

# STATE BAR OF TEXAS SECTION OF LITIGATION

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## BYLAWS

### ARTICLE 1

#### Name and Purpose

Section 1. This section shall be known as the Section of Litigation.

Section 2. The purpose of this Section shall be to promote, on a non-partisan basis, the objects of the State Bar of Texas within the field of litigation.

Section 3. The mission statement of this Section is empowering advocates, promoting justice, and preserving the rule of law.

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### ARTICLE II

#### Litigation Section Membership and Dues

Section 1. Regular Members. In addition to the regular annual dues of the State Bar of Texas, each regular member of this Section shall pay to this Section annual section dues as set from time to time by the Council. Any member in good standing with the State Bar of Texas, upon request to the Treasurer of this Section, and upon payment of dues for the then current fiscal year of the Section, shall be enrolled as a regular member of the Section. Thereafter, said dues shall be payable in advance each fiscal year to the Treasurer of this Section. Any member of this Section whose annual dues shall be more than six months' delinquent or who ceases to be a member in good standing of the State Bar of Texas shall thereupon cease to be a regular member of this Section. Persons so enrolled and whose dues are so paid shall constitute the membership of this Section. The Council by majority vote may, from time to time, raise or lower such dues. The Council may also allow non-lawyer "associate members" to be placed upon the Section's mailing list in its discretion.

Section 2. Sustaining Members. Any member who is in good standing of the State Bar of Texas shall be eligible to be enrolled as a sustaining member of the Litigation Section. Sustaining members of the Section shall have all the rights and privileges of regular members and such other rights and privileges as the Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for Sustaining Members of the Section.

Section 3. Law Student Members. Any law student who is in good standing as a student at any ABA-accredited law school shall be eligible to be enrolled as a law student member of the Litigation Section. Law student members shall have all the rights and privileges that the Litigation Section Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for law student members of the Section.

Section 4. Paralegal Members. Any person who is a member of the Paralegal Division of the State Bar of Texas shall be eligible to be enrolled as a paralegal member of the Litigation Section. Paralegal members shall have all the rights and privileges that the Litigation Section Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for paralegal members of the Section.

Section 5. Law student members and paralegal members shall be known as associate members of the section. Associate members may not hold themselves out as being members of the State Bar or make any representation that they are licensed by the State Bar. Associate members shall have no Section member voting rights.

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### ARTICLE III

#### Officers and Council

Section 1. The officers of this Section shall be a Chair, a Chair-Elect, a Vice-Chair, a Secretary, a Treasurer, the Immediate Past Chair, and such other officers as the Council may, from time to time, deem necessary and elect. All officers of this Section shall automatically be members of the Council. The President, the President-Elect, and the Board Advisor of the State Bar of Texas shall be ex-officio, non-voting members of the Council. All other officers shall be voting members of the Council along with the other members of the Council. When a Council member is elected to be an officer of this Section, that person's regular Council seat may be filled with a new Council member.

Section 2. The Council of this Section shall consist of fifteen (15) regular voting members, excluding officers, as well as any non-voting liaison members approved by the Council.

Section 3. The Council shall also consist of three emeritus members who shall be elected to three year terms and shall serve at the pleasure of the sitting Council. Emeritus Council members shall be former regular Council members or officers who have served the Council for at least six (6) years. Emeritus members shall not have a vote in the Council business.

~~Section 4. At this Section's annual meeting, the Nominating Committee shall present to the Section its recommendations for new members and emeritus members of the Council who shall be elected by the Section for terms of three (3) years each, to succeed the members whose terms will expire at the close of such annual meeting of this Section. The Nominating Committee shall also present to the Council the Committee's recommendations for officers for the upcoming year, and the officers shall be elected by the Council. Prior to the first meeting of the Council following each annual meeting of this Section, the Chair shall appoint a Nominating Committee of seven (7) members of the Council. The Chair-Elect shall be among the members appointed to serve on the Nominating Committee. The Committee, after receiving the recommendations of any Section member, shall analyze and vet the nominees in an effort to ensure as diverse a~~

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Council as possible considering the following factors:

- Area of practice, including without limitation subject area and side of the docket
- Gender
- Race
- Age
- Geography
- Firm size
- Rural vs. Urban
- Needs of the Council and Section

Upon evaluation of the nominees and factors, the Committee shall present up to three (3) candidates for each vacancy to fill the position to the Council at the Spring Council meeting. Each Council member may vote for only one of the nominees for each vacancy and the candidate with the most votes in each vacancy will be recommended in the slate of Council Members to the Section at the Annual Meeting for the remainder of the specific Council member term.

