

**FEDERAL BAR ASSOCIATION
BYLAWS FOR
THE FEDERAL LITIGATION SECTION**

ARTICLE I: NAME AND ESTABLISHMENT

The name of this organization is the Federal Litigation Section (hereinafter, "Section") of the Federal Bar Association (hereinafter, "Association"). The Section is established under Article VIII of the Constitution and Bylaws of the Association and these Bylaws.

ARTICLE II: PURPOSE

The purpose of this Section shall be to further the purposes of the Association as stated in its Constitution and to concentrate on the fundamental practice of law in the federal courts. The field of federal court trial practice shall be monitored by committees focused on federal rules of procedure, trial and appellate practice, the federal tort laws and the practice of law relating to the military service.

ARTICLE III: OFFICERS

Section 1. OFFICERS. The Officers of the Section will be the Chair, the Vice Chair, and the Secretary/Treasurer. No person shall serve in more than one of these three offices at a time.

Section 2. TERMS. All officers of the Section will serve a term in office of two years. The fiscal year of the Section shall be the same as that of the Association. The officers will serve consistent with the requirements of Policies 9-3 and 9-4.

Section 3. DUTIES.

(a) **CHAIR.** The Chair shall be the chief executive officer of the Section and shall preside at all meetings of the Section's membership and at meetings of the Board. The Chair shall fill any Board vacancy by appointment. The Chair shall appoint a Committee Chair for each of the Section's committees. The Chair shall cause the Association and the Section's membership to be informed of the Section's activities.

(b) **VICE CHAIR.** The Vice Chair shall perform such duties as may be assigned by the Chair.

(c) **SECRETARY/TREASURER.** The Secretary/Treasurer shall issue notices of all meetings of the Section's membership and of the Board; shall accurately record the minutes of those meetings; shall prepare and submit an annual budget for the coming fiscal year; and shall perform functions as requested by the Chair.

Section 4. OFFICER PROGRESSION, ELECTION, VACANCIES, INTERIM APPOINTMENTS.

(a) VICE CHAIR TO CHAIR. Upon the expiration of the Chair's term, the Vice Chair automatically shall assume the position of Chair, but only if the Vice Chair previously has been elected by the Section Membership as Secretary/Treasurer or Vice Chair as set forth in Subsection 4C.

(b) SECRETARY/TREASURER TO VICE CHAIR. Prior to the conclusion of the Chair's term, a new Secretary/Treasurer shall be elected by the Section Membership. Upon the expiration of the Vice Chair's term, the Secretary/Treasurer automatically shall assume the position of Vice Chair, but only if the Secretary/Treasurer previously has been elected by the Section Membership as set forth in Subsection 4C.

(c) ELECTIONS. The Chair shall direct the manner and process of the election of an Officer. First, the Chair shall appoint a Nominating Committee, which shall nominate as many Section members as it deems appropriate for an Officer position. Second, the Chair shall direct and effect the publication to the Section Membership an announcement of the Nominating Committee's nomination(s) together with a solicitation of additional nominations of any other Section member(s). Such notice reasonably shall be determined and directed to reach the Membership, and may include utilization of *The Federal Lawyer*, *SideBAR*, direct mail, the Fedbar.org website and/or by any other electronically available means including email that directly reaches the Section Membership. Third, by ballot listing all those properly nominated, the Association's National Staff shall conduct an election among the Section Membership. Such election shall be conducted at least 21 days after the notice has been sent. The winner shall be the person who receives a plurality of the votes cast.

(d) VACANCIES; INTERIM APPOINTMENTS. In the event of a vacancy in the position of Chair prior to the expiration of a term, the Vice Chair automatically shall succeed to Chair. In the event of a vacancy in the position of Vice Chair prior to the expiration of a term, the Secretary/Treasurer automatically shall succeed to Vice Chair. An Officer who thus succeeds to fill a vacancy automatically is eligible for a full two year term commencing the next October 1.

Upon the expiration of a term without automatic succession to the position of Vice Chair as provided in Subsection 4A, the Chair shall appoint a Section member to hold, and discharge the responsibilities of, Vice Chair on an interim basis. As soon as practicable after such interim appointment, the Section Membership shall elect a Vice Chair, pursuant to the procedures described in Subsection 4C as directed by the Chair.

