

Bylaws
MSBA Civil Litigation Section

As Approved by the Assembly 4/29/79
as amended 09/10/93, 10/10/97, 12/03/04, 06/17/05, 04/29/10

ARTICLE I. Name and Purpose

Section 1. This Section of the Minnesota State Bar Association shall be known as the Civil Litigation Section of the Minnesota State Bar Association.

Section 2. The purposes of the Section shall be to enhance the skills of Minnesota lawyers practicing civil litigation, and serve as a liaison with other parts of the Bar Association on litigation-related issues involving professional standards, services and activities, and shall:

- (a) Provide a forum addressed to the problems and interests of the lawyer who practices civil litigation, without limitation to a particular substantive area;
- (b) Establish and maintain a working relationship with the state and federal judiciary to improve civil trial practice and process, with due regard for effective resolution of civil conflict;
- (c) Initiate study and research to develop improved methods, techniques and procedures in the field of civil litigation;
- (d) Support and inspire the art of trial and appellate advocacy among the bar and prospective bar;
- (e) Promote and further the interests of the profession within the field of civil litigation.

ARTICLE II. Membership

Section 1. All members of the Minnesota State Bar Association in good standing who have paid the required annual dues of the Section shall be eligible for membership in this Section and shall be enrolled as a member upon request to the treasurer of the Section or designated agent.

Section 2. Dues of the Section shall be set by the Council of the Section at any meeting thereof, and such dues may be changed annually by appropriate action of the membership and by or with the approval of the Assembly.

Section 3. It shall be a particular objective of the Section to encourage membership and active participation by members of the judiciary and attorneys whose practice involves civil litigation or appeals.

Section 4: The officers and members of the Section shall take action to broaden membership with respect to geographic, racial, gender, type of practice and small firm/large firm balance and reduce barriers to participation for all MSBA members in Section activities.

ARTICLE III. Officers

Section 1. The officers of the Section shall consist of a Chair, Chair-Elect, the Immediate Past Chair, a Secretary and a Treasurer, and such other officers as may be determined and elected in accordance with these Bylaws.

Section 2. There shall also be a Section Council, which shall consist of all of the Section officers currently elected and serving, and not less than three (3) or more than twenty (20) additional members of the Section elected in accordance with these Bylaws. Each member of the Section Council shall be designated a Council Delegate. The number of committees of the Section and their respective responsibilities, and the programs of the Section, shall be as determined from time to time by the Section Council as stated in Article IV. A Council Delegate may also serve as Chair of a Committee of the Section, and all Committee Chairs

who are not also Council Delegates shall be ex officio members of the Section Council. The Section Council shall have full power and authority to act in the intervals between meetings of the Section to do all acts and perform all functions that the Section itself might perform, except that it shall have no authority to amend these Bylaws. The Section Council shall, in the intervals between meetings of the Section, have authority to fill Section Council officer and delegate vacancies and to replace committee chairs. One third (1/3) of the Council Delegates currently elected and serving shall constitute a quorum at any meeting of the Section Council.

Section 3. There shall be an Executive Committee consisting of all of the officers currently elected and serving. In the intervals between meetings of the Section, the Executive Committee shall propose candidates to fill vacancies among the officers of the Section, and to replace chairs of the committees of the Section, both subject to the advice and consent of the Section Council. The Executive Committee shall have the full power and authority of the Section Council in the intervals between meetings of the Section Council, except that the Executive Committee shall not have authority to amend, or to take action contrary to, any express provision of these Bylaws or contrary to any prior express action or decision of the Section or the Section Council. A simple majority of the officers currently elected and serving in accordance with these Bylaws shall constitute a quorum of the Executive Committee.

Section 4. Officers, Council Delegates and committee chairpersons must be current members of the Section at all times when in office.

Section 5. The term of office of any officer shall begin on July 1 and end on June 30 or until a successor shall be elected and take office, and the term of any Council Delegate shall be two (2) years from the date of election and until a successor shall be elected and take office, with one-half of the Council Delegates elected annually.

Section 6. A member shall not hold more than one office at any time in this Section, except as expressly provided in these Bylaws, and no officer shall be eligible to serve more than two consecutive annual terms in the same office.

ARTICLE IV. Committees and Divisions

Section 1. The Council of this Section is authorized to establish, or to empower the Chair of the Section to establish, such committees and divisions as it may deem necessary and desirable to promote effectively the activities of the Section within the jurisdiction of the Section. In establishing a new committee or division, the Council shall state the area of its proposed activities. A division shall be two or more committees collectively designated as a division by the Council.

Section 2. The Chair shall announce the membership and the chair of each committee of the Section, and the director of each division for the following Section year, at the business meeting held during the Annual Meeting of the Section.

