

**BYLAWS OF THE WORKERS' COMPENSATION SECTION
OF THE STATE BAR OF TEXAS AS AMENDED THROUGH (DATE)**

**ARTICLE I
NAME AND PURPOSE**

Section 1.1 Name. This Section shall be known as the Workers' Compensation Law Section of the State Bar of Texas.

Section 1.2 Purpose. The purpose of this Section shall be to (1) promote the study of Workers' Compensation law, (2) study and report on laws and decisions as they may affect the rights of parties in the workers' compensation process, (3) provide a forum for members of the profession interested in Workers' Compensation law, and (4) for attorneys representing injured workers, employers, and insurance companies to carry out the intended purpose of the Workers' Compensation laws of the state of Texas.

**ARTICLE II
MEMBERSHIP**

Section 2.1 Voting Members. Voting Members of the Section are those licensed Texas attorneys who are members in good standing of the State Bar, have joined the Section and are current in the payment of their Section dues. Only Voting Members may vote in Section elections and on matters coming before the Section members for action.

2.2 Section Dues. Each member of the Section shall pay annual Section dues in the amount established from time to time by the Section Council and approved by the State Bar Board of Directors. Section dues shall be due and payable on or before June 1 of each year.

2.3 Termination of Membership. On the occurrence of any of the following, a Section member shall immediately cease to be a member of the Section without any further action required:

- a. any member who is six months or more delinquent on payment of Section dues;
- b. any Voting Member who ceases to be a member in good standing of the State Bar of Texas;

c. any Associate Member who is found by a majority vote of the Council to have represented himself or herself as a member of the State Bar or as a member licensed by the State Bar or who ceases to be a member in good standing in his or her respective legal jurisdiction/organization.

ARTICLE III OFFICERS AND COUNCIL

Section 3.1 Designation of Officers. The Officers of this Section shall be the following:

- i. a Chair;
- ii. a Chair Elect;
- iii. a Vice-President – Claimant Workers’ Compensation attorney;
- iv. a Vice-President – Employer/Insurance Carrier Workers’ Compensation attorney;
- v. a Vice-President – Administrative Law Judge/Government Employee attorney;
- vi. a Secretary; and
- vii. a Treasurer.

Section 3.2 Council. There shall be a Council which shall consist of the Officers of the Section, together with nine other members to be elected as hereinafter provided. There shall be three members from the Claimant’s Workers’ Compensation attorney section, three members from the Employer/Insurance Carrier Workers’ Compensation attorney section and three members from the Administrative Law Judge/Government Employee attorney section.

Section 3.3 Ex-Officio Members. The Immediate Past Chair shall be an ex-officio non-voting member of the Council. The Chair shall have the right to appoint additional ex-officio members to serve during the Chair’s term. Ex officio members may serve on any committees, either as committee members or as a committee chair.

Section 3.4 Term of Office for Officers. Each year the Voting members at the Annual Meeting will elect a Chair-elect. The following year, that Chair-elect will move into the Chair position and the Voting members will elect a new Chair-elect. The Chair will serve for one year. The Secretary and Treasure shall be nominated and elected at an Annual Meeting of this Section in the manner hereinafter provided, to hold office for a two-year term beginning at the close of the Annual Meeting of this Section at which they shall have been elected, and ending at the close of the second succeeding Annual Meeting of this Section after such election and until their successors shall have been elected and qualify. No elected chair may serve consecutive terms. Elected vice presidents, secretary, and treasurer may serve no more than two consecutive terms.

Section 3.5 Term of Office for Council Members. Elected Council members shall serve three-year terms, commencing on the adjournment of the Section's annual meeting at which they are elected and ending on the adjournment of the third Section's annual meeting thereafter or, if later, when their successors have been elected and have assumed office. Three elected Council members shall be elected each year in accordance with the election provisions below. No elected Council member may serve more than two consecutive three-year terms.

Section 3.6 Replacement of a Council Member. If the council member is no longer a member of that section they were elected to serve, that section may replace that council member to finish out that council member's elected term. For example, if an elected council member for the Claimant's Workers' Compensation attorney section becomes an Administrative Law Judge or no longer includes claimant's workers' compensation law as part of his or her practice, that council member will relinquish that seat and the Claimant's Workers' Compensation attorney section will elect a new voting member to complete that council member's elected term.

Section 3.7 Required Attendance: Filling of Vacancy. If any elected member of the Council shall fail to attend two consecutive meetings of the Council without good cause as determined by a majority of the Council, the office held by such member shall be deemed automatically vacated unless otherwise decided by the majority of the Council in its sole and absolute discretion, and the un-expired term shall be filled by the Council. If, at the close of any term of office, a successor has not been elected and qualified, then the term shall be extended until a successor shall have been elected and qualified.

Section 3.8 Removal of Officers or Council Members. The Council may remove, for cause and by a two-thirds vote, any Officer or Council member.

- a. “Cause” for the purpose of recommending the removal of an Officer our Council member shall include, but is not limited to:
- (A) when an officer or Council member has two unexcused absences from meetings of the Council thereof within any twelve-month period;
 - (B) when an officer or Council member neglects or breaches the duties for that office;
 - (C) when a sanction has been imposed on a lawyer by the State Bar during the term of service;
 - (D) when it is learned that an officer or Council member made a material misrepresentation regarding his or her eligibility to serve;
 - (E) when it is learned that an officer or Council member is or has become ineligible to serve;
 - (F) when an officer or Council member is charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude; or
 - (G) when an officer or Council member has become incapacitated or is unable to fulfill the duties of committee membership.
- b. A vote for removal of an Officer or Council member may be requested by any Officer or Council Member. The requested vote will be placed on the agenda of the next scheduled Council meeting or a special meeting of the Council may be called. The special meeting will be scheduled no earlier than 20 days after the vote is requested and no later than 40 days after the vote is requested.

ARTICLE IV NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS

Section 4.1 Nomination. A nominating committee consisting of the Officers and Council members may report a slate of proposed Council members and Officers to this Section at each annual meeting at which a vacancy is to be filled. In addition, nominations from the floor will be accepted.

Section 4.2 Election of Officers. Elections will be by simple majority of the voting members and voting may be by written ballot, voice vote, or show of hands as the Chair or Council deems appropriate.

