

# **Litigation**

**A Section of the Virginia State Bar.**

## **Bylaws**

### **BYLAWS OF THE LITIGATION SECTION OF THE VIRGINIA STATE BAR**

Approved by Council October 1980  
Amended by Council, October 1995  
Amended by Council, October 2001  
Amended by Council, June 2004  
Amended by Council, October 2009

#### **ARTICLE I**

##### **Name and Purpose**

Section 1. Name - The name of this Section shall be the Litigation Section of the Virginia State Bar.

Section 2. Purpose - The purpose of this Section shall be to (1) improve the practice of litigation attorneys at both the trial and appellate court levels; (2) improve the ability of Virginia lawyers to serve their clients; and (3) to facilitate the administration of justice by promoting the public understanding of the justice system and improving the access of litigation services to the public.

#### **ARTICLE II**

##### **Membership and Dues**

Section 1. Categories - There shall be four categories of Section membership: Active, Judicial, Associate, and Law Student. Only Active and Judicial members may vote or hold office.

Section 2. Eligibility - Any member of the Virginia State Bar shall be eligible for Active membership in the Section; any lawyer eligible to practice before the highest court of any state of the United States or the District of Columbia and not a member of the Virginia State Bar shall be eligible for Associate membership in the Section; and any full-time law student not eligible for Active or Associate membership and enrolled in a law school in any state of the United States or the District of Columbia shall be eligible for Law

Student membership in the Section. Judicial membership shall be open to any active or retired judge of the United States or the Commonwealth of Virginia. Upon request to the Secretary, members of each category shall be enrolled and shall continue as members so long as they retain their eligibility as aforesaid and pay the enrollment fee and the annual dues specified in Section 3 of this Article.

Section 3. Dues - To further the work of this Section, there shall be an enrollment fee of fifteen Dollars (\$15.00) for Active and Associate members, and Five Dollars (\$5.00) for Law Student members, plus such annual dues as may be assessed by the Board of Governors from time to time. There shall be no enrollment fee, dues, or other assessments required of Judicial members.

### **ARTICLE III**

#### **Board of Governors**

Section 1. Number and Eligibility - There shall be a Board of Governors of this Section, which shall consist of thirteen Active members; provided that not more than three active or retired judges, only one of whom may be a federal judge, active or retired, may be elected by the Board to serve as additional members of said Board. [Amended by Council June 2004] In addition, any elected officers of the Section, Chair of the Appellate Practice Committee of the Section, representative of the Young Lawyers Conference, representative of the Senior Lawyers Conference and Editor of the Section Newsletter who are not also serving terms as elected members of the Board shall serve as full, voting members of the Board, ex officio. [Amended by Council, October 1995] Active and Judicial members shall be nominated and elected as hereinafter provided. Members shall be eligible for election for two successive three-year terms, but not thereafter until one year has elapsed since their prior service on the board. [Amended by Council, June 1984 and Board, retroactively, January 1987.] The Executive Director of the Virginia State Bar and the retiring Chair of this Section, if his or her term on the Board shall be ended, shall each be a member of the Board ex officio.

Section 2. Term - Members of the Board of Governors shall be nominated and elected at each Annual Meeting of this Section, for terms of three years beginning July 1 following the Annual Meeting at which they have been elected and ending June 30 three years later. Members so selected shall serve until their successors shall have been duly elected and qualified. Ex officio members shall serve on the Board for so long as they remain in the position that qualifies them for ex officio membership. [Amended by Council, October 1995]

Section 3. Nomination and Election - Not less than sixty days before the Annual Meeting, the Chair shall appoint a nominating committee of at least five Active or Judicial members. The nominating committee may meet before, but if they have not previously met, shall meet at the place of the Annual Meeting at a time designated by the Chair of the Section and shall make and report to this Section nominations for any vacancies on

the Board of Governors resulting from resignations or otherwise, and for those members of the Board of Governors whose terms expire the 30th day of June following the Annual Meeting. Three members of the nominating committee shall constitute a quorum. If less than a quorum is present, the Chair of this Section shall appoint additional members to the committee sufficient to constitute a quorum. Additional nominations may be made from the floor of the Annual Meeting of this Section by any Active or Judicial members. All elections shall be by voice vote unless otherwise ordered by resolution duly adopted at the Annual Meeting of this Section at which the election is held.

