

Bylaws

Public Law Section

As approved by the Assembly 04/27/91

As amended on 09/10/93, 4/18/98, 4/17/99, 1/14/2000, 12/03/04, 09/15/06

ARTICLE I. Name and Purpose

Section 1.1 This Section of the Minnesota State Bar Association ("MSBA") shall be known as the Public Law Section ("Section") of the MSBA.

Section 1.2 The Section shall be dedicated to the field of public law and related areas of the law by enhancing the skills of Minnesota lawyers practicing in the area, and inter alia, by serving as a liaison with other parts of the Bar Association and the public on public law related issues and activities.

ARTICLE II. Membership

Section 2.1 Any member of the MSBA in good standing and having paid the required annual dues of the Section shall be eligible for membership in this Section and shall be enrolled as a member upon request to the Treasurer of the Section or designated agent. The Section shall take affirmative action to broaden their representation with respect to geographical, racial, gender, and type of public employment (for example, state, county, municipal, federal, part time, full time, legal services), to encourage participation and reduce barriers to participation of all public lawyers in Section activities.

Section 2.2 An MSBA member exclusively paid by the government, whether full or part-time, shall be eligible to become a member of this Section upon the payment of dues of \$10 per year. Other members may become members of this Section by paying dues of \$20 per year. Such dues may be changed annually by appropriate action of the membership subject to approval by the Assembly of the Minnesota State Bar Association.

ARTICLE III. Officers

Section 3.1 The officers of the Section shall consist of two Co-Chairpersons, a Secretary, a Treasurer, or such other officers as may be determined by the Section and elected in accordance with these Bylaws.

Section 3.2 There shall also be a Section Council, which shall consist of all of the Section officers currently elected and serving, and eight additional members of the Section elected in accordance with these Bylaws. Each member of the Section Council shall be designated a Council member. The number of committees of the Section and their respective responsibilities, and the programs of the Section, shall be as determined from time to time by the Section Council, as stated in Article IV. The Section Council shall have full power and authority to act in the intervals between meetings of the Section to do all acts and perform all functions which the Section itself might perform. The Section Council shall, in the intervals between meetings of the Section, have authority to fill officer and Section Council vacancies. One-third of the Council members currently elected and serving shall constitute a quorum at any meeting of the Section Council.

Section 3.3 There shall be an Executive Committee consisting of all of the officers currently elected and serving. The Executive Committee shall have the full power and authority of the Section Council, except that the Executive Committee shall not have authority to amend, or to take action contrary to, any express action or decision of the Section or the Section Council. A simple majority of the officers currently elected and serving in accordance with these Bylaws shall constitute a quorum of the Executive Committee.

Section 3.4 Officers and Section Council members must be public lawyers and current members of the Section at all times when in office. For purposes of this section, public lawyer is defined to mean a licensed attorney who works for a governmental entity (including titles such as judges, hearing officer, administrative law judge, legal assistant, legal analyst, legal advisor, staff attorney, law clerk, etc.) or provides legal services (services that can only be provided by a licensed attorney) to a governmental entity where the legal services provided amount to at least 50 percent of the attorney's legal practice. Diversity of gender, race, geography and type of public employment shall be considered in electing Officers and Section Council members.

Section 3.5 The term of office of any officer shall be one year and Section Council members two years. Four Section Council members shall be elected each year, except for the first election in which four of the eight Section Council members shall be elected for one year terms.

Section 3.6 A member shall not hold more than one office at any time in this Section, except as expressly provided in these Bylaws, and the Co-Chairpersons shall not be eligible to serve more than two consecutive annual terms in that same office. Section Council members may not serve more than two (2) two-year consecutive terms.

