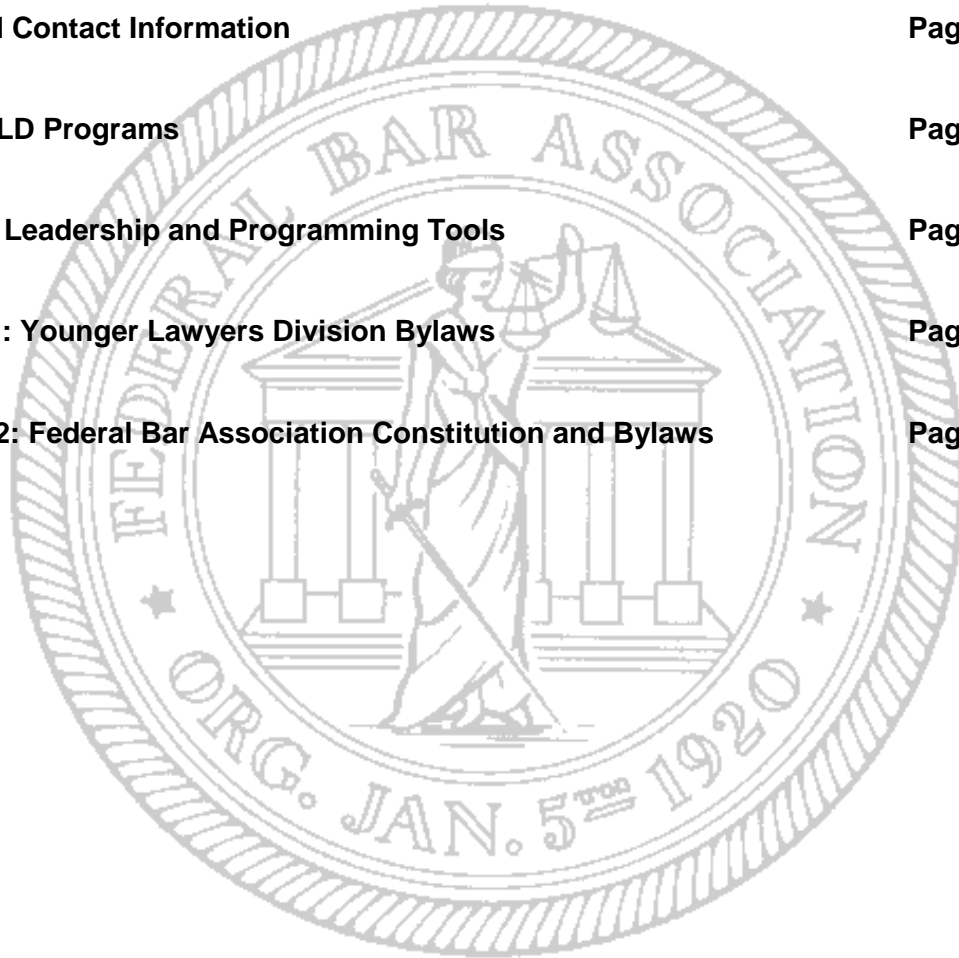

The Younger Lawyers Division

Chapter Younger Lawyers
Committee Start-up Kit

2010

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Introduction

The Younger Lawyers Division (YLD) of the Federal Bar Association (FBA) was founded to stimulate the interest of younger lawyers in the activities of the Federal Bar Association and to conduct programs of interest to younger lawyers. Members must be less than 36 years of age or be individuals who have been first admitted to the practice of law for less than three years. We strongly encourage younger lawyers and new practitioners to become members of our diverse and exciting group.

The YLD is the FBA's largest and most active division, with over 3,000 lawyers under the age of 36 as members. Our members represent a wide array of practice areas, from military lawyers in the Judge Advocate General Corps to private practitioners to federal government lawyers practicing civil and criminal law.

On the national level, the YLD is overseen by a Board of Directors, with representatives from across the nation. As part of our effort to reach out to our members and establish a stronger nationwide network of young federal legal professionals, we are encouraging each and every chapter of the FBA to form a Younger Lawyers Division Committee. It is our hope that every YLD member will be able to participate in the programs of the YLD, be it on the national or local level.

As such, we have prepared this informational guide for use by each chapter's younger lawyers' committee ("YL committee"). If your chapter already has a YL committee, then we hope this guide provides you with extra insight. If you are establishing a new YL committee, this guide may provide you with basic information about the division and its activities. We have also included a section on local YL programming. We encourage your chapter to take advantage of the many programs and recruitment efforts that have already been utilized by other chapters.

Should you have questions or need any additional information about the YLD, please do not hesitate to contact any of the national board members or the FBA staff at 571-481-9100 or via email at fbabar.org.

Thank you for your dedication and efforts. We look forward to working with you!

Sincerely,

Board of Directors
Younger Lawyers Division

YLD Board Contact Information

FY 2010

The Federal Bar Association will be happy to provide contact information for younger lawyers or leaders in your chapter. Please feel free to contact the Federal Bar Association at 571-481-9100 or fa@fedbar.org to inquire about or provide updated contact information.

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National YLD Programs

Moot Court Competition

Each spring, in conjunction with the FBA Midyear Meeting in Washington D.C., the FBA YLD hosts the Thurgood A. Marshall Memorial Moot Court Competition. Teams from law schools around the country take part in the competition. The final round of the competition is held in the historic U.S. Court of Appeals for the Armed Forces located near the U.S. Capitol building and the National Mall. An awards ceremony and reception immediately follow the final round. FBA members attending the Midyear Meeting and all YLD members and are invited to the awards ceremony and reception. Members in attendance at the Midyear Meeting are also encouraged to judge preliminary rounds of the competition.

Law schools are notified of the competition usually six months before the competition and are invited to participate. The competition problem, rules, and registration forms are distributed to all interested schools in January. Deadline for registration is in late February, and briefs must be submitted in late February. Arguments are held on Thursday and Friday during the FBA's Midyear Meeting.

Shaw Grant Program

Made possible by the generous contributions of Ilene and Michael Shaw, a grant of \$2,500 is made available each year to FBA chapters. The grant, presented at the FBA's Annual Meeting and Convention, enables an FBA chapter to provide service to the public through the development and implementation of public service projects and pro bono law-related services. To encourage an increased and continued commitment to public service responsibilities by young lawyers, these projects are to be administered under the auspices of a chapter's younger lawyers division committee. All chapters' younger lawyers division committees are strongly encouraged to apply.

Applications are reviewed by a panel of five judges. Each judge evaluates applications individually, and the total score determines the winner. The panel consists of the FBA president, YLD chair, and three federal judges.

Summer Law Clerk Program

This YLD program allows law clerks working in the federal sector to meet federal government lawyers and discuss career development, agency missions and operations, and employment opportunities for graduating law school students. A June orientation session usually kicks off the program, and boards of distinguished attorneys are convened periodically to provide law students with the opportunity to direct questions they may have to experienced government lawyers. Typically, over 20 government agencies participate in the program by hosting informational sessions for the law clerks. Approximately 300 law clerks participate.

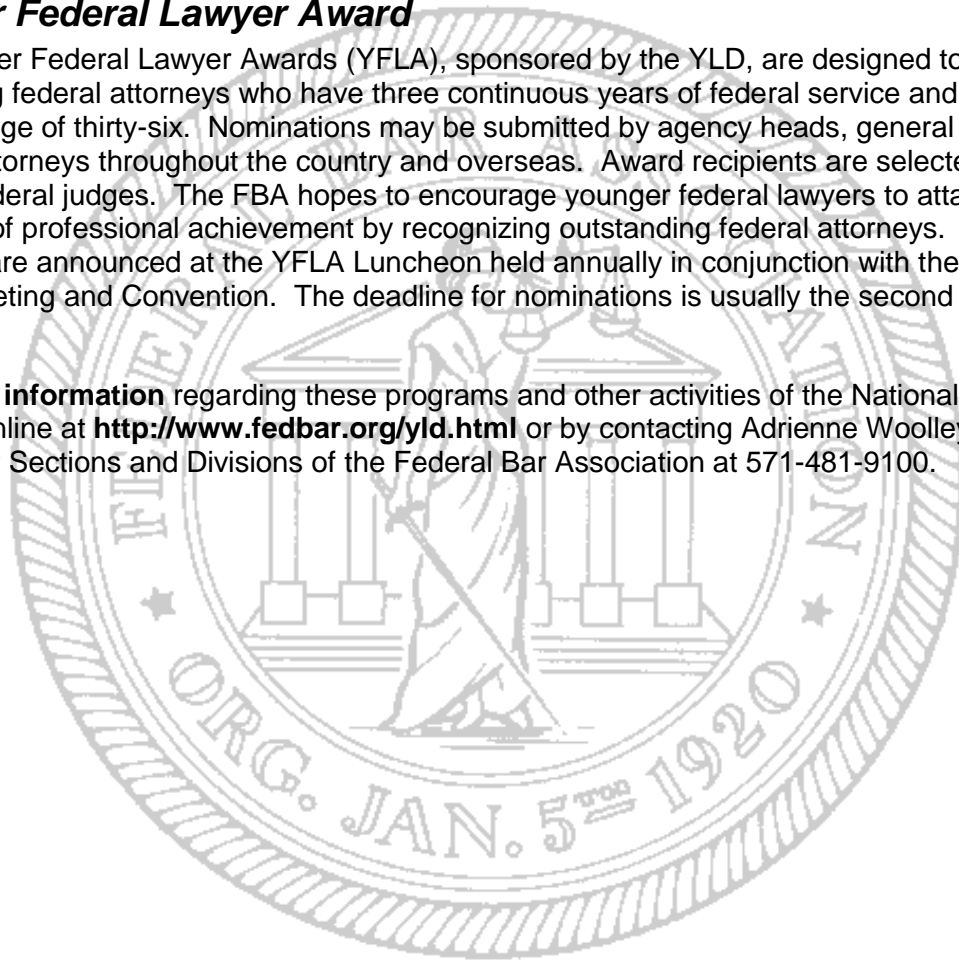
Supreme Court Admissions Ceremony

The Supreme Court Admissions Ceremony is a unique way for FBA members to be admitted to the bar of the highest court in the land. After the ceremony, the YLD hosts a breakfast reception for participants and guests, at which time they are greeted by Supreme Court justices. The program is open to all FBA members, no matter what age. The program has traditionally been scheduled for the first Tuesday following Memorial Day. Announcements first appear each year in the January and February issues of the *The Federal Lawyer*.

