

**BY - LAWS
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 By-Laws 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. Associate members of the Section shall be persons who meet the qualifications set by the Council, including legal assistants and non_ attorney academic members, 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 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 thereupon 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 the 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 herein used, meaning 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 two out of any three consecutive meetings shall be removed from office and a successor elected by the Council. The Executive Committee may excuse any absence for a death in the family of the member, the member being called to trial in a court more than 100 miles from the member's office on the business day immediately prior to or following the meeting, illness, or for other good cause shown.
- Section 6. No person shall be eligible for election as a member of the Council, if then currently a member of the Council and has served a full elected term of five years, except that the Section may, in its discretion, re-elect to membership not more than one member each year who has served as an officer or member of the Council continuously for not more than five preceding years. A person who may not succeed herself or himself as a member of the Council shall be eligible for election as an Officer.
- 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 favorable 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.

Section 9. Sections 7 and 8 of this Article shall not apply to any Officer or member of the Council who was originally elected to the Council before January 1, 1994 or is currently serving. Sections 7 and 8 of this Article shall apply to anyone who is not an Officer or Council member on January 1, 1994.

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 By-Laws, 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 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 Award & Scholarship Committee shall consider nominations for the Dan Price Award and Hall of Legends Awards 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. Neither the Dan Price Award nor the Hall of Legends Award may be bestowed without the approval by a majority vote of the Executive 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 so to do 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 By-Laws 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 to 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 By-Laws.
- 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.

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 and supervised by 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.
- 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. These By-Laws and any amendments thereto shall not become effective until 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 in annual

convention.

Section 7. These By-Laws, as amended, shall be effective as of the annual Meeting at which they are approved by the Section with respect to the election or succession of Officers and Council Members.

Section 8. The Section is authorized to collect membership dues and govern expenditures of income. The Section shall submit to the Executive Director by July 15 each year a complete financial report of Section dues for the Preceding fiscal year ending may 31 which includes a balance sheet and income statement. Additionally, the Section will submit to the State Bar accounting department on a monthly basis a true and correct copy of all canceled checks and deposit slips and the check register of Section dues.

The Section's funds available for investment may only be invested in any account, time or demand, which is Federally insured or backed, and in any Corporate Securities (U.S. Corporation issued debt which has a minimum of an A rating or higher with the emphasis placed on AA and AAA).

ARTICLE IX

Amendments

These By-Laws 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 By-Laws of the Family Law Section of the State Bar of Texas, as amended and approved by the Officers and Council at the meeting in New Orleans, La. on December 9, 2006, and adopted by majority vote of the Section members present and voting at the Annual Meeting in El Paso, Texas on May ____, 2007.

Brian L. Webb
By-Laws Committee Chair

James Loveless
Family Law Section Chair
Family Law Section