

**BYLAWS
STATE BAR OF TEXAS
FAMILY LAW SECTION**

**ARTICLE I
Name and Purpose**

- Section 1. This Section shall be known as the Family Law Section of the State Bar of Texas.
- Section 2. The purpose of the Family Law Section shall be to promote the objectives of the State Bar of Texas by improving Family Law and the practice of Family Law in Texas, subject to the Bylaws of this Section and the laws, rules and regulations of the State Bar of Texas.

**ARTICLE II
Membership and Dues**

- Section 1. All members of the Section shall be members of the State Bar of Texas, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas.
- Section 2. Subject to the discretion of a majority vote of the Council, associate members may be permitted to join the Section. Associate members of the Section shall consist of non-lawyers and out of state lawyers, and each shall pay annual dues in an amount set by the Council and approved by the Board of Directors of the State Bar of Texas. Associate members may not hold themselves out as being members of the State Bar or make any representation that they are licensed by the State Bar. Associate members shall have no Section member voting rights.
- Section 3. Any person eligible to be a member or associate member, upon request of the Treasurer and upon payment of dues for the current year, shall be enrolled as a member or associate member of the Section. Thereafter, dues shall be paid in advance each year beginning on July 1st next succeeding such enrollment. Any member or associate member whose annual dues shall be more than 6 months past due shall cease to be a member or associate member of the Section.

**ARTICLE III
Officers and Council**

- Section 1. The Officers shall be Immediate Past-Chair, Chair, Chair-Elect, Vice-Chair, Treasurer and Secretary, which shall comprise the Executive Committee.

- Section 2. There shall be a Council, which shall consist of the Chair, Chair-Elect, Vice-Chair, Treasurer, and Secretary, together with twenty-five other members to be elected by the Section as hereinafter provided, all of whom shall be a voting member of the Council. A member of the Council must be a member of the Section.
- Section 3. The Chair, Chair-Elect, Vice-Chair, Treasurer, and Secretary shall be nominated and elected, in the manner hereinafter provided, at the Annual Meeting of the Section in each year, to hold office for a one-year term beginning at the close of the Annual Meeting at which they shall have been elected, and ending at the close of the Annual meeting of the Section one year hence, and until their successors shall have been elected and qualified.
- Section 4. The terms of the elected Council members shall be for five years, divided into five sections of five members each so that each year the terms of five members shall expire. At each Annual Meeting of the Section, five members of the Council shall be nominated and elected to serve for five years. (“Year” as used herein shall mean a term beginning at the close of the Annual Meeting at which they shall have been elected and ending at the close of the first succeeding Annual Meeting.) The unexpired terms of any vacancy in the Council membership, other than Officers, shall be filled by election by the Council.
- Section 5. Unless excused by the Executive Committee, any member who misses more than one Council meeting shall be removed from office and a successor shall be elected by the Council.
- Section 6. No person who has served a full 5-year term as a Council member shall be eligible for election to another full 5-year term as a Council member, except the Executive Committee may nominate and the Section may elect a person who has served a full 5-year term as a Council member to fulfill not more than one additional 5-year term (Silver Bullet Provision). This provision may be exercised by the Executive Committee only one time per year. Furthermore, this provision does not bar a person from being nominated and elected to serve a full 5-year term if that person has been off the Council for at least one year.
- Section 7. No person shall be eligible for election as a member of the Council or as an Officer if that person is at the time of the election a partner, associate, shareholder, member or employee of another voting member of the Council or an Officer of the Section or such member’s or Officer’s law firm, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a second partner, associate, shareholder, member or employee of a law firm may be placed on the slate for election and be eligible for election so long as the second firm member's term will not overlap the existing member's current term as a member or Officer by more than one (1) year. This is the exclusive means by which a second member of the same law firm can become eligible for election to the Council as a member or Officer. Nominations from the floor at the Annual Meeting will not be accepted if the person so nominated is a partner, associate, shareholder, member or employee of the same law firm as a member of the Council or Officer (including Immediate Past-Chair) currently serving.

In no event shall more than two partners, associates, shareholders, members or employees of the same law firm be eligible to serve as members of the Council (including service as Officers) at the same time.

In no event shall more than one partner, associate, shareholder, member or employee of the same law firm be eligible for election to serve as an Officer (including Immediate Past-Chair) at the same time.

Notwithstanding the foregoing, in the event currently serving members of the Council or Officers become partners, associates, shareholders, members or employees of the same law firm while they are serving, no such member or Officer shall be required to resign. However, no additional partners, associates, shareholders, members or employees of that law firm will be eligible for election or to serve as members of the Council or as Officers until such time as the addition of a member of that law firm would be in compliance with the foregoing restrictions.