Section 4. Duties and Powers - The Board of Governors shall have general supervision and control of the affairs of this Section, subject to the provisions of the Rules for Integration of the Virginia State Bar and the bylaws of the latter. It shall not authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to this Section for such fiscal year.

Section 5. Vacancies - The Board of Governors, during the interim between Annual Meetings of this Section, may fill vacancies on said Board or in an office on said Board. Members of the Board of Governors so selected shall serve until the next succeeding June 30 or until their successors have been duly elected and qualified.

Section 6. Committees - The Chair of the Board of Governors may appoint committees from Section members to perform such duties and exercise such powers as the Board of Governors shall direct, subject to the limitations of these bylaws and the bylaws of the Virginia State Bar.

Section 7. Declaration of Vacancy - If any member of the Board of Governors shall fail to attend two successive meetings of the Board without a reason deemed sufficient by a majority of the Board, or if any member of the Board of Governors should resign or be declared incapacitated by the President of the Virginia State Bar, the membership of said person on the Board of Governors and any office that may be held by such person shall be declared vacant by the President of the Virginia State Bar, and said vacancy shall be filled as provided for in Section 5 above.

#### **ARTICLE IV**

##### **Officers**

Section 1. Officers - The officers of this Section shall be a Chair, Vice-Chair, Secretary and Treasurer, who shall be elected by the Board of Governors from among their number at or as soon as practical after each Annual Meeting of this Section, to hold office for a term beginning July 1 of each year and ending on June 30 of the next succeeding year, or until their successors have been elected and qualified.

Section 2. Chair - The Chair shall preside at all meetings of this Section and of the Board of Governors. The Chair shall formulate and present at each Annual Meeting of the Virginia State Bar a report of the work of this Section for the immediate past year. He or she shall perform such other duties and acts as usually pertain to his or her office.

Section 3. Vice-Chair - Upon the death, resignation, or during the absence or disability of the Chair, or upon his or her refusal to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability, in which event he shall perform the duties of the Chair only so long as the disability continues. He shall further perform all duties assigned him by the Chair of the Board of Governors.

Section 4. Secretary - The Secretary shall be the custodian of all books, papers, documents, and other property of this Section, except money. The Secretary shall give notice of all meetings of this Section and of the Board of Governors and keep a true record of the proceedings thereof. The Chair and the Secretary shall prepare a summary or digest of the proceedings of this Section for its Annual Meeting and for publication in the Annual Report of the Virginia State Bar. With assistance from the Board of Governors, the Secretary shall be in charge of planning and implementing the Section's CLE workshop at the annual meeting of the Virginia State Bar. The Secretary shall perform such duties assigned by the Chair of the Board of Governors.

Section 5. Treasurer – The Treasurer shall keep an accurate record of all monies appropriated to and expended for the use of this Section, and make a budget report at each meeting of the Board of Governors. The Treasurer shall also be in charge of drafting budget proposals for the fiscal year following his or her term in office, and shall perform such duties assigned by the Chair of the Board of Governors.

Section 6. Presiding Member - In the absence of the Chair or the Vice-Chair at any regular or special meeting of this Section, or the Board of Governors, any member of the Board of Governors chosen by a majority of the Board members present and voting shall preside at such meeting.

## **ARTICLE V**

### **Meetings**

Section 1. Annual Meeting of Section - The Annual Meeting of this Section shall be held at the Annual Meeting of the Virginia State Bar with such program and order of business as may be arranged by the Board of Governors.

