

**BY-LAWS of THE ALTERNATIVE DISPUTE RESOLUTION
SECTION
of the
FEDERAL BAR ASSOCIATION**

Article I: Name and Establishment

The name of this organization is the Alternative Dispute Resolution Section (hereinafter "Section") of the Federal Bar Association (hereinafter "Association"). The Section is established under Article VIII of the Constitution of the Association and is governed by the Constitution and By-laws of the Association and these By-laws.

Article II: Purpose

This Section was established:

- ☛ To further the purposes of the Association;
- ☛ To provide a forum for the study of issues relating to alternative dispute resolution;
- ☛ To provide a forum for members of the Section to discuss and exchange ideas relating to alternative dispute resolution;
- ☛ To conduct and sponsor programs relating to alternative dispute resolution for members and non-members of the Section;
- ☛ To participate in and contribute to the development of the field of alternative dispute resolution; and
- ☛ To issue reports and to publicly advocate positions on matters of concern to the Section consistent with the Constitution and By-Laws of the Association and these By-Laws.

Article III: Membership and Dues

- Section 1. Active and Honorary Membership. Any active member of the Association in good standing and any honorary member shall be eligible for membership in the Section. Active and honorary members shall be enrolled upon the payment of annual Section dues.
- Section 2. Associate Membership. Any associate member of the Association in good standing shall be eligible for associate status with the Section and shall be enrolled as an associate upon the payment of Section dues.²
- Section 3. Honorary and Associate Members –Waiver of Dues. Any member or associate of the Association may be made an honorary member or honorary associate of the Section upon approval of the Governing Board of the Section, without payment of dues.
- Section 4. Dues. Section dues for active members and honorary and associate members shall be collected annually at the same time Association dues are collected. The amount of the dues shall be determined annually by the Governing Board and approved by the National Council of the Association.

Section 5. Termination of Membership. Any active member or associate of the Section whose annual dues are more than six months past due shall cease to be a member or associate of the Section.

Section 6 Advisors. The Section and each component of the section may avail itself of non-member advisors or advisory committees whose expertise can facilitate and further the goals and programs of the Section and the Association. Such advisors shall pay no dues and will not be compensated for their services, but will be credited and publicized as appropriate.

Article IV: Officers and Board Members

Section 1. Officers. The officers of the Section shall be the Chair, The Chair-Elect, the Secretary, the Treasurer.

A Terms. All officers of the Section shall serve for a term of one fiscal year, but no more than three consecutive years.

B. Election and Succession in Office. The initial Chair, Chair-Elect, Secretary and Treasurer of the Section shall be designated by the President of the Association. The Chair-Elect shall automatically assume the position of Chair upon the expiration of the previous Chair's term. After the initial terms of the Chair, Chair-Elect, Secretary and Treasurer, the Chair-Elect, Secretary and Treasurer shall be elected by a plurality vote of the active members of the Section. The Chair shall appoint a nominating committee consisting of not fewer than three members from among the members of the Section. The Nominating committee shall nominate one person for each open office. The Nominating Committee shall submit its slate of candidates, in writing, to the members of the Section, during the month of June, for a vote that will take place and be tabulated no later than August 15th. No member shall hold more than one elective office at the same time.

C. Duties.

1. Chair. The Chair shall be the chief executive officer of the Section and shall preside at all meetings of the Section membership and the Governing Board. The Chair shall cause the Association and the Section's membership to be informed of the Section's activities, and shall perform such other functions as usually pertain to that office or may be designated by the Governing Board.³

2. Chair-Elect. The Chair-Elect will assist the Chair in such manner and to such extent as the Chair may request. The

Chair-Elect shall preside at meetings in the absence of the Chair. In the event of death, resignation, or disability of the Chair, the Chair-Elect shall perform the Chair's duties for the remainder of the Chair's term or disability. The Chair-Elect also shall hold a position as liaison to the Membership Committee of the National Organization and attend all meetings pertaining to that Committee and shall serve as coordinator and member of the Standing Committee on CLE Planning and Programming. If no Standing Committee is appointed, the Chair Elect shall perform all functions related to CLE Planning and Programming.