- a. Each year the Voting members at the Annual Meeting will elect a Chair-elect. The following year, that Chair-elect will move into the Chair position and

the Voting members will elect a new Chair-elect. The Chair will serve for one year.

b. The positions of Chair and Chair-elect will rotate amongst the three sections. For example, in Year One, the Chair shall be elected from the Claimant's Workers' Compensation attorney section and the Chair-elect shall be elected from the Carrier's Workers' Compensation attorney section. In Year Two, the Chair shall be the previously elected Chair-elect from the Carrier's Workers' Compensation section and the Chair-elect shall be from the Administrative Law Judge/Government employee section. In Year Three, the Chair shall be the previously elected Chair-elect from the Administrative Law Judge/Government employee section and the Chair-elect shall be from the Claimant's Workers' Compensation attorney section. This rotation will continue after Year Three.

c. The position of Secretary will be elected by the voting members of all sections combined and may come from any section.

d. The position of Treasurer will be elected by the voting members of all sections combined and may come from any section but may not be from the same section as the Chair in any given year. If the Treasurer and the Chair happen to be from the same section in any given year, the voting members will vote on a new Treasurer to come from one of the other two sections to finish out the term of the replaced Treasurer.

Section 4.3 Election of Council Members. Elections will be by simple majority of the voting members of the section and voting may be by written ballot or show of hands as the section deems appropriate. The Vice-President – Claimant Workers' Compensation attorney shall be elected by the majority of the members in attendance at the meeting of the Claimant Workers' Compensation Committee held during the Annual Meeting of the Section. The Vice-President – Employer/Insurance Carrier Workers' Compensation attorney shall be elected the majority of the members in attendance at the meeting of the Employer/Insurance Carrier Workers' Compensation Committee held during the Annual Meeting of the Section. The Vice-President – Administrative Law Judge/Government Employee attorney shall be elected the majority of the members in attendance at the meeting of the Administrative Law Judge/Government Employee attorney Committee held during the Annual Meeting of the Section. All other members of the Council shall be elected by the majority of the members of the Section held in attendance at the Annual Meeting of the Section.

Section 4.4 Eligibility to Serve as an Officer. To be eligible to serve as an officer, a member must be a voting member of the Workers' Compensation section. A member must be in active practice to serve as an Officer, and must be in good standing with the State Bar of Texas. A member may not be retired to serve as an Officer. To be eligible to serve as an officer, a member may not be actively charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude at the time of the vote.

Section 4.5 Eligibility to Serve on Council. To be eligible to serve on the Council, a member must be a voting member of the section he or she represents. A voting member may only be a member of one section at any given meeting. For example, to serve as a Council member of the Claimant's attorney section, the member must be a voting member of the Claimant's attorney section. A member does not have to be in active practice to serve on the Council, but must be in good standing with the State Bar of Texas. A member may be retired to serve on the Council, but a retired member must identify with the section they represent. For example, a retired Administrative Law Judge may serve on the Council for the Administrative Law Judge/Government Employee attorney section. To be eligible to serve on the council, a member may not be actively charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude at the time of the vote.

Section 4.6 Vacancies

a. *Chair.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term or disability.

b. *Chair-Elect.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Chair-Elect, the Treasurer shall perform the duties of the Chair-Elect for the remainder of the Chair-Elect's term or disability.

c. *Council Members, Secretary and Treasurer.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Secretary, Treasurer, or any elected Council member, the Council may fill the vacancy by appointment. The person so filling the vacancy will serve until the close of the next Section annual meeting unless that person was elected by the Section and not just appointed by the Council. In that case, the person will complete the term of the vacated position.

ARTICLE V
DUTIES AND POWERS OF OFFICERS

Section 5.1 Chair. The Chair shall preside at all meetings of this Section and of the Council. The Chair shall formulate and present at each Annual Meeting of the State Bar of Texas a report of the work of this Section for the then past year. The Chair shall perform such other duties and acts as usually pertain to this office.

Section 5.2 Chair-elect. The Chair-elect shall perform, on behalf of this Section, such duties as the Chair may assign. The Chair-elect shall automatically become Chair at the end of the term of a Chair. Upon the death, resignation, removal, or during the disability of the Chair or upon any absence or refusal to act, the Chair-elect shall perform the duties of the Chair.

Section 5.3 Vice President – Claimant Workers’ Compensation Attorney. The Vice President – Claimant Workers’ Compensation Attorney shall preside at all meetings of the Claimant Workers’ Compensation Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.4 Vice President – Employer/Insurance Carrier Workers’ Compensation Attorney. The Vice President – Employer/Insurance Carrier Workers’ Compensation Attorney shall preside at all meetings of the Employer/Insurance Carrier Workers’ Compensation Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.5 Vice President – Administrative Law Judge/Government Employee Attorney. The Vice President – Administrative Law Judge/Government Employee shall preside at all meetings of the Administrative Law Judge/Government Employee Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.6 Secretary. The Secretary shall be custodian of the minutes, reports and records of this Section. The Secretary shall keep a correct record of the proceedings of all meetings of this Section and of the Council. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of this Section at its Annual Meeting and shall submit the same to the Board of Directors of the State Bar of Texas for publication in the annual report. In conjunction with the Chair, as authorized by the Council, the Secretary shall attend generally to the business of this Section.

Section 5.7 Treasurer. The Treasurer shall be responsible for the funds and accounts of this Section. The Treasurer shall: (i) keep an accurate account of all monies of this Section, (ii) pay all bills, and (iii) take such other action with respect to the finances of this Section as the Council may direct. In performing such duties, the Treasurer shall comply with the provisions of these Bylaws. Subject to requirements of the State Bar and the approval of the Council, the Treasurer, along with the Chair, has full authority to appoint depositories of the funds of the Section and to make deposits thereto and withdrawals therefrom.

Section 5.8 Annual Advanced Workers' Compensation Law Section Seminar. The Chair and Chair-elect will serve as co-directors of the annual advanced seminar, notwithstanding the death, disability, resignation, removal, or termination of the officer. The remaining officers, with the approval of the State Bar of Texas, will determine the replacement of the absent co-director as they deem needed.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

Section 6.1 Jurisdiction. The Council shall have general supervision and control of the affairs of this Section subject to the provisions of the Constitution and Bylaws of the State Bar of Texas and the further provisions of these Bylaws. The Council shall specifically authorize the expenditure of any monies appropriate for the use or benefit of this Section. It shall not, however, authorize commitments to contracts which shall entail the payment of any money during any fiscal year unless the funds shall have been previously appropriated to this Section for that fiscal year by the Board of Directors of the State Bar of Texas or funds are otherwise available.

