

**BYLAWS OF THE
AMERICAN INDIAN LAW SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSE**

SECTION 1. NAME. The name of this Section shall be "American Indian Law Section of the State Bar of Michigan" (the Section).

SECTION 2. PURPOSE. The Purposes of this Section are to create a credible and diverse membership of Michigan Lawyers who have an interest in American Indian law; to encourage communication and exchange of ideas on issues of American Indian law and the practice of American Indian law; to present and participate in educational seminars on American Indian law; to disseminate information concerning American Indian law developments through meetings, programs and publications; to further the development and improvement of American Indian law by advocating on proposed state and federal legislation, judicial rules Public Policy; to provide support and assistance to attorneys in their relationships with any individual, group or other lawful entity involved with issues of concern to American Indians.

**ARTICLE II
MEMBERSHIP AND DUES**

SECTION 1. DUES AND ENROLLMENT. Each member of the Section shall pay annual dues in such amounts, as the membership shall determine, the initial amount of which shall be **TWENTY DOLLARS (\$20.00)** per annum (subject to the Bar Association Commissioners' approval). Any member of the State Bar of Michigan, upon request to the Executive Director of the State Bar of Michigan and upon payment of dues for the current fiscal year (October 1 - September 30), shall be enrolled as a member of the Section. Thereafter, the annual Section dues shall be paid in advance each year, beginning on the first day of October next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the membership of the Section. Any member of the Section whose annual dues shall be more than six (6) months past due shall thereupon automatically cease to be a member of the Section.

SECTION 2. NEW MEMBERS. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of membership in the State Bar of Michigan. Newly admitted Members may also be admitted to free section membership for two years under Article VII Section 5 of the State Bar of Michigan Bylaws.

SECTION 3. LAW STUDENTS. Law student members of the State Bar of Michigan may become non-voting members of the Section upon payment of annual dues of **EIGHT DOLLARS (\$8.00)** each, in addition to the payment required to be made to the State Bar.

SECTION 4. ASSOCIATES. Associates are the Michigan Tribal Judges, Michigan Tribal Prosecutors, and Tribal Council members. Professors at accredited Michigan law schools and attorneys employed by the federal government, who are not licensed by the State Bar of Michigan, after making application to the Secretary-Treasurer and approval by the council, may participate in the Section's activities as associates (without voting privileges). In making application, the person desiring to become an associate shall pay the annual dues applicable to members, as provided in Article II, Section I. Associates will be allowed to receive the Section Newsletter, participate in committees and attend all programs and meetings (without voting privileges). Any associate who is not a licensed attorney shall not, through participation in the Section, convey to the public that they are a licensed attorney or qualified to render legal advice or services.

ARTICLE III COUNCIL AND OFFICERS

SECTION 1. SECTION COUNCIL. There shall be a Section Council consisting of **TWELVE** (12) members: Chairperson, Chairperson-Elect, Secretary-Treasurer and nine Council Members, who shall be elected by the membership of the Section as provided in Article III, Section 3 below. Past Chairpersons shall remain *ex officio* (non-voting) members of the Council for as long as they choose to serve in that capacity and shall not be subject to removal for failure to attend meetings. Each year the Council shall also appoint a minimum of one (1) law student, with the maximum number of three (3) law students, to the Section Council. Law students will serve as ex-officio (non voting) member of the Section Council.

SECTION 2. NOMINATION. Prior to each meeting of the Section, the Chairperson shall appoint a Nominating Committee of three (3) members of the Section. This Committee shall make and report nominations to the Section for the terms of Council Officers and Council members that are to expire, and fill vacancies that exist for unexpired terms. Other nominations for the same positions may be made from the floor by any member.

SECTION 3. ELECTIONS. All elections shall be by written ballot unless otherwise ordered by a resolution adopted by the Section at the Annual Meeting at which notice was given and the election is held. All votes shall require a majority of the Members present. Secret ballots shall be used other than where an office has only one nomination and the vote is by acclamation. Ballots shall be certified by the Secretary-Treasurer of the Council. The regular term of office for an Officer or Council Member shall begin on the First day of October in the year of their election (or succession to the Chairperson's office).

SECTION 4. TERMS OF OFFICERS. The initial terms of office shall be for two years. Thereafter, the terms of the officers of the Section shall be for a period of one (1) year. The Chairperson shall not serve, nor be eligible for election to serve, for more than one (1) consecutive term as Chairperson. The Secretary-Treasurer shall be eligible to serve for not more than two (2) consecutive terms.

