

Bylaws
MSBA FAMILY LAW SECTION

As Amended by the Assembly 9/11/87, 5/7/88, 11/13/89, 9/14/01, 9/12/03, 12/03/04, 4/29/10, 5/12/12, 9/12/14

ARTICLE I. Name

The name of this section shall be the Family Law Section of the Minnesota State Bar Association (“MSBA”).

ARTICLE II. Purpose

The purpose of this Section shall be to (a) to promote the work of the MSBA in the field of Family Law; and (b) to improve the practice, elevate the standards, and advance the cause of Family Law in the State of Minnesota.

ARTICLE III. Membership and Dues

Section 1. Membership. Any member of the MSBA, upon payment of dues for the Family Law Section, shall be enrolled as a member of this Section.

Section 2. Dues. Subject to the approval of the Assembly of the MSBA, the Section, at its Annual Meeting, may set dues for membership in the Family Law Section for the ensuing year.

ARTICLE IV. Meetings

Section 1. Annual Meeting. The Annual Meeting of the Section shall be held in May. Notice of the Annual Meeting shall be provided to all members of the Section at least thirty (30) days in advance of the meeting.

Section 2. Regular Meetings. The Section shall meet on the second Saturday of each month, September through May, or at such other time in the discretion of the Chair with reasonable notice to the members.

Section 3. Special Meetings. The Chair may convene Special Meetings of the Section upon approval of the Executive Council or upon written request, delivered to the Secretary, of at least fifteen (15) members of the Section. The Secretary shall provide to all members of the Section at least one (1) week in advance of any Special Meeting called, a Notice of the Special Meeting, stating its time, place and purpose.

Section 4. Quorum. A quorum for the transaction of business at any meeting of the Section called with proper notice under these rules shall consist of not fewer than fifteen (15) members of the Section.

Section 5. Voting. Any member present at a regular or special meeting of the Section shall be entitled to vote on any issue. “Present” shall include participation by telephone or other interactive media.

ARTICLE V. Officers

Section 1. The officers of this Section shall be a Chair, a Chair-Elect, a Committee Chair for Legislation, a Committee Vice-Chair for Legislation, a Committee Chair for Publications, a Committee Vice-Chair for Publications, Assembly Representative, Alternate Assembly Representative, a Secretary, and a Treasurer.

Section 2. Duties.

A. **Chair.** The Chair shall (1) preside at all meetings of the Section and of the Executive Council; (2) be responsible for the execution of such programs of work as are laid out by the Section; (3) be the spokesperson for the Section to the MSBA; (4) appoint and supervise the Committee Chair of the Standing and Special Committees of the Section; (5) chair the Planning Committee for the annual Family Law Institute; (6) formulate and file with the Secretary of the Minnesota State Bar Association, a report of the work of the Section for the then past year as required by the Bylaws of the Association; (7) certify the annual financial report prepared by the MSBA.

B. **Chair-Elect.** The Chair-Elect shall (1) serve as coordinator for seminars and programs; (2) chair the Strategic Planning Committee; (3) preside at any meetings of the Section and of the Executive Council in the absence of the Chair; and (4) perform such other duties as the Chair may assign to her/him. The Chair-Elect shall automatically serve as the Chair of the Section upon the expiration of the term of office of the Chair or in the event of a vacancy in the office of Chair.

C. **Committee Chair for Legislation.** The Committee Chair for Legislation shall (1) preside over meetings of the Legislative Committee of the Section; (2) deliver the report and recommendations of the Committee to the Section at the Section meetings; and (3) serve as the Section's principal spokesperson for the MSBA on family law matters at the Legislature.

D. **Committee Vice Chair for Legislation.** The Committee Vice-Chair for Legislation shall (1) assist the Committee Chair for Legislation in performing all duties as the Committee Chair for Legislation may assign to her/him. The Committee Vice-Chair for Legislation shall automatically serve as the Committee Chair for Legislation in the event of a vacancy in the office of Committee Chair for Legislation.

