

Proposed changes to Section of Family Law Bylaws
ALL changes in bold and deletions struck-through

Article 1
4/04

BYLAWS OF THE SECTION OF FAMILY LAW

Article I: Identification

Section 1.1 NAME. This Section shall be known as "The Section of Family Law," and shall be hereinafter designated simply as "the Section."

Section 1.2 PURPOSE. The general purpose of the Section shall be the promotion of the objectives of the American Bar Association--hereinafter designated as "the Association,"--within the field of marital and family law. Marital and family law is the practice of law dealing with legal problems arising from the family relationship of husband and wife, parent(s) and child, grandparents, step-parents and children, including family-type relationships which are non-marital. Marital and family law includes the resolution of disputes arising from these relationships by settlement, negotiation, and litigation.

Section 1.3 LIMITATION. These bylaws have been adopted subject to the Constitution and Bylaws of the Association.

Article II: Membership

Section 2.1 ENROLLMENT. Any member in good standing of the Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section by the payment of annual Section dues.

Section 2.2 THE MEMBERSHIP. Members so enrolled and whose dues are paid pursuant to the provisions of this Article shall constitute the Membership of the Section.

Section 2.3 DUES. Dues for membership in the Section shall be in an amount set by the Section Council up to the maximum 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 2.4 DELINQUENCY. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section.

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 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. The Section may, upon approval of the Board of Governors, hold other meetings of members throughout the year.

Section 3.2 QUORUM. The members of the Section present at any meeting of the Section shall constitute a quorum for the transaction of business.

Section 3.3 CONTROLLING VOTE. Action of the Section shall be by majority vote of the members present and eligible to vote.

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 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.

Section 3.5 AGENDA. Among the matters of business to be transacted at the Annual Meeting of the membership shall be the election of Officers and Council members and, at appropriate times as determined by the Conference of Section Chairs, the nomination of a Section member-at-large of the Board of Governors. The agenda shall consist of other matters as decided by the Chair or Council.

In addition, a member of the Section may petition to have an item(s) placed on the agenda at the Annual Meeting if said petition is received by the Secretary of the Section at least sixty days prior to the first Business Session of the Annual Meeting and is signed by twenty-five members in good standing of the Section as verified by the Secretary.

Section 3.6 MAIL VOTING. The Council may direct that a matter be submitted to the members of the Section for vote by mail. In that event, binding action of the Section shall be by a majority of the votes received from members in accordance with procedures and time as fixed by the Council.

Article IV: Officers

Section 4.1 OFFICERS. The Officers of the Section shall be the Chair, the Chair-Elect, the Vice-Chair, the Secretary, the Section Delegates to the House of Delegates, the Financial Officer, and the Immediate Past Chair.

Section 4.2 CHAIR.

- (a) The Chair shall preside at all meetings of the Section, Council, and the Executive Committee.
- (b) In the event of a 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.
- (c) The Chair shall 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.
- (d) The Chair shall oversee the activities of the Section, inform the Council and members of the activities of the Section, and shall implement the directions of the Council.
- (e) The Chair shall perform such other duties and acts as may be designated by the Council.
- (f) 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, upon 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 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) The Chair-Elect shall aid the Chair in the performance of the Chair's responsibilities in such manner and to such extent as the Chair may request.

- (d) The Chair-Elect shall perform such further duties and have such further powers as usually pertain to 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 **be Acting Chair and 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 the Chair-Elect's own term. **If the Chair-Elect declines to serve as Acting Chair, the Council shall elect an Acting Chair.**
- (f) The Chair-Elect shall 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.
- (g) 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 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 (e), 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 **Acting** Chair.
- (d) The Vice-Chair shall make one appointment to the Long Range Planning Committee pursuant to Section 7.4(b), below.

Section 4.5 SECRETARY.