3. Secretary. The Secretary shall issue notices of all meetings of the Section's membership and the meetings of the Governing Board and shall accurately record the minutes of those meetings. The Secretary shall perform record keeping and correspondence functions as are requested by the Chair or the Governing Board and shall perform other such functions as usually pertain to that office. The Secretary also act as liaison with the national chapters by making and maintaining contact with all national chapters and in sharing all information of the Section with chapter officers.

4. Treasurer. The Treasurer shall keep accurate records of all income and expenditures of the Section and shall periodically report the financial condition of the Section to the Governing Board and to the Association. The treasurer shall consult with the Chair of Section concerning activity budgets. The Treasurer also shall assist in establishing and coordinating efforts of Section Committees and publications.

Section 2. Governing Board. The Governing Board of the Section shall consist of the Chair, Chair-Elect, the Secretary, the Treasurer, the Immediate Past Section Chair, the Chairs of Committees formed under Article V, and not more than six (6) Members at Large appointed by the Section Chair. The term of Section Governing Board members shall be one fiscal year, except that the Section Chair shall serve on the Governing Board during his or her term as Section Chair, and the Immediate Past Section Chairman shall serve on the Section Council for the term of his or her successor. The Governing Board shall seek to attain as much geographic diversity and representation among the circuits as possible when selecting and replacing members of the Board.

Article V: Committees

- Section 1. Committee Structure. The Section may have, effective upon the adoption of these By-Laws by the National Council, the following Standing Committees: The Federal Court Programs Committee; 2. The Commercial Practices and Procedures Committee; 3. The ADR Involving Federal Agencies Committee; and 4. The Neutral Processes, Certification, Qualifications, and Implementations Committee. Special Committees and Subcommittees of Standing Committees may be established by the Section Chairman. Special Committees and Subcommittees so established shall remain in existence for the duration of the Section Chair's term unless sooner disestablished by the Section Chairman.
- Section 2. Selection of Committee Leadership. Each Committee shall be governed by two Chairs appointed by the Section Chair, and such other Committee officers as may be appointed in accordance with Section 3 of this Article. Appointments to serve as Committee Co-Chairs shall be made by the Section Chair not later than the 15th day of October 10.
- Section 3. Duties of Committee Chairs. Each Committee Co-Chair shall be responsible for recruitment of new Committee members and for ensuring that their Committee actively pursues matters within their Committee's subject matter. Each Committee Co-Chair shall regularly attend Section Governing Board meetings and report to the Section Governing Board the current and recent activities of their Committee. Committee Co-Chairs shall appoint other officers, as needed, to govern their Committee.
- Section 4. Committee Meetings and Functions. Committees shall convene regular meetings of their members, and shall carry out their functions in accordance with general guidelines prescribed by the Governing Board and the general supervision of the Section Chair. Committees shall take all practicable measures to encourage participation in Committee meetings and activities by all Committee members regardless of their location.

Article VI: Governing Board Meetings

- Section 1. Governing Board Meetings. The Governing Board shall meet from time to time at the call of the Chair as needed, but not less than quarterly, to carry out administrative functions of the Section, and to set Section policy and plan Section activities including, but not limited to, approving changes in Section dues, approving changes in the Section's Standing Committee structure, prescribing general guidelines for the function of Section Committees, and conducting other business of the Section. Such meetings may be conducted and attended via telephone conference.
- Section 2. Rules of Order. The rule of order shall consist of (in order stated):

- A. The Constitution and By-Laws of the Association.
- B. These By-laws
- C. Standing resolutions passed by the Section's Governing Board, and
- D. The current edition of Robert's Rules of Order.

Article VII: Public Positions

The Section, in the name of the Association, may issue reports, and publicly advocate positions on issues of concern to the Section only with the prior approval of the National Council. Without such prior approval, the Section may take a public position only if the position is not inconsistent with any action of the National Council, if the position statement includes a disclaimer that indicates that the Section is taking the position in the name of the Section only, and if the position generally reflects the views of the section members in conformance with the national By-Laws, Paragraph 10. In any event, if the Section takes such action in its own name, and not in that of the Association, the Section shall report that action immediately to the Executive Committee of the National Council.

Article VIII: By-laws

Section 1. Effective Date. These By-laws shall be effective immediately upon approval by the National Council.

Section 2. Amendment. These By-laws may be amended at any regular meeting of the Governing Board by a majority vote of the Governing Board members present and voting. The amendment shall not become effective until approved by the National Council.

* * * * *