The Executive Committee will analyze and vet candidates to recommend the slate of Officers of this Section for the upcoming year. The Council will vote on the Officer Slate at the Spring Meeting.

Section 5. Immediately following their election, the officers so elected shall serve for a term beginning at the close of the annual meeting of the Council at which they are elected, and ending at the close of the next succeeding annual meeting of the Council, and until their successors shall have been elected and qualified.

#### ARTICLE IV

##### Nomination of Members of the Council

Section 1. At the first meeting of the Council following each annual meeting of this Section, the Chair shall appoint a Nominating Committee of five (5) members of the Council. The Chair-Elect shall be among the members appointed to serve on the Nominating Committee. The Committee, after hearing the recommendations of the Council, shall make and report nominations for members of the Council to succeed those members whose terms will expire during the coming year, and to fill vacancies then existing for unexpired terms, and recommend the slate of officers of this Section for the upcoming year.

#### ARTICLE V

##### Duties of Officers

Section 1. The Chair shall preside at all meetings of the 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 the Section for the past year. The Chair shall perform those duties and acts as appropriate to the office.

Section 2. Upon the death, resignation or during the disability or absence of the Chair, or upon his refusal to act, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term, except in the case of the Chair's disability or absence, and then only during so much of the term as the disability or absence continues.

Section 3. The Treasurer shall be the custodian of all books of account, legal documents, funds, and other valuable property of this Section. The Treasurer shall maintain accurate, detailed records of the revenues, bank accounts, investments and expenses of the Section, and make periodic written reports to the Council and the Section. The Treasurer shall assist the Chair in preparation of the annual report, especially the financial position of the Section. Financial matters of the Council shall be handled in accordance with the Finance Policy.

Section 4. The Secretary shall assist the Chair in keeping a true record of the proceedings of all meetings and a current directory of all Council members. The Secretary shall perform such other tasks as may be assigned to the Secretary, and the Secretary shall assist the Chair in the preparation of the annual report of the work of the Section.

Section 5. If any elected member of the Council shall fail to attend two consecutive meetings of the Council, then the Executive Committee, by majority vote, may deem the position vacated absent a showing of good cause to the Committee.

## ARTICLE VI

### Duties and Powers of the Council

Section 1. The Council shall exercise general supervision and control of the affairs of this Section, subject to the provisions of the Charter and Bylaws of the State Bar.

Section 2. The Council, during the interim between annual meetings of this Section, and upon recommendation of the Nominating Committee, may fill vacancies in its own membership, and members of the Council so elected shall serve the unexpired term of the position filled, and then stand for election for a normal term upon recommendation of the Nominating Committee. The Council, during the interim between annual meetings of the Council, may fill vacancies in the offices of the Secretary or Treasurer, or in the event of a vacancy of Chair and Chair-Elect, then in the office of Chair, and officers so elected shall serve until the close of the next annual meeting of the Council.

Section 3. In lieu of a meeting described in Article VII, Sec. 2, the Chair of the Section may, and upon the request of any members of the Council shall, submit or cause to be

submitted in writing (including e-mail) to each of the members 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 or propositions so submitted, by communicating their vote thereon in writing (including e-mail) to the Secretary, who shall record in the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written votes. The Secretary shall communicate the results of the voting to all members of the Council as soon as reasonably practicable. A majority vote of a quorum of the voting eligible Council members shall constitute the binding action of the Council.

## ARTICLE VII

### Meetings of the Section and Council

Section 1. The annual meeting of this Section shall be held at a time and location as determined by the Council.