Section 6.2 Committees.

a. *Establishment.* From time to time, the Council may establish such Council committees and Section committees and task forces as it deems advisable to perform such duties and exercise such powers as the Council directs, subject to the limitations of these Bylaws, the policies and procedures of the State Bar of Texas, and all applicable law.

b. *Membership of Council Committees.* Membership of Council committees will consist of Council members and such non-voting *ex officio* members as the Council determines. The Chair, with the advice of the Chair-Elect, will appoint the membership of Council committees, subject to the approval of the Council.

c. *Membership of Standing Committees.* The Council may establish the terms of membership on Section committees and may vest in the Chair or the Chair-Elect or both to appoint members to Section committees under the guidelines and restrictions the Council imposes. Membership of Section committees may consist of Voting Members of the Section.

d. *Standing Committees.* Until otherwise determined by action of the Council, the standing committees of the Section will include, but are not limited to:

- i. Claimant Workers' Compensation Section;
- ii. Employer/Insurance Carrier Workers' Compensation Section;
- iii. Administrative Law Judges/Government Employees Workers' Compensation Section;
- iv. Media; and
- v. Membership.

e. *Standing Committee Reports.* The Council will monitor the activities and functions of the Section committees and may require such committees to report to the Council with such frequency as the Council deems advisable.

Section 6.3. Media. The Council shall cause to be published a newsletter and the Chair shall appoint a Media Editor for that purpose. The Media Editor shall serve at the pleasure of the Chair. The Chair and Media Editor shall preview the newsletter and any other media before it is published. Any newsletter or media that is published shall abide by any and all rules applicable under the State Bar of Texas. Additional members of the Media Section may be appointed as needed. The Media Editor will also serve as the moderator of any list serv/discussion boards the Section provides to its members, unless the Media Editor and Chair assign the position of moderator to a third individual by agreement of the three parties.

Section 6.4 Additional/Special Committees. The Council may authorize the Chair to appoint additional/special committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Constitution and Bylaws of the State Bar of Texas.

Section 6.5 Required Vote. Unless otherwise expressly provided for in these Bylaws, all binding action of the Council shall be by a majority vote of the whole Council.

Section 6.6 Manner of Voting. Members of the Council when present at a meeting of the Council shall vote in person, via video conference, via teleconference, or any other in-person conveyance.

Section 6.7 Notice of Required Vote. The Chair may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing to each member of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition so submitted by communicating their vote thereon in writing over their respective signatures to the Secretary who shall record upon the Minutes each proposition so submitted, when, how, at whose request submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes.

Section 6.8 Voting on Formal Propositions in the Absence of a Meeting. In the absence of a meeting, the Chair of the Council at any time, and upon the request of any member of the Council, may submit or cause to be submitted in writing or by facsimile or other electronic transmission (including, without limitation, e-mail) to each of the members of the Council, any formal proposition upon which the Council may be authorized to act. The members of the Council may vote upon such proposition or propositions so submitted by communicating their vote thereon, in writing over their respective signature or by facsimile or other electronic transmission (including, without limitation, e-mail), to the Chair and Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of Council thereon. The Secretary shall keep on file a record of such votes. If the votes of a majority of the Council members who communicate their vote so recorded shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. At any time, the Chair or Chair's designee may take informal polls by telephone or electronic transmission (including, without limitation, e-mail) on any matter that does not constitute a formal proposition.

ARTICLE VII MEETINGS

Section 7.1 Annual Meeting. The Annual Meeting of this Section shall be held in conjunction with the State Bar Advanced Workers' Compensation Seminar. The meeting shall be on a date during the seminar at such time, place, program, and order of business as may be arranged by the Council.

Section 7.2 Special Meetings. Special meetings of this Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine. Special meetings of the Council may be held at such time and place as determined by the Chair for the purpose of taking such necessary or emergency action as may be required before the next scheduled regular Council meeting. Notice of a special meeting will be delivered to the Council members by electronic mail or U.S. mail at least three days prior to the date of the meeting. The notice must describe the general purpose or purposes of the meeting and the reason a special meeting is deemed necessary. A quorum of the Council members may waive the notification requirement by affirmative vote at the special meeting.

Section 7.3 Quorum. The members of this Section present at any meeting shall constitute a quorum for the transaction of business and all binding action of this Section shall be by a majority vote of the members present. Voting may be by written ballot, hand count, or voice vote. Voting by proxy shall not be allowed.

Section 7.4 Meeting Attendance. A member who attends a meeting by teleconference or video conference shall be counted as present at such meeting.

Section 7.5 Claimant Workers' Compensation Committee. The Claimant Workers' Compensation Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.6 Employer/Insurance Carrier Workers' Compensation Committee. The Employer/Insurance Carrier Workers' Compensation Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.7 Administrative Law Judges/Government Employees Workers' Compensation Committee. The Administrative Law Judges/Government Employees Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.8 Waiver of Notice by Attendance. Attendance of a Council member at a Council meeting constitutes waiver of notice unless the Council member's attendance is expressly for the purpose of objecting to the transaction of business at the meeting without adequate notice.

Section 7.9 Actions in Lieu of Meeting. With the written consent of two-thirds of the voting members of the Council, the Council may take action on a matter concerning the Section through the use of listserv, electronic mail, or U.S. mail. In such event, the Chair will send notice by electronic mail or U.S. mail to all Council members with an explanation of the action and fiscal impact of the action, if any, and will request each member of the Council to cast their vote for or against the action by electronic mail or U.S. mail. Upon receipt of all votes, the Chair will notify the Council members of the result.

ARTICLE VIII FINANCIAL PROVISIONS

Section 8.1 Finances. This Section is authorized to collect membership dues and govern expenditures of any income. The establishment of or any revision in this Section's dues requires approval by the Board of Directors of the State Bar of Texas. This Section shall submit to the Executive Director of the State Bar of Texas (or to whomever the Section is directed by the State Bar) by July 15, each year a complete financial report for the preceding fiscal year ending when the State Bar's fiscal year ends, and a Section budget for the current fiscal year. Any expense incurred in providing duplicates to the State Bar of Texas shall be borne by this Section. This Section may request the accounting department of the State Bar of Texas to prepare a monthly and year-to-date Section financial report. This Section may opt to have the State Bar of Texas manage Section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets.

