

Bylaws
MSBA FAMILY LAW SECTION

As Amended by the Assembly 9/11/87, 5/7/88, 11/13/89, 09/14/01, 09/12/03, 12/03/04

ARTICLE I. Name

The name of this section shall be the Family Law Section of the Minnesota State Bar Association.

ARTICLE II. Purpose

The purpose of this Section shall be to (a) to promote the work of the Minnesota State Bar Association ("MSBA") in the field of Family Law; and (b) to improve the practice, elevate the standards, and advance the cause of Family Law in the State of Minnesota.

ARTICLE III. Membership and Dues

Section 1. Membership. Any member of the MSBA, upon payment of dues for the Family Law Section, shall be enrolled as a member of this Section.

Section 2. Dues. Subject to the approval of the Assembly of the MSBA, the Section, at its Annual Meeting, may set dues for membership in the Family Law Section for the ensuing year.

ARTICLE IV. Meetings

Section 1. Annual Meeting. The Annual Meeting of the Section shall be held in conjunction with the annual Family Law Institute. Notice of the Annual Meeting shall be provided to all members of the Section at least thirty (30) days in advance of the meeting.

Section 2. Regular Meetings. The Section shall meet on the second Saturday of each month, September through June, or at such other time in the discretion of the Chair with reasonable notice to the members.

Section 3. Special Meetings. The Chairperson may convene Special Meetings of the Section upon approval of the Executive Committee or upon a written request, delivered to the Secretary, of at least fifteen (15) members of the Section. The Secretary shall provide to all members of the Section at least one (1) week in advance of any Special Meeting called, a Notice of the Special Meeting, stating its time, place and purpose.

Section 4. Quorum. A quorum for the transaction of business at any meeting of the Section called with proper notice under these rules shall consist of not fewer than fifteen (15) members of the Section.

Section 5. Voting. Any member present at a regular or special meeting of the section shall be entitled to vote on any issue.

ARTICLE V. Officers

Section 1. The officers of this Section shall comprise a Chairperson, a Chairperson-Elect, a Vice Chairperson for Legislation, a Vice Chairperson for Publications, a Secretary, and a Treasurer.

Section 2. Duties.

A. **Chairperson.** The Chairperson shall (1) preside at all meetings of the Section and of the Executive Committee; (2) be responsible for the execution of such programs of work as are laid out by the Section; (3) be the spokesperson for the Section to the MSBA; (4) appoint and supervise the Chairpersons of the Standing and Special Committees of the Section; (5) formulate and file with the Secretary of the Minnesota State Bar Association, at least thirty (30) days before the Minnesota State Bar Association convention, a report of the work of the Section for the then past year; 6. Certify the annual financial report prepared by the MSBA.

B. **Chairperson -Elect.** The Chairperson-Elect shall (1) serve as coordinator for seminars and programs; (2) chair the Planning Committee for the annual Family Law Institute; (3) preside at any meetings of the Section and of the Executive Committee in the absence of the Chairperson; and (4) perform such other duties as the Chairperson may assign to her/him. The Chairperson-Elect shall automatically serve as the Chairperson of the Section upon the expiration of term of office of the Chairperson or in the event of a vacancy in the office of Chairperson.

C. **Vice Chairperson for Legislation.** The Vice Chairperson for Legislation shall (1) preside over meetings of the Legislative Committee of the Section; (2) deliver the report and recommendations of the Committee to the Section at the Section meetings; (3) serve as the Section's principal spokesperson for the MSBA on family law matters at the Legislature.

D. **Vice Chairperson for Publications.** The Vice Chairperson for Publications shall (1) be responsible for publication of not less than three issues, annually, of the Family Law Forum; (2) preside over all meetings of the Publications Committee of the Section; (3) oversee publication of any other formal written communications of the Section.

E. **Secretary.** The Secretary shall (1) Prepare and maintain minutes of the Section meetings, and a record of the Executive Committee meetings; (2) maintain all books, papers, documents and other property of the Section except financials; (3) assist the Chairperson in the preparation of a summary of the proceedings of the Section for report to the MSBA as required by the Bylaws of the Association.