- (a) The Secretary shall be the liaison between the Section and Association Staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the Association.
- (b) The Secretary shall keep a true record of the proceedings of all meetings of the Section, Council, and Executive Committee whenever assembled.
- (c) The Secretary shall disseminate to the Council a Summary of Action and/or draft minutes of each meeting of the Executive Committee within 21 days of the conclusion of such meeting, and of each meeting of the Council within 30 days of the conclusion of such meeting.

Section 4.6 SECTION DELEGATES.

- (a) The Section Delegates shall represent the Section in the House of Delegates.
- (b) In the event the Section loses one of its two Section Delegates pursuant to Association rules, the office of Delegate with the least seniority shall be terminated. Seniority as used herein shall be defined as the Delegate who has served the longest period of time in the House of Delegates on behalf of the Section.
- (c) The Section Delegates shall vote the Delegate's own conscience on all matters in the House of Delegates unless otherwise directed by the Council.
- (d) At the appropriate times, as determined by the Conference of Section Chairs, the Senior Section Delegate shall serve on the Nominating Committee of the House of Delegates. If the Senior Section Delegate declines or is unable to serve on the Nominating Committee, the other Section Delegate shall serve.
- (e) From time to time as determined by the Conference of Section Chairs, Council shall nominate a Section member to serve as a Section Member-at-Large on the Board of Governors for the Association. If the member is a Section Delegate, the nominee shall automatically resign as Section Delegate concurrently upon assuming the seat as Governor. The vacancy of the Section Delegate shall be filled by the Council pursuant to Article IX, Section 9.2.

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

- (a) Keep an accurate record of all monies appropriated to and expended for the purposes of the Section;
- (b) Monitor all accounts, reports, and other documents prepared as to Section funds, revenues, and expenditures and seek to make certain that all such accounts, reports, and other documents are, at all times, accurate and correct;
- (c) Report the present and projected financial condition at each meeting of the Section Council;
- (d) Advise the Officers and Council as to the financial impact of any proposed action by the Officers, Council, or Section which would have a significant impact on the financial condition of the Section.
- (e) Prepare a draft three (3) year Section budget, along with the Chair-elect, by July 1 each year.
- (f) Submit to the Council and Officers, 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.
- (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 4.8 IMMEDIATE PAST CHAIR The Immediate Past Chair shall assist and consult with the Chair in connection with all ongoing Section programs and committee assignments and shall perform such further duties as may be designed by the Chair or the Council.

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

Article V: Executive Committee

Section 5.1 COMPOSITION. The Executive Committee of the Section shall consist of the officers specified in Section 4.1.

Section 5.2 POWERS AND DUTIES. Between meetings of the Council, the Executive Committee shall have full power to do and perform all acts which the Council itself might perform, including authority to represent the Section or any component thereof on any subject, provided no action be taken which can be reasonably deferred to the next meeting of the Council and/or Annual Meeting of the Section.

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 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.

- (a) The Council shall be vested with the powers and duties necessary for the administration of the affairs of the Section.
- (b) It shall adopt a budget at the Annual Meeting of the Section for the fiscal year immediately following that Annual Meeting of the Section.
- (c) It shall authorize the expenditure of all monies appropriated by the Council for the use or benefit of the Section and may encumber reserves, if any, for specific future projects.
- (d) It shall not, however, authorize the expenditure or encumbrance of more money during any fiscal year than the amount appropriated to the Section for the current fiscal year or as it is contained in unencumbered reserves.
- (e) At appropriate times, as determined by the Conference of Section Chairs, the Council shall designate the Senior Delegate to shall serve on the Nominating Committee of the House of Delegates.
- (f) The Council shall have the power to establish or terminate special and standing Committees of the Section, determine the functions and duties of those Committees, and specify the number and qualifications of the Committee members. The Council may empower the Chair to establish committees with its advice and consent. In establishing a Committee, the Council or Chair shall state the purpose, goals, and time limitations of such committee.
- (g) From time to time as determined by the Conference of Section Chairs, the Council shall elect a Section member to nominate as a Section Member-at-Large on the Board of Governors for the Association.

