APPELLATE PRACTICE SECTION
INDIANA STATE BAR ASSOCIATION
BYLAWS

As ~~adopted _____, 1996~~revised October 20, 2005

ARTICLE I. NAME

The name of this section of the Indiana State Bar Association shall be: APPELLATE PRACTICE SECTION.

ARTICLE II. PURPOSE

The purpose of this section shall be to bring together with furtherance of their mutual interests such members of the Indiana State Bar Association as are interested in the problems of Appellate Lawyers and Judges and other branches of the law relating to appellate practice and procedure, and also:

(a) To bring together for mutual helpfulness the members of the Indiana State Bar Association who are primarily interested in appellate work and the problems associated therewith,
(b) To uphold the dignity and standing of Appellate Lawyers and Judges and the honor and reputation of the members of this Association,
(c) To advance the science of jurisprudence,
(d) To promote the administration of justice by simplifying and expediting procedure, where appropriate,
(e) To clarify and advance the substance of law,
(f) To aid and encourage continuing legal education in the area of appellate practice;
(g) To encourage cordiality among all members,
(h) To protect the rights and interest of the members, as well as those of the litigants,
(i) To promote their general welfare, and
(j) To foster and encourage a wholesome respect for the court and all lawyers.

ARTICLE III. MEMBERSHIP

Section 1. Any member in good standing of the Association, including attorneys, paralegals and law students, shall be eligible for membership in the Section.

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Section 2. Admission to membership shall be:

(a) by application upon forms provided by the principal office of the

Association, and

(b) upon payment of annual dues, as are from time to time determined by the Council.

Section 3. The Secretary shall establish and maintain at the principal office of the Association a roster of all members, which shall include the name and address of each member.

ARTICLE IV. MEETINGS

Section 1. The Section shall meet at the Annual Meeting of the Indiana State Bar Association and at the Spring Meeting, when held.

Section 2. The Annual and Spring Meetings of the Section shall be held at the same general location and at the same approximate time as the Annual and Spring Meetings, respectively, of the Association, the exact time and place to be designated by the Section Chair with the approval of the Section Council.

Section 3. Special Meetings may be held pursuant to call by majority vote of the Council.

Section 4. Notice of the time and place of all Regular and Special Meetings shall be given by the Secretary, or under supervision of the Secretary, at least 15 days prior thereto. The notice of a Special Meeting shall specify the purpose thereof.

Section 5. The members of the Section present at any Regular or Special Meeting shall constitute a quorum for the transaction of business.

Section 6. All binding action of the Section shall be by majority vote of the Section members present and voting.

ARTICLE V. OFFICERS AND COUNCIL

Section 1. The Officers of the Section shall be the Chair, Chair-Elect, Vice Chair, Secretary and Treasurer, to be elected in accordance with Article VI hereof.

Section 2. There shall be a Council consisting of two members of the Section from each of the Indiana Court of Appeals' Districts, No. 1, No. 2 and No. 3, and one paralegal member of the Section, who shall be a non-voting member of the Council, to be elected in accordance with Article VI hereof. The Officers of the Section, the immediate Past Chair of the Section and the Chair of each of the committees of the Section shall also be members of the Council.

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Section 3. Past Chairs of the Section, who are not otherwise members of the Council,

shall become honorary members of the Council. As such, they shall be given notice of, and shall have the right to attend, any and all meetings of the Council and to participate in any discussion thereat, but shall not have any voting right at any such meeting.

ARTICLE VI. FIRST ELECTION

~~**Section 1**. The first Chair, Chair-Elect, Vice Chair, Secretary and Treasurer, to serve as such for one-year terms shall be elected at the first Annual Meeting held after the Indiana State Bar Association's Board of Governors has approved the creation of the Section. Thereafter, Officers shall be nominated and elected in accordance with Article VII.~~

~~**Section 2**. The first Council shall be elected at the Annual Meeting as provided in Article V, Section 2. In order to make the Council a continuing body having staggered terms one Council member from the Court of Appeals' Districts, No. 1, 2 and 3, shall be elected for two-year terms; one Council member from the Court of Appeals' Districts, No. 1, 2, and 3, shall be elected for one-year terms. Thereafter, Council members shall be nominated and elected for two-year terms in accordance with Article VII.~~

~~**Section 3**. The first slate of officers and Council members shall be nominated by the Bylaws Committee, additional candidates may be nominated as provided in Article VII, Section 2(d) and (e).~~[Deleted]

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ARTICLE VII. NOMINATION AND ELECTION

Section 1. In order to assure continuity in office and in the plans and programs of the Section:

(a) The Chair shall serve in office from the close of the Annual Meeting of the Section at which he assumes office until the close of the next Annual Meeting.
(b) The Chair-Elect shall automatically succeed to the office of Chair.
(c) The Vice Chair shall automatically succeed to the office of Chair-Elect.

