the votes cast, and a run-off election to choose between the two leading candidates shall be held if a majority vote is not initially obtained. Floor nominations shall not be accepted. In the event that only one person is nominated for any position to be filled, ballots need not be used. Instead, election shall be by voice vote. **All members in good standing of the Section certified thirty (30) days prior to the time of the election and registered at the Annual Meeting of the Section shall be eligible to vote. The polls shall be open for voting during at least two full days during the Section annual meeting.**

Section 8.11 ~~8.10~~ TERM OF OFFICE. The term of office shall begin with the adjournment of the Annual Meeting of the **Section Association** following the election, and shall end following the Annual Meeting at which a successor has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor shall have been elected.

Article IX: Succession of Officers and Vacancies

Section 9.1 CHAIR-ELECT. The Chair-Elect, unless **the Chair-elect refuses he/she shall have refused** to act as Chair-Elect or has been disqualified or disabled, shall automatically assume the office of the Chair for a term of one (1) year at the end of the Annual Meeting following **the Chair-elect's his/her** election.

Section 9.2 OFFICERS AND COUNCIL. Between **the** Annual Meeting of the Section, the Council may fill vacancies as a result of death, disability, absence, or resignation in its own membership or in the offices of Vice-Chair, Secretary, or Section Delegates. Members of the Council and officers so elected shall serve until the next Annual Meeting of the Section, at which time the membership of the Section shall elect officers and Council members to fill any unexpired terms existing at that time.

Article XII: Parliamentary Authority

The Chair ~~shall may at meetings of the Section, Council or Executive Committee,~~ appoint a Parliamentarian from the Section membership, **to act at meetings of the Section, Council or the Executive Committee.** In Parliamentary situations that are not covered by these rules, *Roberts Rules of Order*, newly revised, shall be the parliamentary authority to govern the Council, Section and Executive Committee meetings.

If the appointed Parliamentarian is not present at the aforesaid meetings, the Chair may appoint a member of the Section to act as Parliamentarian for that meeting.