LITIGATION SECTION

INDIANA STATE BAR ASSOCIATION

BYLAWS	

ARTICLE I. NAME

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

ARTICLE II. PURPOSE

The purpose of this section shall be to bring together for furtherance of their mutual interests such members of the Indiana State Bar Association as are interested in the problems of the Trial Lawyer and other branches of the law relating to trial 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 the trial work and the problems associated therewith,
- (b) To uphold the dignity and standing of the trial lawyer 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,
- (e) To clarify and advance the substance of law,
- (f) To aid and encourage the holding of legal panels,
- (g) To encourage civility among all members,
- (h) To protect the rights and interest of the members,
- (i) To promote their general welfare, and
- (j) To foster and encourage a respect for the courts, lawyers, and the legal profession.

ARTICLE III. MEMBERSHIP

- Section 1. Any member in good standing of the Association shall be eligible for membership in the Section.
 - Section 2. Admission to membership shall be:
 - (a) by application upon forms provided by the Association, and
 - (b) upon payment of annual dues as hereinafter provided in these Bylaws.
- Section 3. The Secretary/Treasurer of the Section 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 have two Regular Meetings each year:
 - (a) Annual Meeting
 - (b) Spring Meeting
- 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 Association Board of Governors.
- 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/Treasurer, or under supervision of the Secretary/Treasurer, 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, and Secretary/Treasurer, to be elected in accordance with Article VI hereof.

Section 2. There shall be a Council consisting of one member of the Section from each Indiana State Bar Association district, to be elected in accordance with Article VI hereof. The Officers of the Section, the immediate Past Chair of the Section and the Chairs of each of the Committees of the Section also shall be members of the Council.

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. 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 at which she or 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.
- (d) The Secretary/Treasurer shall automatically succeed to the office of Vice Chair.

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

- (a) Nominations for office in the Section shall be made by the Nominating Committee. The Nominating Committee shall consist of the Immediate Past Chair, the Chair, the Chair-Elect and the Vice Chair. Said Nominating Committee shall serve for the period of the Chair's term of office.
- (b) The Nominating Committee shall submit the names of one candidate for the office of Secretary/Treasurer and of one Council member candidate from each of those Indiana State Bar

Association Districts whose Council seats become subject to

election in accordance with Section 3 of this Article.

- (c) The Nominating Committee shall cause notice of the name of said candidate for Secretary/Treasurer and the names of candidates for the Council to be given to each Section member not later than 45 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 Secretary/Treasurer by filing a written nominating petition addressed to the attention of the Section Secretary/Treasurer at the principal office of the Association not later than 30 days prior to the Annual Meeting of the Section. The Secretary/Treasurer 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/Treasurer at the principal office of the Association, not later than 30 days prior to the Annual Meeting of the Section. The Secretary/Treasurer 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.

Section 3. Election of Secretary/Treasurer and Council Members shall be as follows:

- (a) Sixty days prior to the Annual Meeting, the Secretary/Treasurer shall cause a notice to be sent to all members of the Section soliciting nominations for a position on the Section Council from those districts whose district seats have come up for appointment pursuant to these Bylaws.
- (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. Council members from even-numbered Indiana State Bar Association Districts shall be elected in even-numbered years; Council members from odd-numbered Indiana State Bar Association Districts shall be elected in odd-numbered years.
- (c) Whenever two or more persons are nominated for Secretary/Treasurer or a Council seat, the Secretary/Treasurer shall cause written ballots to be prepared, listing the names of all persons 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 VII. VACANCIES

Section 1. Resignation from, or delinquency in dues in, the Association or Section, or 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 one full term as Chair. The Vice Chair shall automatically become Chair-Elect for the remainder of the vacated term plus one full term as Chair-Elect. The Secretary/Treasurer shall automatically become Vice-Chair for the remainder of the vacated term plus one full term as Vice Chair. The office of Secretary/Treasurer shall remain vacant until the next Annual Meeting.

Section 3. In the event of dual vacancies in the offices of Chair and Chair-Elect, the Vice Chair shall automatically become Chair, the Secretary/Treasurer shall become Chair-Elect, and both shall serve as such for the remainder of the vacated term plus one full term. The offices of Vice Chair and Secretary/Treasurer shall remain vacant until the next Annual Meeting, at which a Vice Chair and Secretary/Treasurer shall be elected pursuant to Article VI.

Section 4. In the event of triple vacancies in the offices of Chair, Chair-Elect and Vice Chair, the Secretary/Treasurer shall become Chair and shall serve as such for the remainder of the vacated term plus one full term. In such an event, the offices of Chair-Elect, Vice Chair and Secretary/Treasurer shall be elected at the next Annual Meeting pursuant to Article VI.

Section 5. 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 6. A vacancy in the office of Secretary/Treasurer shall be filled by the Chair with the consent of a majority of the Council, for the unexpired term of such office.

ARTICLE VIII. 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, the Chair shall:

- (a) appoint all Committee members and designate the Chairs thereof, and
- (c) 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. The Chair 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. The Chair-Elect shall supervise all appointed committees keeping in touch throughout the year with the Committee Chairs to determine that the Committees are functioning, to encourage the committees in their work and to keep abreast of committee activities. The Chair-Elect shall keep the Council informed of the plans and activities of the committees. The Chair-Elect shall automatically assume the office of Chair in accordance with Articles VI and VII.

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

Section 4. The Secretary/Treasurer shall be the custodian of all books, documents, papers and other property of the Section. The Secretary/Treasurer shall keep a true record of the proceedings of all meetings of the Section and of the Council. The Secretary/Treasurer shall establish and maintain a roster of all members of the Section. The Secretary/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 Secretary/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 IX. 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. 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. A quorum for the transaction of business of the Council shall be five Council members.
- Section 3. 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 4. 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.

ARTICLE X. COMMITTEES

- Section 1. There shall be a Nominating Committee, to be appointed by the Chair, having composition and duties as provided in Article VI, Section 2.
- Section 2. 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 XI. 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.
- 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 VIII, 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 XII. RESIGNATION, EXPULSION AND REINSTATEMENT

- Section 1. A member may resign from Section membership at any time by written resignation directed to the Section Secretary/Treasurer, 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 XI, 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 XIII. 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 XIV. ADOPTION OF AMENDED AND REWRITTEN BYLAWS

These Bylaws as amended and rewritten are substituted for and in place of the Bylaws of the Section heretofore in effect. These Bylaws became effective upon adoption by Section members present at the organizational meeting and were further approved by the Board of Governors and House of Delegates of the Association.

ARTICLE XV. AMENDMENT

These Bylaws may be amended at any Regular Meeting of the Section called in accordance with Article IV by majority vote of the members of the Section present and voting, provided that no amendment shall be effective until reviewed and approved by the Board of Governors and House of Delegates of the Association.

(As amended Nov. 19, 1992 and 1996 and Oct. 26, 2000)

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