

# STATE BAR OF ARIZONA PUBLIC LAWYERS SECTION BYLAWS

## ARTICLE I: IDENTIFICATION

**1.1 NAME:** This Section shall be known as “The Public Lawyers Section of the State Bar of Arizona”, and shall hereinafter be designated as the “Section.”

**1.2 PURPOSE:** The general purposes of the Section shall be the promotion of the objectives of the State Bar of Arizona within the particular fields designated by the name of the Section. To that end, it shall be the purpose of the Section:

- (a) To stimulate the interest of public lawyers of the State Bar of Arizona in the activities, objectives and purposes of the State Bar of Arizona;
- (b) To encourage study and the interchange of thoughts and materials pertaining to the problems, duties and responsibilities of members of the legal profession practicing in the public sector;
- (c) To provide public lawyers with a more effective means to participate in activities directed toward improving the administration of justice and promoting issues of importance to public lawyers;
- (d) To promote cooperation and fellowship among public lawyers and to coordinate the activities of public lawyers in the State Bar of Arizona.
- (e) To assist law students and new members of the bar in preparing for and establishing themselves in the practice of law as public lawyers.
- (f) To perform and carry on such activities as may be assigned to the Section by the Board of Governors of the State Bar of Arizona.

**1.3 LIMITATIONS:** In addition to these bylaws, the section must adhere to the Rules of the Arizona Supreme Court and the State Bar Board of Governors’ bylaws and policies.

## ARTICLE II: MEMBERSHIP

### 2.1 ENROLLMENT:

**Principal Members.** Any member in good standing of the State Bar of Arizona shall, upon request to the Executive Director of the State Bar, be enrolled as a member of the Section by the payment of annual Section dues. Retired Public Lawyer Section members in good standing may continue to be enrolled as a member of the Section by the payment of annual Section dues.

**Non-Voting Section Affiliates.** Non-State Bar of Arizona members, including law students presently registered and in good standing at any ABA accredited College of Law located in Arizona, may be eligible to join the Section as a non-voting section affiliate upon application to the Executive Director of the State Bar and payment annual Section dues. Such individuals will be entitled to the same Section benefits as State Bar of Arizona members except that such non-SBA members may not vote or hold elected office. Non-voting section affiliates shall not advertise or hold themselves out as members of the State Bar of Arizona or any of its sections, nor shall they use or knowingly permit the use of their non-voting affiliate status in any directory or law list for the purpose of soliciting or obtaining business or financial advantage.

**2.2 DUES:** Dues for membership in the Section shall be in an amount set by the Council and approved by the Board of Governors, payable upon enrollment and thereafter annually in advance each year, at the beginning of the State Bar's fiscal year succeeding such enrollment.

**2.3 DELINQUENCY:** Any member of the Section whose annual dues shall be more than three months past due shall cease to be a member of the Section.

### **ARTICLE III: COMMITTEES**

**3.1** The Section Council may establish such standing and special committees as it may deem necessary and desirable to promote effectively the activities of the Section. In establishing a new committee, the Section Council shall state the area of its proposed activities.

### **ARTICLE IV: MEETINGS OF THE MEMBERSHIP**

**4.1 ANNUAL MEETING:** The Section may hold an Annual Meeting of members in conjunction with the Annual Meeting of the State Bar.

**4.2 QUORUM:** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**4.3 CONTROLLING VOTE:** Action of the Section shall be by majority vote of members present.

**4.4 VOTING ELIGIBILITY:** Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of voting shall be eligible to vote.

**4.5 AGENDA:** The agenda shall consist of matters as decided by the chair or Section council. All members can submit items for the agenda to the chair at least 15 days prior to the publication of the agenda to the membership.

**4.6 VOTING:** The Section council may direct that a matter be submitted to the membership of the Section for vote by mail, e-mail, facsimile transmission or telephonically. In that event, binding action of the Section shall be by a majority of the votes received from members in accordance with rules fixed by the council.

## **ARTICLE V: OFFICERS**

**5.1 OFFICERS:** The officers of the Section shall be the Chair, the Chair-Elect, and the Secretary/Budget Officer.

**5.2 CHAIR:** The chair, or successively, the chair-elect or designee, in the absence of the chair, shall preside at all meetings of the Section and of the Section council. The chair shall appoint the chair and members of all committees of the Section who are to hold office during his/her term as chair. During the chair's term, the chair shall plan and supervise the program of the Section, subject to the directions and approval of the council. The chair shall supervise the performance of all activities of the Section. The chair shall keep the council duly informed and carry out its decisions. The chair shall perform such other duties and acts as usually pertain to the chair office or as may be designated by the council.

**5.3 CHAIR-ELECT:** The chair-elect shall, on consultation with the chair, arrange for the appointment of the chair and members of all committees who are to hold office during his/her coming term as chair-elect. The chair-elect shall aid the chair in the performance of the chair's responsibilities in such manner and to such extent as the chair may request. The chair-elect shall perform such further duties and have such further powers as usually pertain to the chair-elect's office or as may be designated by the council or the chair. In case of the absence, death, resignation or disability of the chair, the -chair-elect shall perform the duties of the chair for the remainder of the chair's term or disability, as the case may be.

