

**STATE BAR OF ARIZONA  
INDIAN LAW SECTION  
BYLAWS**

**ARTICLE I: IDENTIFICATION**

**1.1 NAME.** This Section shall be known as the “Indian Law Section,” and shall be hereinafter designated simply as the “Section.”

**1.2 PURPOSE.** The general purposes of the Section shall be to promote the objectives of the State Bar of Arizona (State Bar) among practitioners working within the field of tribal, state, and federal Indian Law. To that end, it shall be the purpose of the Section:

To advance the understanding, study, adoption, application, interpretation, and improvement of the federal laws, tribal laws and, to the extent applicable, state laws, rules, and regulations which pertain to Indians, to Indian tribes, or to Indian country, and to their administration and enforcement; to understand and improve the relationships of these bodies of law and judicial and administrative systems, and to encourage and support mutual respect for, and understanding of, the cultures, values, customs, and heritages which underlie them. Furthermore, the Section will encourage the education of the general public, both Indian and non-Indian, with respect to the application of laws and legal procedures of particular relevance to the Indian communities and governments thereof.

**1.3 LIMITATIONS.** These bylaws have been adopted subject to the Rules of the Supreme Court and bylaws of the State Bar.

**ARTICLE II: MEMBERSHIP**

**2.1 ENROLLMENT.** The Section is authorized to enroll persons who are members of the State Bar and persons who are not members of the State Bar.

(i) Any member in good standing of the State Bar shall, upon request to the Executive Director of the State Bar, be enrolled as a member of the Section by the payment of annual section dues. Such members may vote in all matters requiring a vote.

(ii) Constituent non-voting members Non-members of the State Bar who have a professional interest in the purpose of this Section (including without limitation members of the Federal Bar and other State Bars, tribal judges, advocates and representatives, State and Federal elected officials, representatives of governmental and private agencies and organizations dealing with Indian matters, and law students) may be admitted to membership in this Section, upon payment of dues as the Council from time to time adopts and the Board of Governors of the State Bar approves. Such members may vote on all matters except the election of officers pursuant to Article VII; and such members may not serve as officers.

**2.2 THE MEMBERSHIP.** Members so enrolled and whose dues are paid pursuant to the provisions of this article shall constitute the membership of the Section.

**2.3 DUES.** Dues for membership in the Section shall be in an amount set by the Section and approved by the Board of Governors, payable upon enrollment and thereafter annually in advance each year, at the beginning of the State Bar's fiscal year succeeding such enrollment.

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

### **ARTICLE III: OFFICERS**

**3.1 OFFICERS.** The officers of the Section shall be the Chairperson, the Chairperson-Elect, the Secretary, and the Budget Officer. One officer may simultaneously hold both the office of Secretary and Budget Officer. Persons elected to members-at-large of the Council shall not substitute for nor simultaneously serve as elected officers.

**3.2 CHAIRPERSON.** The Chairperson, or successively, the Chairperson-Elect and the Secretary, in the absence of the Chairperson, shall preside at all meetings of the Section and of the Council. The Chairperson shall appoint the chairperson and members of all committees of the Section who are to hold office during his/her term as Chairperson. The Chairperson shall plan and superintend the program of the Section during his/her term, subject to the directions and approval of the Council. The Chairperson shall superintend the performance of all activities of the Section. The Chairperson shall keep the Council duly informed and carry out its decisions. The Chairperson shall perform such other duties and acts as usually pertain to his/her office or as may be designated by the Council.

**3.3 CHAIRPERSON-ELECT.** The Chairperson-Elect shall, in consultation with the Chairperson, arrange for the appointment of the chairpersons and members of all committees who are to hold office during the Chairperson-Elect's coming term as Chairperson. The Chairperson-Elect shall, in consultation with the Chairperson, plan the program of the Section at the annual meeting of the State Bar, subject to the direction and approval of the Executive Council. The Chairperson-Elect shall aid the Chairperson in the performance of Chairperson's responsibilities in such manner and to such extent as the Chairperson may request. The Chairperson-Elect shall preside at any Section or committee meeting at which the Chairperson is not present. The Chairperson-Elect shall perform such further duties and have such further powers as usually pertain to the office as may be designated by the Council or the Chairperson. In case of the death, resignation, or disability of the Chairperson, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or disability, as the case may be.

