

## Real Property Law Section of the State Bar of Michigan

The council of the Real Property Law Section of the State Bar of Michigan, pursuant to a petition submitted by section members, seeks to amend its bylaws with the marked changes shown below.

The proposed amendments are principally designed to eliminate inconsistencies that have arisen over the years as a consequence of the natural evolution of how the section does business and to otherwise update the bylaws to conform to current section practices. Approval of the proposed amendments will be sought from members at the section's annual meeting on July 17, 2009, to be held at the Grand Hotel on Mackinac Island during the 2009 Summer Conference.

### ARTICLE I NAME AND PURPOSES

**SECTION 2.** The purpose of this Section shall be to study the laws and procedures pertaining to Real Property Law (defined below) and to promote the fair and just administration of Real Property Law; to study and report upon proposed and necessary legislation, including, but not limited to, pending legislation and drafting and introducing legislation; to study and report on pending litigation, including, but not limited to, the filing of amicus curiae briefs; to promote throughout the State of Michigan the legal education of members of the Bar and the public on Real Property Law by sponsoring meetings, institutes and conferences devoted to Real Property Law, by the preparation and dissemination of books, booklets, materials, pamphlets and brochures with respect thereto and by preparing and sponsoring and publishing legal writings in this field. The Section shall endeavor to promote professional responsibility and the prevention of malpractice among the members of the Bar. The term "Real Property Law" shall include, but not be limited to, the law of mortgages, liens, encumbrances, property taxes, land titles, land use, zoning, leases, land sales, water law, riparian rights, conveyancing, taxation, condominiums, and environmental law.

### ARTICLE III COUNCIL

**SECTION 1.** There shall be a Council of the Section consisting of fifteen (15) elected members as set forth in Section 2 of this Article and the additional members set forth in Sections 4, 5, 6 and 7 of this Article.

**SECTION 3.** No person shall be eligible for election to the Council if that person has served without interruption for two (2) full consecutive three (3) year terms immediately preceding the term for which the election is held, not including time served on the Council as immediate past Chairperson of the Section, designated representative of the Land Title Standards Committee or as Editor of the Section news publication or as the representative of the Continuing Legal Education Committee; provided, however, that if the Council shall elect a person to the office of Vice Chairperson or

Chairperson-Elect during the third year of his/her second consecutive term, such person shall be eligible for nomination and election to the Council for one (1) additional term of three (3) years; and further provided, however, that the Secretary or the Treasurer, if elected to that position in the third year of his second consecutive term, may serve in that capacity for not more than three (3) years thereafter and shall be eligible for nomination and election to the Council for an additional term of three (3) years. At such time as any person elected as Secretary or Treasurer in a third consecutive term shall cease to serve in that capacity, such person shall no longer be eligible to serve the remainder of such third consecutive term on the Council unless elected as Vice Chairperson or Chairperson-Elect, and the remainder of any such third consecutive or later term shall be filled pursuant to Article VI, Section 2 of these Bylaws. Upon election of the Secretary or Treasurer as Vice Chairperson or Chairperson-Elect during the third year of such third consecutive term, such person shall be eligible for nomination and election for an additional term of three (3) years. At such time as any person has completed service as Chairperson or immediate past Chairperson during a third consecutive term for which one or more years are unexpired, such person shall no longer be eligible to serve the remainder of such term, and the remainder of any such term shall be filled pursuant to Article VI, Section 2 of these Bylaws.

**SECTION 6.** The editor of the *Michigan Real Property Review* shall not serve as a member of the Council during his/her tenure as editor of such publication.

### ARTICLE IV ELECTION OF OFFICERS

**SECTION 1.** The officers of the Section shall be elected from the Council membership by the Council and shall consist of a Chairperson, a Chairperson-Elect, a Vice Chairperson, a Secretary and a Treasurer, all of whom shall be members of the Council. No person elected at an annual meeting of the Council shall serve in the same office for more than one (1) year; provided, however, that this restriction shall not apply to the office of Secretary or Treasurer. The officers elected at each annual meeting of the Council shall serve until the close of the following annual meeting and until their successors have been elected or appointed.

**SECTION 2.** At the end of his/her term of office, the Chairperson-Elect, if still in office, shall automatically succeed to the office of Chairperson for a term of one (1) year, and the Vice Chairperson, if still in office, shall automatically succeed to the office of Chairperson-Elect for a term of one (1) year.

