BYLAWS OF THE
LITIGATION SECTION
OF THE STATE BAR OF MICHIGAN

ARTICLE I
PURPOSE

SECTION 1. SECTION NAME: This Section shall be known as the LITIGATION SECTION (hereinafter the Section) of the State Bar of Michigan.

SECTION 2. PURPOSE AND GOAL: The general purposes and goals of the Section shall be to:

(I) To provide a forum addressed to the problems and interests of the trial practitioner who specializes in the spectrum of civil litigation, without limitation to a particular substantive area.

(II) To establish and maintain a working liaison with the state and federal judiciary toward achieving procedural reform and trial administration that insures the freedom of the adversary processes, with due regard for effective resolution of civil conflict.

(III) To provide a forum for the development of improved methods, techniques and procedures in the field of general civil litigation.

(IV) To support and enhance the art of trial and appellate advocacy among the bar and prospective bar.

(V) To generally promote and further professionalism and the interests of the profession within the field of general civil litigation.

ARTICLE II
MEMBERSHIP

SECTION 1. CLASSIFICATION OF MEMBERSHIP: The membership of the Section shall be Active Members and Law Student Members as described below. Dues shall be payable at the beginning of each fiscal year of the State Bar of Michigan. Any member of the Section whose annual dues shall be more than twelve months past due shall cease to be a member of this Section. Members enrolled and whose dues are timely paid shall constitute the membership of the Section.

SECTION 2. ACTIVE MEMBERS

2.1 ACTIVE MEMBERS of the State Bar of Michigan may join the Section by paying annual dues to the State Bar of Michigan in the amount of Twenty-Five Dollars ($25.00), or any different amount determined by the Section Council.

2.2 ACTIVE MEMBERS OVER AGE 70 of this Section pay dues equal to 1/2 the current dues rate.

SECTION 3. LAW STUDENT SECTION MEMBERS of the State Bar of Michigan may join the Section by paying to the State Bar of Michigan dues of Five Dollars ($5.00) to the Section each fiscal year. Dues shall be payable in advance at the beginning of each fiscal year to the State Bar of Michigan. Law Student members shall be entitled to receive Section publications and attend meetings of the Section. Law Student Section members shall not be eligible to vote or hold office.

ARTICLE III
COUNCIL AND OFFICERS

SECTION 1. OFFICERS: The Officers of the Section shall be a Chair, Chair-Elect, a Secretary and a Treasurer. All officers must be active members of the Section.

SECTION 2. COUNCIL: There shall be a Council of the Section consisting of the Chair, Chair-Elect, Secretary and Treasurer, together with eighteen (18) at-large members to be elected as provided within this Article, together with all ex-officio members as defined in Article III, Section 5.3 below. All Council Members must be active members of the Section.

SECTION 3. SELECTION OF OFFICERS: The Chair (if not barred by Article III, Section 5.1), Chair-Elect, Secretary and Treasurer shall be nominated and elected at each annual meeting of the Section, to hold office for a term beginning at the close of the Annual Meeting at which they have been elected, and ending at the close of the next succeeding Annual Meeting of the Section.

SECTION 4. TERMS OF OFFICE: At the first Annual Meeting, or as soon thereafter as is practicable, officers and eighteen (18) at-large members of the Council shall be nominated and elected to serve as follows: the officers for a one (1) year term; six (6) at-large members for three (3) years; six (6) at-large members for two (2) years; and six (6) at-large members for (1) year. Members of the Council shall be elected to fulfill expired terms at each subsequent annual meeting of the Section following the expiration of any term. All subsequent terms for members of the Council shall be for a period of three (3) years. ("Year" defined as a term beginning at the close of the annual meeting at which the Council members shall have been elected and ending at the close of the succeeding annual meeting of the Section.)

SECTION 5. TERM LIMITATIONS

5.1 No Council member shall be eligible for re-election to the Council (other than as an officer) if s/he has served without interruption for two (2) consecutive terms preceding the term for which the election is held.

5.2 No person who has served as Chair, Chair-Elect, Treasurer or Secretary without interruption for two (2) consecutive terms as defined in Article III, Section 3 shall be eligible for re-election to that office.

5.3 Upon completion of their term(s) Chairpersons shall remain ex officio (non-voting) members of the Council for as long as they choose to serve in that position and shall not be subject to removal for failure to attend meetings. Notwithstanding the above, the preceding two Chairs of the Section may vote in the same capacity and in the same manner as elected Council members and officers. The presence of one or both of the two preceding Chairs shall not, wholly and/or singly, be used to establish the presence or absence of a quorum.

SECTION 6. VACANCIES: The Council may appoint any member of the Section as an officer or Council member to act until the next election in the event of death, disability, removal or resignation of any officer or Council member.

SECTION 7. LIMITATION OF MEMBERSHIP: Membership on the Council shall be limited in the following manner: not more than two (2) members of any law firm may serve at any one time as governing Council members and/or officers of the Section. Accordingly, a candidate for Council membership will not be permitted to run for or be appointed to an open position under the circumstances where there are already two (2) members of his/her law firm serving as council members or officers within the relevant time period.