Section 8.2 Depositories and Investments. Section funds must be invested consistent with the State Bar's Investment Policy as set forth in the State Bar Board of Directors Policy Manual, as may be amended from time to time. Section funds must be deposited into either a branch of the State Bar banking depository or an alternative banking depository meeting the requirements of the of the State Bar's Investment Policy. In the event this Section selects an alternative depository, it shall instruct the depository to provide directly to the State Bar of Texas a duplicate of the bank statements, canceled checks, and deposit slips.

Section 8.3 Financial Books, Records and Reports. The Section must maintain accurate financial books and records and have appropriate controls on the maintenance and disbursement of the Section's funds, all in a fashion that permits the inclusion of the Section's financial information in the State Bar's financial statements and audit. The Section must provide to the State Bar such financial information as may be required for compliance with the requirements for the independent financial and/or internal audits of the State Bar as required by applicable law, rules, regulations, and pursuant to the State Bar's procedures for reporting section financial reporting, as such procedures may be amended from time to time. The Section will submit to the Executive Director of the State Bar by July 15th of each year a budget for the then current fiscal year.

Section 8.4 Authorized expenditures. As requested by the State Bar, the treasurer or the chair may authorize reimbursement to the State Bar any expenses incurred by this Section and paid by the State Bar. If the treasurer approves an expense should be paid by the Section, the treasurer shall copy the chair of the request and approval. If the chair approves an expense should be paid by the Section, the chair shall copy the treasurer of the request and approval. Any expense that is approved that exceeds \$1000.00 must also be copied to the chair-elect.

Section 8.5 Sales Tax. To the extent required by law, the Section will collect sales tax on goods or services that it sells, and will remit monthly to the State Bar all sales tax collected during the immediately preceding month, along with a report listing the price, quantity, and description of the goods or services so sold in such detail as the State Bar Accounting Department reasonably may require to ensure compliance with applicable law, rules and regulations.

Section 8.6 State Bar Assistance. The Section may request the State Bar Accounting Department to manage Section funds, including depositing dues, managing operating expenses, issuing checks and preparing financial reports, and budgets.

Section 8.7 Reimbursement for Expenses. Members of the Council and other persons expressly requested to attend a Council meeting shall be reimbursed for actual out-of-pocket expenses incurred in attendance at any meeting of the Council. Members of any committee shall be reimbursed for actual out-of-pocket expenses incurred in attending any meeting of the committee, provided that the Chair has approved reimbursement before or after the meeting. Except for non-Council members expressly requested to attend a Council meeting, the amount of reimbursement shall not exceed the maximum amount of reimbursement from time

to time established by the Directors of the State Bar of Texas for persons attending meetings of the Board of Directors of the State Bar of Texas or other official meetings.

ARTICLE IX MISCELLANEOUS

Section 9.1 Political or Social Policy Advocacy Position. No position may be taken by the Section or its members in the name of the Section or the State Bar that advocates or advances a political or social policy position in violation of State Bar policies, the State Bar Act, the State Bar Rules, or any other applicable state or federal law.

Section 9.2 Section Name Change. The Section may not change its name without the approval of the State Bar Board of Directors in accordance with the then current State Bar policies and procedures.

Section 9.3 Confidentiality of Section Member Information. All information concerning any Section member that is deemed confidential by state or federal law, including Tex. Govt. Code Ch. 552 and Tex. Occ. Code Ch. 59, including email addresses, may be used only for official section business and may not be disclosed to the public or any third party. The Section will take reasonable and necessary precautions to protect the confidentiality of all such information.

Section 9.4 Amendment of Bylaws. These Bylaws may be amended at any meeting of the Section by a majority vote of the Voting Members present and voting, provided that any proposed amendment is first approved by a majority of the Council and notice of the proposed amendment has been provided to all Voting Members at least 30 days prior to the meeting at which the amendment will be considered. No amendment will become effective until approved by the State Bar Board of Directors in accordance with the then current State Bar policies and procedures.

Section 9.5 Fiscal Year. The fiscal year of the Section shall be the same as that of the State Bar of Texas.

Section 9.6 Salary or compensation. No salary or compensation shall be paid to any officer of the Section, member of the Council, or member of a Committee.

Section 9.7 Notice to Section Members. In lieu of any notice which may be authorized or required in these Bylaws to be sent in writing or by mail or other

similar means to any member of the Section, or to any member of the Council or any other person, such notice may instead be provided by facsimile or other electronic transmission (including, without limitation, e-mail) or on a list serve or website in a manner designed to provide substantially the same type of notice as would have been provided by mail or other specified means.

**BYLAWS OF THE WORKERS' COMPENSATION SECTION
OF THE STATE BAR OF TEXAS AS AMENDED THROUGH (DATE)**

**ARTICLE I
NAME AND PURPOSE**

Section 1.1 Name. This Section shall be known as the Workers' Compensation Law Section of the State Bar of Texas.

Section 1.2 Purpose. The purpose of this Section shall be to (1) promote the study of Workers' Compensation law, (2) study and report on laws and decisions as they may affect the rights of parties in the workers' compensation process, (3) provide a forum for members of the profession interested in Workers' Compensation law, and (4) for attorneys representing injured workers, employers, and insurance companies to carry out the intended purpose of the Workers' Compensation laws of the state of Texas.

**ARTICLE II
MEMBERSHIP**

Section 2.1 Voting Members. Voting Members of the Section are those licensed Texas attorneys who are members in good standing of the State Bar, have joined the Section and are current in the payment of their Section dues. Only Voting Members may vote in Section elections and on matters coming before the Section members for action. ~~Any member of the State Bar of Texas who desires to become a member of this Section shall, upon request to the Secretary of the Section and payment of the annual Section dues, be enrolled as a member. Members so enrolled shall constitute the membership of this Section.~~

2.2 Section Dues. Each member of the Section shall pay annual Section dues in the amount established from time to time by the Section Council and approved by the State Bar Board of Directors. Section dues shall be due and payable on or before June 1 of each year.

2.3 Termination of Membership. On the occurrence of any of the following, a Section member shall immediately cease to be a member of the Section without any further action required:

a. any member who is six months or more delinquent on payment of Section dues;

- b. any Voting Member who ceases to be a member in good standing of the State Bar of Texas;
- c. any Associate Member who is found by a majority vote of the Council to have represented himself or herself as a member of the State Bar or as a member licensed by the State Bar or who ceases to be a member in good standing in his or her respective legal jurisdiction/organization.