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

- (a) The Officers;
- (b) The Editor-in-Chief of the Family Law Quarterly;
- (c) The Editor-in-Chief of the Family Advocate;
- (d) The Chair of the Publications Development Board;
- (e) Six regional members, elected by the Section membership for a three-year term, one from each of the following regions:

Region I (composed of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware);

Region II (composed of Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi);

Region III (composed of Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois);

Region IV (composed of Minnesota, Iowa, Missouri, Arkansas, Louisiana, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota);

Region V (composed of Montana, Idaho, Wyoming, Utah, Colorado, Arizona, New Mexico, Texas);

Region VI (composed of Alaska, Washington, Nevada, California, Hawaii, Oregon);

- (f) Nine members-at-large elected to that Council by the Section membership for a three-year term;
- (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 may serve more than two full three-year terms as an elected member of Council, other than as an officer. 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.

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

Minutes shall be kept of each meeting and shall be distributed 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 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.

Section 6.7 Interim Meetings of Council. Between regularly scheduled meetings of Council, the Chair may convene Council by telephone or other appropriate means. Voting shall be as set forth in Section 6.4 above. No action shall be taken on an interim basis that can be reasonably deferred to the next scheduled Council meeting.

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.

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;
 - (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
 - (vi) 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 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 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 of the Section. Members of the Committee may not be removed during their term without a majority vote of the Council.
- (c) The budget of the Committee, subject to the approval of the Chair of the Section, shall include travel and lodging expenses of its members (within ABA guidelines) in furtherance of its responsibilities and at times and places to be approved by the Chair of the Section.

- (d) The Committee shall not have any policymaking authority.
- (e) The Committee shall keep minutes of all of its meetings and shall submit them to the Council and the Chair of the Section and, upon request, to the Nominating Committee.

Section 7.4 LONG RANGE PLANNING COMMITTEE.

- (a) The purposes of the Committee are as follows;
 - (i) To develop long-range policies, plans, and goals of the section; and
 - (ii) To make recommendations regarding the implementation of such policies, goals, and plans to the Council and Chair.
- (b) The Long Range Planning Committee shall be composed of five persons initially appointed by the Chair of the Section for terms of five years. Thereafter, each newly elected Vice-Chair of the Section shall appoint the newest member of the Committee as terms expire or to fill vacancies in unexpired terms. The Chair-Elect, Vice-Chair, Secretary, and Immediate Past Chair of the Section shall be ex-officio voting members of the Committee. The newest member of the Committee shall be the Secretary of the Committee. The second-year member shall be Vice-Chair of the Committee, and the third-year member shall be the Chair of the Committee. The Committee shall meet at least two times each year. The report of the Committee shall be placed at the beginning of the substantive agenda of each Council Meeting.
- (c) The budget of the Committee, subject to the approval of the Chair of the Section, shall be sufficient to fund its activities, including travel and lodging expense of its members in furtherance of its responsibilities (within ABA guidelines) and at times and places to be approved by the Chair of the Section.
- (d) The Committee shall not have any policymaking authority.
- (e) The Committee shall keep minutes of all of its meetings and shall submit them to the Council and the Chair of the Section.

Section 7.5 FAMILY ADVOCATE AND FAMILY LAW QUARTERLY. The Executive Committee shall appoint the Editor-in-Chief of the Family Law Quarterly and Family Advocate for a period of two years which said two years shall commence at the close of the Annual Meeting. In the event of a vacancy in the office of an Editor-in-Chief, a new Editor-in-Chief shall be appointed by the then Chair in consultation with the Executive Committee for the duration of the existing term of the Editor-in-Chief.

Article VIII: Elected Offices

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

- (i) A Chair-Elect, Vice-Chair, and a Secretary to serve a term of one year;
- (ii) Three of the total number of members-at-large of the Council to serve a term of three years;
- (iii) Two Regional members of the Council to serve a term of three years;
- (iv) In 2003 and each succeeding third year and in 2005 and each succeeding third year, a Section Delegate shall be elected to serve for a term of three years.