Younger Federal Lawyer Award

The Younger Federal Lawyer Awards (YFLA), sponsored by the YLD, are designed to recognize outstanding federal attorneys who have three continuous years of federal service and who are under the age of thirty-six. Nominations may be submitted by agency heads, general counsels, or fellow attorneys throughout the country and overseas. Award recipients are selected by a panel of federal judges. The FBA hopes to encourage younger federal lawyers to attain high standards of professional achievement by recognizing outstanding federal attorneys. Award recipients are announced at the YFLA Luncheon held annually in conjunction with the FBA Annual Meeting and Convention. The deadline for nominations is usually the second week of July.

Additional information regarding these programs and other activities of the National YLD can be found online at <http://www.fedbar.org/yld.html> or by contacting Adrienne Woolley, Manager of Sections and Divisions of the Federal Bar Association at 571-481-9100.



Local YLD Leadership and Programming Tools

To assist you in starting or expanding your local younger lawyers committee, we have included some examples of the programs and activities sponsored by other local younger lawyers committees. If you would like more information about any of these programs or activities, please contact the Federal Bar Association headquarters office at 571-481-9100 or via email at fa@fedbar.org.

Introduction to Federal Court Programs and Handbooks

Welcome to Federal Court Program for Summer Law Clerks and Younger Lawyers

Lafayette-Acadiana Chapter

The younger lawyers committee of the Lafayette-Acadiana Chapter invites younger lawyers and summer law clerks to attend a seminar emphasizing “best practices” and “do’s and don’ts” for appearing before the judges in the Fifth Circuit. The tips are presented by several of the federal judges’ permanent or long-term law clerks. The seminar also provides 1.5 hours law practice management CLE credit. Participants are invited to attend happy hour at a local pub immediately following the seminar.

Summer Associates Program and Federal Court Handbook

Oregon Chapter

The Oregon Chapter’s younger lawyers committee sponsors a “Summer Associates Program” designed to familiarize summer law clerks with the courthouse and judges. Summer law clerks have lunch with judges who have a panel discussion about do’s and don’ts; observe a courtroom proceeding (for example, closing arguments in a patent infringement case and in a wrongful death claim case against the local police); have an introduction to courtroom technology and clerk’s docketing procedures using ECF; tour the judges chambers; and enjoy a social open to all members of the bench and bar. Copies of the flier for the program and the social, as well as a planning template, are available from the FBA’s headquarters office.

The Oregon chapter also produced a federal court handbook that serves as a valuable reference tool for attorneys new to federal practice. The handbook includes a survey of each of the judges and magistrates about local practices. The questions are geared at “hot topics” in federal practice, and include specific questions for more problematic areas of law. A copy of the survey questions can be provided by the FBA’s headquarters office.

Summer School in Federal Court

Baton Rouge Chapter

This ½ day program, held at the federal courthouse, introduces summer clerks and young associates to federal court practice.

Annual Federal Practice Seminar

New Orleans Chapter

Approximately one month after the state's swearing in ceremony for new lawyers, the New Orleans Chapter's younger lawyers committee hosts the annual Malcolm Monroe Federal Practice Seminar. Named after a former national president and member of the New Orleans Chapter, the chapter hosts an eight hour CLE program. In addition to being taught by several federal judges from the three federal districts in the state it also includes the clerks of court for the three districts. At the completion of the CLE, attendees are sworn into all three federal districts and the fifth circuit. The program includes membership to the FBA.

A Morning at the Federal Courthouse Program

New Orleans Chapter

Hosted by the younger lawyers committee of the New Orleans Chapter, summer associates from law firms, clinics, and government agencies are greeted by members of the judiciary and then watch several oral arguments on the criminal and civil dockets. Participating members of the judiciary then meet with the attendees for a question and answer session. Members of the clerk of the court office introduce them to various procedural topics, recently including electronic filing. The program concludes with an informal lunch with the attendees, members of the judiciary, their staff, and several FBA members.

Professionalism Programs

Ethics for Younger Lawyers CLE

Oregon Chapter

The younger lawyers committee of the Oregon Chapter conducts a professionalism CLE targeting young lawyers and dealing with "real world" ethics issues — how to break the bad news to your client or tell them no; how much is too much resistance to discovery and what can you realistically expect the judges to do about it (practice vs. theory); the ethical boundaries of marketing; and the penalties for breach of Oregon's mandatory child abuse reporting statute (Oregon attorneys are mandatory reporters and have gotten sued for failure to report).

Annual CLE Program and Cocktail Party

New Orleans Chapter

The New Orleans Chapter's younger lawyers sponsor an annual CLE seminar. Recent topics include remand and removal or bankruptcy issues for the practitioner. This is typically a 4 hour CLE at a reduced cost to members as opposed to non-members of the FBA. This CLE is usually in the afternoon and coordinated with the fifth circuit's argument schedule so they may attend the young lawyers' cocktail party held in the great hall of the Fifth Circuit Court of Appeals.

Extern Selection Programs

U.S. District Court Summer Extern Selection Program

Cincinnati Chapter

The younger lawyers committee of the Cincinnati Chapter assists the local U.S. District Court with selecting law students for summer externships with the court. Throughout the spring, younger lawyers volunteer to work with the court to identify the type and quantity of assistance needed over the summer. The volunteers also publicize the court's externship program to law schools and work with the court to interview and select externs to participate in the program. The younger lawyers also periodically hold educational sessions for the externs.

Social Events

Younger Lawyer Happy Hours and Golf Tournament

Puerto Rico Chapter

The younger lawyers committee of the Puerto Rico Chapter sponsors regular happy hours at a local microbrewery. In addition to providing an excellent atmosphere for casual networking, the happy hours also provide the chapter with an opportunity to present more information on the chapter to those who are already members and to recruit new members. The younger lawyers committee has previously sponsored a golf tournament as well.

Building Bench-Bar Relations

Judicial Lunch Series

Baton Rouge Chapter

The Baton Rouge chapter's younger lawyers committee sponsors a judicial luncheon series. Throughout the course of the year, groups of 15 younger lawyers are invited to have lunch with a federal judge in his or her chambers.

Monthly In Chambers Luncheons

Minnesota Chapter

The Minnesota Chapter's newer lawyers committee plans monthly luncheons that provide an opportunity for the newer lawyers to gather with Minnesota's federal bench on an informal basis in a small group setting. The monthly lunches are held either in the judge's courtroom or in chambers. The format typically consists of a presentation by the judge on a pre-selected topic of interest relating to civil litigation with the lawyers asking questions during and after the presentation. After the presentation, most judges will provide a tour of the chambers, including the jury deliberation rooms, holding cells, and the judge's and clerks' offices. These programs provide attendees with beneficial CLE credit and with an opportunity to meet and engage with a federal judge in a small group setting. Attendees have the opportunity to pick the judge's brain about questions relating to motion practice, evidentiary issues, settlement, or whatever the topic of the day happens to be. Each luncheon is limited to 20 people.

The lunches are usually held from September through April. Much of the planning and scheduling of speakers occurs over the summer months. Judges are contacted and asked if they would like to participate and asked about their availability or topic preference. Once the schedule is in place, the planning involves sending out invitations to the all members of the FBA about three to four weeks in advance of each lunch, then obtaining RSVPs and transmitting lunch orders to the caterer about a week in advance. Also, about a week in advance the chapter confirms everything again with the judge and obtains biographical information for an introduction. After the lunch, thank you notes are sent to the participating judge. Sample fliers are available from the FBA's headquarters office.

Federal Judicial Luncheons

New Orleans Chapter

Each fall and spring, the younger lawyers committee of the New Orleans Chapter hosts approximately four luncheons in a federal judge's chambers. The luncheons are attended by a federal judge and approximately 10 to 12 members of the FBA. There are roundtable discussions held and hosted by a member of the New Orleans YLD.

Bill of Rights and School Outreach Programs

Bill of Rights "Teach-In"

Orange County Chapter

Younger lawyers from the Orange County Chapter conduct a "teach-in" focused on the Bill of Rights at one or more of Santa Ana, California's 8th grade government classes. The schools service neighborhoods that are predominantly Hispanic and low income, with a large recent immigrant population. The schools are over 90 percent populated by students who speak English as their second language. The Santa Ana school district places a priority on instruction focused on foundational citizenship skills, requiring its eighth grade students to pass a test on the United States and California Constitutions before graduation. The Bill of Rights program is a one-class tutorial on the U.S. Bill of Rights facilitated by the chapter's younger lawyers. The attorneys take over the one-hour class sessions and present on the Bill of Rights. The OC Chapter has prepared outlines, but encourages attorneys to do whatever is effective. One of the

most popular format is “Do You Want to be a Billionaire,” a take-off on the popular game show, with questions on the Bill of Rights.