In the event of a vacancy in the position of Secretary/Treasurer for any reason (whether before or upon expiration of a term), the Chair shall appoint a Section member to hold, and discharge the responsibilities of, Secretary/Treasurer on an interim basis. As soon as practicable after such interim appointment, the Section Membership shall

elect a Secretary/Treasurer, pursuant to the procedures described in Subsection 4C as directed by the Chair.

ARTICLE IV: GOVERNING BOARD

Section 1. COMPOSITION. There shall be a Governing Board (hereafter "Board") composed of the officers of the Section, a Membership leader, a Chapter Contact leader, a Programming leader; a Newsletter Editor; and up to four additional Section members appointed by the Chair.

Section 2. POWERS AND FUNCTIONS. The Board shall be vested with the powers and duties necessary for the administration of the activities of the Section consistent with the Constitution and Bylaws of the Association. Among its functions are:

- (a) Annually determining the Section dues for active members.
- (b) Recommending changes in the Section's committee structure to the FBA Board of Directors.

ARTICLE V: COMMITTEES

Section 1. The Section shall have any or all of the following committees:

- (a) Appellate Law and Practice
- (b) Federal Rules of Procedure and Trial Practice
- (c) Federal Tort Law
- (d) Federal Rules of Evidence
- (e) Federal Law Clerks

Section 2. SELECTION OF COMMITTEE LEADERSHIP. Each Committee shall have a Chair appointed by the Section Chair, and such other officers as the Section Chair appoints.

Section 3. PUBLIC POSITIONS. A Committee may not issue a public report or take a public position on an issue either in its own name or on behalf of the Section. All proposals for public reports or positions shall be submitted to the Section's Governing Board for consideration and issuance.

ARTICLE VI: MEMBERSHIP AND DUES

Section 1. ACTIVE MEMBERSHIP. Any active member of the Association in good standing and any honorary member shall be eligible for active membership in the Section and shall be enrolled as a member upon the payment of the annual Section dues.

Section 2. HONORARY MEMBERSHIP. Any member of the Association may be made an honorary member of the Section upon the approval of the Board of the Section. Approval shall be indicated by a majority vote of those present and voting at a meeting of the Board. Honorary members shall be exempt from the payment of Section dues.

Section 3. DUES. Section dues for active members shall be collected annually at the same time Association dues are collected.

Section 4. TERMINATION OF MEMBERSHIP. Any active member of the Section whose annual dues are more than six months past due shall cease to be a member of the Section. Reinstatement of membership will occur upon payment.

ARTICLE VII: MEETING

Section 1. SECTION MEETINGS. Meeting of the membership shall be at the call of the Chair. The Section shall have a meeting at each National Convention.

Section 2. BOARD MEETINGS. The Board shall meet at least four times per year to carry out their administrative powers and functions. Such meetings may be conducted by teleconference.

Section 3. NOTICE. The Secretary/Treasurer shall give at least 14 days notice of all meetings of the Section and the Board.

Section 4. RULES OF ORDER. The rules of order shall consist of:

- (a) The Constitution and Bylaws of the Association;
- (b) These Bylaws;
- (c) Standing Resolutions passed by this Section's Board;
and,
- (d) Current edition of Robert's Rules of Order.

Section 5. MEANS, MODE and METHODS OF MEETING. Meetings may be held through any one or any combination of the following means, modes, and methods: face-to-face; electronic; telephonic; radio broadcast; video broadcast; or webcast.

ARTICLE VIII: PUBLIC POSITIONS

The Section-in the name of the Association-may issue reports, make public announcements, and publicly advocate positions on issues of concern to the Section only with the prior approval of the FBA Board of Directors. Without such prior approval, the Section may take a public position that generally reflects the views of the Section members, only if the position statement includes a disclaimer that indicates that the Section is taking the position in the name only of the Section. 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 FBA Board of Directors

ARTICLE IX: BYLAWS

Section 1. EFFECTIVE DATE. These Bylaws shall be effective immediately upon approval of the FBA Board of Directors.

Section 2. AMENDMENT. These Bylaws may be amended at any regular meeting of the Board by vote of three-fourths of the Board members present and voting, provided that each Board member shall be given at least 14 days notice of the meeting and the proposed amendment. The amendment shall not become effective until approved by the FBA Board of Directors.