Notwithstanding the aforesaid, the above does not apply to nor affect members of the Council and/or officers who, by effect of merger, acquisition, and/or new employment, become members of a law firm whose representation thereupon as a consequence exceeds the aforesaid two (2) member limit. Further, under such circumstances, the aforesaid limits do not restrict the opportunity of such Council member(s) and/or officer(s) to seek re-election.

ARTICLE IV
ELECTIONS

SECTION 1. NOMINATIONS: At the last scheduled meeting of the Council prior to the annual meeting, or at such other time as shall be convenient, but not later than six (6) months prior to the annual meeting, the Chair shall appoint a Nominating Committee consisting of three (3) members of the Section, at least two (2) of whom are appointed from the Council.

SECTION 2. ELECTIONS: All elections shall be by ballot unless otherwise ordered by resolution by a voice vote duly adopted by a majority of those in attendance at the Annual Meeting at which the Election is held.

ARTICLE V
DUTIES OF OFFICERS

SECTION 1. CHAIR: 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 Michigan a report of the Section for the current year. The Chair shall perform such other duties and acts that pertain to the office.

SECTION 2. CHAIR-ELECT: In the absence of the Chair, the Chair-Elect shall perform the duties of the Chair. The Chair-Elect shall automatically succeed to the office of the Chair the year following the end of the term in which the previous Chair has either declined to serve or is barred from additional service pursuant to Article III, Section 5.1 above. The Chair-Elect shall be responsible for the public relations activities of the Section, including acting as a liaison with the State Bar of Michigan's Communications Committee, and for such other duties as the Chair may designate.

SECTION 3. SECRETARY: The Secretary shall cause to be kept all books, papers, documents, and other property of the Section except money. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council including the tabulation of all written ballots for elections. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of the Section at its annual meeting, for publication in the Annual Report of the State Bar of Michigan. In conjunction with the Chair, the Secretary, as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4. TREASURER: The Treasurer of the Litigation Section shall:

4.1 Cause to be kept a record of all monies received and disbursed; and

4.2 Submit a financial report to the Council regularly; and

4.3 Annually prepare a financial report for presentation to the membership of the Section and to the Board of Commissioners of the State Bar of Michigan; and

4.4 Sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond shall be an expense of the Section and paid from the funds of the Section.

ARTICLE VI
DUTIES AND POWERS OF THE COUNCIL

SECTION 1. GENERAL: The Council shall have general supervision and control of the affairs of the Section, subject to the Supreme Court Rules Concerning the State Bar of Michigan and the

Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall especially authorize all commitments or contracts, which entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts, which entail the payment of more money during any fiscal year than the amount which has been appropriated to the Section for that fiscal year.

SECTION 2. COMMITTEE APPOINTMENT: The Chair will appoint committees and their Chairs from Section members, to perform such duties and exercise such powers as the Council may direct. The Council shall remove any committee chair or committee member for cause and fill vacancies created by such removal or resignation.

SECTION 3. VACANCIES: The Council shall, between annual meetings of the Section, fill vacancies in its own membership or in the offices of the Secretary or Treasurer. In the event of a vacancy in both the office of Chair and Chair-Elect, the Council shall fill the office of Chair. Officers and members of the Council so elected shall serve until the close of the next annual meeting of the Section, at which time the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article IV.

SECTION 4. QUORUM: A quorum of the Council shall consist of no less than two officers and five members at-large. A quorum being present, the Council shall act on the affirmative vote of a majority of those present at any meeting.

SECTION 5. MEETINGS: The Council shall designate the time and place of its regular meetings, but shall schedule no fewer than three (3) meetings per fiscal year. Special meetings may be called upon notice by the Chair or upon written request to the Secretary of any five (5) members of the Council. Council members shall receive three (3) days notice of a Special Meeting. Notice of Special Meetings shall include the topic for which the meeting was called.

SECTION 6. ABSENCES: Any member of the Council, who shall be absent from three (3) consecutive regular meetings of the Council, shall be deemed to have resigned and the vacancy created shall be filled by the Council.

SECTION 7. E-MAIL VOTING: Voting on any matter or issue presented to the Council may be conducted by e-mail. Full disclosure of the matter or issue posed must be e-mailed to Council members at least ten (10) days prior to the voting deadline. A quorum of Council members must respond by e-mail or other communication on or before the voting deadline for the Council to affirmatively act on the matter or issue to be decided. E-mail voting options shall be limited to the following: (1) Approve, (2) Disapprove, (3) Request further discussion at a Council meeting. If 1/3 of the votes placed are for “further discussion,” the decision on the issue is tabled and the item remanded to the agend at the next Council meeting.

ARTICLE VII
COMMITTEES

SECTION 1. STANDING COMMITTEES: The Standing Committees of the Section shall be the Legislative/Rules, Education/Programs, Publications, Public Service and Nomination/Membership.

