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Notice and Objection Procedure to OBA Budgetary Expenditures

Adopted by OBA Board of Governors July 14, 2005

Amended by OBA Board of Governors March 20, 2009

1. **Statement of Policy.** The purpose of the Oklahoma Bar Association ("OBA") is to engage in those activities enumerated in the Rules Creating and Controlling the Oklahoma Bar Association (the "Rules") and the OBA Bylaws ("the Bylaws"). The expenditure of funds by the OBA is limited both as set forth in the Rules, Bylaws and in *Keller v. State Bar of California*, 496 U.S. 1 (1990). If any member has a reasonable belief that any actual or proposed expenditure is not within such purposes of, or limitations on the OBA, it is the policy of the OBA to provide a means by which the member may register his or her objection thereto with the Executive Director of the OBA for resolution as described below. *No member exercising rights under this policy shall suffer any discrimination or retaliatory treatment as a result of exercising such rights.*

2. **Members May Object.** A member may object to a proposed or actual expenditure of monies by the OBA as not within the purposes or limitations set out in the Rules or Bylaws, and seek refund of a pro rata portion of his or her dues expended, plus interest, by filing a written objection with the Executive Director. The objection must be made in writing, on a separate official OBA Dues Claim Form for each objectionable budgetary expenditure, addressed to the Executive Director of the OBA, P. O. Box 53036, Oklahoma City, OK 73152, and postmarked not later than Sixty (60) days after the approval of the annual budget by the Oklahoma Supreme Court or January 31st of each year, whichever shall first occur. The OBA Dues Claim Form may be obtained by written or in person request to the Executive Director or from the OBA Web site [here](#).

3. **Executive Director's Duty Upon Receipt of Objection.** Upon receipt of a member's written objection on an official OBA Dues Claim Form, the Executive Director shall within Twenty one (21) days review such written objection together with the allocation of dues monies to be spent on the activity or action and, in consultation with the OBA President, shall have the discretion to resolve the objection, including refunding a pro rata portion of the member's dues, plus interest, or notify the member of hearing before the OBA Budget Review Panel no sooner than thirty (30) days, nor more than sixty (60) days thereafter.

4. **Budget Review Panel.** The Budget Review Panel ("Panel") shall consist of three (3) OBA members in good standing, selected from the Budget Committee by the OBA President-Elect to conduct a hearing on the member's objection.

5. **Panel Hearing Procedure; Appeal.** The Executive Director shall provide written notice of the date, time and place of hearing of the member's objection. Failure to appear at the designated hearing shall result in an immediate dismissal of the objection. The Panel shall conduct a hearing of the member's objection and provide a written decision within thirty (30) days thereof. The written decision shall be final within twenty (20) days after mailing the same to member's last known address as set forth in the records of the OBA unless a written appeal is presented to the Executive Director for consideration by the Board of Governors specifying the exact factual and/or legal basis therefore. The appeal shall be considered by the Board of Governors based solely upon the written record of the Panel. The Board of Governors' decision shall be final. The Executive Director shall notify the member of the decision.

6. **Payment to Objecting Member.** Any refund of a pro rata share of the member's dues shall be for the convenience of the OBA, and shall not be construed as an admission that the activity or action to which the member objected was or would not have been within the purposes or limitations of the Rules or By Laws.

7. **Notice of Policy and Protest Procedure.** The following notice shall be published in conjunction with any publication or description of the OBA's budget, legislative program, performance measures, amicus briefs, and any other similar policy positions adopted by the OBA.

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Upon receipt of a member's written objection, the Executive Director shall promptly review such objection together with the allocation of dues monies spent on the challenged activity and, in consultation with the President, shall have the discretion to resolve the objection, including refunding a pro rata portion of the member's dues, plus interest or schedule a hearing before the Budget Review Panel. Refund of a pro rata share of the member's dues shall be for the convenience of the OBA, and shall not be construed as an admission that the challenged activity was or would not have been within the purposes of or limitations on the OBA.