SECTION 5. TERMS OF COUNCIL MEMBERS. The terms of the Council Members elected at and after the 1995 Annual Meeting shall be for a period of two (2) years. Council Members shall not be eligible for election for more than two (2) consecutive terms as a Council Member. An Officer limited in the article above whose term ends in their first year or first term as a Council Member may continue to serve in any other capacity.

SECTION 6. INITIAL TERMS OF COUNCIL MEMBERS. Five Members elected at the initial election with the highest number of ballots shall be elected for a term of two years; Four Members with the next highest number of ballots shall serve for a period of one (1) year. Thereafter, the preceding paragraph shall apply so that five members shall be elected in one year and four in the alternate years.

ARTICLE IV OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present an annual summary of the section activities to a meeting of the State Bar of Michigan each August or as required by Association regulations. The Chairperson shall perform such other duties and acts as usually pertain to the office.

SECTION 2. CHAIRPERSON-ELECT. Upon the death, resignation, or during the disability of the Chairperson, or upon his or her refusal to act, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or during the period of such disability. Upon expiration of the Chairperson's term, the Chairperson-Elect shall succeed in office as Chairperson for the next one-year term.

SECTION 3. SECRETARY-TREASURER.

A. The Secretary-Treasurer shall be the custodian of all books, records, papers, documents and other property of the Section. He or she shall keep a true record of the proceedings of all Section meetings.

B. The Secretary-Treasurer shall keep a true record of all monies received and disbursed and shall report thereon to the Council whenever requested. Annually, he or she shall submit a financial report for presentation to the membership of the Section. Consistent with the Bylaws of the State Bar of Michigan, he or she shall be responsible for forwarding all monies of the Section which come into his or her hands to the bookkeeping department at the State Bar headquarters in Lansing, Michigan for deposit and credit to the account of the Section. Further, unless waived on a meeting-by-meeting basis by vote of the Council, the Secretary-Treasurer shall present a current financial report at each meeting of the Council.

ARTICLE V
DUTIES AND POWERS OF THE COUNCIL

SECTION 1. PRIMARY DUTIES AND POWERS. The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Bylaws of the Section. The Council shall specifically authorize or ratify all commitments or contracts, which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. The Council shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the total of: (a) the amount received in Section dues for such fiscal year, and (b) any unexpended funds remaining in the Section treasury from prior years.

SECTION 2. VACANCIES. If any vacancy in the Council occurs during the time between the Annual Section Meetings, the Council shall have the authority to fill vacancies in its own membership or in the offices of Secretary-Treasurer and (in the event of a vacancy in both the office of Chairperson and Chairperson-Elect) in the office of Chairperson. Members of the Council and officers so appointed shall serve until the close of the next annual membership meeting of the Section; at that meeting, the vacancies shall be filled in accordance with the normal election practices set forth in Article III.

SECTION 3. REGULAR MEETINGS. Regular meetings of the Council shall be held at times and locations to be determined by the Council, and the schedule of regular meetings for each fiscal year shall be published in advance, as far as possible, provided that at least one regular meeting of the Council shall be held in each fiscal year in addition to the Annual Meeting.

SECTION 4. SPECIAL MEETINGS. Special meetings of the Council may be called by the Chairperson or a majority of the voting members of the Council at such times and places as either may determine.

SECTION 5. QUORUM. Seven (7) voting members of the Council present shall constitute a quorum for both regular and special meetings of the Council.

SECTION 6. VOTING. The Council shall act pursuant to a majority of those present at regular and special meetings of the Council at which business may be transacted.

SECTION 7. FAILURE TO ATTEND MEETINGS. Any Council member's failure to attend two (2) consecutive Council meetings without excuse, or failure to attend three (3) consecutive Council meetings for any reason, shall constitute an automatic and irrevocable notice of resignation, which shall be voted on for acceptance at the next Council meeting, and the Council may then fill the vacancy in accordance with Section 2 of this Article.

SECTION 8. PARTICIPATION. For all purposes under these bylaws, a person shall be “present” at any meeting (including any Section or Council meeting) if such person participates in the meeting either: (a) in person, or (b) with the permission of the Chairperson or the Chairperson’s designee by any means of telephonic, electronic, video conference or other interactive communication as shall be convenient.