Forum on the Bill of Rights

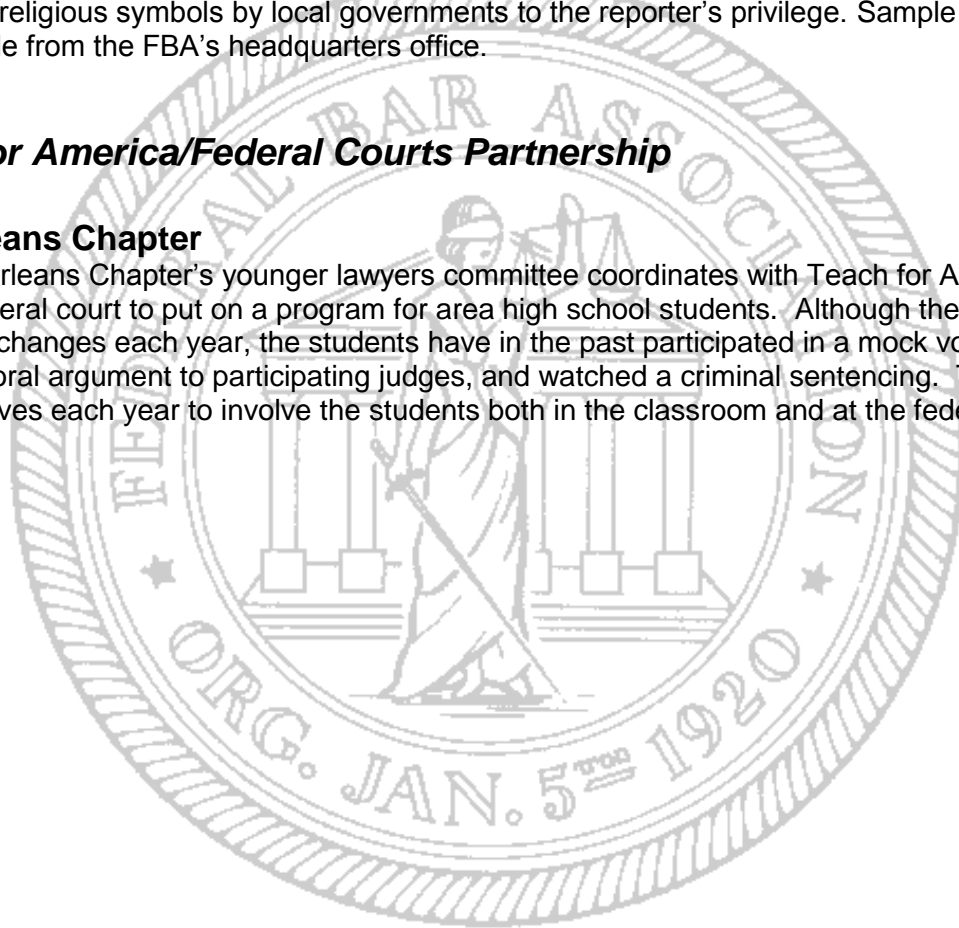
Atlanta Chapter

Each year, the YLD committee for the Atlanta Chapter hosts the Robert S. Vance Forum on the Bill of Rights in honor of Eleventh Circuit Judge Robert S. Vance who was assassinated in 1989. Judge Vance’s commitment to the Bill of Rights is celebrated through this annual forum which presents a panel of distinguished speakers in a moderated debate format to discuss current topics involving the Bill of Rights. Topics have ranged from the constitutionality of public displays of religious symbols by local governments to the reporter’s privilege. Sample programs are available from the FBA’s headquarters office.

Teach for America/Federal Courts Partnership

New Orleans Chapter

The New Orleans Chapter’s younger lawyers committee coordinates with Teach for America and the federal court to put on a program for area high school students. Although the curriculum changes each year, the students have in the past participated in a mock voir dire, presented oral argument to participating judges, and watched a criminal sentencing. The chapter strives each year to involve the students both in the classroom and at the federal court.



Appendix I: Younger Lawyers Division Bylaws

Article I. Name and Purpose

Section 1. Name. The name of this Division shall be the Younger Lawyers Division of the Federal Bar Association (hereinafter referred to as the "Division").

Section 2. Purposes. The purposes of the Division shall be to further the objectives of the Federal Bar Association (hereinafter referred to as the "Association"), to stimulate the interest of younger lawyers in the activities of the Association, to conduct programs of interest and value to younger lawyers, to assist the Association and its committees, and to assist in the establishment, improvement and coordination of active younger lawyers organizations in each Chapter and Circuit of the Association.

Article II. Membership

Section 1. Membership. All members of the Association in good standing under thirty-six years of age or who have been admitted to their first Bar less than three years shall be members of the Division. Membership in the Division shall terminate automatically at the end of the fiscal year of the Association during which a member attains thirty-six years of age or three years after admission to their first Bar, whichever occurs last.

Section 2. Law Students. Law students who are admitted to the Association will be considered members of the Division. However, such law student associate is not a member of the Association; accordingly, in no event may such law student associate vote or hold any elective office in the Division.

Article III. Officers

Section 1. Officers. The officers of the Division shall be a Chairperson, Chairperson-Elect, Vice Chairperson, Secretary and Treasurer. Each Chairperson, Chairperson-Elect and Vice-Chairperson may state a preference for and use another title, such as "Chairwoman" or "Chairman".

Section 2. Terms. All officers of the Division will serve a term in office co-terminus with that of the President of the Association. No person shall serve as Chairperson more than one term. The fiscal year of the Division shall be the same as that of the Federal Bar Association.

Section 3. Removal from Office. A Board Member may be removed from office for delinquency in attendance, inefficiency, neglect of duty, or for other substantial cause only upon the two thirds vote of the Board Members present at a Meeting of the Board of Directors. Notice of such meeting and the action contemplated shall be given to all Board Members at least 30 days in advance.

Article IV. Duties of Officers

Section 1. Chairperson. The Chairperson shall be the chief executive officer of the Division. The Chairperson shall preside at all meetings and shall prepare a report of the activities of the Division for the period of the Chairperson's term of office for submission to the Association at its annual meeting. The Chairperson shall be responsible for submission of news of the Division's

activities to the Federal Lawyer. The Chairperson shall be the representative of the Division to the Association's Board of Directors and the National Council of the Association. The Chairperson shall report to the Division and its Board of Directors (hereinafter referred to as the "YLD Board") on a regular basis on the actions of the Association's Board of Directors and shall present to the YLD Board any business warranting the YLD Board's consideration and shall transmit the results of such consideration to the Association's Board of Directors. The Chairperson shall appoint an ABA/YLD Liaison immediately upon the Chairperson's succession to office. The Chairperson shall be the chair of the Division committee on programming and continuing legal education projects.

Section 2. Chairperson-Elect. The Chairperson-Elect shall perform duties as may be assigned by the Chairperson. During any period in which the Chairperson is unable to act, the Chairperson-Elect shall perform the duties of the Chairperson. The Chair-Elect shall also hold a position as liaison to the Membership Committee of the Association and attend meeting pertaining to that Committee.

Section 3. Vice-Chairperson. The Vice-Chairperson shall perform such duties as may be required by the Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the event of the absence or inability of the Chairperson and Deputy Chairperson to discharge the duties pertaining to that office. The Vice-Chairperson shall also act as liaison with the national chapters to facilitate sharing all information of the Division with chapter officers.

Section 4. Treasurer. The Treasurer shall keep record of the receipts and expenditures of the Division and shall report to the Board on those receipts and expenditures. The Treasurer shall consult with program chairs regarding their program budgets.

Section 5. Secretary. The Secretary shall issue notices of all meetings of the Division's Board of Directors and shall keep minutes of the proceedings thereof and distribute these minutes to members of the Board. The Secretary shall also assist in establishing and coordinating efforts of Division publications and communications.

Article V. Elective Offices

Section 1. The offices of Chairperson-Elect, Vice-Chairperson, Secretary and Treasurer shall be filled pursuant to a plurality of the votes cast for the offices by all active members of the Division.

Section 2. For each fiscal year the office of Chairperson shall be filled by the immediate past Chairperson-Elect of the Division, unless the Chairperson elect has failed to give proper notice under procedures prescribed these by-laws of intent to succeed the Chairperson, or, has been removed from office as provided in Section 3 of Article III of these By-Laws.

Section 3. In the event the Chairperson-Elect does not succeed to the office of Chairperson for any of the reasons detailed immediately above in Section 2 of this Article, then the office of Chairperson shall be filled for the year of succession by a plurality of the votes cast for this office by all active members of the Division at the election for the succeeding fiscal year.

Section 4. If for any reason either the Vice Chairperson, Treasurer or Secretary of the Division shall be unable to perform the duties of their respective offices, then the Board may elect by a majority vote other members of the Board to these offices who will serve until the election for the succeeding fiscal year.

Section 5. No person shall serve simultaneously as Chairperson, Chairperson-Elect or Treasurer during the same fiscal year.

Article VI. Board of Directors

Section 1. Board Members. Members of the Board of Directors shall be appointed by the Chairperson immediately upon the Chairperson's succession to office to assist the Chairperson during the Chairperson's term of office. The number of the Board members shall be no less than ten and no more than eighteen including the Division officers who also shall be members of the Board. The Board members shall serve terms coincident with that of the Chairperson. The immediate past Chairperson shall be an ex officio member of the Board. No more than two Board members may be employed by the same law firm, trade association, corporation, or other entity. No more than three Board Members may be employed by the same government agency. The Chairperson, with the unanimous approval of the elected officers, may appoint one additional ex officio member to the Board where the interests of the Division so dictate.

Section 2. Functions. The Board shall be the chief executive and legislative body for the Division. It shall establish policies as it may determine as are not inconsistent with any FBA policy. It shall hear reports of the Division officers and committee chairpersons and it shall hear, consider and act upon resolutions and matters presented to it which pertain to events and activities of interest to the Division.

Article VII. Meetings

Section 1. Meetings of Division Board of Directors. Meetings of the Board may be called by the Chairperson by giving at least seven days advance notice of any meeting to all members of the Board. The Board shall meet at least four times per fiscal year.

Section 2. Rules of Proceedings. The latest edition of Roberts Rules of Order shall govern all meetings of the Board.

Section 3. Quorum. A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board. Attendance may be by telephone or teleconference.

Article VIII. Committees

Section 1. Committees. The Chairperson shall recommend to the Board at the first meeting of the Board each year a list of committees to carry out the duties of the Division with the approval of a majority of those Board members present and voting. Committee chairpersons may be, but are not required to be, Board Members.

