



Federal Bar Association

Policy No. 9-4-: Section and Division Policies, Procedures and Guidelines

Approved By: Board of Directors

Date Approved: September 7, 2011

Date Effective: October 1, 2011

Purpose:

The Bylaws of the Federal Bar Association, Bylaw 10, establishes six (6) Divisions of the Association. Article IX, Section 1 of the Constitution, allows the President of the Association to establish, with the approval of the Board of Directors, Sections of the Association “to consider areas of law and practice of interest to the membership or particular groups of members.” The Sections and Divisions strive to further the mission of the Association, as set forth in Article III, Section 1 of the Constitution, 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.”

The Sections and Divisions also serve to advance the General Objectives of the Association, as set forth in Article III, Section 3 of the Constitution, including but not limited to:

- To enhance the professional growth and development of members of the Federal legal profession and promote high standards of professional competence and ethical conduct, including through the provision of quality education programs;
- To support the members of the Association including through promoting professional and social interaction, notifying and educating members as to developments in their respective fields of interest, encouraging member involvement in activities of the Association, and providing opportunities for members to assume leadership roles in the Association;

The activities of the Sections and Divisions should primarily serve to advance the Section’s purposes, enhance the Section’s field, promote and serve the interests of the Section’s members and support growth of Section membership. The Sections and Divisions are encouraged to collaborate with other Sections, Divisions, Chapters, and FBA National initiatives and activities. The activities of the Sections and Divisions shall include, but not be limited to, a Section communication tool, CLE programs, and participation in other bar activities. Sections and Divisions shall report their activities to the Sections and Divisions Council on a quarterly basis, or more frequently as requested by the Sections and Divisions Council.

According to the FBA Bylaws, the Sections and Divisions Council as established by the FBA Board of Directors is responsible to coordinate, assist, and supervise the efforts of Divisions and Sections of the Association.

Minimum Requirements and Responsibilities

These Section and Division Policies, Procedures and Guidelines have been developed to assist Sections and Divisions in discharging their obligations under the Constitution and Bylaws of the Association, and to assist the Sections and Divisions Council, the staff Sections and Divisions Manager and others in the oversight and support of the Sections and Divisions. Minimum requirements and responsibilities include:

- Quarterly leadership meetings with minutes that shall be shared with Section and Division members
- Quarterly reports to the Sections and Divisions Council that shall be shared with Section and Division members
- Hold regular elections in compliance with Section or Division Bylaws
- Certify elections by August 1
- Update Section or Division website regularly
- Sponsor one (1) educational program per Fiscal Year
- Complete an Annual Work Plan (See Policy 9-5)

Formation and Membership

Any member of the Association in good standing shall be eligible for membership in all Sections and Divisions provided the member meets any additional eligibility requirements for each Division. Associate members of the Association are eligible for Section and Division non-voting membership, but shall not be eligible to hold office in a Section or Division. To the extent that Association membership is suspended for nonpayment of dues, that member's Section and Division membership(s) shall be similarly suspended. Any member whose Association membership remains in good standing but whose Section and/or Division dues are delinquent shall be dropped or suspended from such Section and/or Division membership. A member of the Association in good standing may reactivate his or her Section and/or Division membership at any time by paying the appropriate dues.

New Sections may be formed pursuant to the Constitutional provisions cited above and these Section and Division Policies, Procedures and Guidelines. The President of the Association shall consider establishment of a new Section when a minimum of twenty-five (25) members of the Association come forward to form a substantive law or practice section. If a smaller group wishes to plan and recruit to form a substantive law section, the President may appoint a special substantive law committee for one year. At the conclusion of five years, new Sections are subject to the guidelines for membership of an existing Section. A new Section is defined as any Section in existence for less than five years. An existing Section is defined as any Section in existence for five or more years. An existing Section shall strive to maintain a minimum of one hundred (100) dues-paying members.

Each Section and Division shall designate the dues required annually for continuing Section or Division membership and activities.

By March 1 of each calendar year, FBA staff will send out a notice that each Section and Division should issue a call for nominations, together with a sample form. The call for nominations should be sent to every member of the Federal Bar Association and should list the offices available and the dates of any deadlines or elections to be held. Each Section and Division is responsible for holding elections and certifying the results of those elections in compliance with its bylaws by August 1 of each year. Prior to August 1 of each year, FBA staff will circulate a certification form to each Section and Division. For clarity's sake, an election taking place any time in the year prior to the August 1 certification qualifies as a valid election for certification purposes. Thus, a September 2014 election, for example, may be certified on or prior to August 1, 2015.

Where a Section or Division fails to file a certification of compliance, or otherwise becomes non-compliant with its bylaws, the Chair of the Sections and Divisions Council and Executive Director shall report the failure and/or non-compliance to the FBA Board of Directors. Failing a timely certification of compliance, or a report of non-compliance to the FBA Board of Directors, the Executive Director shall issue a call for nominations for open officer positions with notice to all members of the Federal Bar Association for an election that shall be held prior to the next annual convention. Failing a timely certification of compliance, no Section or Division funds shall be disbursed absent the approval of the Executive Director. Where, following a valid election, a vacancy or vacancies in leadership remain, the President may appoint officers to fill those vacancies, subject to the approval of the FBA Board of Directors.

Leadership

All Section and Division members who are eligible to hold office shall be permitted and encouraged to seek leadership positions within the Section or Division, in accordance with the General Objectives of the Association as set forth in the Constitution. It shall be the responsibility of each Section and Division leader, with the assistance of the Sections and Divisions Council to search for and cultivate future leaders for the Sections and Divisions.