SECTION 2. LEGISLATIVE/RULES: The Legislative and Rules Committee of the Litigation Section reviews and analyzes proposed legislation and court rules (or amendments thereto) that may have an impact on litigators and provides information and recommendations to the governing Council to assist the Council in determining if the Section should take a public position on the matter and, if so, what that position should be. As part of that process, the Committee regularly obtains updates from the SBM on current proposed legislation and court rules and reviews those pending matters to determine what, if any, impact those changes may have on the Section members as a whole. The types of legislation may range from a change in civil procedure to proposals for tax on attorney services. The committee also works with the SBM lobbyists to formulate any response to the proposed rules or legislation. The committee is often asked to take a position by other sections of the SBM on issues that those sections feel impact the members of the Litigation Section. The committee also provides information and advice to the governing Council should the Section be asked to provide the Supreme Court with input on proposed rules.

SECTION 3. EDUCATION/PROGRAMS: The Education/Programs Committee plans and arranges legal seminars and other programs as directed by the Council for the education of attorneys, law students and the public in the field of civil litigation practice. Further, the Education/Program Committee coordinates and works in conjunction with other committees as appropriate in the development of such legal seminars.

SECTION 4. PUBLICATIONS: The Publications Committee publishes and prints the Section’s newsletter three times per year (Winter, Spring & Fall) for the purpose of providing information about Section activities, disseminating articles and other information of interest to its members. The Publications Committee collects reviews and selects for publication articles submitted to the Section. The Committee also ensures that articles selected for publication are timely, well written and otherwise meet the criteria set forth in the Section's Publication Guidelines that it has established.

The Publications Committee is also charged with the role of facilitating methods of communication with and between Section members, including exploring and developing websites, blogs, and other forms of enhancing the dissemination of information of interest to the Section’s membership.

SECTION 5. PUBLIC SERVICE: The Public Service Committee identifies organizations providing legal services for the indigent that the Section may choose to support through a monetary donation. It also identifies charitable causes that are not focused on improving access to justice but which the Section may wish to support through non-financial means, such as arranging fund-raising events or informing Section members about pre-existing charitable activities to which members might be interested in devoting time. Finally, the Committee assembles and makes available to Section members information about opportunities to participate in pro bono activities.

SECTION 6. NOMINATION/MEMBERSHIP: The Nomination and Membership Committee focuses on the recruitment, nomination and retention of attorneys to serve on the Section's governing Council. The Committee seeks to assure diversity in the Section's governing Council not only upon traditional notions of diversity, but also by seeking attorneys who possess diverse geographic location and practice areas. The Committee strives to assure that nominees are truly willing and able to actively serve within the Section Council and its committees.

SECTION 7. COMMITTEE MEETINGS: The Committee meetings will be called as necessary by the Section or Committee Chairs. Meetings may be held in person or via telephone conference.

SECTION 8. REPORTS: At the request of the Section Chair, the Chair of each committee shall submit a written report of Committee activities during the preceding year for the Section's annual report.

ARTICLE VIII
SECTION MEETINGS

SECTION 1. ANNUAL MEETING: The annual meeting of this Section shall be held at the time and in the place approved by the Council at one of its regular Council meetings, with such program and order of business as may be arranged by the Council.

SECTION 2. SPECIAL MEETINGS: Special meetings of the Section may be called by the Chair upon approval of the majority of the Council, at such time and place as the Council may determine.

SECTION 3. QUORUM: Fifteen (15) members of the Section present at any meeting shall constitute a quorum for the transaction of business.

ARTICLE IX
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. DISBURSEMENTS: Any bills incurred by the Section to be forwarded to the State Bar Fiscal Officer for payment shall first be approved by the Chair or the Treasurer, or otherwise, as the Council shall direct. Disbursements shall then be made by an officer of the State Bar of Michigan, or someone designated by the State Bar Commissioners.

SECTION 3. COMPENSATION: No salary or compensation shall be paid to any Officer, Council or Committee member; however, Officer, Council and Committee members may be reimbursed for actual expenses for Section business.

SECTION 4. EFFECTIVE DATE: These Bylaws shall become effective upon the approval by the Commissioners of the State Bar of Michigan.

ARTICLE X
AMENDMENTS

SECTION 1. VOTE: These Bylaws may be amended at any meeting of the Section at which a quorum is present, by a two-thirds (2/3) vote of the members of the Section present and voting, provided such proposed amendment shall first have been submitted to the Council for its recommendation in accordance with Article X Section 2 below. No amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

SECTION 2. AMENDMENT FORUM: Any proposed amendment shall be submitted in writing to the Council in the form of a petition by at least eight (8) members of the Section. The Council shall consider the proposed amendment, prepare recommendations, and either (1) publish a complete and accurate text of the proposed amendment in the Michigan Bar Journal at least thirty (30) days prior to the meeting of the Section, or (2) mail or e-mail a complete and accurate text of the proposed amendment to each member of the Section at least ten (10) days prior to the meeting of the Section at which the proposed amendment is to be voted upon.

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