Section 2. Special Meetings of Section - Special meetings of this Section may be called by the Chair upon approval of a majority of the Board of Governors, at such time and place as the Chair may determine.

Section 3. Quorum and Voting of Section - The members of this Section present at any meeting shall constitute a quorum for the transaction of business. All binding actions of this Section shall be by a majority vote of the members present.

Section 4. Regular Meetings of Board - Regular meetings of the Board of Governors of this Section shall be held on the call of the Chair at least once in each quarter of the fiscal year of this Section, the exact time and place of the meeting to be designated by the Chair.

Section 5. Special Meetings of Board - Special meetings of the Board of Governors shall be held as set by the Board of Governors at any meeting thereof, or at the request of the majority of the Board of Governors, or at the call of the Chair.

Section 6. Quorum and Voting of Board - A majority of the Board of Governors must be present in person to constitute a quorum, but all binding action of the Board of Governors shall be by a majority vote of the Board members present or voting absentee pursuant to Section hereof. All voting at meetings of this Section and the Board of Governors, except as otherwise set forth in these bylaws, shall be open, unless specifically changed by a motion passed by a majority vote of those present.

Section 7. Absentee Voting - Members of the Board of Governors, when personally present at a meeting of the Board, shall vote in person, but when absent may communicate their vote, in writing or by telegram to the Secretary, upon any proposition and have it counted, with the same effect as if cast personally at such meeting.

Section 8. Submitted Propositions - Notwithstanding the provisions of Sections 6 and 7 above, the Chair of this Section may, and upon the request of any member of the Board of Governors shall, submit or cause to be submitted in writing to each of the members of the Board of Governors without a meeting, any proposition upon which the Board may be authorized to act, and the members of the Board may vote upon such proposition or propositions so submitted by communicating their vote thereon in writing or with their respective signatures, to the Secretary who shall record upon his or her minutes each proposition so submitted when, how, at whose request same is submitted and the vote of each member of the Board thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Board so recorded shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Board.

## **ARTICLE VI**

### Miscellaneous

Section 1. Fiscal Year - The fiscal year of this Section shall be the same as that of the Virginia State Bar.

Section 2. Bills - All bills incurred by this Section before being forwarded to the Treasurer of the Virginia State Bar for payment shall be approved by the Chair or the Secretary, or if the Board of Governors shall so direct, by both of them.

Section 3. Compensation - No salary or compensation shall be paid to any member of this Section or to any officer or member of the Board of Governors for their services, but they may be compensated for their expenses in accordance with the procedures approved by the Virginia State Bar.

Section 4. Action of Section - Before any action of this Section becomes the action of the Virginia State Bar, it must be approved by the Council of the Virginia State Bar. Any resolution adopted or action taken by this Section may, on request of this Section, be reported by the Chair of this Section to any meeting of the Council of the Virginia State Bar for the Bar's action thereon.

Section 5. Printing - All printing for this Section or for the Board of Governors or by committees of this Section shall be done under the supervision of the headquarters office of the Virginia State Bar.

Section 6. Gender - Whenever used herein, the masculine shall include the feminine.

## **ARTICLE VII**

### Rules of Procedure

Except as otherwise provided in these bylaws, Robert's Rules of Order shall govern the procedure at meetings of this Section and its Board of Governors.

## **ARTICLE VIII**

### Effectiveness and Amendment of Bylaws

Section 1. Bylaws Effective - These bylaws shall become effective after approval by the Council upon recommendation of the Executive Committee of the Virginia State Bar and by the initial Board of Governors of this Section.

Section 2. Amendment - These bylaws may be amended at any Annual Meeting of this Section by a vote of a majority of the Active and Judicial members of this Section present and voting, provided such amendment shall first have been approved by a majority of the Board of Governors and provided, further, that no amendment so adopted shall become effective until approved by the Council upon recommendation of the Executive Committee of the Virginia State Bar.

10/16/09