F. **Treasurer.** The Treasurer shall (1) manage and account for the monies of the Section; (2) keep accurate records of all financial transactions of the Section; (3) present a financial report at each regular Section meeting; (4) prepare an annual budget and present such budget for approval at the February meeting of the Section; (5) certify the annual financial report prepared by the MSBA. G.

Executive Committee Members Non-officer Committee members, consisting of three people who practice primarily outside the seven county metropolitan area, are entitled to participate in all Executive Committee meetings.

Section 3. Term of Office

A. **Commencement.** The term of each office shall commence on the first of July following election to office.

B. **Length of Term.** The Chairperson, Chairperson-Elect, Secretary, Treasurer, and Executive Committee members shall be elected for one-year terms. The Vice Chairpersons for Legislation and Publications shall each be elected for two-year terms.

C. Commitment. The candidate for Chairperson-Elect shall commit to serve as Chairperson-Elect for one year and as Chairperson the following year. Candidates for Vice Chairperson for Legislation and Vice Chairperson for Publications shall commit for two-year terms when standing for election.

D. Re-election. Incumbent Secretaries and Treasurers shall be eligible for re-election. Incumbents elected or appointed to fill the unexpired terms of Chairperson, Chairperson-Elect, Vice-Chairperson for Legislation and Vice-Chairperson for Publications shall be eligible to stand for election or re-election to a full term.

E. Staggered Election for Vice -Chairpersons. The two-year term of the Vice –Chairperson for Legislation shall begin in even numbered years so that the term of the Vice –Chairperson for Legislation shall correspond with biennial session of the Legislature. The two-year term for the Vice –Chairperson for Publications shall begin in odd numbered years.

Section 4. Vacancies.

An office shall be deemed to be "vacant" if the incumbent dies, resigns or leaves the practice of law; if a majority of the Executive Committee declares the incumbent to be nonfunctional; or if two-thirds of the Section members present and voting vote to remove him/her.

Section 5. Filling of Vacancies.

The Section shall fill a vacancy in any office for the remainder of the officer's unexpired term, except that the Chairperson-Elect shall automatically become the Chairperson if the Office of Chairperson falls vacant. The Executive Committee may make interim appointments until the Section has acted.

ARTICLE VI. Executive Committee

Section 1. There shall be an Executive Committee consisting of the six officers, the immediate past Chairperson, and three Section members who practice outside the seven county metropolitan area.

Section 2. Powers and Duties. Except as specifically limited by these Bylaws and except as specific powers and duties may be granted solely to other persons in this Section, the Executive Committee shall have full power and authority in the intervals between meetings of the Section to do all acts and to perform all functions which the Section itself might do or perform. Such action of the Committee may be reviewed, ratified or changed by the Section members present at any Section meeting following the action of the Committee.

Section 3. Executive Committee Meetings. The Chairperson (or Chairperson-Elect in the absence of the Chairperson) may convene meetings of the Executive Committee as s/he deems appropriate or upon the written request of any four members of the Executive Committee.

Section 4. Quorum. A quorum to transact business shall be a majority of the then members of the Executive Committee. All action by the Executive Committee shall be by majority vote of Committee members participating.

ARTICLE VII. Nominations and Elections

Section 1. Nominations and Voting.

A. **Nominating Committee.** There shall be a Nominating Committee consisting of the three immediate past Chairpersons of the Section. The Committee shall be convened by the immediate past Chairperson in December of each year.

B. **Nominating Committee Report.** At the February regular meeting of the Section, the Nominating Committee shall present a slate of candidates for the offices of Chairperson-Elect, for the Vice Chairperson whose term is drawing to a close, Secretary, Treasurer, and three persons who practice outside the seven county metropolitan area for the Executive Committee. The slate shall consist of one or more names for each such office.

C. **Nominations from the Floor.** Any member may make a verbal nomination for any open office from the floor following the report of the Nominating Committee at the regular February Section meeting.

D. **Balloting.** Unless a majority of the Section members voting at the February meeting votes to have a mail ballot, a slate of candidates containing the names of those nominated by the Nominating Committee, and those nominated from the floor at the February Section meeting, shall be made available to Section members at least 20 days prior to the Annual Meeting. The slate of candidates shall be presented to the members attending the Annual Meeting for election. In the absence of a vote for a mail ballot at the February meeting, or of a vote for a secret ballot at the Annual Meeting, the election of Officers and Executive Committee members shall take place by voice vote at the Annual Meeting of the Section.