Section 2. A meeting of the Council is any meeting of the Council other than the annual meeting, including those meetings scheduled and announced at the beginning of an incoming Chair's term. Meetings of this Section or the Council may be called by the Chair at such time, place, and manner as the Chair may determine. Written notice of any meeting of the Council shall be provided by mail, facsimile, e-mail or other electronic notice, addressed to each member of the Council with reasonable notice under the circumstances before the date set for such special meeting. Such notice shall set forth the purpose or purposes of such meeting in reasonable detail, and no prospective action may be approved at any meeting unless such action is set forth in such notice as one of the purposes of the meeting.

Section 3. The members of the Section of a section meeting or of the Council for a Council meeting present at the meeting following timely notice thereof, if necessary, shall constitute a quorum for the transaction of business. At the discretion of the chair, members may attend meetings and be deemed present if they attend the meeting telephonically or by videoconference.

Section 4. All binding action of the Section or Council shall be by majority vote of the voting eligible members present and voting at any meeting following timely notice thereof, if necessary, or as otherwise provided in these Bylaws.

## ARTICLE VIII

### Miscellaneous Provisions

Section 1. The fiscal year of this Section shall be June 1 through May 31.

Section 2. Disbursements of funds shall be approved by the Finance Committee and shall be in accordance with the Finance Policy.

Section 3. No salary or compensation for service shall be paid to any officer, member of the Council, or member of a committee, but they shall be entitled to reimbursement for expenses ordinarily, reasonably and necessarily incurred on behalf of the Section, upon submission to the Treasurer of appropriate requests with receipts. The Treasurer shall obtain approval of the Finance Committee before reimbursing any expenses that do not appear to be reimbursable.

Section 4. No action, policy determination, or recommendation of this Section or any Committee thereof shall be deemed to be, or be referred to as the action of the State Bar of Texas prior to submission of the same to and approval by, the Board of Directors of the State Bar of Texas, the General Assembly of the State Bar of Texas in annual convention, or duly authorized referendum of the State Bar of Texas. Any resolution adopted or action taken by this Section or Council may, on request of this Section or Council, be reported by the Chair to the annual meeting of the State Bar of Texas for action thereon.

Section 5. 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. The Section shall take reasonable, necessary precautions to protect the confidentiality of such information.

Section 6. Neither this Section, Council, nor any member shall speak, write, or act on behalf of the State Bar of Texas without prior approval in accordance with the State Bar of Texas Board policies and procedures.

Section 7. The Bylaws may be amended at any annual meeting of this Section. All amendments must be approved by a majority vote of the members of the Section present and voting during the business portion of the meeting and by a majority vote of the Council, and shall not become effective until approved by the Board of Directors of the State Bar of Texas; provided, however, that the Council may adopt and follow such amendments as it deems appropriate to serve the best interest of the Section during any interim period, subject to its obtaining the subsequent ratification of same by the Section at the next annual meeting and by the Board within a reasonable time thereafter.

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**STATE BAR OF TEXAS SECTION OF LITIGATION BYLAWS**  
**Effective April 16, 2021**

ARTICLE 1

Name and Purpose

Section 1. This section shall be known as the Section of Litigation.

Section 2. The purpose of this Section shall be to promote, on a non-partisan basis, the objects of the State Bar of Texas within the field of litigation.

Section 3. The mission statement of this Section is empowering advocates, promoting justice, and preserving the rule of law.

ARTICLE II

Litigation Section Membership and Dues

Section 1. Regular Members. In addition to the regular annual dues of the State Bar of Texas, each regular member of this Section shall pay to this Section annual section dues as set from time to time by the Council. Any member in good standing with the State Bar of Texas, upon request to the Treasurer of this Section, and upon payment of dues for the then current fiscal year of the Section, shall be enrolled as a regular member of the Section. Thereafter, said dues shall be payable in advance each fiscal year to the Treasurer of this Section. Any member of this Section whose annual dues shall be more than six months' delinquent or who ceases to be a member in good standing of the State Bar of Texas shall thereupon cease to be a regular member of this Section. Persons so enrolled and whose dues are so paid shall constitute the membership of this Section. The Council by majority vote may, from time to time, raise or lower such dues. The Council may also allow non-lawyer "associate members" to be placed upon the Section's mailing list in its discretion.

