

FAMILY LAW SECTION

BYLAWS

ARTICLE I
NAME AND PURPOSE

1.1 NAME. The name of the Section is the Family Law Section of the State Bar of Montana. References herein to “the Section” are to the Family Law Section, and references to the “the State Bar” are to the State Bar of Montana.

1.2 PURPOSE. The general purposes of the Section shall be the promotion of the objectives of the State Bar within the field of child, family and matrimonial law. Child, family and matrimonial law is the practice of law dealing with legal problems arising from the family relationship of husband and wife, parent(s) and child, grandparents, step-parents and children, including family-type relationships which are nonmarital. Child, family, and matrimonial law includes the resolution of disputes arising from these relationships, by settlement, negotiation and litigation. The Section shall promote continuing legal education in this field and shall endeavor to upgrade the practice of child, family and matrimonial law in Montana. The Section may lobby for Section-approved or initiated legislation in the field of child, family, and matrimonial 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 to the State Bar office.

2.1.3 Associate Status: The Section believes the public at large may be able to benefit from the expertise of non-attorneys. The Section may permit Associate Status for persons who are not members of the State Bar. Associate Status membership shall be nonvoting; no Associate member may vote in Section elections or hold Section offices. Associate membership status shall be granted only to those persons who have received the affirmative approval of a majority vote of the membership at the Section’s annual meeting.

2.1.4 Law students: Any law student who is enrolled in an accredited law school in the State of Montana and in good standing may become a law student member of this Section upon written application for such membership and payment of annual Section dues in such amounts as may be established from time to time by the Board of Directors and approved by the Board of Trustees. Law students members shall be entitled to receive all notices and publications which this Section distributes generally to its members and may attend all meetings of members of this Section, but without voting rights.

2.2 VOTING ELIGIBILITY. All members of the State Bar and the Section shall have full voting rights within the Section.

2.3 MEMBERSHIP DUES.

2.3.1 Annual dues for membership in the Section shall be in an amount set by the Board of Directors up to a maximum of \$30.00 as approved by the Board of Directors, with the approval of the Board of Trustees. All dues shall be paid to the State Bar office.

2.3.2 The date for payment of Section dues is July 1 of each year, or any other date established by the Board of Trustees.

2.3.3 Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section.

ARTICLE III
MEETINGS

3.1 ANNUAL MEETING. The annual meeting of the Section shall be held in conjunction with the Section's annual continuing legal education seminar or at any other time designated by the Board of Directors.

3.2 SPECIAL MEETINGS. Special meetings may be called by the President of the Section or upon the written request of five members of the Section delivered to the President of the Section not less than fifteen (15) days prior to the date of the special meeting.

3.3 NOTICE OF SPECIAL MEETING. Notice of any special meeting shall be given at least five (5) days prior to the date of the meeting by e-mail or any other means as determined by the Board of Trustees

3.4 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.

3.5 CONTROLLING VOTE. Action of the Section shall be by majority vote of the members participating in the meeting and eligible to vote.

3.6 VOTING ELIGIBILITY. Any member of the State Bar and the Section whose good standing can be verified by official State Bar records for thirty (30) days prior to the time of voting shall be eligible to vote at meetings .

3.7 AGENDA. Among the matters of business to be transacted at the annual meeting shall be the election of officers and the Board of Trustees Representative.. The agenda shall consist of other matters as determined by the President and the Board of Directors. Members of the Section may request to have items placed on the agenda at the annual meeting

provided that their request is received by the Secretary of the Section at least fifteen (15) days prior to the annual meeting.

3.8 MAIL AND ELECTRONIC VOTING. The Council may direct that a matter be submitted to the members of the Section for vote by mail and/or by any electronic means. In the event that electronic voting is allowed, binding action on the Section shall be by a majority of the votes received from members in accordance with the voting procedures as set by the Board of Directors.