Article IX. Nomination and Election Procedures

Section 1. Nomination and Nominating Committee. The Nominating Committee shall be comprised of the Immediate Past Chairperson of the Division who shall serve as the chair of the committee, the Chairperson and Chairperson-Elect of the Division, and one other person who shall be appointed by the Chairperson of the Division. The nominating committee shall nominate candidates from among the active members of the Division in good standing for the offices of

Chairperson, Chairperson-Elect, Vice-Chairperson, Secretary and Treasurer, except that a nomination for Chairperson shall be made only in those years in which the duly elected Chairperson-Elect has not provided notice of intent to succeed to that office or is otherwise unable to serve as chairperson.

Section 2. Nomination by Petition. Nomination of candidates for the elective officers of the Division also may be by petition of an active member of the Division in good standing to the Nominating Committee of the Division. Each candidate nominated in this manner must be nominated by a petition signed by not less than 25 active Division members in good standing. Each petition may propose nominees for one or more offices.

Section 3. Eligibility. All active members of the Division at the time of nomination, whose dues are paid for the current fiscal year and who are otherwise in good standing, shall be eligible as candidates for election to any elective office in the Division. No Division member shall be eligible as an endorser of a petition whose dues are not paid for the current fiscal year or who is not otherwise in good standing. No Division member shall be eligible as an endorser of more than one candidate for the same office. A Chairperson-Elect who has been removed by the Division's Board of Directors from that office for cause may nonetheless be entitled to be placed as a candidate for the office of Chairperson on the ballot distributed in connection with the next regular election for Division offices.

Section 4. Election Procedures. Elections for all Division elective offices shall be by ballot, according to the following procedure and schedule:

(a) By March 1, the Chair-Elect shall notify the present Chairperson in writing that he or she expects to complete the current term and to accept and fulfill the office of Chairperson for the following fiscal year of the Division. This notification shall preclude any election or nomination for that office during the year in which it is given. If no acceptance is given by March 1, the office of Chairperson shall be considered vacant for the Division's coming fiscal year for which an election is to be held.

(b) Notice of Committee Nominations. By March 1, the Nominating Committee of the Division shall cause to be mailed to each member in good standing a notice, either in the Federal Lawyer or otherwise, of its nominees for the offices to be filled by election and of the manner and time in which nominations of candidates by petition may be made.

(c) Nominations close June 25. Nominating petitions must be delivered to the Nominating Committee of the Division by 5:00 p.m. on June 25 of each fiscal year of the Division.

(d) Ballots mailed by July 15. By July 15, the Nominating Committee of the Division shall cause to be mailed to each division member in good standing a ballot with the names of all eligible nominees listed, in an order drawn by lot, under the respective office for which each has been nominated, as provided in the above sections 1 and 2. A member who restores himself to good standing after the mailing of the ballots and who, prior to August 5 at 5:00 p.m., delivers to the Nominating Committee of the Division evidence that this member has been restored to good standing, shall be entitled to a ballot.

(e) Ballots returned by August 15. All ballots to be counted shall be delivered to the Division's Nominating Committee by 5:00 p.m. The Committee shall canvass the vote and

promptly report as elected the candidate for each office who has received a plurality of the votes cast for the office.

Article X. Division Budget and Expenditures

Section 1. Division Budget and Expenditures. The Chairperson, with the cooperation of the Treasurer, shall recommend a budget figure to the FBA Budget Committee by May of the previous fiscal year. The Board of Directors, by a majority vote, shall adopt a Budget for the fiscal year no later than at its November meeting. The Chairperson will approve all expenditures of Board members in carrying out activities. The Chairperson shall act in accordance with the budget but shall have discretion where special circumstances dictate divergence from the budget. In situations where an additional amount is needed and is in excess of \$200 over the amount budgeted for a function, the expenditure must be approved by a majority vote of the Board which may be executed through a poll.

Article XI. By-Laws

Section 1. By-Law Amendment. These by-laws may be amended by a vote of three fourths of the Board members present and voting. Board members shall be given at least 14 days advance notice of any meeting at which a vote will be taken.

Article XII. Public Positions

Section 1. The Division may issue reports, and publicly advocate positions on issues of concern to the Division only with prior approval of the National Council. Without such prior approval, the Division may take a public position only if the position is not inconsistent with any action of the National Council, if the position generally reflects the views of the Division's members and, if the position statement includes a disclaimer that indicates that the Division is taking the position in the name of the Division. If the Division takes such action in its own name, and not in that of the Association, the Division shall report that action immediately to the Association's Board of Directors and the National Council.

Appendix 2: Federal Bar Association Constitution and Bylaws

Article I - Name and Location

Section 1. *Name.* The name of this organization is "The Federal Bar Association" (hereinafter, "Association"). The Association is chartered under the laws of the District of Columbia and was established on January 5, 1920. The name may not be copied, used, or issued by anyone for any purpose except as authorized by the Board of Directors.

Section 2. *Location.* The headquarters of the Association shall be at a site to be determined by the Board of Directors. Chapters of the Association shall be located in such cities of states, commonwealths, territories, possessions, and foreign countries as are approved by the Board of Directors under this Constitution.

Article II - Seal, Insignia, and Logos

Section 1. *Design.* The official seal and insignia of the Association comprise a representation of the Goddess of Justice standing before the United States Supreme Court Building, all within two concentric circles. Within the outer circle appear the words, "The Federal Bar Association, January 5, 1920." The Board of Directors may adopt such logos for the Association as it shall deem appropriate.

Section 2. *Use By the Association.* As authorized by the Board of Directors, the insignia and logos may be used by the Association on jewelry, stationery, displays, publications, and the like.

Section 3. *Use by Others.* The insignia and logos may not be copied, used, or issued by anyone other than the Association for any purpose except as authorized by the Board of Directors.

Article III - Mission Statement, Vision, and General Objectives

Section 1. *Mission Statement.* The mission of the Association is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the Federal practitioner, both public and private, the federal judiciary and the public they serve.

Section 2. *Vision Statement.* The Association will be recognized as the premier bar association serving the Federal practitioner and judiciary.

Section 3. *General Objectives.* The following general objectives of the Association are not listed in any particular order of priority; each objective is equally important in accomplishing the mission of the Association:

- a. To serve as the national representative of the Federal legal profession;
- b. To promote the sound administration of justice;
- c. To enhance the professional growth and development of members of the Federal legal profession;
- d. To promote high standards of professional competence and ethical conduct in the Federal legal profession;

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- e. To promote the welfare of attorneys and judges employed by the Government of the United States;
 - f. To provide meaningful services for the welfare and benefit of the members of the Association;
 - g. To provide quality educational programs to the Federal legal professional and the public;
 - h. To keep members informed of developments in their respective fields of interest;
 - i. To keep members informed of the affairs of the Association, to encourage their involvement in its activities, and to provide members opportunities to assume leadership roles;
 - j. To promote professional and social interaction among members of the Federal legal profession.

Article IV - Membership

Section 1. *Active Membership.* Any person admitted to the practice of law before a Federal court or a court of record in any of the several states, commonwealths, territories or possessions of the United States or in the District of Columbia shall be eligible for active membership in the Association and may maintain membership in one or more Chapters and one or more Sections; provided such person:

- a. is or has been an officer or employee of the United States or of the District of Columbia and, while so serving, performs or has performed the work of a legislator, judge, lawyer, or member of a quasi-judicial board or commission; or
- b. has a substantial interest in or participates in the area of Federal law.

Section 2. *Honorary Membership.* Honorary members of the Association, as hereinafter provided, shall be exempt from payment of dues but shall have full rights and privileges of membership.

- a. The Chief Justice of the United States and Associate Justices of the Supreme Court of the United States shall be offered honorary membership in the Association.
- b. Any person who has rendered conspicuous service to the United States Government or to this Association may be elected to an honorary membership by vote of three-fourth's of the members of the Board of Directors then present.
- c. Any judge of the Federal courts established under Article III of the Constitution of the United States may be elected to honorary membership in the Association by any Chapter located within the territory of the Circuit in which that judge serves. Such membership shall continue so long as the Judge serves in active, senior, or retired status.
- d. Subject to such limitations as are contained in the Bylaws of the Association, any Member of Congress—if otherwise eligible for active membership under Section 1 of this Article—may be elected to honorary membership in the Association by any Chapter located within the congressional district or State which such Member of Congress represents. Such membership shall continue for the period of the Member's tenure in Congress.

Section 3. *Associates.* Subject to such limitations as are contained in the Bylaws of the Association, any person is eligible to become an associate of the Association, as hereinafter provided. Such an associate may also maintain association with any one or more Chapters, Sections, and Divisions. However, such associate is not a member of the Association; accordingly, in no event may such associate vote or hold any elective office in the Association or in any Chapter, Section, or Division thereof.

- a. *Foreign Associate.* Any person who is admitted to practice law before a court or administrative tribunal of a country other than the United States of America is eligible to become a foreign associate of the Association.
- b. *Law Student Associate.* Any law student actively enrolled in an accredited law school and not

admitted to the practice of law before a Federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia is eligible to become a law student associate of the Association.

Section 4. *Expulsion.* Subject to such due-process limitations relating to notice and opportunity for hearing as are contained in the Bylaws of the Association, the Board of Directors may expel for good cause any member or associate of the Association by a majority vote of the members of the Board of Directors then present. Subject to procedures as are contained in the Bylaws of the Association, any member or associate who has been expelled by the Board of Directors pursuant to this Section shall have the right to appeal from that decision to the National Council of the Association at its next regularly scheduled meeting.