Section 3.7 Officers and Section Council members who have three (3) consecutive unexcused absences from section council meetings shall be deemed to have resigned effective the day following the third missed meeting. An absence is excused if an officer or Section Council member notifies one of the Section Council co-chairs that he or she will be absent from the meeting before the meeting. If it is impossible or impractical to notify the Section Council co-chairs before the meeting the absence may be considered excused at the discretion of the Section Council co-chairs. The Section Council shall fill the vacancy as soon as practicable.

Section 3.8 The Section Council may also include such *ex officio* members as approved by the Section Council.

ARTICLE IV. Committees

Section 4.1 The Section Council is authorized to establish, or to empower the Chairpersons of the Section to establish, such committees as it may deem necessary and desirable to promote effectively the activities of the Section within the jurisdiction of the Section. In establishing a committee, the Section Council shall state the area of its proposed activities.

ARTICLE V. Elections

Section 5.1 Prior to the election meeting, which may also be the annual meeting of the Section, a nominating committee shall be appointed by the Section Council. Diversity of gender, race, geography and type of public employer shall be considered in selecting the nominating committee. The chair of the nominating committee shall be selected and the chair's name shall be announced in the Section's newsletter at the same time that there is a solicitation of officer and Section Council member nominations. The nominating committee shall propose a slate of

candidates to be presented to the Section Council at its Section Council meeting. The proposed slate is subject to Section Council approval. Once approved, the proposed slate of candidates, along with notice of the time and place of the election, shall be published in the newsletter or other official publication of the Minnesota State Bar Association. The slate shall be presented for election by the Section membership at the election meeting. Nominations properly made from the floor at the election meeting will be included on the slate of candidates.

Section 5.2 Meetings of the members of the Section shall be convened pursuant to written notice given by mail, postage prepaid, and addressed to the Section members, electronic means or published in the quarterly Section newsletter or other official publication of the Minnesota State Bar Association to its members, in any case at least ten days in advance of the meeting.

ARTICLE VI. Duties of Officers

Section 6.1 The Chairpersons shall preside at all meetings of the Section, shall prepare and present an annual report to the MSBA, and shall designate committee members and committee chairpersons. One of the Chairpersons or their selected representative(s) shall be entitled to represent the Section upon invitation to the Assembly of the MSBA and shall perform such other duties and acts as customarily pertain to that office.

Section 6.2 The Secretary shall keep all minutes of meetings and other records of the Section and its membership, maintain correspondence and give notice of meetings as requested by the Chairpersons.

Section 6.3 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 Council meeting; (4) prepare an annual budget and present such budget for approval at a meeting of the Section Council ; and (5) certify the annual financial report prepared by the MSBA.

ARTICLE VII. Meetings

Section 7.1 Meetings of the Section shall be held periodically, and at least annually, at such places and at such times as shall be designated by the Section Council.

Section 7.2 All members of the Section who are present at any duly noticed Section meeting shall constitute a quorum for the transaction of business. All binding action of the Section shall be by a majority vote of the members present.

ARTICLE VIII. Restrictions

Section 8.1 These Bylaws shall become effective upon approval by the members of the Section present at any regular meeting and after approval by or with the authority of the Assembly of the Minnesota State Bar Association.

Section 8.2 No action of this Section, or of any committee of the Section, shall be promulgated or publicized in any way an MSBA action without first obtaining the approval of the Assembly of the MSBA or otherwise complying with the Bylaws of the MSBA.

Section 8.3 The Section shall not represent the MSBA before the Legislature, in any court in a controversial procedure, or before any other governmental body, unless authorized to do so by the Assembly.

ARTICLE IX. Fiscal Year

The membership and fiscal year of the Section shall begin on July 1 and conclude on June 30 of the following year.

ARTICLE X. Amendments

These Bylaws may be amended at any regular meeting of the Section Council by a majority of the members present, provided written notice of the proposed changes have been given to the Section Council members at least ten days in advance of the meeting, together with a notice of the meeting at which such amendment is to be considered. Such amendment shall not be effective until approved by or with the authority of the Assembly of the Minnesota State Bar Association.