ARTICLE VI MEMBERSHIP MEETINGS

SECTION 1. ANNUAL MEETING. The Annual Meeting of the Section shall be held during and at the same place as the Annual Upper Michigan Meeting of the State Bar of Michigan held each summer, and shall include such programs and order of business as may be arranged by the Council. An additional Membership Meeting shall also be scheduled at the same location and time as the State Bar of Michigan Annual Meeting.

SECTION 2. SPECIAL MEETINGS. Special meetings of the Section may be called by the Chairperson, by a majority of the voting members of the Council, or by **twenty-five percent (25%) of the members**, at such times and places as shall be determined by the Secretary-Treasurer. Notice thereof shall be mailed out at least seven (7) days prior to such special meetings and shall state the purpose(s) of the meeting.

SECTION 3. QUORUM. Eleven (11) members of the Section present at any Section meeting shall constitute a quorum for the transaction of business.

SECTION 4. VOTING. All actions of the Section, other than the amendment of the Bylaws, shall be taken pursuant to a majority vote of the members present at a membership meeting at which business may be transacted.

ARTICLE VII COMMITTEES

SECTION 1. The Section shall consist of such committees as are from time to time established for such purposes as shall be stated in the resolution creating the same.

SECTION 2. The establishment of initial committees of the Section shall be voted upon by the members of the Section at the organizational meeting, taking into account the proposed committees contained in the petition submitted and approved by the Board of Commissioners of the State Bar of Michigan.

SECTION 3. A new committee may be established on the written petition of more than five (5) members and the vote of a majority of the members of the Section or of Section Council at the next meeting of the Section members or of the Section Council at which business may be transacted.

Nominees for the Committee shall be accepted at that meeting or appointed by a majority of those present.

SECTION 4. Any committees which shall cease for two (2) consecutive years to have more than three (3) members shall be dissolved automatically without further action by the Section.

SECTION 5. The members of each committee shall elect a Chairperson.

SECTION 6. At every meeting of the membership of the Section, the Chairperson of every committee or his or her delegate shall deliver a written or oral report on the activities of the committee.

SECTION 7. INITIAL COMMITTEES. The initial committees shall consist of a Nominating Committee, Legislative Committee, Education Committee, and Bylaws Committee to be appointed at the initial Membership Meeting.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 1. FISCAL YEAR. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. DEBTS. All debts incurred by the Section, before being forwarded to the Treasurer or to the Executive Director of the State Bar of Michigan for payment, shall first be approved by the Chairperson or the Secretary-Treasurer in accordance with State Bar rules or procedures.

SECTION 3. NO COMPENSATION. No salary or compensation of any kind shall be paid to any officer or Council Member except for reimbursement for Section expenses generally approved by the Section or approved in advance by the Council.

SECTION 4. STATE BAR APPROVAL. Any action by this Section must be approved by the Board of Commissioners or the Representative Assembly of the State Bar of Michigan before it becomes effective as an official act of the State Bar of Michigan. No public statement of a Section or council position may be made unless in full compliance with the provisions of Article IX of the Bylaws of the State Bar of Michigan. Any resolution adopted or action taken by the Section may, on request of the Section, be reported by the Chairperson of the Section to the Board of Commissioners or Representative Assembly of the State Bar of Michigan for action.

SECTION 5. EFFECTIVE DATE. These Bylaws shall become effective immediately upon their approval by the Board of Commissioners of the State Bar of Michigan and by the Section membership at its organizational meeting.

ARTICLE IX AMENDMENTS

SECTION 1. AMENDMENTS. These Bylaws shall be amended only by a two-thirds (2/3) vote of the members of the Section physically present and voting at a meeting (including Annual Meeting) called for that purpose at which business may be transacted, provided that no amendment so adopted shall become effective until ratified by the Board of Commissioners of the State Bar of Michigan.

SECTION 2. PROCEDURE. Any proposed amendment of these bylaws shall first either be prepared pursuant to a resolution adopted by the Council at a regular or special meeting, or submitted in writing to the council in the form of a petition signed by at least ten (10) members of the Section, and shall be considered by the Council at a regular or special meeting prior to the membership meeting of the Section at which it shall be addressed. The Council shall consider the proposed amendment at its meeting and shall prepare recommendations thereon which, together with a complete and accurate text of said proposed amendments, shall be published in the *Michigan Bar Journal* or the Section newsletter at least thirty (30) days prior to the membership meeting of the Section at which the amendment is to be considered.

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