### ARTICLE V DUTIES OF OFFICERS

**SECTION 1. CHAIRPERSON.** The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall be responsible for the selection and appointment of chairpersons, vice chairpersons and members of committees to serve during his/her term of office as Section Chairperson, pursuant to Article VII,

Section 8 of these Bylaws, and for project development for such committees during his/her term of office as Chairperson. He/She shall formulate and present at each annual meeting of the State Bar of Michigan Section a report of the work and activities of the Section for the past year. On or before May 31 of each year, he/she shall prepare and submit an annual written report on the activities of the Section for the prior year for submission to the Secretary of the State Bar of Michigan, pursuant to the provisions of the Bylaws of the State Bar of Michigan. HE/SHE SHALL PERFORM SUCH OTHER DUTIES AND ACTS AS USUALLY PERTAIN TO HIS/HER OFFICE.

**SECTION 2. CHAIRPERSON-ELECT.** Upon the death, resignation or during the disability of the Chairperson, or upon his/her refusal to serve, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's disability and then only during such term as the disability continues. He/She shall preside at all meetings in the absence of the Chairperson. In the event the Chairperson-Elect is required to fill a vacancy in the office of Chairperson, the Chairperson-Elect shall become Chairperson for the period of both the vacancy and the term he/she normally would have served as Chairperson. The Chairperson-Elect shall be responsible for assist the Chairperson in the selection and appointment of chairpersons, vice chairpersons and committee members of committees to serve during his/her term of office as Section Chairperson, pursuant to Article VII, Section 8 of these Bylaws, and for project development for such committees during his/her term of office as Chairperson. HE/SHE SHALL PERFORM SUCH OTHER DUTIES AS THE COUNCIL MAY DIRECT.

**SECTION 3. VICE CHAIRPERSON.** Upon the death or resignation of the Chairperson-Elect, or upon his/her refusal to serve, the Vice Chairperson shall become the Chairperson-Elect for the remainder of the term of the Chairperson-Elect, and, if still in office, shall automatically succeed to the office of Chairperson for the following year for a term of one (1) year. Upon the disability of the Chairperson-Elect, the Vice Chairperson shall perform the duties of the Chairperson-Elect for the remainder of the disability of the Chairperson-Elect, and then only during such term as the disability continues. He/She shall preside at all meetings in the absence of the Chairperson ~~AND~~ and the Chairperson-Elect. In the event the Vice Chairperson is required to fill a vacancy in the office of Chairperson-Elect upon the Chairperson-Elect becoming Chairperson pursuant to Section 2, above, the Vice Chairperson shall become the Chairperson-Elect for the period of both the vacancy and the term he/she normally would have served as Chairperson-Elect. ~~The Vice Chairperson shall assist the Chairperson-Elect in the selection and appointment of committee Chairpersons and membership, and shall serve as the central coordinator for all committee activities during his/her term as Vice Chairperson.~~ The Vice Chairperson shall further be responsible for the preparation and presentation of the State of the Law address at the State Bar Annual Meeting each year if the Chairperson, subject to the approval of Council, directs that such a presentation be made at the State Bar Annual Meeting. HE/SHE SHALL PERFORM SUCH OTHER DUTIES AS THE COUNCIL MAY DIRECT.

**SECTION 5. TREASURER.** The Treasurer shall keep a true record of all monies received and disbursed on behalf of the Section by the State Bar of Michigan and report thereon to the Council whenever requested. ~~The financial records of the Continuing Legal Education Committee shall be kept by that Committee and submitted to the Treasurer and the Council whenever requested.~~ Annually, the Treasurer shall submit a financial report for presentation to the members of the Section and to the Board of Commissioners for the State Bar of Michigan, pursuant to the provisions of the Bylaws of the State Bar of Michigan.

## ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

**SECTION 1.** The Council shall have the general supervision and control of the affairs of the Section, subject to the Supreme Court Rules Concerning the State Bar of Michigan, the Bylaws of the State Bar of Michigan, and the Bylaws of the Section. The Council shall have the authority to act on behalf of the Section. Such authority shall include, but not be limited to, the drafting and submission of reports and recommendations to the Board of Commissioners and/or the Representative Assembly of the State Bar of Michigan, either at the request of such bodies or upon the initiative of the Council; to make public statements, to participate in the legislative process or in litigation, and to carry out the general purposes of the Section. The authority of the Council shall not include amendment of the Bylaws of the Section, which shall be done only pursuant to Article X hereof. It shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated by the Council for the use and benefit of the Section. Written contracts approved by the Council shall be executed by the Chairperson or by such other Section representative as is authorized by the Council.

**SECTION 6.** When an issue arises which must be determined within a limited period of time so that the calling of a formal Council meeting is not practical, the Chairperson of the Section may, and upon request of any member of the Council shall, submit or cause to be submitted in writing 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, by ~~telegraph~~ electronic means or in writing over their respective signatures, to the Secretary, who shall record upon the minutes thereof each proposition so submitted, when, how, at whose request the same was submitted, and the vote of each member of the Council thereon, and keep on file such ~~telegrams~~ electronic communications and written and signed votes. For purposes of this Section, a vote submitted by a Council member by electronic means shall be considered a written vote under signature of the Council member. If a majority of the members of the Council shall be in favor of such proposition, or if such majority shall be against such propositions, such majority vote shall constitute the binding action of the Council and the Section. The members of the Council may also vote upon such proposition by telephonic communication, in

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which members of the Council communicate with the Chairperson and Secretary by means of conference telephone or similar communications equipment. The Secretary shall keep a record thereof in the manner set forth above.

**SECTION 7.** There shall be not less than six (6) regular meetings of the Council during each fiscal year, not including the annual meeting. The Council shall designate the time and place of its regular meetings. Special meetings may be called by the Chairperson or upon written request to the Secretary of any five (5) voting members of the Council. Five (5) days notice of special meetings shall be given. The annual meeting of the Council shall be held in conjunction with the annual meeting of the Section, as hereinafter provided in Article VIII, Section 1 of these Bylaws. Provided, however, the annual meeting of the Council may be held immediately preceding a regular Council meeting held during the annual Summer Conference when the annual meeting of the Section is also held at the annual Summer Conference.

### ARTICLE VII COMMITTEES

**SECTION 1.** The following standing committees shall be appointed by the Chairperson-~~Elect~~ to serve during his/her term of office as Chairperson of the Section and until their successors are appointed:

- Budget and Finance
- On Committees
- Membership
- Nominating
- Publications
- Continuing Legal Education
- Technology

**SECTION 2.** The standing committee on budget and finance shall consist of three (3) members, including the Section Chairperson-~~Elect~~ who shall be Chairperson of the committee, the Treasurer and, in the discretion of the Chairperson, one member at large appointed by the Chairperson. The committee shall prepare a proposed budget for the Section for the ensuing year and shall recommend to the Council procedures for reimbursement of expenses.

**SECTION 3.** The standing committee on committees shall consist of not less than four (4) members nor more than seven (7) members, including ~~consisting of~~ the Chairperson, Chairperson-~~Elect~~; and Vice Chairperson, one Council member and one or more Council members and/or past Section Chairpersons. The committees shall be appointed by the Chairperson of the Section who shall also designate one member of the committee to serve as its Chairperson. It shall, each year, assist the Chairperson-~~Elect~~ of the Section in preparing a suggested roster of committee Chairpersons and Vice Chairpersons. It shall also assist in preparing a roster of Section committee personnel to be appointed for the ensuing committee term. It shall prepare policies for the function and operation of the committees, including expenditure of funds, and written state-

ments of such policies shall be submitted to the Council for its review and approval. ~~Such policies shall be provided to committee Chairpersons by the Secretary of the Section.~~

**SECTION 5.** The standing committee on nominating shall consist of five (5) members, including two (2) past Chairpersons of the Section, if possible, and a Chairperson ~~who shall be designated by the Chairperson of the Section.~~ The Chairperson of the Section shall designate one member of the committee to serve as its Chairperson. At least one member of the committee shall not be either a present or former officer or Council member of the Section. The committee shall receive and consider suggestions for nominations of qualified persons to serve as Council members, officers and to fill vacancies occurring from time to time, and report and make recommendations thereon first to the Council and thereafter to the members of the Section at the annual meeting, and at such other times as may be directed by the Council.