Section 3. Division directors shall be directly responsible and report to the Council. Committees of the Section shall be directly responsible and report to a division director or to the Council if the Council so directs. Subcommittees of the Section shall be directly responsible and report to their parent committees.

ARTICLE V. Elections

Section 1. Prior to the election meeting, which may also be the Annual Meeting of the Section, a Nominating Committee shall be appointed by the Section Council and, after considering its recommendations, a slate of candidates shall be presented by the Section Council for election by the

Section membership at the election meeting. Nominations properly made from the floor at the election meeting will be accepted.

In the event of a vacancy on the Section Council caused by the death, resignation, or removal of a Council Member, the vacancy may be filled by an affirmative vote of a majority of the Council Members at any meeting of the Section Council at which a quorum is present.

Section 2. Meetings of the members of the Section shall be convened pursuant to written notice given by regular mail, facsimile, e-mail or telephone to the Section members or published in an official publication of the Minnesota State Bar Association to its members, or both, in either case at least ten (10) days in advance of the meeting.

ARTICLE VI. Duties of Officers

Section 1. The Chair shall preside at all meetings of the Section, shall prepare and present an annual report to the Minnesota State Bar Association, and shall designate committee members other than chairs. The Chair or the Chair's representative shall serve as the Section's Voting Representative in the Assembly of the Minnesota State Bar Association. The Chair shall also be entitled to represent the Section upon invitation by the Assembly of the Minnesota State Bar Association and shall perform such other duties and acts as customarily pertain to that office.

The Chair shall file, within thirty (30) days after the close of each fiscal year, an accounting of the Section's finances for the fiscal year.

Section 2. A Chair-Elect shall preside at all meetings of the Section in the absence of the Chairperson and shall perform such other duties and acts as customarily pertain to this office.

Section 3. The Secretary shall keep all minutes of meetings and other records of the Section and its membership, maintain correspondence and give notice of meetings as requested by the Chair. The secretary shall also serve as the Section's Alternate Representative to the Assembly of the Minnesota State Bar Association. The Secretary shall perform such other duties and acts as customarily pertain to this office.

Section 4. The Treasurer shall have charge and custody of the funds of the Section subject to the general supervision and control of the Section Council. The Treasurer shall render a financial report to the Section Council at the Annual Meeting. The Treasurer shall also make financial reports to the Section Council at such times as the Council shall require. The Treasurer shall perform such other duties as may be assigned to the Treasurer by the Section Council from time to time.

ARTICLE VII. Meetings

Section 1. Meetings of the Section shall be held periodically, and at least annually, at such places and at such times as shall be designated by the Section Council.

Section 2. All members of the Section who are present at any duly noticed Section meeting shall constitute a quorum for the transaction of business. All binding action of the Section shall be by a majority vote of the members present.

Section 3. Meetings among council members may be conducted in person or by e-mail, telephone conference, video conference or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis. Participation in a meeting

by any of the above-mentioned means constitutes presence at the meeting.

Section 4. Any action required or permitted to be taken at a meeting of the council may be taken by written action signed personally or by electronic means, by the council members. The written action is effective when signed by the number of council members required by the Bylaws to approve the action, unless a different effective date is provided in the written action. When written action is taken by less than all council members, all council members shall be notified immediately of its text and effective date by any means of communication.

ARTICLE VIII.

Section 1. These Bylaws shall become effective upon approval by the members of the Section present at any regular meeting and after approval by or with the authority of the Assembly of the Minnesota State Bar Association.

Section 2. No action of this Section, or of any committee of the Section, shall be promulgated or publicized in any way as a Minnesota State Bar Association action without first obtaining the approval of the Assembly of the Minnesota State Bar Association or otherwise complying with the Bylaws of the Minnesota State Bar Association

The Section shall not represent the Association before the Legislature, in any court, or before any other governmental body, unless authorized to do so by the Assembly. .

The Section shall not publicly advocate in the name of the Section any recommendations to any body other than the MSBA unless it is authorized to do so by the President of the Minnesota State Bar Association in accordance with the procedures prescribed from time to time by resolutions of the Assembly.

Section 3. The membership and fiscal year of the Section shall begin on July 1 and conclude on June 30 of the following year.

ARTICLE IX. Amendments

Section 1. These Bylaws may be amended at any regular meeting of the Section by a majority of the members present, provided written notices of the proposed changes has been given to the membership, posted at least ten (10) days in advance of the meeting, together with a notice of the meeting at which such amendment is to be considered. Such amendments shall not be effective until approved by the members and by or with the authority of the Assembly of the Minnesota State Bar Association.

ADOPTED this 29th day of April, 2010