Section 2. Nomination of Officers and Council members shall be as follows:

(a) Upon assuming office, the Chair shall appoint a Nominating Committee consisting of one Section member from each of the Indiana Court of Appeals' Districts, No. 1, 2 and 3. Said Nominating Committee shall serve for the period of the Chair's term of office.
(b) The Nominating Committee shall submit one candidate for each of the offices of Vice Chair, Secretary, Treasurer and one Council member candidate from each of those Indiana Court of Appeals' District whose Council seats become subject to election in accordance with Section 3 of this Article.
(c) The Nominating Committee shall submit its candidates to the Section Secretary not later than 60 days prior to the date of the Annual Meeting of the Section. The Secretary thereupon shall cause notice of the names of said

candidates to be given to each Section member not later than 30 days prior to the date of the Annual Meeting of the Section.

(d) Any 20 Section members may nominate a Section member for the office of Vice Chair, Secretary or Treasurer by filing a written nominating petition addressed to the attention of the Section Secretary at the principal office of the Association not later than 20 days prior to the Annual Meeting of the Section. The Secretary thereupon shall cause a list of all candidates so nominated to be mailed to each Section member not later than 15 days prior to the Annual Meeting of the Section.

(e) Any five Section members residing in the same Indiana State Bar Association District may nominate a Section member residing in said District for the office of Council member from said District by filing a written nominating petition addressed to the attention of the Section Secretary at the principal office of the Association, not later than 20 days prior to the Annual Meeting of the Section. The Secretary thereupon shall cause a list of all candidates so nominated to be mailed to each Section member not later than 15 days prior to the Annual Meeting of the Section.

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Section 3. Election of Officers and Council members shall be as follows:

(a) A Vice Chair, a Secretary and a Treasurer shall be elected at each Annual Meeting for one-year terms, to serve from the close of the Annual Meeting at which elected to the close of the next Annual Meeting.

(b) Council Members shall be elected for two-year staggered terms, to serve from the close of the Annual Meeting at which elected until the close of the second Annual Meeting thereafter. One Council member from the Indiana Court of Appeals' Districts, No. 1, 2 and 3, shall be elected in even-numbered years; One Council member from the Indiana Court of Appeals' Districts, No. 1, 2 and 3, shall be elected in odd-numbered years.

(c) Whenever two or more persons are nominated for an office or a Council seat, the Secretary shall cause written ballots to be prepared, listing the names of all person duly nominated for the contested position. Election shall be by a majority vote of the Section members present and voting, in a secret ballot except that unopposed candidates may be elected by voice vote.

ARTICLE VIII. VACANCIES

Section 1. Resignation from, or delinquency in dues in, the Association or Section, death, or incapacity of an Officer or Council member shall create a vacancy in the office.

Section 2. In the event of a vacancy in the office of Chair, the Chair-Elect shall automatically become Chair, and shall serve as such for the remainder of the vacated term, plus the duration of his own term as Chair. The Vice Chair shall automatically become Chair-Elect for the remainder of the vacated term, plus the duration of his own term as Chair-Elect. The office of Vice Chair shall remain vacant until the next Annual Meeting.

Section 3. In the event of a vacancy in the office of Chair-Elect, the Vice-Chair shall

automatically become Chair-Elect for the remainder of the vacated term, plus the duration of his own term, plus the duration of his own term as Chair-Elect. The office of Vice Chair shall remain vacant until the next Annual Meeting.

Section 4. In the event of dual vacancies in the offices of Chair and Chair-Elect, the Vice Chair shall automatically become Chair, and shall serve as such for the remainder of the vacated term plus one full term. The offices of Chair-Elect and Vice Chair shall remain vacant until the next Annual Meeting, at which a Chair-Elect and a Vice Chair shall be elected pursuant to Article VII.

Section 5. In the event of triple vacancies in the offices of Chair, Chair-Elect and Vice Chair, the Council shall select, by vote of a majority of the Council, a Chair to serve until the next Annual Meeting of the Section. In such event a Chair, Chair-Elect and Vice Chair shall be elected at the next Annual Meeting pursuant to Article VII.

Section 6. Vacancies on the Council shall be filled by the Chair, with the consent of a majority of the Council, for the unexpired term of such office.

Section 7. A vacancy in the office of Secretary or Treasurer shall be filled by the Chair, with the consent of a majority of the Council, for the unexpired term of such office.

ARTICLE IX. DUTIES OF OFFICERS

Section 1. The Chair shall preside at all meetings of the Section and of the Council, and shall have such other powers and shall perform such other duties as usually pertain to the office of presiding officer. With the advice and approval of the Council, he shall:

(a) appoint all committee members and designate the Chair thereof, and

(b) prepare and present an annual written report of the work of the Section to the Board of Governors of the Association and the House of Delegates of the Association. He/she shall prepare and present such interim reports to the Board of Governors of the Association as may be determined by the Council.

Section 2. The Chair-Elect shall preside at all meetings in the absence of the Chair. He/she shall supervise all appointed committees keeping in touch throughout the year with the committee chair to determine that the committees are functioning, to encourage the committees in their work and to keep abreast of committee activities. He/she shall keep the Council informed of the plans and activities of the committees. He/she shall automatically assume the office of chair in accordance with Articles VII and VIII.