**SECTION 6.** The standing committee on publications shall consist of the Section Chairperson, the ~~editor of the Section news publication,~~ Chairperson-Elect who shall serve as Chairperson of the committee, the editor of the Michigan Real Property Review, and any additional members of the committee selected by the Section Chairperson. The committee shall exercise supervision over all publications of the Section.

**SECTION 7.** The standing committee on ~~Continuing Legal Education~~ continuing legal education shall consist of three (3) or more members, including the Section Chairperson, and a Chairperson of the committee who shall be appointed by the Chairperson-~~Elect~~ of the Section to serve during his/her term of office as Chairperson of the Section. Other members of the committee shall be appointed by the Chairperson of the ~~committee,~~ subject to the approval of the Chairperson of the Section. It shall coordinate all programs, conferences and presentations sponsored by the Section or in which the Section participates, and coordinate the Section programs with other providers of legal education, and undertake such other activities as the Council may direct.

~~The Continuing Legal Education Committee shall keep and maintain a true and accurate record of all monies received and disbursed by it and shall report thereon to the Council at each meeting thereof. The Committee shall submit a financial report to the Council and to the Treasurer of the State Bar of Michigan as requested by the State Bar of Michigan. Annually, the Committee shall submit a financial report for approval by the Council and inclusion for presentation with the annual financial report of the Section to the members of the Section and to the Board of Commissioners of the State Bar of Michigan, pursuant to the Bylaws of the State Bar of Michigan.~~

**SECTION 8.** The standing committee on technology shall consist of three (3) or more members, including the Section Vice Chairperson and a Chairperson of the committee who shall be appointed by the Chairperson of the Section to serve during his/her term of office as Chairperson of the Section. Other members of the committee

shall be appointed by the Chairperson of the Section. It shall review existing technologies relating to Section operations, make recommendations for new or improved technologies for same to the Council and direct implementation of any such technology changes approved by Council, including, without limitation, changes relating to intra-Council, intra-Section and intra-committee communications and educational presentations and publications.

**SECTION 9.** There shall be such other standing and special committees as, from time to time, shall be authorized by the Council. Such committees, and their Chairpersons and Vice Chairpersons, shall be appointed by the Chairperson ~~Elect to serve during his/her term of office as the Section Chairperson or to serve until their successors are appointed, except that in the case of appointment of new committees or replacement of committee Chairpersons during the business year, the appointment shall be made by the Section Chairperson.~~ The Section Chairperson, on direction from the Council, shall remove any Chairperson or member from a committee and fill vacancies on such committee. All committees shall report ~~on a monthly basis~~ to the Council on their activities. All members of all committees shall be members of this Section.

**SECTION 910.** In addition to the foregoing committees, the Land Title Standards Committee shall be a standing Committee of this Section. All of the members of this Committee shall be members of this Section.

The Land Title Standards Committee shall, subject to the approval of the Council, elect its members for the succeeding year at each annual meeting of the Section. After election of the members thereof of such Committee, such members of the Committee, ~~which officers~~ shall thereafter elect the officers of such Committee, which officers shall consist of a Chairperson, a Vice Chairperson and a Secretary. Vacancies in membership of the Committee may be filled by the Committee Chairperson, subject to the approval of the Council. The annual meeting of the Land Title Standards Committee shall be held in conjunction with the annual meeting of the ~~State Bar of Michigan Section.~~

## ARTICLE VIII SECTION MEETINGS

**SECTION 1.** The annual meeting of the Section shall be held during the ~~Annual Meeting of the State Bar of Michigan, in the same city or place as such Annual Meeting of the State Bar of Michigan annual Summer Conference,~~ or at such other place and time as may be arranged by the Council, with the program and order of business as may be arranged by the Council.

## ARTICLE IX MISCELLANEOUS PROVISIONS

**SECTION 3.** No salary or compensation shall be paid to any officer, ~~councilor~~ member of Council or member of a committee. Reimbursement of costs and expenses shall be only upon approval of the Council.

Created 1973; Amended 9/27/02; Amended 9/15/03; Amended 7/14/06; Amended 7/20/07; Amended \_\_\_ /\_\_\_ /09.