~~Section 2. Any member of this Section whose annual dues are more than six months delinquent shall automatically cease to be a member.~~

ARTICLE III OFFICERS AND COUNCIL

Section 3.1 Designation of Officers. The Officers of this Section shall be the following:

- i. a Chair;
- ii. a ~~Chair Elect~~ Vice-Chair;
- iii. a Vice-President – Claimant Workers’ Compensation attorney;
- iv. a Vice-President – Employer/Insurance Carrier Workers’ Compensation attorney;
- v. a Vice-President – Administrative Law Judge/Government Employee attorney;
- vi. a Secretary; and
- vii. a Treasurer.

Section 3.2 Council. There shall be a Council which shall consist of the Officers of the Section, together with nine other members to be elected as hereinafter provided. ~~There shall be three members from the Claimant’s Workers’ Compensation attorney section, three members from the Employer/Insurance Carrier Workers’ Compensation attorney section and three members from the Administrative Law Judge/Government Employee attorney section.~~

Section 3.3 Ex-Officio Members. The Immediate Past Chair shall be an ex-officio non-voting member of the Council. The Chair shall have the right to appoint additional ex-officio members to serve during the Chair's term. **Ex officio members may serve on any committees, either as committee members or as a committee chair.**

Section 3.4 Term of Office for Officers. ~~The Officers~~ **Each year the Voting members at the Annual Meeting will elect a Chair-elect. The following year, that Chair-elect will move into the Chair position and the Voting members will elect a new Chair-elect. The Chair will serve for one year. The Secretary and Treasurer shall be nominated and elected at an Annual Meeting of this Section in the manner hereinafter provided, to hold office for a two-year term beginning at the close of the Annual Meeting of this Section at which they shall have been elected, and ending at the close of the second succeeding Annual Meeting of this Section after such election and until their successors shall have been elected and qualify. No elected chair may serve consecutive terms. Elected vice presidents, secretary and treasurer may serve no more than two consecutive terms.**

Section 3.5 Term of Office for Council Members. Elected Council members shall serve three-year terms, commencing on the adjournment of the Section's annual meeting at which they are elected and ending on the adjournment of the third Section's annual meeting thereafter or, if later, when their successors have been elected and have assumed office. Three elected Council members shall be elected each year in accordance with the election provisions below. No elected Council member may serve more than two consecutive three-year terms.

~~Section 3 Term of Office for Council Member. At the Annual Meeting of this Section at which these Bylaws shall have been amended to adopt Section 2 of this Article III in the form appearing herein above, three members of the Council shall be nominated and elected to serve for one year, three for a term of two years, and three for a term of three years. (The word "year" as herein used means a term beginning at the close of the first, second, and third succeeding Annual Meeting of this Section, respectively.) Thereafter, upon the expiration of each of these initial terms, three members of the Council shall be elected at each Annual Meeting of this Section, for terms of three years beginning at the close of the Annual Meeting at which they shall have been elected and ending at the close of the third succeeding Annual Meeting of this Section.~~

Section 3.6 Eligibility to Serve as an Officer. To be eligible to serve as an officer, a member must be a voting member of the Workers' Compensation section. A

member must be in active practice to serve as an Officer, and must be in good standing with the State Bar of Texas. A member may not be retired to serve as an Officer.

Section 3.7 Eligibility to Serve on Council. ~~A member of the Council who is not an officer, is eligible to be elected to the Council for one additional three-year consecutive term. There is no limit on the number of consecutive terms a member of the Council may serve while serving as an Officer but no Officer may serve two consecutive terms as an Officer. There is no limit on the number of non-consecutive terms a member of the Council may serve.~~ **To be eligible to serve on the Council, a member must be a voting member of the section he or she represents. A voting member may only be a member of one section at any given meeting. For example, to serve as a Council member of the Claimant's attorney section, the member must be a voting member of the Claimant's attorney section. A member does not have to be in active practice to serve on the Council, but must be in good standing with the State Bar of Texas. A member may be retired to serve on the Council, but a retired member must identify with the section they represent. For example, a retired Administrative Law Judge may serve on the Council for the Administrative Law Judge/Government Employee attorney section.**

Section 3.8 Replacement of a Council Member. **If the council member is no longer a member of that section they were elected to serve, that section may replace that council member to finish out that council member's elected term. For example, if an elected council member for the Claimant's Workers' Compensation attorney section becomes an Administrative Law Judge or no longer includes claimant's workers' compensation law as part of his or her practice, that council member will relinquish that seat and the Claimant's Workers' Compensation attorney section will elect a new voting member to complete that council member's elected term.**

Section 3.9 Required Attendance: Filling of Vacancy. **If any elected member of the Council shall fail to attend two consecutive meetings of the Council without good cause as determined by a majority of the Council, the office held by such member shall be deemed automatically vacated unless otherwise decided by the majority of the Council in its sole and absolute discretion, and the un-expired term shall be filled by the Council. If, at the close of any term of office, a successor has not been elected and qualified, then the term shall be extended until a successor shall have been elected and qualified.**

Section 3.10 Removal of Officers or Council Members. **The Council may remove, for cause and by a two-thirds vote, any Officer or Council member.**

- a. “Cause” for the purpose of recommending the removal of an Officer our Council member shall include, but is not limited to:
- (A) when an officer or Council member has two unexcused absences from meetings of the Council thereof within any twelve-month period;
 - (B) when an officer or Council member neglects or breaches the duties for that office;
 - (C) when a sanction has been imposed on a lawyer by the State Bar during the term of service;
 - (D) when it is learned that an officer or Council member made a material misrepresentation regarding his or her eligibility to serve;
 - (E) when it is learned that an officer or Council member is or has become ineligible to serve;
 - (F) when an officer or Council member is charged with or indicted for a misdemeanor involving theft, a felony, or a crime involving moral turpitude; or
 - (G) when an officer or Council member has become incapacitated or is unable to fulfill the duties of committee membership.
- b. A vote for removal of an Officer or Council member may be requested by any Officer or Council Member. The requested vote will be placed on the agenda of the next scheduled Council meeting or a special meeting of the Council may be called. The special meeting will be scheduled no earlier than 20 days after the vote is requested and no later than 40 days after the vote is requested.

ARTICLE IV NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS

Section 4.1 Nomination. A nominating committee consisting of the Officers and Council members ~~may~~ shall report a slate of proposed Council members and Officers to this Section at each annual meeting at which a vacancy is to be filled. In addition, nominations ~~from~~ ~~from~~ the floor will be accepted.

Section 4.2 Election of Officers. Elections will be by simple majority of the voting members and voting may be by written ballot, voice vote, or show of hands as the Chair or Council deems appropriate.