3.9 PROXY VOTING. Voting by proxy on any matter is not allowed.

ARTICLE IV

BOARD OF DIRECTORS

4.1. MANAGEMENT BY BOARD OF DIRECTORS.

4.1.1. BOARD OF DIRECTORS The Section shall be governed by a Board of Directors. The Board of Directors shall consist of one representative from each Montana judicial district, but there is no requirement that each judicial district have a representative on the Board of Directors. In the Year 2011, and thereafter, Directors shall be elected by a majority vote of the Section's voting members in each judicial district. The Directors for the year 2010 shall be appointed by the current Chairperson of the Section but the appointed Directors must run for election in the year 2011. The officers of the Board of Directors are the President, the Vice-President, the Secretary-Treasurer, and the Board of Trustees Representative. The Board's responsibilities shall include, but are not limited to, establishing annual goals and objectives, developing policies, approving operational procedures, developing and evaluating programs and projects, and ensuring record maintenance and long-range planning. The Board is also empowered to make fiscal decisions including expenditures of the Section's funds by a majority vote of the Board of Directors.

4.1.2 TERMS OF OFFICE All Directors shall serve two (2) year terms commencing with their election, unless the Board of Directors determines that terms should be staggered and then some terms at the discretion of the Board of Directors maybe for one (1) year. At the annual meeting, a President, Vice President, Secretary-Treasurer, and Board of Trustee 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 Board of Directors until the next meeting of the Section, at which time a new officer shall be elected to serve for the balance of the term.

4.1.3. RESIGNATION. Any Director may resign at any time by giving written notice to the President or the Secretary/Treasurer of the Section. Such resignation, which may or may not be made contingent on formal acceptance, shall take effect on the date of receipt or at any later time specified therein.

4.1.4. REMOVAL. Any Director elected by the Board may be removed, with or without cause, at any time by a majority vote of the Directors. Cause to remove a Director is established if the Director misses three consecutive regularly scheduled Board meetings and it is consensus of the Board that the Director be removed.

4.1.5. BOARD OF DIRECTOR VACANCIES. If for any reason a vacancy occurs on the Board, the Directors may fill the vacancy by the affirmative vote of a majority of all the Directors remaining in office. If a Director resigns effective at a specific later date, the Directors may fill the vacancy before the vacancy occurs, but the new Director may not take office until the vacancy actually occurs. When the Directors elect a Director to fill a vacancy, the Director's term expires at the next Section membership meeting at which members elect Directors.

4.2 DUTIES OF THE OFFICERS.

4.2.1 PRESIDENT. The President is the chief executive officer of the Section and shall be a member of the Board of Directors. The President shall preside at all meetings of the Section and the Board of Directors. The President 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 submissions to the Board of Trustees of the State Bar. The President shall certify to the State Bar such amounts as have been authorized by the Board of Trustees to be paid out of the Section dues and shall submit the payment certification of such expenditures to the Secretary-Treasurer. . The President shall not serve more than one (1) year at a time.

4.2.2 VICE-PRESIDENT The Vice-President shall perform the duties of the President at any time the President is unable to perform such duties. The Vice-President shall be a member of the Board of Directors of the Section, and shall perform duties as may be assigned by the President. The Vice-President shall not serve more than one (1) year at a time.

4.2.3 SECRETARY-TREASURER The Secretary-Treasurer shall be a member of the Board of Directors of the Section. The Secretary-Treasurer is responsible for the proper keeping of minutes and records, including records of all expenditures paid out of the Section's dues. The Secretary-Treasurer shall assist the President in preparing the annual budget and in presenting the annual budget to the Board of Trustees of the State Bar. The Secretary-Treasurer shall maintain a roster of members of the Section. The Secretary-Treasurer shall not serve more than one (1) year at a time.

4.2.4 BOARD OF TRUSTEES REPRESENTATIVE The Board of Trustees Representative shall be a member of the Board of Directors of the Section. The Board of Trustees Representative 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. The Board of Trustee's Representative shall not serve more and two (2) years at a time.

ARTICLE VI COMMITTEES

The Directors may designate committees, define their duties, and appoint committee heads and members. The terms of all committees shall end at the date designated by the Directors.

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 voting, provided that notice of the substance of the proposed amendments shall have been mailed to all members of the Section at least fifteen-days (15 days) before the meeting; provided, further, that no change in these by-laws shall be effective until approved by the State Bar Board of Trustees.

CERTIFICATE OF APPROVAL OF BY-LAWS

It is hereby certified that the foregoing By-laws of the Child and Family Law Section pursuant to motion duly made and seconded, where unanimously approved and adopted by the members present at a special meeting called for the purpose, among others, of approving and adopting these By-laws, held on _____, _____, 2009, at _____, Montana.

DATED this _____ day of _____ 2009.

Chair, Child and Family Law Committee;
President, Child and Family Law Section

Approved by the Board of Trustees on September 16, 2009