Each Section's and Division's bylaws shall provide a structure for Section and Division leadership, describing the size of the leadership and leadership positions that are required to be filled. Each Section and Division shall have at least the following four positions in its leadership structure: Chair; Vice-Chair (or Deputy Chair or Chair-Elect), Secretary and Treasurer. No individual may fill more than one of these positions at any given time. The bylaws of each Section and Division shall further describe a mechanism by which each leader shall rotate through the leadership positions and into the position of Chair.

In addition to those positions, each Section and Division shall have a leader, appointed or elected, for each of the following roles: Membership, Chapters Liaison, Continuing Legal Education/Programming, and Communications (Newsletter/Publications). Section members may not serve more than two consecutive years in the same officer position, except as approved by the Sections and Divisions Council and in accordance with Section and Division bylaws. The Section and Division leadership shall meet at least four times per year. Any form of meeting, including telephonic, is acceptable.

Each Section and Division shall strive to have leaders representing at least three of the Federal circuits.

The bylaws of each Section and Division shall provide for term limits in accordance with Policy No. 9-3.

Each Section and Division may amend its bylaws to revise the leadership structure as the needs of the Section or Division permit, consistent with this policy 9-4. All such amendments shall be made in accordance with the requirements of the Constitution and Bylaws of the Association and shall be submitted to the Sections and Divisions Council for review. The Chair of the Sections and Divisions Council shall submit proposed bylaws amendments to the FBA Board of Directors for approval.

The Chair or Officers of any Section or Division are subject to removal from office by the FBA Board of Directors for good cause, including knowingly engaging in conduct designed to overthrow the constitutional form of government in the United States, or knowingly assisting in such conduct; disbarment by any State, Federal, or Tribal court; knowingly engaging in any conduct in violation of the Constitution of the Association or its Bylaws; or for theft, fraud or violation of fiduciary duty.

The Executive Director shall ascertain that disbursements are made in accordance with FBA policies and pursuant to any relevant Section or Division bylaws. The Executive Director shall report regularly to the Board of Directors on such expenditures and shall suggest any additional or supplemental guidelines or policies as appropriate to best further the FBA mission.

Sections and Divisions Council

The Sections and Divisions Council shall coordinate Section and Division efforts and activities. The President shall nominate and, with the approval of the FBA Board of Directors, appoint a Chair of the Sections and Divisions Council (who is a current or former Section or Division Chair) and not fewer than four other members; one of whom serves as the Deputy Chair. The Council shall include one ex-officio member who is a representative from the Vice President of the Circuits. The Chair and Deputy Chair of the Sections and Divisions Council shall each be appointed for a one-year term. The Chair of the Sections and Divisions Council is the appointed representative of the Sections and Divisions to the FBA Board of Directors. The Sections and Divisions Council shall work closely with the staff Sections and Divisions Manager and Deputy Chair to provide assistance to all Sections and Divisions, and will report the activities of each Section and Divisions to the FBA Board of Directors on a quarterly basis, or more frequently as requested. When a Section or Division is determined to be inactive or uncommunicative, the FBA Board of Directors shall be informed by the Chair of the Sections and Divisions. The Chair of the Sections and Divisions Council shall consult with the Deputy Chair as needed to resolve Section or Division conflicts that arise during the discharging of the Chair's duties. The Chair may also assign additional duties to the Deputy Chair and members that are consistent with the responsibilities of Sections and Divisions Council.

The FBA Staff in cooperation with the Sections and Divisions Council shall provide financial oversight of the Sections and Divisions. Each Section and Division will submit an annual work plan (as outlined in Policy 9.5) detailing all projected expenses prior to each fiscal year. FBA staff

is available to assist in the development of the work plan for each Section and Division and shall provide a template for use by the Sections and Divisions.

The Chair of the Sections and Divisions Council, with staff assistance, shall schedule and hold regular meetings via teleconference with the Section and Division Chairs, at least quarterly.

In cooperation with FBA staff, each Section and Division is responsible for:

- Publishing current officers and directors on the FBA website
- Publishing current bylaws on the FBA website
- Conducting elections at least every two years in accordance with their bylaws
- Certifying Section or Division bylaws and elections by August 1 annually

The Section and Divisions Council, working with FBA staff, shall ensure that the entire Section and Division membership is notified of any leadership opportunities available in the Section or Division and that all qualified persons be encouraged to apply for such opportunities on a nondiscriminatory basis. Additionally, such vacancies shall be advertised on the FBA website and on social media so that nonmembers are encouraged to join the FBA.

Conflicts within Sections and Divisions (other than those relating to elections as set forth in this policy) shall be resolved through Robert's Rules of Order. Any person aggrieved by an action of a Section or Division may file a written appeal with the Sections and Divisions Council not later than 30 days of distribution of the minutes reflecting the action or inaction. The Sections and Divisions Council shall decide any appeals within thirty days of receipt, however, if the Council is unable to reach decision within 30 days it may extend for an additional 15 days. Sections and Divisions Council decisions on those appeals shall be reviewed by the Board of Directors. Informal dispute resolution by the Executive Director is encouraged but not required. Where all persons consent, informal or formal mediation is encouraged.

Public Statement of Positions

A Section or Division, in the name of the Association, may issue reports, make public announcements, and publicly advocate positions on issues of concern to the Section or Division only with the prior review of the Sections and Divisions Council and approval of the FBA Board of Directors. Without such prior approval, the Section or Division may take a public position only if the position statement includes a disclaimer that indicates that the Section or Division is taking the position in the name only of the Section or Division. In any event, if a Section or Division takes such action in its own name and not in that of the Association, the Section or Division shall report that action immediately to the FBA Board of Directors. See FBA Constitution, Article VIII Divisions, Section 2 and Article IX Sections, Section 2, FBA Bylaw 11, and Policy 1-15: Advocacy of Public Policy Positions by FBA Entities.

Change Notice: Original policy was adopted in 2004. Amended 3/27/15.