Article V - Officers and Directors: Nomination, Removal, and Duties

Section 1. *Elective Officers and Directors.* The elective officers and directors of the Association shall assume their respective offices at the beginning of the fiscal year to which they are elected and shall serve through the end of the fiscal year in which their terms expire or until their successors shall have been installed in office. The elective officers and directors of the Association shall be as follows and in the order named and shall be elected to terms of office as indicated:

- a. The President, who shall be elected only in those years when there is no President-elect to succeed to that office. The President shall also serve as a director.
- b. The President-elect, who shall be elected annually as hereafter provided and who shall succeed the President at the expiration of the latter's term. The President-elect shall also serve as a director.
- c. The Treasurer, who shall be elected annually as hereafter provided. The Treasurer shall also serve as a director.
- d. Twelve additional directors, whom shall be elected to staggered terms of three years as hereafter provided.
- e. Two Vice Presidents for the Circuit for each Federal judicial circuit, who shall be elected for terms of two years by the members within that Circuit. No Vice President for the Circuit shall serve more than three full terms.
- f. The Delegate or Delegates to the House of Delegates of the American Bar Association, who shall be elected to terms of office for the number of years then provided for members of the House of Delegates by that association. When the American Bar Association authorizes the Association an increase in the number of delegates to that association's House of Delegates, the President promptly shall appoint such additional delegate or delegates with the approval of the Board of Directors at its next regular meeting, to hold office until the next annual election.

Section 2. *Eligibility.* All members of the Association at the time of nomination, whose dues are paid for the current fiscal year and who otherwise are in good standing, and meet all other qualifications, as may be required by this Constitution and the Bylaws of the Association, shall be eligible as candidates for any elective office (including directors) as prescribed in Section 1 of this Article.

Section 3. *Nominations.* Candidates for elective offices of the Association as prescribed hereinbefore may be nominated for office either by the Nominations and Elections Committee or by petition filed in accordance with this section.

- a. The Nominations and Elections Committee shall nominate one or more members, who meet all qualifications and are in good standing, for each of the elective offices (including directors)

becoming vacant during the upcoming fiscal year, and each such nominee shall be listed on the ballot as a candidate for the particular office.

b. Each nominee by petition shall be listed on the ballot as a candidate for the particular office for which nominated. A candidate nominated by petition must be endorsed by not less than 50 members, except that a candidate for Vice President for the Circuit must be endorsed by not less than 20 members of Chapters and/or members at large of the particular Circuit. No member shall be eligible as an endorser of a petition whose dues are not paid for the current fiscal year or who is not otherwise in good standing. Each petition may propose nominees for one or more offices; however, in no event shall any member be eligible as an endorser of more than one candidate for the same office.

Section 4. Removal from Office. Any officer may be removed from office for delinquency, inefficiency, neglect of duty, or for other good cause in the same manner and subject to the same due-process limitations as described in Article IV, Section 4, for the expulsion of a member. Any officer so removed shall have the same right of appeal from that decision to the National Council of the Association as described in that Section for an expelled member.

Section 5. Vacancies in Office.

a. In case of death, resignation, or removal of the President, the President-elect shall succeed to that office for the remainder of the term and then shall serve as President during the following term. In case of the death, resignation, or removal of the President-elect between the close of nominations and the annual election, the newly elected President-elect shall assume the office of President for one term only; and, thereafter, a President shall be elected at the next election as provided in Section 1.a. of this Article. In case of death, resignation, or removal of both the President and the President-elect in the same term, the highest available officer, in order as listed in Section 1 of this Article, shall serve as acting-President until the next regular meeting of the Board of Directors; at such meeting, the Board of Directors shall select an acting-President to serve for the balance of the term.

b. Vacancies in the office of President-elect shall not be filled.

c. In case of death, resignation, or removal of any other officer, the President shall promptly fill such vacancy, subject to the ratification of the Board of Directors at its next regular meeting.

Section 6. Duties of Officers and Directors.

a. The President shall be the Chief Executive Officer of the Association and the Chairperson of the Board of Directors and National Council. The President shall perform such other duties as properly pertain to the office or as may be required under this Constitution and the Bylaws of the Association.

b. The President-elect shall perform the duties of the President in the latter's absence or inability to discharge the duties of that office and shall perform such other duties as may be required by the President, this Constitution, or the Bylaws of the Association.

c. The Treasurer shall collect and receive all moneys due the Association; deposit the same to the credit of the Association in such financial institutions as may be designated by the National Council; keep the Secretary informed of the dues status of each member of the Association; and notify each member each year of the status of that member's national dues for the ensuing fiscal year. The Treasurer shall keep an itemized record of all moneys received, by whom paid, and for what purpose; and shall submit to the National Council or Executive Committee, whenever requested by either and at the end of the fiscal year, a report in writing itemizing all receipts and disbursements for the year. The Treasurer shall make all books, vouchers, and records available to the Audit and Budget Committees and shall perform such other duties as properly pertain to the office or as may be required by the President, this Constitution, or the Bylaws of the Association.

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- d. The Directors shall perform all duties as may be required for members of the Board of Directors by the President, this Constitution, or the Bylaws of the Association.
- e. Each Vice President for the Circuit shall serve as liaison with all Chapters within that officer's Circuit; shall serve as counsellor and advisor for such Chapters in the promotion of their welfare; shall undertake and supervise creation of new Chapters and reactivation of inactive Chapters in that officer's Circuit as appropriate; shall represent that officer's Circuit on the National Council; and shall perform such other duties as properly pertain to the office or as may be required by the President, this Constitution, or the Bylaws of the Association.
- f. The Delegate or Delegates to the House of Delegates of the American Bar Association shall represent the Association in the House of Delegates of that association and in such other matters before that association as the National Council may direct.

Article VI - Board of Directors

Section 1. *Composition.* The Board of Directors shall consist of the President, President-elect, Treasurer and the twelve elected directors. When any of the following have not been elected to the Board, they will by virtue of their position serve as ex officio members of the Board without a vote: Chair of the Vice Presidents for the Circuits, Chair of the YLD, and the Sections and Divisions Coordinator.

Section 2. *Duties and Powers.*

- a. The Board of Directors shall have full power and authority to function as the governing body of the Association and, in connection therewith, to conduct any and all activities that it may consider necessary or expedient in accomplishing the objects of the Association set forth in Article III. It shall have full control of the business and financial management of the Association. The Board of Directors shall have the authority to establish special committees not in conflict with those provided for in Section 6 of this Article and shall perform such other duties as may be required by this Constitution or the Bylaws of the Association.
- b. No funds of the Association shall be obligated or disbursed for any purpose without the approval of the Board of Directors. No proposed purchase or expenditure that is unfavourably reported by the Budget Committee shall be approved, except by a vote of three-fourths of those present and entitled to vote.
- c. The authority of the Board of Directors shall be limited only as follows: (1) amendments to this Constitution and the Bylaws of the Association must be approved according to the procedure established in this Constitution and the Bylaws of the Association; and (2) any decision of the Board of Directors may be altered, amended, or reversed by a majority vote of the National Council.
- d. All actions and resolutions passed or adopted by the Board of Directors shall be posted on the website of the Association within thirty (30) business days after each meeting of the Board of Directors.

Section 3. *Meetings.*

- a. The Board of Directors shall have the authority to establish its own schedule of meetings, but shall meet no less the four (4) times annually.
- b. The Board of Directors shall meet specially at other times at the call of the President, at such time and place and for such purposes as the President may consider necessary; provided that no business shall be transacted at any special meeting of the Board of Directors unless notice of the time, place, and purpose of such meeting has been given to all members of the Board of Directors so as to reach them at least three days prior thereto.

Section 4. *Standing Committees.* The Board of Directors shall have such Standing Committees as may be established by the Bylaws of the Association for the purpose of addressing matters of Association-wide operational or programmatic interest. The President shall nominate and, with the approval of the Board of Directors, appoint the chairpersons and members of the Standing Committees to terms as provided in the Bylaws.

Article VII - National Council

Section 1. *Composition.* The National Council shall consist of the elective officers; all members of the Board of Directors; all Past National Presidents who are in good standing; Chairpersons of all Divisions, Sections, and Standing Committees; the President of the Federal Bar Building Corporation; the President of the Foundation of the Federal Bar Association; the General Counsel of the Federal Bar Association; either the President of each Chapter or other Chapter officer as designated in writing by the Chapter President to the Board of Directors; one other delegate from each Chapter to be selected by the Chapter; and not more than 20 members to be appointed annually by the President within 30 days after the latter assumes duties of that office. Appointive members shall be subject to removal in the same manner as elective officers pursuant to Article V, Section 4. A vacancy due to death, resignation, or removal of an appointive member may be filled by appointment by the President. The President's appointments shall have prior approval of the Board of Directors.

Section 2. *Meetings.*

- a. The National Council shall meet at the Annual and Midyear Meetings of the Association each year as provided for in the Bylaws of the Association. The Board of Directors may combine the National Council meeting with the Annual Meeting of the Association. Notice shall be mailed to all National Council members at least 30 days prior to the date of each regular meeting.
- b. The National Council may meet specially at other times at the call of the President, with the consent of the Board of Directors, at such time and place and for such purposes as the President may consider necessary; provided, that no business shall be transacted at any special meeting of the National Council unless notice of the time, place, and purpose of such meeting has been mailed by the Association to each National Council member in good standing at least 30 days prior to such meeting.

Section 3. *Quorum and Procedure.* Twenty-five percent of the members of the National Council in good standing shall constitute a quorum for the transaction of business. Action by the National Council shall be as provided in this Constitution and the Bylaws of the Association.

Article VIII - Divisions

Section 1. *Federal Career Service Division.* There shall be a Federal Career Service Division of the Association. All members of the Association who are or have been officers or employees of the United States or of the District of Columbia are eligible to be members. The Division shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

Section 2. *Judiciary Division.* There shall be a Judiciary Division of the Association. All past and present members of the Federal, Administrative, Military, and State judiciaries and their legal staffs are eligible to be members. The Division shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—

including a chairperson and other internal leadership progression—and operation.

