

ARTICLE I
NAME AND PURPOSE

1.1 Name

The name of the Section shall be the Bankruptcy Section of the State Bar of Montana. References herein to the “Section” are to the Bankruptcy Section, and references to “the State Bar” are to the State Bar of Montana.

1.2 Purpose

The purpose of the Section shall be to foster and promote knowledge and skills of Montana practitioners of bankruptcy law.

ARTICLE II
MEMBERSHIP AND VOTING ELIGIBILITY

2.1 Membership

2.1.1 Any member of the State Bar of Montana may be a member of the Section.

2.1.2 Membership shall be granted to those eligible who have paid Section dues.

2.2 Voting Eligibility

All members of the Section shall have full voting rights within the Section.

2.3 Membership Dues

2.3.1 Annual Section dues shall be \$20.00

2.3.2 The date for payment of Section dues shall be July 1 of each year.

2.3.3 The annual Section dues shall be paid to the State Bar office.

ARTICLE III
OFFICERS

3.1 Officers

The officers of the Section shall be the Chairperson, Vice Chairperson, Secretary-Treasurer, and the Board of Trustee Representative.

3.2 Duties of the Officers

3.2.1 Chairperson. The Chairperson shall be the chief executive officer of the Section. He or she shall be a member of the Council of the Section and shall preside at all meetings of the Section and the Council. He or she shall prepare a report of the activities of the Section for the previous year for presentation at the annual meeting of the Section and for submission to the Board of Trustees of the State Bar. He or she shall certify to the State Bar such amounts as have been authorized by the Council to be paid out of the Section dues.

3.2.2 Vice Chair. The Vice Chair shall perform the duties of the Chairperson at any time the Chairperson is unable to perform such duties. He or she shall be a member of the Council of the Section and shall perform other duties as may be assigned by the Chairperson.

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3.2.3 Secretary-Treasurer. The Secretary-Treasurer shall be a member of the Council of the Section. He or she shall be responsible for the proper keeping of minutes and records, including records of all expenditures out of the Section dues. The Secretary-Treasurer shall assist the Council in preparing the annual budget and in presenting it to the Board of Trustees of the State Bar. The Secretary-Treasurer shall maintain a roster of members of the Section.

3.2.4 Board of Trustees Representative. The Board of Trustees Representative shall be a member of the Council of the Section. He or she shall represent the interests of the Section at the State Bar Board of Trustees' meetings, and act as liaison between the Section and the State Bar.

3.3 Terms of Office

All officers shall serve one-year terms commencing with their election. At the annual meeting, a Chairperson, Vice Chair, Secretary-Treasurer, and Board of Trustees Representative shall be elected by the membership of the Section. Any vacancy in an office shall be filled by an interim appointment by a majority vote of the Council of the Section until the next meeting of the Section, at which time a new officer shall be elected to serve for the balance of the term.

ARTICLE IV COUNCIL

4.1 Council

The Council shall be composed of three council members and the four officers of the Section. Of the three council members, at least one shall reside in

the Western Congressional District of Montana, and at least one in the Eastern Congressional District of Montana

4.2 Duties of the Council

The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Constitution and By-Laws of the State Bar. The Council shall direct all expenditures to be made out of the Section dues.

4.3 Election and Terms of Office

Council members shall be elected at the annual meeting of the Section held in conjunction with the Annual Meeting of the State Bar. The term of office of council members shall be one year.

4.4 Meetings of the Council

The Council shall meet each year at the time and in the place of the Annual Meeting of the State Bar. There shall be other such meetings of the Council as are determined necessary by the Chairperson of the Section. Notice of the time and place of regular and special meetings of the Council shall be given to each member by the Secretary-Treasurer by mail or by telephone at least five days before the meeting. The Council may take action by mail or telephone vote, without a meeting. A majority of the Council shall constitute a quorum.

ARTICLE V MEETINGS

5.1 Annual Meeting

The annual meeting of the Section shall be held at the same time and in the same place, and in conjunction with, the Annual Meeting of the State Bar. At the meeting, reports of officers and committees shall be delivered. Officers of the Section and council members to serve on the Council of the Section shall be elected at the annual meeting.

5.2 Special Meetings

Special meetings may be called by the Chairperson of the Section or upon the request of five members of the Section.

5.3 Quorum

At all meetings, members of the Section present shall constitute a quorum for the transaction of business. The latest edition of Robert's Rules of Order shall govern the proceedings.

ARTICLE VI

COMMITTEES

The Chairperson, with the approval of the Council, shall designate committees, define their duties, and appoint committee heads and members. The terms of all committees shall end at the expiration of the term of the Chairperson by whom they were designated.

ARTICLE VII
AMENDMENTS

These by-laws may be amended at any meeting of the Section by a two-thirds vote of the members of the Section present and voting, provided that notice of the substance of the proposed amendments shall have been mailed to all members of the Section at least two weeks before the meeting

ARTICLE VIII
LAWYER REPRESENTATIVES

8 - 1 Selection of Lawyer Representatives

Selection of the Lawyer Representatives shall be in accordance with the Rules of the Ninth Circuit Judicial Conference. The Section shall submit to the Chief Bankruptcy Judge of the District up to three nominations for each Lawyer Representative that is to be appointed to represent bankruptcy practitioners. Each nominee must be a member of the Section.

8 - 2 Nominating Committee

A Nominating Committee shall be appointed by the Chair of the Section at the Section's annual meeting. The Nominating Committee shall select up to three candidates for each forthcoming vacant Lawyer Representative position. These nominations shall be forwarded to the Chair of the Section who in turn shall submit them to the Chief Bankruptcy Judge as the Section's nominees.

8 - a Criteria for Selection

Each lawyer nominated must be admitted to and actively involved in bankruptcy practice, an active member of the Section, interested in the purposes and work of the Conference, willing and able to contribute actively to the work of the Conference and willing to assist in implementing Conference programs with the local Bar. The Nominating Committee shall consider the need for geographical diversity in making its selections: the western area (Helena and Missoula Divisions), the central area (Great Falls and Butte Divisions), and the souther and eastern area (Billings Division). The Nominating Committee will also attempt to maintain diversity in areas of practice in making its selections: debtor, creditor, consumer, agricultural, and business. The Nominating Committee shall also consider that the Representative will, in addition to all of the other functions of such a representative, provide a liaison between the Bankruptcy Judge or Judges and the Section.

8-4 Term

Each Lawyer Representative shall be appointed for a three-year term. After the completion of that term, they shall continue to serve as ex-officio members of the Lawyer Representation delegation for a period of two years during which they shall have the right and duty to participate in all meetings between the other Lawyer Representatives and Judges with the sole exception of attending the annual Ninth Circuit Judicial Conference, which shall be by invitation only by the Chief U.S. District Judge of the District or by the Conference.

B - 5 Reimbursement

The Section shall reimburse the Lawyer Representative appointed from the Section for the Representative's actual and necessary expenses of carrying out the representative's duties, to the extent that Section finances allow, and as determined appropriate by the Council of the Section, in accordance with the policies and procedures of the State Bar.

*Original By-Laws Approved by Trustees June 23, 1988
Amended By-Laws (addition of Article VIII) approved by
Trustees September 10, 1993*