**3.4 SECRETARY.** The Secretary shall consult with and assist all the officers of the Sections as to the work of the Section generally in the manner and to the extent they may

request. The Secretary shall be the liaison between the Section and the State Bar staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the State Bar. The Secretary shall be responsible for taking minutes of all meetings of the Section and of the Council, whether assembled or acting under submission, and distribution of the minutes according to the direction of the Chairperson. The Secretary, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section.

**3.5 BUDGET OFFICER.** The Budget Officer shall keep an accurate record of all monies appropriated to the Section by the Board of Governors and expended by the State Bar for the purposes of the Section. The Budget Officer shall monitor all accounts, reports, and other documents prepared as to the Section funds, revenues, and expenditures, and seek to make certain that all such accounts, reports, and other documents are at all times, accurate and correct. The Budget Officer shall report on the Section's present and projected financial condition at each meeting of the Section Council. The Budget Officer shall advise the officers and Council as to the financial impact of any proposed action by the officers, Council or Section which, in his/her judgement, would have a significant impact on the financial condition of the Section. At least once each year, the Budget Officer shall prepare a projected budget to the Council for approval or modification at the time of the annual meeting, or such other time as may be expressly fixed by the Council. The Budget Officer shall submit to the Section, at the annual meeting, a report on the Section's financial affairs and financial condition. The Budget Officer shall prepare such other recommendations and special reports on financial affairs of the Section as may be requested by the Chairperson of the Section.

#### **ARTICLE IV: THE COUNCIL**

**4.1 POWERS.** The Council shall be vested with the powers and duties necessary for the administration of the affairs of the Section. The policy of the Council shall be consistent with the policies set by the Board of Governors. It shall especially authorize all commitments which entail the payment of money, and shall authorize the expenditure of all monies appropriated by the State Bar for the use or benefit of the Section. It shall not, however, authorize commitments which entail the payment of more money during any fiscal year than a sum equal to the Section's current account balance and any carry-over account balance, less \$1000.00. No action of any Section committee shall be effective until approved by the Council or by the Section.

**4.2 COMPOSITION.** The Council shall be composed of the following persons:

- i. the officers;
- ii. the last Immediate Past Chairperson;
- iii. no fewer than three (3) members-at-large, and no more than five, elected to the Council by the Section membership for a three-year term; and
- iv. one member elected from the Young Lawyers Division to the Council by the Section membership to serve a one year term.

**4.3 CONTROLLING VOTE.** Action of the Council shall be by majority vote of those members present. A quorum consisting of a majority of the Council members shall be required to conduct its business.

**4.4 MEETINGS.** The Council shall hold meetings at such time, date, and location as the Chairperson announces provided that the Council should be given at least 5 business days notice before any meeting. The Chairperson may, and upon request of three (3) members of the Council shall, call special meetings of the membership between annual meetings. Members may attend, where feasible, by electronic communication.

**4.5 ABSENTEEISM.** If any officer or member of the Executive Council shall fail to attend three successive meetings of the Executive Council, the Executive Council shall vote at the third meeting as to whether the officer or member shall be removed from office and the Council. Unless the absences are excused upon good cause, accepted by the majority vote of the voting members present, in person or by written proxy of the remaining members of the Executive Council, the officer or member shall be removed immediately.

**4.6 POLL OF COUNCIL.** In urgent matters requiring immediate attention, the Chairperson may, and upon request of three (3) members of the Council shall, submit in writing to each of the members of the Council, a proposition upon which the Council may be authorized to act, and the members of the Council may vote upon the proposition either by written ballot, facsimile, electronic mail or telephone vote, confirmed in writing, to the Secretary, who shall record the proposition and votes in the matter.