E. **Secret Ballot.** If the election is held at the Annual Meeting and not by mailed ballot, a majority of the members present at the Annual Meeting may require a secret ballot for any election or runoff election.

F. **Mail Balloting.** If the Section, at its February meeting, votes to have a mailed ballot, the Secretary shall cause a ballot consisting of the nominees of the Nominating Committee and those nominated from the floor at the February meeting to be mailed to all members of the Section. The ballot shall be mailed by the MSBA following the MSBA procedure for anonymous balloting. Ballots must be received by the Friday prior to the Annual Meeting held in conjunction with the Family Law Institute, opened and counted by the Nominating Committee, and the results reported at the Annual Meeting.

Section 2. Elections. No candidate shall be elected to office without a majority of the votes cast. If three or more candidates stand for election to the same office, and no single candidate receives a majority of the votes, the candidate with the lowest number of votes shall be eliminated and a new vote shall be taken for that office until one nominee receives a majority. This runoff election procedure shall apply to elections by mail ballot if no candidate receives a majority of the votes for a particular office.

Section 3. Order of Election. Each officer shall be elected separately commencing with Chairperson-Elect followed by the Vice Chairperson open for election, Secretary, Treasurer, and non-metro Executive Committee members. A candidate who is not elected to one office may be nominated from the floor for election to an office yet to be filled.

ARTICLE VIII. Committees

Section 1. Standing Committees. Standing committees of the Section shall be (A) **Executive** whose duties shall include acting for the Section between the regular monthly Section meetings. (B) **Legislation** whose duties shall include, whenever feasible, reviewing proposed legislation to be considered by the Section at its regular meeting and making a recommendation to the Section for action on the proposal. Nothing herein shall prevent the Chairperson of the Committee or his/her designee from supporting or opposing language changes to proposed legislation which arise at the legislature so long as the position is consistent with the views of the majority of the Section when the legislation was considered an a vote taken. (C) **Publications** whose duties shall include organizing, editing and publishing the Family Law Forum at least three times each year. (D) **Nominations** whose duties shall include preparing a slate of candidates for officers of the Section and counting the ballots. (E) **Amicus** Whose duties shall include considering requests for Amicus support by the bench and bar, making recommendations to the Section as to whether the Section should seek to obtain Amicus status, and if granted, writing the brief and presenting oral argument as permitted by the Court. (F) **Domestic Abuse** whose duties shall include working with local groups, policy makers, the bench and the legal community to improve their responses to domestic violence.

Section 2. Special Committees. The Chairperson of the Section may appoint Special Committees as are from time to time needed to perform the work of the Section.

ARTICLE IX. Fiscal Year

The fiscal year of the Section shall commence July 1st.

ARTICLE X. Distinguished Members

The Section may from time to time designate present or past members of this Section who fulfill high standards of service to the field of family law as "Distinguished Members," which designation shall be the highest honor which the Section shall confer. A motion to designate a person as a Distinguished Member shall be referred to the Executive Committee before it is voted upon by the Section.

ARTICLE XI. Amendment of Bylaws

Section 1. Process. These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided written notice of the time, place and purpose of the meeting shall be transmitted to Section members at least twenty-one (21) days before the meeting.

Section 2. Effective Dates. Such amendments shall be submitted to the Assembly of the Minnesota State Bar Association for approval and shall take effect from the date of such approval, except that amendments modifying the offices or the composition of the Executive Committee shall not take effect until the next regular incumbent election process following approval by the Assembly.

Section 3. Suspension. A two-third majority of the Section members present and voting may, at any meeting of the Section, suspend these Bylaws.

ARTICLE XII. Authority

Section 1. Parliamentary Procedures. Parliamentary authority for the conduct of all Section business shall be Robert's Rules of Order Revised.

Section 2. MSBA Documents. Other authority for the conduct of the business of the section shall be the Articles of Incorporation, Bylaws and Rules of the Minnesota State Bar Association.

As revised February 10, 2001