Section 3. *Senior Lawyers Division.* There shall be a Senior Lawyers Division of the Association. All active members of the Association who are age 55 years or older on the date on which each such member's dues is payable are eligible to be members. The Division shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

Section 4. *Younger Lawyers Division.* There shall be a Younger Lawyers Division of the Association, comprised of all active members of the Association who are age 36 years or younger on the first day of the fiscal year of the Association or who have engaged in the practice of law for less than three years as of the first day of the fiscal year of the Association. In the event that the Immediate Past Chairperson, who serves as an officer of the Division the year following his or her term as Chairperson, is older than 36 years as of the first day of the fiscal year of the Association in the year he/she is to serve as Immediate Past Chairperson, or in the event he/she has been engaged in the practice of law for more than three years as of the first day of the fiscal year of the Association, he/she shall still be an eligible member of the Division for the year he/she is fulfilling his/her term as Immediate Past Chairperson. In the event the Division membership of any Division officer would otherwise cease in accordance with the foregoing, that officer shall remain a member of the Division and in office until the succeeding officers have commenced their terms. The Division shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

Section 5. *Corporate and Association Counsel's Division.* There shall be a Corporate and Association Counsel's Division of the Association. All past or present members of corporate or association counsel's staffs are eligible to be members. The Division shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

Section 6. *Public Positions Taken by Divisions.* A Division—in the name of the Association—may issue reports, make public announcements, and publicly advocate positions on issues of concern to the Division only with the prior approval of the Board of Directors. Without such prior approval, the Division may take such a public position only if the position statement includes a disclaimer that indicates that the Division is taking the position in the name only of the Division. In any event, if a Division takes such action in its own name and not in that of the Association, the Division shall report that action immediately to the Board of Directors.

Article IX - Sections

Section 1. *Sections and Committees.* The President, with the approval of the Board of Directors, may establish Sections of the Association to consider areas of law of interest to the membership or particular groups of members. Similarly, the President, with the approval of the Board of Directors, may establish one or more Committees within each Section. Each Section shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Section's general objectives, organization—including internal leadership progression—and operation. The President shall nominate and, with the approval of the Board of Directors, appoint a Section Coordinator and such Deputy Section Coordinator or Coordinators as the President may deem

appropriate, to generally supervise the overall activity and operations of the Divisions except the YLD and the Sections and their Committees.

Section 2. *Public Positions taken by Sections or Committees.* A Section or Committee—in the name of the Association—may issue reports, make public announcements, and publicly advocate positions on issues of concern to the Section or Committee only with the prior approval of the Board of Directors. Without such prior approval, the Section or Committee may take a public position only if the position statement includes a disclaimer that indicates that the Section or Committee is taking the position in the name only of the Section or Committee. In any event, if a Section or Committee takes such action in its own name and not in that of the Association, the Section or Committee shall report that action immediately to the Board of Directors.

Article X - Chapters

Section 1. *Organization.* Any ten or more members of the Association in good standing, who reside, practice, or are employed in the same geographical area, may—upon application to and with the consent of the Board of Directors—organize a local Chapter of the Association for such purposes, upon such conditions, and embracing such geographical area as the Board of Directors shall prescribe. A Chapter is a part of the Circuit in which it is geographically located.

Section 2. *Relationship Between Chapters and the Association.*

- a. Each Chapter shall enact and maintain bylaws providing for the Chapter's general objectives, organization—including the Chapter's leadership structure and frequency of meetings—and operation. Chapter bylaws may not be inconsistent with this Constitution and the Bylaws of the Association. A copy of the current Chapter bylaws shall be filed with the Association.
- b. Chapter affiliation is limited to members and associates of the Association. A Chapter may not refuse affiliation to any member or associate of the Association in good standing who resides, practices, or is employed within the geographic area of the Chapter and who tenders any applicable Chapter dues.

Section 3. *Modification and Revocation of Chapter Charters.* The Board of Directors shall have authority to revoke the charter of any Chapter for cause in the same manner and subject to the same due-process limitations as described in Article IV, Section 4, for the expulsion of a member. Any Chapter whose charter is so revoked shall have the same right of appeal from that decision to the Association as described in that Section for an expelled member.

Section 4. *Public Positions Taken by Chapters.* A Chapter—in the name of the Association—may issue reports, make public announcements, and publicly advocate positions on issues of concern to the Chapter only with the prior approval of the Board of Directors. Without such prior approval, the Chapter may take such a public position only if the position statement includes a disclaimer that indicates that the Chapter is taking the position in the name only of the Chapter. In any event, if the Chapter takes such action in its own name and not in that of the Association, the Chapter shall report that action immediately to the Board of Directors.

Article XI - Meetings of the Association

Section 1. *Annual Meeting.* There shall be an annual meeting of the Association at such place and at such time as the Board of Directors may direct. The annual meeting shall be held for the purpose of receiving the report of the Nominations and Elections Committee on the results of

the annual election; receiving the reports of the officers, Divisions, Standing Committees, and Sections of the Association; and transacting such other business as may be recommended by the Board of Directors or as may be required by this Constitution or the Bylaws of the Association.

Section 2. *Notice of Meetings.* Notice of the time and place of an annual meeting of the Association and the character of the business to be presented shall be mailed by the Association to each National Council member in good standing at least 30 days prior to such meeting.

Section 3. *Quorum and Required Vote.* Twenty-five percent (25%) of the members of the National Council in good standing shall constitute a quorum for transaction of business at the Annual Meeting. Action by the National Council shall be as provided in this Constitution and the Bylaws of the Association.

Article XII - Dues

Annual dues shall be required from each member, other than honorary members, and from each associate of the Association. The amount of such dues shall be fixed by the Bylaws of the Association. The Treasurer shall cause notice of annual dues payable to be mailed to each member or associate in a timely manner. If a member or associate fails to make payment of the dues or other lawful indebtedness to the Association as provided for in the Bylaws of the Association, such member or associate shall be suspended from the Association.

Article XIII - Authority Regarding Bylaws

The National Council may adopt, amend, or repeal any Bylaw at a regular or special meeting of the National Council upon two-thirds vote of those present and voting pursuant to the provisions of this Constitution and the Bylaws. The Board of Directors shall have the power and authority to enforce such Bylaws, together with additional rules and regulations as it may deem necessary, not inconsistent with the provisions of the Bylaws and this Constitution.

Article XIV - Amendment to the Constitution

Section 1. *Initiation of Amendment.* A proposal to amend this Constitution may be initiated in any one of the following ways:

- a. By two-third's vote of those present and voting at a meeting of the National Council, if written notice of the proposal has been mailed to each member of the National Council at least 30 days prior to the meeting.
- b. By two-third's vote of those present and voting at an annual meeting of the Association, if written notice of the proposal has been mailed to each member of the Association at least 30 days prior to the meeting.
- c. Upon petition bearing the signature of at least three per cent of the membership, not more than half of whom may be members of the same chapter.

Section 2. *Adoption of Amendment.* An amendment so proposed shall be submitted to the members in good standing under procedures provided therefore by the Bylaws of the Association. An amendment so submitted shall become effective upon its adoption by two-thirds of the members who vote upon it.

Federal Bar Association Bylaws

1. National Headquarters and Staff

A. *National Headquarters.* The Federal Bar Association shall maintain a National Headquarters at a location to be selected by the Board of Directors. The National Headquarters shall be responsible for keeping books, records, and reports of the Association and its officers, Divisions, Standing Committees, Sections, and Chapters. Such papers shall be open to inspection by any member upon reasonable application to the Association. Additionally, the National Headquarters shall keep a roster of the members and associates in good standing, together with listings of the membership of the Divisions, Standing Committees, Sections, and Chapters of the Association. All communications with the Association shall be addressed to the Federal Bar Association at its National Headquarters.

B. *Staff.*

(1) *Executive Director.* The Board of Directors shall employ an executive director whose title, terms, and conditions of employment shall be specified by the Board of Directors.

(2) *Authority and Responsibility.* The executive director shall manage and direct all staff activities of the Association as prescribed by the Board of Directors and the National Council. The executive director shall employ and may terminate the employment of members of the necessary support staff and may fix such employees' compensation within the approved budget and guidelines set by the Board of Directors. The executive director shall define the duties of the staff, establish their titles, and supervise their performance, and delegate responsibilities of management as appropriate.

2. Membership

A. *Applications.* Application to become a member or an associate of the Association shall be on a form approved by the Membership and Admissions Committee and shall be accompanied by one year's dues.

B. *Approval.* The Association's Executive Director shall process applications at the Association's headquarters for review and approval. The Executive Director may refer any application for review and approval to the Membership and Admissions Committee. If a member of the Membership & Admissions Committee recommends that an application not be approved, the Committee shall consider the application, and approval shall be determined by a majority vote. If the Committee does not approve an application, the Association shall so notify the applicant and remit the proffered dues. An applicant who is denied admission may request review by the Board of Directors, whose decision on any such matter shall be final.

C. *Honorary Membership.*

(1) *Federal Judges.* Whenever a Chapter elects a judge to honorary membership under Article IV, Section 2.c., of the Constitution, the Chapter immediately shall notify the Association at the National Headquarters of such election. Similarly, the Chapter shall notify the Association if such an honorary member ends service as a judge in active, senior, or retired status.

(2) *Members of Congress.* Before electing a Member of Congress to honorary membership under Article IV, Section 2.d., of the Constitution, a Chapter shall give 30 days' advance notice of such intention to the Association at the National Headquarters. Similarly, the Chapter shall notify the Association when such an honorary member's tenure as a Member of Congress ends.

3. Expulsion from Membership

A. *Cause.* As provided in Article IV, Section 4, of the Constitution of the Association, the Board of Directors may expel any member of the Association for good cause. “Good cause” includes, but is not limited to, knowingly engaging in conduct designed to overthrow the constitutional form of government in the United States by force or violence, or knowingly assisting another in such conduct; disbarment by any State or Federal court; or knowingly engaging in conduct that is in violation of the Constitution of the Association or these Bylaws.