**4.7 COUNCIL AUTHORITY.** Between meetings of the Section, the Council shall have full power to do and perform all acts and functions which the Section itself might perform. Any such action taken by the Council shall be reported to the Section at its next meeting.

**4.8 NO COMPENSATION.** No salary or compensation for services shall be paid to or by any officer, member of the Council, or member of any committee, except as may be specifically authorized by the Board of Governors. This provision is not intended to include reimbursement for authorized expenses or end of term gifts of appreciation for participation

**4.9 REFERENDUM.** The Council may direct that a matter be submitted to the members of the Section for vote by mail, electronic mail, facsimile or telephone, confirmed in writing. In such event, binding action of the Section shall be a majority of the votes received in accordance with rules fixed by the Council and as conducted and certified by the Secretary.

## **ARTICLE V: COMMITTEES**

**5.1 COMMITTEES.** The Council of the Section is authorized to establish, or to empower the Chairperson of the Section to establish, such committees as it may deem necessary and desirable to promote effectively the activities of the Section within the

jurisdiction of the Section and with the approval of the Board of Governors. In establishing a new committee, the Council shall state the area of its proposed activities.

**5.2 COMMITTEE CHAIRPERSONS.** The Chair shall announce the membership and the chair of each committee of the Section established pursuant to these Bylaws

## **ARTICLE VI: MEETINGS OF THE MEMBERSHIP**

**6.1 ANNUAL MEETING.** The Section shall hold an annual meeting of members in conjunction with the annual meeting of the State Bar. The Section may hold other meetings of members throughout the year.

**6.2. QUORUM.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business. Members may attend, where feasible, by electronic communication.

**6.3 CONTROLLING VOTE.** Action of the Section shall be by majority vote of members present.

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

**6.5 AGENDA.** Among the matters of business to be transacted at the annual meeting of the membership shall be the election of officers and Council members. The agenda shall consist of other matters as decided by the Chairperson or Council. Section members may submit topics for the agenda 15 days in advance of a meeting of the general membership.

**6.6 ABSENTEE VOTING.** The Council may direct that a matter be submitted to the members of the Section for vote by mail, electronic mail, facsimile, telephone or other absentee voting method. In the event, binding action of the Section shall be by a majority of the votes received from members in accordance with rules fixed by the Council.

## **VII: ELECTIONS**

**7.1 ELECTIVE OFFICERS.** At each annual meeting of the Section, the membership shall install:

- i. a Chairperson-Elect to serve a term of one (1) year;
- ii. a third of the total number of members-at-large of the Council and representative from the Young Lawyers Division to serve a term of three (3) years;
- iii. a Secretary and a Budget officer for a one-year term (1); and
- iv. officers or Council members to fill vacancies in any office or upon the Council as provided in Article VIII.

**7.2 CHAIRPERSON.** The Chairperson-Elect shall automatically succeed to the office of Chairperson. The Chairperson shall serve a term of one year and may not again accede to that office. In the event the office of the Chairperson-Elect shall be vacant, then a Chairperson shall be selected in the manner set forth in Section 7.4.

**7.3 ELIGIBILITY FOR OFFICE.** Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of election shall be eligible for office.

**7.4 NOMINATIONS.** The Section's procedures for selection of officers and Council members shall be as follows:

(i) At any time not later than January 31 of each year, the Chairperson, after consultation with the Council, shall appoint a Nominating Committee of three (3) members of the Section who are not candidates for office, at least one (1) of whom shall not be either a present or former officer or Council member of the Section. The Chairperson shall promptly thereafter announce the names and addresses of the members of the Committee in a publication of the State Bar or by other publication to the Section members.

(ii) The Nominating Committee shall make and report one nomination for each position which is to be filled by elections as provided elsewhere in these Bylaws. The report shall identify each nominee and shall include a brief statement of his/her activities in the Section and in the law profession generally. The Committee shall submit its report to the Chairperson of the Section within enough time to allow him/her to have it published in a publication by the State Bar to the Section members or by other publication to the Section members not later than ninety (90) days prior to the opening Assembly of the Annual Meeting.

