

MISSION

The Council of Appellate Lawyers is devoted to the professional development of lawyers who practice appellate law and the fostering of creative dialogue between those lawyers and appellate judges, both federal and state, with the purpose of improving appellate practice. The Council sponsors and develops continuing legal education programs and publications designed for the needs of appellate lawyers, promotes recognition of the practice of appellate law as a specialty, and examines and fosters discussions and proposals for the improvement of the appellate courts.

The Council is committed to insuring the highest quality possible in all sponsored programs and publications, to extending services and opportunities for involvement to appellate lawyers throughout the country, and to enhancing the quality and integrity of the appellate process.

BY-LAWS OF THE COUNCIL OF APPELLATE LAWYERS

ARTICLE 1

Name and Purpose

1.1 The name of this organization is the Council of Appellate Lawyers, which shall be referred to in these bylaws as the Council. The Council is an affiliate of the Appellate Judges Conference of the Judicial Division of the American Bar Association.

1.2 The objectives of the Council are as follows:

(a) to provide professional continuing legal education to appellate lawyers;

(b) to engage in, and publish, practical and scholarly discussions on issues and matters of interest to appellate lawyers and appellate courts;

(c) to work in collaboration with appellate judges, federal and state, to improve the administration of justice and the practice of appellate law;

(d) to promote and advance the role of the appellate lawyer in the litigation process and the goal of

recognizing appellate practice as a specialty;

(e) to develop national standards and guidelines for appellate practice; and

(f) to create a link, and maintain dialogue with, the Appellate Judges Conference and its Executive Committee.

ARTICLE 2

Membership

2.1 Membership shall be open to any appellate lawyer, including teachers of appellate law and practice, who are members of the Appellate Judges Conference.

2.2 Any associate advocate or member of the Appellate Judges Conference who is not eligible for membership under section 2.1 of these bylaws may become an associate of the Council and may participate in the affairs of the Council, but may not hold office or vote.

2.3 A person shall cease to be a member of the Council if the person: (a) resigns from the Council; (b) ceases to be an associate advocate or member of the Appellate Judges Conference; or (c) except as provided in section 2.4 of these bylaws, ceases to function as an appellate lawyer.

2.4 An officer of the Council or other member of the Executive Board who ceases to function as an attorney lawyer, and whose membership in the Council would otherwise automatically terminate, may, at the invitation of the Executive Board, continue as a member of the Council and as an officer of the Council or other member of the Executive Board for the remainder of that person's elected term.

ARTICLE 3

Meetings and Voting

3.1 The Council shall meet at least annually, between February 1 and August 15, at a time and place designated by the Executive Committee. The Chair shall give reasonable notice to the membership of the date, time, and location for the annual meeting. If the Council holds an educational

seminar between February 1 and August 15, the annual meeting shall be held in conjunction with that seminar.

3.2 Special meetings of the Council, and other educational programs, may be held during the year, at a time, place and manner designated by the Executive Board. The Chair shall give the membership at least 30 days notice of the date, time, place and purpose of any special meeting.

3.3 A minimum of ten (10) members of the Council present at a meeting of the membership shall constitute a quorum for the transaction of business. All matters coming before any meeting of the Council shall be determined by a majority vote of the members present. There shall be neither absentee nor proxy voting, except as authorized by the Executive Board.

3.4 The agenda of the annual meeting of the Council shall consist of reports from the standing committees of the Council and any ad hoc committees appointed by the Chair, the election of officers and of members of the Executive Board, and such other matters as the Chair of the Council deems appropriate. The agenda of any special meeting of the Council shall be reasonably related to those matters of which notice has been give in accordance with section 3.2 of these bylaws.

3.5 Unless otherwise specified, any notice required by any provision of these bylaws may be given by publication in the newsletter of the Council, by mail to each member, by e-mail or by website with members having the option to opt-out of electronic notice.

ARTICLE 4

Officers

4.1 The officers of the Council shall be the Chair, the Chair-elect and the Secretary.

4.2 The Chair shall preside at all meetings of the Council and of the Executive Board. Except as provided in sections 6.4 and 7.1 of these bylaws, the Chair shall appoint the chairs of all committees of the Council. The Chair shall plan and supervise the activities of the Council, subject to the direction and approval of the Executive Board. The Chair shall keep the Executive Board informed of the activities of

the Council and shall implement decisions of the Executive Board.

4.3 The Chair-elect shall assist the Chair in the performance of the Chair=s duties to the extent the Chair requests. In the absence of the Chair, the Chair-elect shall perform the duties of the Chair.

4.4 The Secretary shall consult with and assist the Chair and Chair-elect in the performance of their duties to the extent requested. The Secretary shall keep a true record of the proceedings of all meetings of the Council and of the Executive Board.

4.5 At each annual meeting, the Chair-elect and Secretary shall be elected as provided in Article 7 of these bylaws.

4.6 The Chair, Chair-elect and Secretary shall serve for one year beginning on August 15. The Chair-elect shall succeed to the office of Chair on the 15th day of August of the year following the year in which the person was elected Chair-elect.

4.7 If a vacancy occurs in the office of Chair-elect, the vacancy shall be filled at the next annual meeting by election in the manner provided in Article 7.