- a. Each year the Voting members at the Annual Meeting will elect a Chair-elect. The following year, that Chair-elect will move into the Chair position and

the Voting members will elect a new Chair-elect. The Chair will serve for one year.

b. The positions of Chair and Chair-elect will rotate amongst the three sections. For example, in Year One, the Chair shall be elected from the Claimant's Workers' Compensation attorney section and the Chair-elect shall be elected from the Carrier's Workers' Compensation attorney section. In Year Two, the Chair shall be the previously elected Chair-elect from the Carrier's Workers' Compensation section and the Chair-elect shall be from the Administrative Law Judge/Government employee section. In Year Three, the Chair shall be the previously elected Chair-elect from the Administrative Law Judge/Government employee section and the Chair-elect shall be from the Claimant's Workers' Compensation attorney section. This rotation will continue after Year Three.

c. The position of Secretary will be elected by the voting members of all sections combined and may come from any section.

d. The position of Treasurer will be elected by the voting members of all sections combined and may come from any section but may not be from the same section as the Chair in any given year. If the Treasurer and the Chair happen to be from the same section in any given year, the voting members will vote on a new Treasurer to come from one of the other two sections to finish out the term of the replaced Treasurer.

Section 4.3 Election of Council Members. Elections will be by simple majority of the voting members of the section and voting may be by written ballot or show of hands as the section deems appropriate. ~~All elections shall be by written ballot unless otherwise ordered by resolution duly adopted by this Section at the Annual Meeting at which the election is held.~~ The Vice-President – Claimant Workers' Compensation attorney shall be elected by the majority of the members in attendance at the meeting of the Claimant Workers' Compensation Committee held during the Annual Meeting of the Section. The Vice-President – Employer/Insurance Carrier Workers' Compensation attorney shall be elected the majority of the members in attendance at the meeting of the Employer/Insurance Carrier Workers' Compensation Committee held during the Annual Meeting of the Section. **The Vice-President – Administrative Law Judge/Government Employee attorney shall be elected the majority of the members in attendance at the meeting of the Administrative Law Judge/Government Employee attorney Committee held during the Annual Meeting of the Section.** ~~All other Officers (except Chair) and~~

members of the Council shall be elected by the majority of the members of the Section held in attendance at the Annual Meeting of the Section.

Section 4.4 Vacancies

- a. *Chair.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term or disability.
- b. *Chair-Elect.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Chair-Elect, the Treasurer shall perform the duties of the Chair-Elect for the remainder of the Chair-Elect's term or disability.
- c. *Council Members, Secretary and Treasurer.* In the event of the death, disability, resignation, removal, or termination of Section membership of the Secretary, Treasurer, or any elected Council member, the Council may fill the vacancy by appointment. The person so filling the vacancy will serve until the close of the next Section annual meeting unless that person was elected by the Section and not just appointed by the Council. In that case, the person will complete the term of the vacated position.

ARTICLE V DUTIES AND POWERS OF OFFICERS

Section 5.1 Chair. The Chair shall preside at all meetings of this Section and of the Council. The Chair shall formulate and present at each Annual Meeting of the State Bar of Texas a report of the work of this Section for the then past year. The Chair shall perform such other duties and acts as usually pertain to this office.

Section 5.2 Chair-elect ~~Vice-Chair.~~ The ~~Chair-elect~~ ~~Vice-Chair~~ shall perform, on behalf of this Section, such duties as the Chair may assign. The ~~Chair-elect~~ ~~Vice-Chair~~ shall automatically become Chair at the end of the term of a Chair. Upon the death, resignation, **removal**, or during the disability of the Chair or upon any absence or refusal to act, the ~~Chair-elect~~ ~~Vice-Chair~~ shall perform the duties of the Chair.

Section 5.3 Vice President – Claimant Workers' Compensation Attorney. The Vice President – Claimant Workers' Compensation Attorney shall preside at all

meetings of the Claimant Workers' Compensation Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.4 Vice President – Employer/Insurance Carrier Workers' Compensation Attorney. The Vice President – Employer/Insurance Carrier Workers' Compensation Attorney shall preside at all meetings of the Employer/Insurance Carrier Workers' Compensation Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.5 Vice President – Administrative Law Judge/Government Employee Attorney. The Vice President – Administrative Law Judge/Government Employee shall preside at all meetings of the Administrative Law Judge/Government Employee Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5.6 Secretary. The Secretary shall be custodian of the minutes, reports and records of this Section. The Secretary shall keep a correct record of the proceedings of all meetings of this Section and of the Council. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of this Section at its Annual Meeting and shall submit the same to the Board of Directors of the State Bar of Texas for publication in the annual report. In conjunction with the Chair, as authorized by the Council, the Secretary shall attend generally to the business of this Section.

Section 5.7 Treasurer. The Treasurer shall be responsible for the funds and accounts of this Section. The Treasurer shall: (i) keep an accurate account of all monies of this Section, (ii) pay all bills, and (iii) take such other action with respect to the finances of this Section as the Council may direct. In performing such duties, the Treasurer shall comply with the provisions of ~~Section 2 of Article VI~~ of these Bylaws. **Subject to requirements of the State Bar and the approval of the Council, the Treasurer, along with the Chair, has full authority to appoint depositories of the funds of the Section and to make deposits thereto and withdrawals therefrom.**

Section 5.8 Annual Advanced Workers' Compensation Law Section Seminar. The Chair and Chair-elect will serve as co-directors of the annual advanced seminar, notwithstanding the death, disability, resignation, removal, or termination of the officer. The remaining officers, with the approval of the State Bar of Texas, will determine the replacement of the absent co-director as they deem needed.

~~Section 7. Vice President—Administrative Law Judges/Hearing Officers. The Vice President—Administrative Law Judges/Hearing Officers shall preside at all meetings of the Administrative Law Judges/Hearing Officers Committee and shall otherwise perform such duties as delegated by the Chair.~~

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

Section 6.1 Jurisdiction. The Council shall have general supervision and control of the affairs of this Section subject to the provisions of the Constitution and Bylaws of the State Bar of Texas and the further provisions of these Bylaws. The Council shall specifically authorize the expenditure of any monies appropriate for the use or benefit of this Section. It shall not, however, authorize commitments to contracts which shall entail the payment of any money during any fiscal year unless the funds shall have been previously appropriated to this Section for that fiscal year by the Board of Directors of the State Bar of Texas or funds are otherwise available.