(iii) One or more additional nominations may be made for any office only by petition signed by not less than three (3) members of the Section. The petition must state that the member nominated has agreed to the nomination. The completed petition must be received by the Chairperson of the Section no later than sixty (60) days prior to the opening Assembly of the Annual Meeting. Any nomination made by petition shall be the term members-at-large refers to those elected Council members who are neither officers nor ex-officio member made known immediately to the Nomination Committee, the other candidates, the Council, and the Executive Director of the State Bar.

(iv) The Executive Director shall publish, preceding the Annual Meeting, in the Arizona Attorney or other publication reaching all members of the particular section, a notice of all contested section elections.

(v) Nominations for officers or members-at-large of the Council made from the floor during the Annual Meeting shall not be allowed, except where no nominee exists for any such vacant position. Where more than one person is nominated for the same vacant position under this provision, election shall be by a plurality of the votes cast.

**7.5 VOTING.** The Section's procedures for voting in the election of its officers and Council members shall be as follows:

(i) In the event of the nomination of more than one person for any of the positions to be filled by election at the Annual Meeting, ballots in such form as may be

approved by the Section Council shall be placed in the United States mail no later than thirty (30) days prior to the opening Assembly of the Annual Meeting, addressed to all members of the Section as shown on the latest roster of Section membership. Members enrolled in the Section after the ballots have been mailed are not eligible to vote. Such mail ballot shall be accompanied by a brief biographical statement of each person nominated to an office for which more than one name had been placed in nomination, together with an envelope addressed to the Secretary of the Section, duly identified on the outside to show that it contains a member's ballot.

(ii) The Section Council shall prescribe the method of return and safekeeping of these ballots which shall insure the receipt of all valid votes by the Secretary of the Section no later than seven (7) days prior to the opening Assembly of the Annual Meeting. The ballots shall be opened and counted at the Annual Meeting by the Secretary of the Section in the presence of the Chairperson and a quorum of the Council. Election to office or member-at-large shall be by a plurality of the votes cast by mail.

(iii) In the event that only one person is nominated for each position to be filled, ballots need not be mailed pursuant to subsection (i). Instead, election shall be by voice vote and held at the Annual Meeting.

**7.6 TERMS OF OFFICE.** The term of office shall begin with the adjournment of the annual meeting following the election and shall end following the annual meeting at which a successor has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor shall have been elected.

## **ARTICLE VIII: SUCCESSION OF OFFICERS AND VACANCIES**

**8.1 CHAIRPERSON-ELECT.** The Chairperson-Elect, unless he/she shall have refused to act as Chairperson-Elect or been disqualified, automatically assumes the office of the Chairperson for a term of one year at the end of the annual meeting following her/his election.

**8.2 OFFICERS AND COUNCIL.** Between annual meetings of the Section, the Council may fill vacancies in its own membership, or in the offices of Secretary, or Budget Officer. Members of the Council and officers so elected shall serve until the next annual meeting of the Section, at which time the membership of the Section shall elect officers or Council members to fill any unexpired terms existing at the time.

**8.3 ABSENTEEISM.** If any officer or member of the Council shall fail to attend three successive meetings of the Council, his/her office may be vacated by a majority vote of the remaining voting members of the Council.

**8.4 RETIRING CHAIRPERSON.** At the end of his/her term of office the retiring Chairperson shall become a member of the Council for a term of one year.

**8.5 SUCCESSION.** No Council member-at-large may serve more than two successive terms as a member-at-large. No Council member-at-large may be nominated to succeed to any office of the Council during the first two years of such member's term.

#### **ARTICLE IX: REPRESENTATION OF STATE BAR'S POSITION**

9.1 Any action by the Section must be approved by the Board of Governors of the State Bar before action can be effective as the action of the State Bar. Any resolution adopted or action taken by the Section shall be reported by the Chairperson or his/her representative to the Board of Governors for action by the State Bar.

#### **ARTICLE X: AMENDMENTS**

10.1 These bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, providing such proposed amendment shall first have been approved by a majority of the Council. They shall become effective upon approval by the Board of Governors.

Revision approved September 21, 2007