E. **Committee Chair for Publications.** The Committee Chair for Publications shall (1) be responsible for publication of not less than three issues, annually, of the Family Law Forum; (2) preside over all meetings of the Publications Committee of the Section; and (3) oversee publication of any other formal written communications of the Section.

F. **Committee Vice Chair for Publications.** The Committee Vice-Chair for Publications shall assist the Committee Chair for Publications in performing all duties as the Committee Chair for Publications may assign to her/him. The Committee Vice Chair for Publications shall automatically serve as the Committee Chair for Publications in the event of a vacancy in the office of Committee Chair for Publications.

G. **Secretary.** The Secretary shall (1) prepare and maintain minutes of the Section meetings, and a record of the Executive Council meetings; (2) maintain all books, papers, documents and other property of the Section except financials; and (3) assist the Chair in the preparation of a summary of the proceedings of the Section for report to the MSBA as required by the Bylaws of the Association.

H. **Treasurer.** The Treasurer shall (1) manage and account for the monies of the Section; (2) keep accurate records of all financial transactions of the Section; (3) present a financial report at each regular Section meeting; (4) prepare an annual budget and present such budget for approval at the February meeting of the Section; and (5) certify the annual financial report prepared by the MSBA.

I. **Assembly Representative.** Represents the Family Law Section in the MSBA Assembly and on Assembly committees.

J. **Alternate Assembly Representative.** Represents the Family Law Section in the event the Assembly Representative is unavailable.

K. Executive Council Members. Non-officer Council members, consisting of three people who practice primarily outside the seven county metropolitan area, are entitled participate in all Executive Council meetings.

Section 3. Term of Office

A. Commencement. The term of each office shall commence on the first of July following election to office.

B. Length of Term. The Chair, Chair Elect, Secretary, Treasurer, the Assembly Representative and the Alternate Assembly Representative and Executive Council members shall be elected for one-year terms. The Chair for Publications, the Committee Vice Chair for Publications, the Committee Chair for Legislation, the Committee Vice-Chair for Legislation, shall each be elected for two-year terms.

C. Commitment. The candidate for the Chair-Elect shall commit to serve as Chair-Elect for one year and as Chair the following year. Candidates for Committee Chair for Legislation, Committee Vice-Chair for Legislation, the Committee Chair for Publications, Committee Vice-Chair for Publications shall commit for two-year terms when standing for elections. The Assembly Representative and the Alternate Assembly Representative shall commit to serve for at least one year.

D. Re-election. All officers shall be eligible for re-election. The Assembly Representative and the Alternate Assembly Representative are eligible to be re-elected for a total of 6 consecutive years. Incumbents elected or appointed to fill the unexpired terms of Chair, Chair-Elect, Committee Chair for Legislation and Committee Chair for Publications shall be eligible to stand for election or re-election to a full term.

E. Staggered Election for -Committee Chair of Legislation and Committee Chair of Publications. The two-year terms of the Committee Chair for Legislation and the Committee Vice-Chair for Legislation shall begin in even numbered years so that the terms of the Committee Chair for Legislation and the Committee Vice-Chair for Legislation shall correspond with the biennial session of the Legislature. The two-year term for the Committee Chair for Publications and the Committee Vice-Chair for Publications shall begin in odd numbered years.

Section 4. Vacancies.

An office shall be deemed to be "vacant" if the incumbent dies, resigns or leaves the practice of law; if a majority of the Executive Council declares the incumbent to be nonfunctional; or if two-thirds of the Section members present and voting vote to remove him/her.

Section 5. Filling of Vacancies.

The Section shall fill a vacancy in any office for the remainder of the officer's unexpired term, except that the Chair-Elect shall automatically become the Chair if the Office of Chair falls vacant. The Executive Council may make interim appointments until the Section has acted.

ARTICLE VI. Executive Council.

Section 1. There shall be an Executive Council consisting of the ten officers, the immediate past Chair, three Section members who practice outside the seven county metropolitan area, and the Committee Chairs of the Standing Committees.