~~**Section 2.** Finances. This Section is authorized to collect membership dues and govern expenditures of any income. The establishment of or any revision in this Section's dues requires approval by the Board of Directors of the State Bar of Texas. This Section shall submit to the Executive Director of the State Bar of Texas by July 15, each year a complete financial report for the preceding fiscal year ending May 31 and a Section budget for the current fiscal year. Funds of this Section may only be invested within the parameters outlined in the State Bar of Texas Investment Policy as set forth in Section 10.05 of the State Bar of Texas Board of Directors Policy Manual. This Section shall deposit dues income into either a branch of the State Bar of Texas Banking depository or an alternative banking depository meeting the requirements of the above mentioned State Bar of Texas Investment Policy. In the event this Section selects an alternative depository, it shall instruct the depository to provide directly to the State Bar of Texas a duplicate of the bank statements, canceled checks, and deposit slips. Any expense incurred in providing duplicates to the State Bar of Texas shall be borne by this Section. This Section may request the accounting department of the State Bar of Texas to prepare a monthly and year-to-date Section financial report. This Section may opt to have the State Bar of Texas manage Section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets. This optional latter service will be provided by the State Bar of Texas for a per capita fee per member not to exceed \$1.00.~~

Section 6.2 Committees.

a. *Establishment.* From time to time, the Council may establish such Council committees and Section committees and task forces as it deems advisable to perform such duties and exercise such powers as the Council directs, subject to the limitations of these Bylaws, the policies and procedures of the State Bar of Texas, and all applicable law.

b. *Membership of Council Committees.* Membership of Council committees will consist of Council members and such non-voting *ex officio* members as the Council determines. The Chair, with the advice of the Chair-Elect, will appoint the membership of Council committees, subject to the approval of the Council.

c. *Membership of Standing Committees.* The Council may establish the terms of membership on Section committees and may vest in the Chair or the Chair-Elect or both to appoint members to Section committees under the guidelines and restrictions the Council imposes. Membership of Section committees may consist of Voting Members of the Section.

d. *Standing Committees.* Until otherwise determined by action of the Council, the standing committees of the Section will include, but are not limited to:

- i. Claimant Workers' Compensation Section;
- ii. Employer/Insurance Carrier Workers' Compensation Section;
- iii. Administrative Law Judges/Government Employees Workers' Compensation Section;
- iv. Media; and
- v. Membership.

e. *Standing Committee Reports.* The Council will monitor the activities and functions of the Section committees and may require such committees to report to the Council with such frequency as the Council deems advisable.

Section 6.3. Media. The Council shall cause to be published a newsletter and the Chair shall appoint a Media Editor for that purpose. The Media Editor shall serve at the pleasure of the Chair. The Chair and Media Editor shall preview the newsletter and any other media before it is published. Any newsletter or media that is published shall abide by any and all rules applicable under the State Bar of

Texas. Additional members of the Media Section may be appointed as needed. The Media Editor will also serve as the moderator of any list serv/discussion boards the Section provides to its members, unless the Media Editor and Chair assign the position of moderator to a third individual by agreement of the three parties.

Section 6.4 Additional/Special Committees. The Council may authorize the Chair to appoint additional/special committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Constitution and Bylaws of the State Bar of Texas.

Section 6.5 Required Vote. Unless otherwise expressly provided for in these Bylaws, all binding action of the Council shall be by a majority vote of the whole Council.

Section 6.6 Manner of Voting. Members of the Council when present at a meeting of the Council shall vote in person, via video conference, via teleconference, or any other in-person conveyance.

Section 6.7 Notice of Required Vote. The Chair may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing to each member of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition so submitted by communicating their vote thereon in writing over their respective signatures to the Secretary who shall record upon the Minutes each proposition so submitted, when, how, at whose request submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes.

Section 6.8 Voting on Formal Propositions in the Absence of a Meeting. In the absence of a meeting, the Chair of the Council at any time, and upon the request of any member of the Council, may submit or cause to be submitted in writing or by facsimile or other electronic transmission (including, without limitation, e-mail) to each of the members of the Council, any formal proposition upon which the Council may be authorized to act. The members of the Council may vote upon such proposition or propositions so submitted by communicating their vote thereon, in writing over their respective signature or by facsimile or other electronic transmission (including, without limitation, e-mail), to the Chair and Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of

Council thereon. The Secretary shall keep on file a record of such votes. If the votes of a majority of the Council members who communicate their vote so recorded shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. At any time, the Chair or Chair's designee may take informal polls by telephone or electronic transmission (including, without limitation, e-mail) on any matter that does not constitute a formal proposition.

ARTICLE VII MEETINGS

Section 7.1 Annual Meeting. The Annual Meeting of this Section shall be held in conjunction with the State Bar Advanced Workers' Compensation Seminar. The meeting shall be on a date during the seminar at such time, place, program, and order of business as may be arranged by the Council.

Section 7.2 Special Meetings. Special meetings of this Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine. Special meetings of the Council may be held at such time and place as determined by the Chair for the purpose of taking such necessary or emergency action as may be required before the next scheduled regular Council meeting. Notice of a special meeting will be delivered to the Council members by electronic mail or U.S. mail at least three days prior to the date of the meeting. The notice must describe the general purpose or purposes of the meeting and the reason a special meeting is deemed necessary. A quorum of the Council members may waive the notification requirement by affirmative vote at the special meeting.

Section 7.3 Quorum. The members of this Section present at any meeting shall constitute a quorum for the transaction of business and all binding action of this Section shall be by a majority vote of the members present. Voting may be by written ballot, hand count, or voice vote. Voting by proxy shall not be allowed.

Section 7.4 Meeting Attendance. A member who attends a meeting by teleconference or video conference shall be counted as present at such meeting.

Section 7.5 Claimant Workers' Compensation Committee. The Claimant Workers' Compensation Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.6 Employer/Insurance Carrier Workers' Compensation Committee. The Employer/Insurance Carrier Workers' Compensation Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.7 Administrative Law Judges/~~Government Employees Hearing Officers~~ Workers' Compensation Committee. The ~~Administrative Law Judges/Government Employees Hearing Officers~~ Committee shall meet at the Annual Meeting of this Section and also in conjunction with the Advanced Workers' Compensation Law Conference sponsored by the State Bar of Texas.

Section 7.8 Waiver of Notice by Attendance. Attendance of a Council member at a Council meeting constitutes waiver of notice unless the Council member's attendance is expressly for the purpose of objecting to the transaction of business at the meeting without adequate notice.