B. *Charge and Response.* A charge for expulsion may be brought by any active member of the Association. The charge shall be in writing and signed by the charging party, and shall describe in detail the act or acts in question and why such act or acts justify expulsion. The charge shall be filed with the Association and shall be referred immediately to the Board of Directors. If the Board of Directors concludes reasonable grounds exist for expulsion, the Association shall give actual notice to the respondent of the charge and of the right to respond to the charge in writing and in person before the Board of Directors. If a member of the Board of Directors brought the charge against the respondent or is the respondent, that person shall not participate in the Board of Director’ consideration or in its vote.

C. *Board of Directors Action.* At the next regular meeting of the Board of Directors, the Board shall consider the charge for expulsion. If the Board reaches the conclusion that there are no reasonable grounds exist for expulsion, the Board of Directors shall determine by a majority vote whether to dismiss the charge or to pursue the charge by notice to the respondent as provided in this Bylaw. If the Board of Directors pursues the charge or if the Board under this Bylaw has given notice to the respondent, the Board of Directors shall consider the respondent’s written response, if any. If the respondent has demanded an appearance before the Board, the Board shall grant the respondent a reasonable opportunity to be heard. After fully considering the charge and any response, the Board shall determine by a majority vote whether to expel the respondent or to dismiss the charge. The Association immediately shall notify the respondent of the Board’s action and of the respondent’s right to appeal any decision to expel.

D. *Appeal.* If the Board of Directors expels the respondent from the Association, the respondent may appeal that decision to the Association within 60 days from notice thereof by the Association. To appeal, the respondent shall send the Association at the National Headquarters a letter so indicating and may send a written statement for consideration by the Association and a notice of intent to appear before the Association. The appeal will be considered by the Association at the next annual meeting or at a special meeting called for that purpose. The Association shall give actual notice to the respondent of the time and place of that meeting. The decision of the Board of Directors shall be affirmed unless overruled by a majority of those members of the National Council present and eligible to vote.

4. Dues

A. *Amount of Dues.* Except honorary members, each member and associate of the Association shall pay annual dues to the Association. Twenty percent (20%) of each member’s dues, rounded upward to the next one-half dollar, shall be rebated to the Chapter that serves the location of the member’s mailing address, provided: If, as of the date of adoption of this Bylaw, a different Chapter is receiving a rebate of a member’s dues or if a member designates a different Chapter as the member’s primary Chapter, such different Chapter shall receive such rebate. Provided further, if a member opts to affiliate with no Chapter, no rebate shall be paid to any

Chapter. Annual dues for members of the Association shall be established by the Board of Directors and National Council.

	Private Practice	Public Practice
Admitted 5 years or less	\$ 80.00	\$ 60.00
Admitted 6 to 10 years	\$130.00	\$105.00
Admitted 11 plus years	\$155.00	\$120.00
Retired Members	\$75.00	\$75.00
Foreign Associates	\$150.00	\$150.00
All Law Student Associates	\$25.00	\$25.00

B. Dues Adjustments and Payment. Beginning October 1, 1990, dues for each category of membership, as well as for associates, shall be adjusted by the change in the Consumer Price Index over the previous three years as of the prior January 31st, rounded upward to the next dollar, and will be adjusted similarly every three years thereafter. Beginning October 1, 1996, the Board of Directors may further adjust the amount of such annual dues upward or downward to the nearest whole dollar figure ending in a 0 or a 5, which further adjustment shall not affect the calculation of future adjustments to reflect a change in the Consumer Price Index, as set forth in the first sentence of this Bylaw 4B. In turn, the portion of such dues to be rebated to Chapters shall be adjusted similarly to maintain the percentage level indicated in this Bylaw. Dues payments shall be collected and recorded by the National Headquarters; Chapter rebates portion of dues will be transmitted by the Headquarters to the respective Chapters.

C. Dues Anniversary. Members and associates shall pay a full year's dues upon admission and shall be billed annually thereafter within a month of the anniversary month of admission, with the exception that those who were members prior to September 30, 1975, shall be billed at the beginning of each fiscal year.

D. Waiver of Dues. Effective October 1, 1995, the Association, upon approval by the President-elect of a written request from a member or associate for a waiver of dues for compassionate or exceptional hardship reason, may excuse that member or associate from the payment of dues for a period not to exceed one year. The President-elect will notify the Treasurer, the requesting member or associate, and that member's or associate's Chapter President of this decision. The member or associate's Chapter will receive no rebate for those under a dues waiver.

E. Chapter, Division, and Section Dues. Each Chapter may collect additional Chapter dues in its discretion, and the Chapter does not need to account for such dues to the National Headquarters. On request of any Chapter, approved by the Executive Director, the National Headquarters shall collect a Chapter's dues and remit same to the Chapter. Each Division and Section may charge additional Division or Section dues in its discretion; all Division and Section dues shall be collected by the National Headquarters.

F. Sustaining Dues. Members and associates of the Association may distinguish themselves by adding the sum of \$60 or more to their current annual dues as established by this Bylaw.

G. Purpose of Dues. Annual dues shall be used to pay the general expenses of the Association. All additional dues collected under the Sustaining Dues program shall be used only to support publications and educational programs of the Association.

H. *Membership Development and Dues Adjustments.* Effective October 1, 1995, should a Chapter determine that, as a membership development tool, the waiver or reduction of national dues chargeable within its Chapter for a specific category (ies) of members is justified, that Chapter must submit its proposal to the Board of Directors for approval, for that Chapter only, in writing at least sixty (60) days in advance of the next regularly scheduled National Council meeting. Each proposal must include justification and provide for the Chapter to maintain appropriate membership statistics. The Budget Committee shall analyze each such proposal and present its analysis and conclusions at least thirty (30) days prior to the next scheduled Board of Directors' meeting. The prior approval of the Board of Directors must be obtained before the experiment is implemented as a program. Each Chapter which shall obtain approval of such a program shall reimburse the Association for any additional administrative cost related to implementing the program. Each dues experiment program will be limited in duration to no more than three (3) years. Each Chapter with an approved program will submit a written progress report to the Board of Directors annually, so long as the program remains in effect.

5. Non-Payment of Dues

A. *Delinquent Member.* If annual dues of a member or an associate have not been received by the National Headquarters within 60 days after dues have expired for the prior year, the Association shall notify the member or associate that the dues are in arrears and that the member or associate will be suspended from the Association unless the dues are received within 30 days. The Association also shall notify each Chapter with which the member or associate is affiliated and the Vice President for the Circuit in which such member or associate is located of the delinquency.

B. *Persons Not in Good Standing.* A person whose annual dues have not been received at the National Headquarters within 90 days after dues have expired for the prior year shall be regarded as not in good standing and shall be suspended from the Association. A person who has been suspended from membership for nonpayment of annual dues may be reinstated at any time by payment of the current annual dues.

C. *Members of the Armed Forces During Time of War.* Notwithstanding the foregoing, all Association members on active duty in the armed forces of the United States during a war, who do not request to the contrary, shall be exempt from the payment of dues while so serving.

6. Election Schedule, Procedure, and Requirements

A. *Nominations by Nominations and Elections Committee and Notice of Election.* By February 15 of each year, the Nominations and Elections Committee shall nominate one or more members in good standing for each of the elective offices becoming vacant for the coming term. By April 1, the Nominations and Elections Committee shall cause to be mailed or electronically sent to each member in good standing—either in The Federal Lawyer or otherwise—notice of the upcoming annual election and of the offices to be filled therein; of the Committee's nominations for those offices; and the manner and time by which nominations of candidates may be made by petition as provided in Article V, Section 3.b., of the Constitution and this Bylaw.

B. *Nominations Close.* Nominating petitions shall be delivered to the Nominations and Elections Committee at National Headquarters by 5:00 p.m. on April 25. Any petitions received thereafter shall be returned to the would-be candidate, indicating that the petition was tardy and the date it

was delivered to the Committee. In the event that April 25 falls on a Saturday, Sunday, or legal holiday, petitions shall be delivered by 5:00 p.m. on the next regular business day.

C. *Ballots Mailed.* By June 15, the Nominations and Elections Committee shall cause a ballot to be mailed to each member of the Association in good standing. The ballot shall list the names of all eligible nominees, in an order drawn by lot, under the respective office for which each has been nominated, with a space provided for writing in the name of a candidate for each office; the ballot also shall contain such instructions for its use as the Committee shall prescribe. A suspended member who is restored to good standing after the mailing of the ballots and who, prior to 5:00 p.m. on July 5, delivers to the Nominations and Elections Committee evidence of good standing, shall thereupon be entitled to a ballot.

D. *Ballots Returned.* All ballots to be counted shall be delivered to the Nominations and Elections Committee at National Headquarters by 5:00 p.m. on August 1. In the event that August 1 falls on a Saturday, Sunday, or legal holiday, ballots shall be delivered by 5:00 p.m. on the next regular business day. The Committee, with such assistance as the Board of Directors may direct, shall canvass the vote and promptly report as elected the candidate for each office who has received a plurality of the votes cast for that office. If no candidate for a national office receives a plurality of the votes counted; (a) in the case of a tie between two (2) candidates, the election shall be resolved by a coin flip in the presence of the tied candidates or their designees by the National President or the President's designee, which shall resolve the tie. The tosser of the coin shall be designated by the President. The candidate whose last name occurs last alphabetically shall call the coin toss; (b) in the case of a tie among more than two candidates, the election shall be resolved by drawing straws by the tied candidates or their designees from the hand of the National President or the President's designee. The National President or the President's designee shall prepare the straws and the candidate or designee drawing the longest straw shall win the election.

E. *Form of Ballots and Enclosures.* Procedures shall be adopted by the Board of Directors to regulate the handling of ballots and to prevent abuses of the voting privilege, but returned ballots shall not be required to be signed or otherwise identified by the method of voting. Ballots shall be accompanied by a concise biographical sketch of each candidate, in a form to be prescribed by the Nominations and Elections Committee. Additionally, ballots may be accompanied, in the discretion of each candidate, by a single standard sheet of paper from each candidate containing information that the candidate believes the voters should know prior to casting their votes; the content, form, and technical specifications of such a sheet of paper shall meet standards prescribed by the Nominations and Elections Committee.