4.8 If a vacancy occurs in the office of Chair, the Chair-elect shall become Chair for the balance of the term and shall then serve the regular term as Chair. If there is no Chair-elect to fill such vacancy, the Executive Board shall appoint a Council member as Chair Pro Tem to fill the unexpired term of the Chair.

4.9 If a vacancy occurs in the office of Secretary, the Executive Board shall appoint a Council member to serve as Secretary pro tem to fill the unexpired term of the Secretary.

ARTICLE 5

Executive Board

5.1 The Executive Board shall consist of the officers of the Council, the immediate past Chair of the Council and up to fifteen (15) members-at-large. The members-at-large of the Executive Board shall be elected at the annual meeting

as provided in Article 7 of these bylaws and shall take office on August 15 of the year in which they are elected. If a vacancy occurs in one of the at-large positions on the Executive Board, the Board may appoint a Council member to fill the position until the next annual meeting. A Board member elected at the annual meeting to fill a vacancy shall take office at the end of that meeting, and shall serve until August 15 of the succeeding year.

5.2 The Executive Board shall direct the affairs of the Council. It shall hold at least one regular midyear meeting at a date, time and place designated by the Chair, and may meet at other times at the call of the Chair. The Chair shall give the members of the Executive Board reasonable notice of any meeting. Any special meeting may be conducted by telephone conference call. If a special meeting is not feasible, the Chair may, and, upon written request of four members of the Board, shall, submit to the Executive Board for a vote by written ballot any questions on which the Board may vote, the vote to be recorded by the Secretary.

5.3 The Council of the Executive Board may authorize the appointment of individuals or committees to accomplish the purposes of the Council. Such appointments shall be made by the Chair.

5.4 All matters before the Executive Board shall be determined by a majority vote of the members of the Board present at the meeting. There shall be neither absentee nor proxy voting.

ARTICLE 6

Committees

6.1 The standing committees of the Council shall be: (a) the Nominating Committee; (b) the Programs Committee; (c) the Membership Committee, and (d) the Publications Committee.

6.2 There shall be such ad hoc committees as the Chair or Executive Board may direct.

6.3 The Chair has discretion to appoint the chairs and members of any committee or to delegate appointment of the members to the chair of that committee.

6.4 The Nominating Committee shall have the powers and duties identified in Article 7 of these bylaws. The Program Committee shall be responsible for planning the annual seminar of the Council and any special seminars the Executive Board may designate. The Membership Committee shall be responsible for maintaining and increasing the membership of the Council. The chair of the Membership Committee, with the assistance of Council staff, shall maintain a current roster of all Council members. The Publications Committee shall be responsible for the publication of the newsletter of the Council and such other publications as the Council may wish to disseminate.

6.5 The chair of each committee shall submit a written report of the committee's activities to the Executive Board at the Board's midyear meeting and to the Council at the annual meeting.

ARTICLE 7

Nominations and Elections

7.1 Nominations for officers and members-at-large of the Executive Board shall be made by the Nominating Committee. The Nominating Committee shall consist of the immediate past Chair, the Chair-elect and three members of the council appointed by the Chair. No present officer or member of the Executive Board shall be appointed to the Nominating Committee, and no member of the Nominating Committee may be chosen by it as a candidate for election to any position. The immediate past Chair of the Council shall be ex officio the chair of the Nominating Committee.

7.2 The chair of the Nominating Committee shall, at least 90 days in advance of the annual meeting, give the membership of the Council an opportunity to recommend to the Nominating Committee potential nominees for officers and members-at-large of the Executive Board. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election. The Nominating Committee shall report in writing to the membership of the Council, no later than the beginning of the annual seminar, the identity of each nominee and shall provide a brief statement of each nominee's activities in the Council and in the legal profession.

7.3 All elections shall be held at the annual meeting of the Council. The chair of the Nominating Committee, or the chair's designated representative, shall present from the floor the committee's nominees for each position to be filled by election. Any council member may nominate from the

floor another candidate for any position to be filled by election. No nomination may proceed unless the individual nominated agrees to the nomination.

7.4 If there is more than one nominee for the position of Chair-elect, the election for that position shall be by written ballot and shall proceed separately from the election for any other position. Election shall be by a majority of the votes cast, and a run-off election to choose between the two leading candidates shall be held if a majority vote is not initially obtained by any candidate.

7.5 If there is more than one nominee for the position of Secretary, the election for that position shall be by written ballot and shall proceed separately from the election for any other position. Election shall be by a majority of the votes cast, and a run-off election to choose between the two leading candidates shall be held if a majority vote is not initially obtained by any candidate.

7.6 If there are more nominees than positions to be filled as member-at-large of the Executive Board, the election of the members-at-large shall be by written ballot and shall proceed separately from the election of officers. Election shall be by a majority of the votes cast, and any candidate obtaining a majority initially or in a run-off election shall be declared elected. As many run-off elections as necessary shall be held between candidates then remaining until all positions as member-at-large have been filled.

7.7 It shall be the goal of the Council to maintain geographical diversity and gender and racial balance among the officers and members-at-large of the Board.

ARTICLE 8

Amendments

8.1 These bylaws may be amended at any meeting of the Council by a majority vote of the members of the Council present at voting, provided that any proposed amendment shall first have been approved by a majority of the Executive Board.

8.2 No amendment or amendments shall take effect until approved by the Executive Committee of the Appellate Judges Conference.

on July 27, 2003.

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(formerly Ajc/cal/bylaws)