Section 2. Powers and Duties. Except as specifically limited by these Bylaws and except as specific powers and duties may be granted solely to other persons in this Section, the Executive Council shall have full powers and authority in the intervals between meetings of the Section to do all acts and to perform all functions which the Section itself might do or perform. Such action of the Council may be reviewed, ratified or changed by the Section members present at any Section meeting following the action of the Council.

Section 3. Executive Council Meetings. The Chair (or Chair-Elect in the absence of the Chair) may convene meetings of the Executive Council as s/he deems appropriate or upon the written request of any four members of the Executive Council.

Section 4. Quorum. A quorum to transact business shall be a majority of the then members of the Executive Council. All action by the Executive Council shall be by majority vote of Council members participating.

ARTICLE VII. Nominations and Elections

Section 1. Nominations and Voting.

A. Nominating Committee. There shall be a Nominating Committee consisting of the three immediate past Chair of the Section. The Committee shall be convened by the immediate past Chair in December of each year.

B. Nominating Committee Report. At the February regular meeting of the Section, the Nominating Committee shall present a slate of candidates for the offices of Chair-Elect, Secretary, Treasurer and three persons who practice outside the seven county metropolitan area for the Executive Council, for the offices of Committee Chair for Legislation, the Committee Vice-Chair for Legislation, the Committee Chair for Publications the Committee Vice-Chair for Publications, the Assembly Representative and the Alternate Assembly Representative whose term is drawing to a close. The slate shall consist of one or more names for each such office.

C. Nominations from the Floor. Any member may make a verbal nomination for any open office from the floor following the report of the Nominating Committee at the regular February Section meeting.

D. Balloting. Unless a majority of the Section members voting at the February meeting votes to have a mail ballot, a slate of candidates containing the names of those nominated by the Nominating Committee, and those nominated from the floor at the February Section meeting, shall be made available to Section members at least 20 days prior to the Annual Meeting. The slate of candidates shall be presented to the members attending the Annual Meeting for election. In the absence of a vote for a mail ballot at the February meeting, or of a vote for a secret ballot at the Annual Meeting, the election of Officers and Executive Committee members shall take place by voice vote at the Annual Meeting of the Section.

E. Secret Ballot. If the election is held at the Annual Meeting and not by mailed ballot, a majority of the members present at the Annual Meeting may require a secret ballot for any election or runoff election.

F. Mail Balloting. If the Section, at its February meeting, votes to have a mailed ballot, the Secretary shall cause a ballot consisting of the nominees of the Nominating Committee and those nominated from the floor at the February meeting to be mailed to all members of the Section. The ballot shall be mailed by the MSBA. Ballots must be received by the Friday prior to the Annual Meeting held in May, opened and counted by the Nominating Committee, and the results reported at the Annual Meeting.

Section 2. Elections. No candidate shall be elected to office without a majority of the votes cast. If three or more candidates stand for election to the same office, and no single candidate receives a majority of the votes, the candidate with the lowest number of votes shall be eliminated and a new vote shall be taken for that office until one nominee receives a majority. This runoff election procedure shall apply to elections by mail ballot if no candidate receives a majority of the votes for a particular office.

Section 3. Order of Election. Each officer shall be elected separately commencing with Chair-Elect followed by the Secretary, Treasurer, and non-metro Executive Council members, Committee Chair for Legislation, Committee Vice-Chair for Legislation, and Committee Chair for Publications, and Committee Vice-Chair for Publications open for election. A candidate who is not elected to one office may be nominated from the floor for election to an office yet to be filled.

ARTICLE VIII. Committees

Section 1. Standing Committees. Standing committees of the Section shall be:

- (A) **Executive Council** whose duties shall include acting for the Section between the regular monthly Section meetings.
- (B) **Legislation** whose duties shall include, whenever feasible, reviewing proposed legislation to be considered by the Section at its regular meeting and making a recommendation to the Section for action on the proposal. Nothing herein shall prevent the Committee Chair or his/her designee from supporting or opposing language changes to proposed legislation which arise at the legislature so long as the position is consistent with the views of the majority of the Section when the legislation was considered and a vote taken.
- (C) **Publications** whose duties shall include organizing, editing and publishing the Family Law Forum at least three times each year.
- (D) **Nominations** whose duties shall include preparing a slate of candidates for officers of the Section and counting the ballots.
- (E) **Amicus** whose duties shall include considering requests for Amicus support by the bench and bar, making recommendations to the Section as to whether the Section should seek to obtain Amicus status, and if granted, writing the brief and presenting oral argument as permitted by the Court.
 - 1. The Amicus Co-Chairs will present to the Section Executive Council or the members present at a regular monthly Section meeting recommendations about taking a position in a case and discuss the issues of importance to family law when:
 - a. the Section is invited to submit an amicus brief by a District Court, the Court of Appeals, or the Supreme Court; or
 - b. the Amicus Committee or the Section officers are contacted by an attorney or organization requesting the Section to submit an amicus brief; or

- c. the Amicus Committee at its own instance considers submitting an amicus brief.
 2. Notice of the request for amicus status shall be provided by e-mail or United States Mail to all members of the Section, which notice shall include an invitation for comment at the duly scheduled meeting.
 3. If the response of the members of the Family Law Section Executive Council or members present at the monthly Section meeting is a majority for not submitting an amicus brief, the minutes for that meeting shall note the decision not to participate as an amicus on a particular case.
 4. If the response is a tie or majority for Submitting an amicus, the Amicus Chair(s) will seek approval from the President of the MBA to file a request for Amicus status. The request to the MSBA President shall identify the following:
 - a. that the request for amicus status was submitted to the Section Executive Council or to the members present at a membership meeting and shall report the vote totals of the Section's Executive Council or members present at the meeting;
 - b. the issues of importance to the Section's practice to be addressed in the amicus brief; and
 - c. whether the issues might be of concern to any other MSBA sections or committees, and if so, whether comments were sought from such sections or committees;
 5. Within three business days of submission of the Section's request to proceed on amicus, the President of the MSBA will communicate his/her decision to the Amicus Chair(s) and Section Chair.
 6. Membership on the Amicus Committee means that in addition to the responsibility for initial screening, the Committee is responsible for making sure that the amicus request is submitted and an amicus brief is actually written once amicus status has been granted. It does not mean that every member of the Amicus Committee must fully participate in drafting an amicus brief once amicus status is granted by the Court.
 7. The composition of the amicus writing committee is at the discretion of the Chair(s).
- (F) **Domestic Abuse** whose duties shall include working with local groups, policy makers, the bench and the legal community to improve their responses to domestic violence.
- (G) **Strategic Planning** whose duties shall include developing goals for the Section for the immediate year, consistent with the mission of the Section, and to develop the means and methods to encourage, enhance and promote leadership development of the Section into the future.

Section 2. Special Committees. The Chair of the Section may appoint Special Committees as are from time to time needed to perform the work of the Section.

ARTICLE IX. Fiscal Year

The fiscal year of the Section shall commence July 1st.

ARTICLE X. Distinguished Members

The Section may from time to time designate present or past members of this Section who fulfill high standards of service to the field of family law as "Distinguished Members," which designation shall be the highest honor which the Section shall confer. A motion to designate a person as a Distinguished Member shall be referred to the Executive Council before it is voted upon by the Section.

ARTICLE XI. Amendment of Bylaws

Section 1. Process. These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting, provided written notice of the time, place and purpose of the meeting shall be transmitted to Section members at least twenty-one (21) days before the meeting.

Section 2. Effective Dates. Such amendments shall be submitted to the Assembly of the Minnesota State Bar Association for approval and shall take effect from the date of such approval, except that amendments modifying the offices or the composition of the Executive Council shall not take effect until the next regular incumbent election process following approval by the Assembly.

Section 3. Suspension. A two-third majority of the Section members present and voting may, at any meeting of the Section, suspend these Bylaws.

ARTICLE XII. Authority

Section 1. Parliamentary Procedures. Parliamentary authority for the conduct of all Section business shall be Robert's Rules of Order Revised.

Section 2. MSBA Documents. Other authority for the conduct of the business of the Section shall be the Articles of Incorporation, Bylaws and Rules of the Minnesota State Bar Association.

As revised March 13, 2010