## Solo and Small Firm General Practice Section of the State Bar of Michigan

### ARTICLE I NAME AND PURPOSES

**SECTION 1.** This Section shall be known as the Solo and Small Firm ~~General Practice~~ Section of the State Bar of Michigan.

**SECTION 2.** The purposes of this Section shall be:

- (a) to provide a forum for the exchange of ideas among members engaged in the general practice and solo and small firm practice of law with a view in mind of improving the practice of law and thus resulting in a better administration of justice, increased professional prestige, and the rendition of better service to the clients who seek guidance from the general practice and solo and small firm practitioner;
- (b) to serve as a forum for the dissemination of specialized knowledge to the individual practitioner engaged in the general practice and solo and small firm practice of law and to practitioners in the smaller and larger communities alike, in addition to fulfilling their needs for specialized knowledge, and also encouraging their participation in other Sections of the State Bar of Michigan which may engage in the specialized practice of law in which they have primary experience;
- (c) to provide a vehicle for general practice and solo and small firm practitioners to participate in activities of the State Bar;
- (d) to coordinate and organize joint endeavors with other Sections of the State Bar which are of interest to Section members, thereby promoting and enhancing the objectives and general goals of the State Bar of Michigan.

The Solo and Small Firm ~~General Practice~~ Section of the State Bar of Michigan proposes to accomplish the above purposes and objectives by promoting various projects, sponsoring meetings, institutes, and conferences of educational value, and supporting the publication of articles that may be of interest to the solo and small firm general practitioner.

### ARTICLE IV ELECTION OF COUNCIL

**SECTION 1.** There shall be a Council of the Solo and Small Firm ~~General Practice~~ Section.

**SECTION 2.** The Council of the ~~General Practice~~ Section shall consist of nine (9) members. The Council shall accept nominations from the Nominating Committee as hereinafter provided, and from the floor, and shall be elected by the Section ~~General~~ membership present and eligible to vote at the annual meeting, to serve three-year terms as the current Council terms expire.

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Terms of Council members shall begin at the close of the annual meeting at which Section members shall have been elected to the Council and end at the close of the annual meetings of the Section.

**SECTION 5.** The Council shall fill existing vacancies on the Council. The term for any vacancy filled by the Council shall be until the next annual meeting when the position shall be filled by nomination and election by the Section general membership pursuant to Section 2 of this Article.

### ARTICLE VII DUTIES AND POWERS OF THE COUNCIL

**SECTION 3.** The Council may request committees and sections of the State Bar, to present to the members of the Council a report of the committee's or section's activities as these activities pertain to the Solo and Small Firm General Practice Section.

**SECTION 7.** The Council of the Solo and Small Firm General Practice Section during the interim between meetings of the Section shall have full power to do and perform all acts and functions, which the Section itself might do or perform, not inconsistent with any action taken by the Section. Any such action taken by the Council shall be reported to the Section at its next annual meeting.

### ARTICLE XI

**SECTION 1.** ~~Amendments to the Bylaws of the General Practice Section shall not take effect until the close of the meeting at which they are adopted.~~

### Workers' Compensation Law Section of the State Bar of Michigan

The purpose of the proposed bylaw change, indicated below, is to provide full membership privileges to specific individuals employed by the State of Michigan who routinely handle workers' compensation issues and matters.

### ARTICLE II MEMBERSHIP

**SECTION 1. (A)** Each member of the Section shall pay to the Treasurer of the Section dues of thirty (\$30.00) dollars. Dues may be increased or decreased by no more than five (\$5.00) dollars annually by a resolution of the Council with 2/3 majority approval to become effective the following January. Any increase in dues shall be announced at the annual meeting of the Section before becoming effective. Any active member of the State Bar of Michigan, upon payment of dues for the current year, shall be enrolled as a member of the Section. Thereafter said dues shall be payable in advance each year beginning on the first day of January, 1957 and each January 1st thereafter. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of the Section. Members so enrolled and whose dues are so paid shall constitute the membership of the Section.

**(B)** Membership dues shall be waived, and full membership privileges shall be provided to the following individuals:

1. The Director of the Workers' Compensation Agency (if a licensed attorney), and
2. The Members of the Board of Magistrates, and
3. The Commissioners of the Workers' Compensation Appellate Commission, and
4. The Agency Mediators.