Section 7.9 Actions in Lieu of Meeting. With the written consent of two-thirds of the voting members of the Council, the Council may take action on a matter concerning the Section through the use of listserv, electronic mail, or U.S. mail. In such event, the Chair will send notice by electronic mail or U.S. mail to all Council members with an explanation of the action and fiscal impact of the action, if any, and will request each member of the Council to cast their vote for or against the action by electronic mail or U.S. mail. Upon receipt of all votes, the Chair will notify the Council members of the result.

ARTICLE VIII FINANCIAL PROVISIONS

Section 8.1 Finances. This Section is authorized to collect membership dues and govern expenditures of any income. The establishment of or any revision in this Section's dues requires approval by the Board of Directors of the State Bar of Texas. This Section shall submit to the Executive Director of the State Bar of Texas ~~(or to whomever the Section is directed by the State Bar)~~ by July 15, each year a complete financial report for the preceding fiscal year ending May 31 and a Section budget for the current fiscal year. ~~Funds of this Section may only be invested within the parameters outlined in the State Bar of Texas Investment Policy as set forth in Section 10.05 of the State Bar of Texas Board of Directors Policy Manual. This Section shall deposit dues income into either a branch of the State Bar of Texas Banking depository or an alternative banking depository meeting the requirements of the above mentioned State Bar of Texas Investment~~

~~**Policy.** In the event this Section selects an alternative depository, it shall instruct the depository to provide directly to the State Bar of Texas a duplicate of the bank statements, canceled checks, and deposit slips. Any expense incurred in providing duplicates to the State Bar of Texas shall be borne by this Section. This Section may request the accounting department of the State Bar of Texas to prepare a monthly and year-to-date Section financial report. This Section may opt to have the State Bar of Texas manage Section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets. This optional latter service will be provided by the State Bar of Texas for a per capita fee per member not to exceed \$1.00.~~

Section 8.2 Depositories and Investments. Section funds must be invested consistent with the State Bar's Investment Policy as set forth in the State Bar Board of Directors Policy Manual, as may be amended from time to time. Section funds must be deposited into either a branch of the State Bar banking depository or an alternative banking depository meeting the requirements of the of the State Bar's Investment Policy. In the event this Section selects an alternative depository, it shall instruct the depository to provide directly to the State Bar of Texas a duplicate of the bank statements, canceled checks, and deposit slips.

Section 8.3 Financial Books, Records and Reports. The Section must maintain accurate financial books and records and have appropriate controls on the maintenance and disbursement of the Section's funds, all in a fashion that permits the inclusion of the Section's financial information in the State Bar's financial statements and audit. The Section must provide to the State Bar such financial information as may be required for compliance with the requirements for the independent financial and/or internal audits of the State Bar as required by applicable law, rules and regulations, and pursuant to the State Bar's procedures for reporting section financial reporting, as such procedures may be amended from time to time. The Section will submit to the Executive Director of the State Bar by July 15th of each year a budget for the then current fiscal year.

Section 8.4 Authorized expenditures. As requested by the State Bar, the treasurer or the chair may authorize reimbursement to the State Bar any expenses incurred by this Section and paid by the State Bar. If the treasurer approves an expense should be paid by the Section, the treasurer shall copy the chair of the request and approval. If the chair approves an expense should be paid by the Section, the chair shall copy the treasurer of the request and approval. Any expense that is approved that exceeds \$1000.00 must also be copied to the chair-elect.

Section 8.5 Sales Tax. To the extent required by law, the Section will collect sales tax on goods or services that it sells, and will remit monthly to the State Bar all sales tax collected during the immediately preceding month, along with a report listing the price, quantity and description of the goods or services so sold in such detail as the State Bar Accounting Department reasonably may require to ensure compliance with applicable law, rules and regulations.

Section 8.6 State Bar Assistance. The Section may request the State Bar Accounting Department to manage Section funds, including depositing dues, managing operating expenses, issuing checks and preparing financial reports, and budgets.

Section 8.7 Reimbursement for Expenses. Members of the Council and other persons expressly requested to attend a Council meeting shall be reimbursed for actual out-of-pocket expenses incurred in attendance at any meeting of the Council. Members of any committee shall be reimbursed for actual out-of-pocket expenses incurred in attending any meeting of the committee, provided that the Chair has approved reimbursement before or after the meeting. Except for non-Council members expressly requested to attend a Council meeting, the amount of reimbursement shall not exceed the maximum amount of reimbursement from time to time established by the Directors of the State Bar of Texas for persons attending meetings of the Board of Directors of the State Bar of Texas or other official meetings.

ARTICLE IX MISCELLANEOUS

Section 9.1 Political or Social Policy Advocacy Position. No position may be taken by the Section or its members in the name of the Section or the State Bar that advocates or advances a political or social policy position in violation of State Bar policies, the State Bar Act, the State Bar Rules, or any other applicable state or federal law.

Section 9.2 Section Name Change. The Section may not change its name without the approval of the State Bar Board of Directors in accordance with the then current State Bar policies and procedures.

Section 9.3 Confidentiality of Section Member Information. All information concerning any Section member that is deemed confidential by state or federal law, including Tex. Govt. Code Ch. 552 and Tex. Occ. Code Ch. 59, including email addresses, may be used only for official section business and may not be disclosed

to the public or any third party. The Section will take reasonable and necessary precautions to protect the confidentiality of all such information.

Section 9.4 Amendment of Bylaws. These Bylaws may be amended at any meeting of the Section by a majority vote of the Voting Members present and voting, provided that any proposed amendment is first approved by a majority of the Council and notice of the proposed amendment has been provided to all Voting Members at least 30 days prior to the meeting at which the amendment will be considered. No amendment will become effective until approved by the State Bar Board of Directors in accordance with the then current State Bar policies and procedures.

Section 9.5 Fiscal Year. The fiscal year of the Section shall be the same as that of the State Bar of Texas.

Section 9.6 Salary or compensation. No salary or compensation shall be paid to any officer of the Section, member of the Council, or member of a Committee.

Section 9.7 Notice to Section Members. In lieu of any notice which may be authorized or required in these Bylaws to be sent in writing or by mail or other similar means to any member of the Section, or to any member of the Council or any other person, such notice may instead be provided by facsimile or other electronic transmission (including, without limitation, e-mail) or on a list serve or website in a manner designed to provide substantially the same type of notice as would have been provided by mail or other specified means.