Section 8. No person shall be eligible for election as a member of the Council or an Officer if that person is at the time of the election a spouse of or related within one degree of consanguinity or affinity to another voting member of the Council or an Officer, except as follows:

On a 2/3 affirmative vote of the voting members of the Council and Officers present, a spouse of or person related within one degree of consanguinity or affinity to another voting member of the Council or an Officer may be placed on the slate for election and be eligible for election so long as the spouse of or person related within one degree of consanguinity or affinity to another voting member

of the Council or an Officer's term will not overlap the existing member's current term as a member or Officer by more than one (1) year.

Section 9. The Council may remove an Officer or member of the Council when such removal is determined by the Council to be in the best interest of the Section. Such removal requires an affirmative vote of at least 2/3 of the Council members (not counting the member facing removal).

Section 10. A vacancy may be declared in any seat on the Council upon death, resignation, election as an Officer, or removal of the member. Vacancies are to be filled in accordance with these Bylaws.

ARTICLE IV Nomination and Election of Officers and Council

Section 1. Not less than six months prior to each Annual Meeting, the Chair shall appoint a Nominating Committee consisting of five members of the Section, including the Chair-Elect, which committee shall make and report nominations for the election of Officers and members of the Council at the next Annual Meeting, to succeed those whose terms will expire at the close of that Annual Meeting. The report of the Nominating Committee shall be approved or amended by the Council in accordance with these Bylaws, resulting in the slate of proposed members of the Council and Officers. Such slate of proposed members of the Council and Officers shall thereafter be communicated to the members of the Section in writing by conventional mail, facsimile, or any form of electronic data transmission, including, but not limited to e-mail, no less than thirty days prior to the Annual Meeting.

Section 2. All elections shall be by majority vote of the members of the Section present and voting at the Annual Meeting at which time the election is held.

ARTICLE V Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council, shall formulate and present to the State Bar of Texas an annual report, and shall perform such other duties and acts as usually pertain to this office.

Section 2. Chair-Elect. Upon the death, resignation, or during the disability of the Chair, or upon the Chair's refusal to act, the Chair-Elect shall perform the duties of the

Chair for the remainder of the Chair's term except in the case of the Chair's disability, then only during so much of the term as the disability continues. The Chair-Elect shall be responsible for and perform those tasks and functions assigned by the Chair, and in conjunction with the other Officers as authorized by the Council, shall attend generally to the business of the Section.

Section 3. Vice-Chair. The Vice-Chair shall serve as parliamentarian. The Vice-Chair shall be responsible for and perform those tasks and functions assigned by the Chair, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 4. Treasurer. The Treasurer shall be the custodian of all financial books, papers, documents and information of the Section, shall keep an accurate record of all monies appropriated to and expended for the use of the Section, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 5. Secretary. The Secretary shall be the custodian of all nonfinancial books, papers, documents, and property of the Section, shall keep a true record of the proceedings of all meetings of the Section and of the Council, and, in conjunction with the other Officers, as authorized by the Council, shall attend generally to the business of the Section.

Section 6. The Awards & Scholarship Committee shall consider nominations for the Dan Price Award, Hall of Legends Award, Ken Fuller Pro Bono Award and Joseph W. McKnight Best Family Law CLE Article Award and shall make a recommendation to the Executive Committee for those awards not less than thirty days prior to the meeting at which the awards are to be bestowed. The Executive Committee shall consider the recommendations and shall vote to approve or disapprove the committee recommendations. None of the Awards listed in this Section may be bestowed without the approval by a majority vote of the Executive Committee.

The Committee for the Hall of Legends Award will include all prior Hall of Legends Award recipients, the Chair of the Section, one Past-Chair and the Chair of the Awards Committee.

ARTICLE VI

Duties and Powers of the Council

- Section 1. The Council shall meet at such times and places as the Chair shall designate; or as may be called (1) by three of the Officers, or (2) by the Secretary when requested in writing to do so by five members of the Council. A majority of the voting members shall constitute a quorum for the transaction of business at any meeting of the Council.
- Section 2. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Bylaws of the Section and the rules governing the State Bar of Texas. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all monies appropriated or authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated by the Section for such fiscal year.
- Section 3. The Council may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws.
- Section 4. The Council, during the interim between Annual Meetings, shall fill vacancies in its own membership or in the offices of Chair-Elect, Vice-Chair, Treasurer or Secretary, to fill the unexpired term.
- Section 5. All binding action of the Council shall be by a majority vote of the Council.
- Section 6. Members of the Council shall vote in person, except for proposals submitted for consideration under Section 7 below.
- Section 7. The Chair may, upon approval of the Executive Committee, submit or cause to be submitted in writing (including by fax or e-mail), to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted, by communicating their vote thereon, in writing (including by fax or e-mail) over their respective signature (however, in the case of e-mail, no signature is required as long as an e-mail is received from the recognized e-mail address of the member), to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorded

shall be in favor of such proposition, such majority votes shall constitute the binding action of the Council.