Section 8.1(b) APPOINTIVE OFFICES. The Young Lawyers Division and the Law Student Division shall each select from among their members their representatives to the Council of the Section.

Section 8.2 CHAIR. The Chair-Elect shall automatically succeed to the office of Chair. The Chair shall serve a term of one year and may not again succeed to that office, **except as provided for herein.** ~~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 8.4 ELIGIBILITY FOR OFFICE. Any member of the Association and the Section whose good standing can be certified thirty days prior to the time of election shall be eligible for office.

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, one members 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 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 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 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 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 Annual Meeting of the Section.

Section 8.8 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 not less than sixty (60) days prior to 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 Section of the petition. 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 ANNOUNCEMENT OF NOMINEES. In addition 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 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. 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. 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 TERM OF OFFICE. The term of office shall begin with the adjournment of the Annual Meeting of the Section 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 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 election.

Section 9.2 OFFICERS AND COUNCIL. ~~Between the Annual Meetings of the Section, the Council may fill vacancies due to as a result of death, disability, absence, or resignation shall be filled as follows: 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.~~

- (a) Should the Chair-elect decline to act as Chair, the Council shall elect an Acting Chair for the remainder of the term pursuant to Section 8.2.**
- (b) If the Chair-elect is unable for whatever reason to fulfill the term, the Council shall elect a Chair-elect to fulfill the remainder of the term, and who will then become Chair at the conclusion of his/her term as Chair-elect.**
- (c) In the event there is a vacancy in the office of Vice-Chair, Secretary or Section Delegate, the Council shall elect an individual to serve in that capacity to fulfill the remainder of the term for the office.**
- (d) In the event of a vacancy on Council, members of the Council shall elect an individual to serve on Council until the next annual meeting of the Section.**
- (e) Officers and Council Members so elected shall serve until the next Annual Meeting of the Section at which time the Membership of the Section shall elect to fill any un-expired terms existing at that time.**
- (f) Should a vacancy occur, notice of the vacancy shall be given by the Chair of the Section to the Section Membership by email or whatever other means the Chair deems appropriate. Said notice shall state the date by which applications shall be accepted along with the particulars of the election process.**

Section 9.3 ABSENTEEISM. If any officer or member of the Council shall fail to attend two successive meetings of the Council, that person shall be removed from the position, unless excused upon good cause accepted by a majority vote of the members of the Council at the next meeting. "Meeting" for the purpose of this Section is defined as the single or multiple day meeting of the Council, whether scheduled at the Annual Meeting, or other meetings of the Section where the Council meets, or other meetings of the Council.

Article X: Representation of Association Position

Any action by this Section must be approved by the House of Delegates or by the Board of Governors of the American Bar Association before action can be effective as the action of the American Bar Association. Any resolution adopted or action taken by the Section shall, on request of the Council or the Section, be reported by the Chair or Section Delegates to the House of Delegates or the Board of Governors for action by the Association.

Article XI: Amendments

These bylaws may be amended at any Meeting of the Section by a majority vote of the members of the Section registered and present at the Meeting and voting, providing such proposed amendment shall first have been approved by a majority of the Council. They shall become effective upon approval by the Board of Governors. Notice of an intention to amend the bylaws shall be published by the Secretary of the Section preceding the Meeting in an issue of the ABA Journal or other publication or direct mailing sent to all members of the Section setting forth the proposed amendments, at least 30 days prior to the meeting at which the vote is to take place.

Article XII: Parliamentary Authority

The Chair shall 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.

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Article XIII: Compensation

No salary or compensation for services shall be paid to or by any officer, member of the Council or members of any committee, except as may be specifically authorized by the Board of Governors.

SECTION SECRETARY

SECTION CHAIR

June 16, 2004

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