**5.4 SECRETARY/BUDGET OFFICER:** The secretary/budget officer shall consult with and assist all the officers of the Section as to the work of the Section generally in the manner and to the extent they may request. The secretary/budget officer shall keep a true record of the proceedings of all meetings of the Section and of the council and shall report on the Section funds at each meeting of the section council. The secretary/budget officer shall provide the State Bar staff with a copy of the minutes of all meetings. The secretary/budget officer, in conjunction with the chair, as authorized by the council, shall attend generally to the business of the Section.

## **ARTICLE VI: THE SECTION COUNCIL**

**6.1 POWERS:** The Section council shall be vested with the powers and duties necessary for the administration of the affairs of the Section. The policy of the

council shall be consistent with the policies set by the Board of Governors. It shall especially authorize all commitments that entail the payment of money, and shall authorize the expenditure of all monies appropriated by the State Bar for the use or benefit of the Section. It shall not, however, authorize commitments that entail the payment of more money during any fiscal year than the amount appropriated to the Section for the fiscal year. No action of any Section committee shall be effective until approved by the council or by the Section.

**6.2 COMPOSITION:** The Section council shall be composed of up to 22 Section Members who volunteer to serve on the Council or are elected by the Section Members as set forth in these Bylaws, plus up to two additional members selected by the Chair.

- A. Provided there are sufficient volunteers and nominees, the Council will contain at least one member from each of the following governmental areas: federal, state, county, and municipal government, and the judiciary; and at least one member from each of the following practice areas: civil government lawyers, prosecutors, and indigent defense lawyers. One Council member may fill more than one of these roles.
- B. The presidents (or their designated representative) of county bar Public Lawyer Sections who shall sit as ex-officio non-voting members of the council.

**6.3 ELECTION OF COUNCIL MEMBERS:** Council members shall be elected by a mail or e-mail ballot to all members of the section. The ballot shall provide that each member may cast one vote each for each council position to be elected. The results of the election shall be announced to the section. If there are no more nominees or volunteers for the Council than there are open positions, the formality of an election can be dispensed with.

**6.4 CONTROLLING VOTE:** Action of the Section council shall be by majority vote of those members present.

**6.5 MEETINGS:** The Section council shall hold regular meetings at such time as the council desires.

**6.6 POLL OF COUNCIL:** In urgent matters requiring immediate attention, the chair may submit to each of the members of the Section council a proposition upon which the council may be authorized to act, and the members of the council may vote upon the proposition either by written ballot, e-mail ballot, facsimile transmission or by telephone vote, confirmed in writing, to the secretary, who shall record the proposition and votes in the matter.

**6.7 COUNCIL AUTHORITY:** The council shall have full power to do and perform all acts and functions that the Section itself might perform. Any such action taken by the council shall be reported to the Section at its next meeting.

**6.8 NO COMPENSATION:** No salary or compensation for services shall be paid to or by any officer, member of the council, or member of any committee, except as may be specifically authorized by the Board of Governors.

**6.9 REFERENDUM:** The council may direct that a matter be submitted to the members of the Section for vote. In such event, binding action of the Section shall be a majority of the votes received in accordance with rules fixed by the council and as conducted and certified by the secretary.

## **ARTICLE VII: OFFICERS**

**7.1 ELECTION OF OFFICERS:** At the first meeting following the State Bar Convention, the executive council shall elect from among the council members:

- (i) a chair-elect to serve a term of one (1) year;
- (ii) a secretary/budget officer for a term of one (1) year; and
- (iii) officers or council members to fill vacancies in any office or upon the council as provided in Article VIII.

**7.2 CHAIR:** The chair-elect shall automatically succeed to the office of chair. The chair-elect shall serve a term of one year.

**7.3 TERMS OF OFFICE:** The term of office shall begin with the first meeting following the State Bar Convention and shall end at the first meeting following the State Bar Convention at which a successor has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor shall have been elected.

## **ARTICLE VIII: SUCCESSION OF OFFICERS AND VACANCIES**

**8.1 CHAIR-ELECT:** The chair-elect, unless he/she refuses or is disqualified, automatically assumes the office of the chair for a term of one year beginning with the first meeting after the State Bar Convention following the election.

**8.2 OFFICERS AND COUNCIL:** The Section council may fill vacancies in its own membership, or in the offices of chair-elect and secretary/budget officer. Members of the council and officers so elected shall serve until the first meeting following the State Bar Convention, at which time the membership of the Section shall elect officers or council members to fill any unexpired terms existing at the time.

**8.3 ABSENTEEISM:** The council may remove from the council any officer or member of the council who fails to attend more than two successive meetings of the council.

**8.3 RETIRING CHAIR:** At the end of the chair's term of office, the retiring chair shall become a member of the council for a term of one year.

**8.5 SUCCESSION:** No Section council member may serve more than five successive terms; however, the member may serve additional terms on the council as an ex-officio member.

#### **ARTICLE IX: REPRESENTATION OF STATE BAR'S POSITION**

**9.1** The Section must seek Board of Governors approval before taking any official action or making official comments on behalf of the State Bar. Any action by the Section must be approved by the Board of Governors of the State Bar before action can be effective as the action of the State Bar. Any resolution adopted or action taken by the Section shall be reported by the chair or the chair's representative to the Board of Governors for action by the State Bar.

#### **ARTICLE X: AMENDMENTS**

**10.1** These bylaws may be amended by a majority vote of the members voting, providing such proposed amendment shall first have been approved by a majority of the council. They shall become effective upon approval by the Board of Governors.

Approved by Board of Governors  
Dec. 12-13, 2013