- Section 8. The Council may appoint such representatives and agents as the Council may deem necessary. Such persons shall have such authority and perform such duties as shall from time to time be prescribed by the Council. All representatives and agents shall hold their respective positions at the pleasure of the Council and may be removed and discharged at any time, with or without cause, provided that removal without cause shall not prejudice the contract rights, if any, of such representatives and agents.

ARTICLE VII

Meeting of the Section

- Section 1. The Annual Meeting of the Section shall be held during the Annual Meeting of the State Bar of Texas or such other place and time chosen by the Council, as permitted by applicable State Bar rules, with such program and order of business as may be arranged by the Council.
- Section 2. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
- Section 3. All binding action of the Section shall be by a majority vote of the members present.

ARTICLE VIII

Miscellaneous Provisions

- Section 1. The fiscal year of the Section shall be the same as that of the State Bar of Texas.
- Section 2. All dues and other money shall be deposited in such depository or depositories as designated by the Chair, subject to the control of the Council, and withdrawn on checks or drafts signed by the Treasurer or the Chair. In the event of disability of the Treasurer, the Chair may exercise the powers herein delegated to the Treasurer.
- Section 3. Expenditures out of the dues or other money, whether current or accumulated, shall be made only by the authority of the Officers or Council. Except for good cause shown, all reimbursement requests submitted by Council members to the

Treasurer for payment must be submitted to the Treasurer within 90 days of incurring the expense.

Section 4. No salary or compensation shall be paid to any Officer, Council Member or committee member.

Section 5. Any action or policy recommendation of the Section shall not be construed to represent the official actions or policy of the State Bar of Texas. Such action or policy recommendation of the Section shall reflect State Bar action or policy only if the same is acted on and approved by the Board of Directors, the General Assembly, or by the membership in response to a referendum. Otherwise, any action or policy recommendation of the Section is merely informative and represents only the views of the Section or committee submitting them.

Section 6. No position may be taken by the Section or its members in the name of the Section or the State Bar that advocates or advances a political or social policy position in violation of State Bar policies, the State Bar Act, the State Bar Rules, or any other applicable state or federal law. No Officer or Council member may endorse any candidate in his or her official capacity as an officer or member of the Council.

Section 7. All information concerning any Section member that is deemed confidential by state or federal law, including Tex. Govt. Code Ch. 552 and Tex. Occ. Code Ch. 59, including email addresses, may be used only for official section business and may not be disclosed to the public or any third party. The Section will take reasonable and necessary precautions to protect the confidentiality of all such information.

Section 8. These Bylaws and any amendments thereto shall become effective when approved by resolution of the Board of Directors of the State Bar of Texas or in accordance with the rules and regulations governing the State Bar of Texas by its members in a duly authorized referendum or in a general assembly at an annual convention.

Section 9. These Bylaws, as amended, shall be effective as of the meeting at which they are approved.

Section 10. The Section is authorized to collect membership dues and govern expenditures of income. The Section shall maintain accurate financial books and records and have appropriate controls on the maintenance and disbursement of the Section's funds, all in a fashion that permits the inclusion of the Section's financial information in the State Bar's financial statements and audit. The Section shall provide to the State Bar such financial information as may be required for compliance with the requirements for the independent financial and/or internal

audits of the State Bar as required by applicable law, and pursuant to the State Bar's procedures for section financial reporting, as such procedures may be amended from time to time. The Section will submit to the Executive Director of the State Bar by July 15th of each year a budget for the then current fiscal year.

Section 11. To the extent required by law, the Section will collect sales tax on goods or services that it sells, and will remit monthly to the State Bar all sales tax collected during the immediately preceding month, along with a report listing the price, quantity and description of the goods or services so sold in such detail as the State Bar Accounting Department reasonably may require to ensure compliance with applicable law, rules and regulations.

Section 12. Section funds should be invested consistent with the State Bar's Investment Policy as set forth in the State Bar Board of Directors Policy Manual, as the same may be amended from time to time. Section funds shall be deposited into either a branch of the State Bar banking depository or an alternative banking depository meeting the requirements of the of the State Bar's Investment Policy.

ARTICLE IX Amendments

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 such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Directors of the State Bar of Texas.

CERTIFICATION

We certify that the foregoing constitutes a true and correct copy of the Bylaws of the Family Law Section of the State Bar of Texas, as amended and approved by the Officers and Council at the meeting in _____, Texas on _____, 2015, and adopted by majority vote of the Section members present and voting at the Section meeting in _____, Texas on _____, 2015.

Brian L. Webb
Chair, Bylaws Committee

Heather L. King
Chair, Family Law Section

These Bylaws were approved by the Board of Directors of the State Bar of Texas on the 2nd day of January, 2016.