F. *Authority of Nominations and Elections Committee.* The Nominations and Elections Committee is responsible for monitoring the overall conduct of the annual election and for ensuring compliance with this Bylaw.

7. Meetings

Meetings of the Board of Directors and the National Council required by Article VI, Section 3.a. and Article VII, Section 2.a., of the Constitution shall be held at such time and place as the Board of Directors may direct. No proxies may be voted at meetings of the Board of Directors and National Council or meetings of the Association. Meetings of the Board of Directors and National Council and of the Association shall be governed by the Constitution of the Association, these Bylaws and such rules as the Board of Directors and National Council may

prescribe. When not inconsistent with such rules, the latest edition of Robert's Rules of Order shall apply. The President shall appoint a parliamentarian for each meeting.

8. Standing Committees

A. *Establishment.* Under Article VI, Section 4, of the Constitution, the following Standing Committees and Boards of the National Council are established:

(1) Operational Committees.

(a) Audit and Finance. The Audit and Finance Committee is responsible for overseeing the accounting of funds of the Association, including funds originated from investments, and for securing any independent audit required by law. The President-elect and the Treasurer shall be members of the Committee in addition to two members of the Board of Directors and three members of the Association appointed by the President, who will serve for a term of one year.

(b) Budget. The Budget Committee is responsible for developing and monitoring the implementation of the budget of the Association. The President-elect, and the Treasurer shall be members of the Committee in addition to two members of the Board of Directors and three members of the Association appointed by the President who will serve a term of one year. The President shall appoint the President-elect as chair.

(c) Constitution, Bylaws and Rules. The Constitution, Bylaws and Rules Committee is responsible for considering and reporting on proposed changes in the Constitution and the Bylaws of the Association prior to presenting such proposals to the Board of Directors and/or the National Council. It is also responsible for studying and considering, on a continuing basis, means of improving the operations and the rules of the Board of Directors and the National Council prescribed pursuant to Bylaw 7.

(d) Government Relations. The Government Relations Committee is responsible for coordinating and advancing the Association's issues agenda in implementation of policies adopted by the Board of Directors and the National Council. The Committee shall have at least nine members and the President will appoint a member as chair. The President Elect and the Section Coordinator shall be members.

(e) Membership and Admissions. The Membership and Admissions Committee is responsible for developing and implementing the Association's annual membership recruitment and retention programs and for the review and approval of applications for membership that may be submitted to them under procedures prescribed in Bylaw 2B.

(f) Nominations and Elections. The Nominations and Elections Committee is responsible for administering the procedures applicable to nomination and election of national officers of the Association during the annual election as prescribed in Article V, Section 3, of the Constitution and Bylaw 6. The Committee shall be composed of the President, who shall chair the Committee; President-elect; immediate past-President; two Vice Presidents for the Circuit designated by the President; a Division chairperson designated by the President-elect; a Section Chairperson designated by the President, and two Chapter representatives designated by the President-elect.

(g) Operations Review. The Operations Review Committee is responsible for overseeing the administrative operations of the National Headquarters. The President-elect and the Treasurer shall be members of the Committee in addition to two members of the Board of Directors and three members of the Association appointed by the President who will serve a term of one year. The President shall appoint a Board member as chair.

(h) Public Relations. The Public Relations Committee is responsible for developing and implementing a public relations program for the Association and for coordinating and disseminating to the press and public information concerning the Association and its activities.

(i) Resolutions. The Resolutions Committee is responsible for considering and reporting to the Board of Directors on all resolutions prior to presenting such resolutions to the National Council. The President-elect shall be a member of the Committee.

(j) Strategic Planning. The Strategic Planning Committee shall consider the future growth, direction and operations of the Association and shall develop plans for improving the long-range structure and development of the Association. The President, the President-elect and the Treasurer shall compose the Committee unless otherwise decided by the Board of Directors.

(2) Programmatic Committees and Boards.

(a) Annual Meeting. The Annual Meeting Committee is responsible for planning and administering the annual meetings of the Association and for recommending to the Board of Directors sites and dates for future annual meetings. The Committee shall be composed of the President, President-elect, the Treasurer, and two members of the Board of Directors and chaired by the President-elect unless the President-elect determines a different composition.

(b) Bench/Bar Relations. The Bench/Bar Relations Committee is responsible for acting as the liaison between the federal judiciary and the members of the Federal Bar Association and for keeping the President and Board of Directors advised as to issues affecting the federal judiciary. Any United States District Court Chief Judge, and one Clerk of the Court of the federal judicial branch who is a member in good standing of the Federal Bar Association, may be appointed as a member. The Committee shall have at least nine members and the President shall appoint a member as chair.

(c) Continuing Legal Education Board. The Continuing Legal Education Board is responsible for administering the Association's continuing legal education program under procedures and within parameters that may be prescribed by the Board of Directors.

(d) Editorial Board. The Editorial Board is responsible for developing and publishing The Federal Lawyer. The Committee shall have at least nine members and the President shall appoint a member as chair.

(e) General Counsels. The General Counsels Committee shall be composed of the general counsels of offices, boards, agencies, commissions, and departments of the Federal government and shall be responsible for considering matters relating to functions of a General Counsel. The President will appoint the chair and may appoint any general counsel who is a member in good standing of the Federal Bar Association as a member of the Committee.

(f) Judicial Selection. The Judicial Selection Committee is responsible for evaluating professional qualifications of potential nominees to the Federal judiciary when such evaluation is requested by the President of the United States or by the Chair of the United States Senate Judiciary Committee under procedures that shall be prescribed by the National Council.

(g) Professional Ethics. The Professional Ethics Committee is responsible for formulating and recommending standards of ethics and conduct for the Federal legal profession.

B. Committee Composition and Terms of Office. The composition of the following Standing Committees: (1) Constitution, Bylaws and Rules; (2) Membership and Admissions; (3) Public Relations; (4) Resolutions; (5) Continuing Legal Education Board; (6) Judicial Selection; and (7) Professional Ethics, shall consist of no more than nine members, at least six of whom are from different Circuits. The President shall appoint a member as chairperson. Any vacancy shall be filled by appointment by the President for the time remaining in the vacated term.

9. Special Committees

Any Special Committee established by the Board of Directors shall go out of existence one year from the date it is established unless prior thereto the Board of Directors shall extend its

existence for another year. The President shall appoint the members and shall appoint the chairperson.

10. Public Positions by Association Entities

A Division, Section or Chapter may not issue a public report or take a public position on an issue unless it generally reflects the views of its members. A Standing or Special Committee may not take a public position or issue a public report; however, it may make recommendations or submit positions for consideration to the Board of Directors. No report or position may be inconsistent with any existing position of the Association. The Association shall keep a record of every report or position reported to the Board of Directors.

11. Assets of Inactive Chapters

Upon determination by the Board of Directors that a Chapter has failed to maintain an active membership of at least ten members for a period of one year, that it has withdrawn itself from the Association, or that it has had its charter revoked, the President shall direct the Treasurer to take charge of all assets and property of the Chapter and to hold them in trust for one year for the benefit of any Chapter that may organize or reorganize in that geographic area. If, at the end of one year, the Chapter is not reactivated and no new Chapter is organized, title to all such assets of the Chapter shall vest in the Association.

12. Bond for Treasurer

The Treasurer, upon taking office, shall post a bond in an amount and with such sureties required by the Board of Directors to assure the faithful performance of the Treasurer's duties. The premium shall be paid by the Association.

13. Fiscal Year

The fiscal year of the Association shall run from October 1 through September 30 of the following year.

14. Amendments to the Constitution and the Bylaws

A. Proposal and Study of Amendments. All proposals or petitions to amend (including repeal) provisions of the Constitution, under Article XIX thereof, or these Bylaws, under Bylaw 14C., shall be directed or referred to the Constitution, Bylaws, and Rules Committee for its recommendations. All such proposals or petitions shall reach the Committee at least ninety (90) days before the proposed amendments are to be considered for adoption at a National Council meeting or an annual meeting of the membership, as appropriate. The Constitution, Bylaws, and Rules Committee shall consider all such proposed amendments and shall report on them to the members of the Board of Directors and National Council or membership, as appropriate, on or before the dates on which notice must be provided of the next meeting of the National Council or annual meeting of the membership at which such proposed amendments may be acted upon. The Committee shall include in its report its recommendations as to whether the proposed amendment conflicts with provisions of the Constitution and other Bylaw, and if so, in what form or with what related changes to the Constitution or these Bylaws as may be necessary and appropriate. The provisions of this Bylaw shall not be suspended.

B. Constitution.

(1) Report of Constitution, Bylaws, and Rules Committee. The Constitution, Bylaws, and Rules Committee shall prepare a report on the proposal. The report shall include the text of the proposal, the text of any part to be repealed or amended, and a summary of the arguments for and against adoption of the proposal. A copy of this report shall be mailed or electronically sent with the ballot to each member of the Association in good standing.

(2) Ballots. Returned ballots may not be required to be signed or otherwise identified by the members voting. The envelopes in which the ballots are returned shall be identified to enable the Association to identify them as ballots and to deliver them unopened to the Constitution, Bylaws, and Rules Committee at 5:00 p.m. on the date of the closing of balloting. The Constitution, Bylaws, and Rules Committee shall be responsible for opening and counting the ballots and for reporting the vote.

C. Bylaws. The National Council may adopt, amend, or repeal any Bylaw at a regular or special meeting of the National Council upon two-thirds vote of those present and voting.

15. Robert's Rules of Order

Wherever the Constitution of the Association or these Bylaws omit or fail to address any substantive or procedural matter that is addressed in the most current version of Robert's Rules of Order, the most current version of Robert's Rules of Order shall govern as to that matter.