Section 2. Sustaining Members. Any member who is in good standing of the State Bar of Texas shall be eligible to be enrolled as a sustaining member of the Litigation Section. Sustaining members of the Section shall have all the rights and privileges of regular members and such other rights and privileges as the Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for Sustaining Members of the Section.

Section 3. Law Student Members. Any law student who is in good standing as a student at any ABA-accredited law school shall be eligible to be enrolled as a law student member of the Litigation Section. Law student members shall have all the rights and privileges that the Litigation Section Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for law student members of the Section.



Section 4. Paralegal Members. Any person who is a member of the Paralegal Division of the State Bar of Texas shall be eligible to be enrolled as a paralegal member of the Litigation Section. Paralegal members shall have all the rights and privileges that the Litigation Section Council shall from time to time enact. The Council shall by majority vote set, raise or lower dues for paralegal members of the Section.

Section 5. Law student members and paralegal members shall be known as associate members of the section. Associate members may not hold themselves out as being members of the State Bar or make any representation that they are licensed by the State Bar. Associate members shall have no Section member voting rights.

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Section 1. The officers of this Section shall be a Chair, a Chair-Elect, a Vice-Chair, a Secretary, a Treasurer, the Immediate Past Chair, and such other officers as the Council may, from time to time, deem necessary and elect. All officers of this Section shall automatically be members of the Council. The President, the President-Elect, and the Board Advisor of the State Bar of Texas shall be ex-officio, non-voting members of the Council. All other officers shall be voting members of the Council along with the other members of the Council. When a Council member is elected to be an officer of this Section, that person's regular Council seat may be filled with a new Council member.

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Section 4. Prior to the first meeting of the Council following each annual meeting of this Section, the Chair shall appoint a Nominating Committee of seven (7) members of the Council. The Chair-Elect shall be among the members appointed to serve on the Nominating Committee. The Committee, after receiving the recommendations of any Section member, shall analyze and vet the nominees in an effort to ensure as diverse a Council as possible considering the following factors:

- Area of practice, including without limitation subject area and side of the docket
- Gender
- Race
- Age
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- Rural vs. Urban
- Needs of the Council and Section

Upon evaluation of the nominees and factors, the Committee shall present up to three (3) candidates for each vacancy to fill the position to the Council at the Spring Council meeting. Each Council member may vote for only one of the nominees for each vacancy and the candidate with the most votes in each vacancy will be recommended in the slate of Council Members to the Section at the Annual Meeting for the remainder of the specific Council member term.

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Section 4. The Secretary shall assist the Chair in keeping a true record of the proceedings of all meetings and a current directory of all Council members. The Secretary shall perform such other tasks as may be assigned to the Secretary, and the Secretary shall assist the Chair in the preparation of the annual report of the work of the Section.

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Section 2. The Council, during the interim between annual meetings of this Section, and upon recommendation of the Nominating Committee, may fill vacancies in its own membership, and members of the Council so elected shall serve the unexpired term of the position filled, and then stand for election for a normal term upon recommendation of the Nominating Committee. The Council, during the interim between annual meetings of the Council, may fill vacancies in the offices of the Secretary or Treasurer, or in the event of a vacancy of Chair and Chair-Elect, then in the office of Chair, and officers so elected shall serve until the close of the next annual meeting of the Council.

Section 3. In lieu of a meeting described in Article VII, Sec. 2, the Chair of the Section may, and upon the request of any members of the Council shall, submit or cause to be submitted in writing (including e-mail) to each of the members 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 or propositions so submitted, by communicating their vote thereon in writing (including e-mail) to the Secretary, who shall record in the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written votes. The Secretary shall communicate the results of the voting to all members of the Council as soon as reasonably practicable. A majority vote of a quorum of the voting eligible Council members shall constitute the binding action of the Council.

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## ARTICLE VIII

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Section 2. Disbursements of funds shall be approved by the Finance Committee and shall be in accordance with the Finance Policy.

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