Section 3. The Vice Chair shall preside at all meetings in the absence of both the Chair and Chair-Elect. He/she shall serve as Chair for arrangements for the Spring Meeting and the Annual Meeting of the Section. He/she shall perform such other duties as may be designated by the Chair or the Council. He/she shall automatically assume the offices of Chair-Elect and Chair in accordance with Articles VII and VIII.

Section 4. The Secretary shall be the custodian of all books, documents, papers and other

property of the Section, except money. He/she shall keep a true record of the proceedings of all meetings of the Section and of the Council. He/she shall establish and maintain a roster of all members of the Section, with the assistance of the Treasurer, in accordance with Article III.

Section 5. The Treasurer shall supervise the handling of all Section funds in accordance with the procedure established by the Association, as follows: The dues of this Section shall be billed and collected by the Association, and all collected dues and other funds of the Section shall be deposited and maintained by the Association. No disbursement of the funds of the Section shall be made without authorization from either the Chair, Chair-Elect, Vice Chair or Treasurer of the Section, or Executive Director of the Association. The Association shall keep accurate and current records of all funds of the Section.

ARTICLE X. DUTIES OF COUNCIL

Section 1. The Council shall determine and control policy of the Section, except that any policy determination made, and any action voted to be taken, must be approved by the Association before the same is given publicity or becomes effective as the action of an organ of the Association, unless the Association authorizes otherwise. The Council shall have supervision and control of the affairs of the Section, including expenditure of Section funds, subject to the Articles and Bylaws of the Association. The Council shall have such other powers and duties as are enumerated elsewhere in these Bylaws.

Section 2. The Council shall meet on at least a quarterly basis.

Section 3. A quorum for the transaction of business of the Council shall be five Council members.

Section 4. All binding action of the Council shall be by majority vote of the Council members present and voting on the question, provided a quorum is present.

Section 5. Any action required or permitted to be taken at any meeting of the Council may be taken without a meeting, if prior to such action a written consent thereto is signed by five or more members of the Council and such written consent is filed with the minutes of proceedings of the Council consent thereto is signed by five or more members of the Council and such written consent is filed with the minutes of proceedings of the Council.

ARTICLE XI. COMMITTEES

Section 1. There shall be a Nominating Committee, to be appointed by the Chair having composition and duties as provided in Section VII, Section 2.

Section 2. There shall be such other committees as may be deemed necessary to carry out the activities of the Section, and having such powers and duties as may be designated from time to time by the Council or the Section. The membership of these committees shall be appointed by the Chair in consultation with the Council.

~~a standing Appellate Practice Initiatives, Rules and Technology Committee.~~

~~**Section 3**. There shall be a standing Continuing Education and Publication Committee.~~

~~**Section 4**. There shall be a standing Membership Committee.~~

~~**Section 5**. There shall be such other committees of the Section appointed by the Chair with the approval of the Council as are deemed necessary to carry out the activities of the Section, and having such powers and duties as may be designated from time to time by the Council or the Section.~~

ARTICLE XII. DUES

Section 1. Payment of annual dues shall be a prerequisite for membership in the Section.

Section 2. Membership in the Section shall terminate in accordance with procedures established for termination of delinquent members of the Association.

Section 3. The amount of annual dues shall be established by the Council and may be set at different levels for attorney, paralegal, and law student members.

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Section 4. Dues shall be paid to the principal office of the Association, to be maintained on behalf of the Section in accordance with Article IX, Section 5.

Section 5. The Section shall incur no obligation which is not currently payable from Section funds. Assessments other than annual dues shall not be made except by majority vote of all Section members present and voting at a Special Meeting of the Section called, and with notice given, in accordance with Article IV.

ARTICLE XIII. RESIGNATION, EXPULSION AND REINSTATEMENT

Section 1. A member may resign from Section membership at any time by written resignation directed to the Section Secretary, with a copy to the Association Executive Director.

Section 2. A member may be suspended or expelled from the Section for conduct unbecoming a member of the Bar, upon the vote of two-thirds of all Council members, said vote to be conducted by secret ballot.

Section 3. Termination of membership in the Association shall automatically terminate membership in the Section.

Section 4. One whose membership has terminated for nonpayment of dues, pursuant to

Article XII, Section 2, may apply for reinstatement, and, upon the payment of dues for the current year and payment of delinquent dues, not exceeding one full year's dues, may be reinstated upon approval of the Council.

ARTICLE XIV. SECTION ACTION

No person or group shall publicly speak or act for the Section, unless authorized to do so by the Council; provided, however, a Section Officer may speak and act pursuant to the powers and duties vested in said Officer in these Bylaws.

ARTICLE XV. AMENDMENT

These Bylaws may be amended at any Annual Meeting or Special Meeting of the Section, called in accordance with Article IV, by a majority vote of the members of the Section, who are present and voting, provided that no amendment shall be effective until reviewed and approved by the Board of Governors.

ARTICLE XVI. ADOPTION OF AMENDED AND REWRITTEN BYLAWS

These Bylaws will become effective, upon adoption by Section members present at the organizational meeting and upon approval by the Board of Governors.

Effective: April 19, 2006~~Updated: 11-1-02~~
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