



SECTION OPERATIONAL GUIDELINES

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TABLE OF CONTENTS

BRIEF HISTORY OF THE STATE BAR	1
LONG-TERM VISION, MISSION, AND CORE VALUES.....	2-3
BOARD OF GOVERNORS	
- Board of Governors Requests	4
- Board of Governors Reporting Form	5-7
- Resolutions	8
- Political Activities Policy.....	9
SECTION ADMINISTRATION	
- Overview	10-11
- Meetings and Staff Services	12-16
- Section Mission Statements.....	17-24
- State Bar of Arizona Model Section Bylaws	25-33
GOVERNMENT RELATIONS	
- Overview	34-35
- How a Bill Becomes Law	36-38
- Executive Summary of <i>Keller</i> and Related Case Law	39-40
- Summary of Chargeable Activities and “Permissible” Expenditures.....	41
- Rule Petitions, Comments and Responses.....	42
SECTION EDUCATION	
- Convention	43
- Continuing Legal Education Programs	44
- Webcasts With the CLE Department.....	45
- Prospective CLE Event Information Sheet.....	46
- Splitting the Profit for Co-Sponsored CLE Seminars.....	47
- CLE Publications.....	48
COMMUNICATIONS	
- Overview	49
- State Bar Procedure for Email Communications to Members	50-52
- Web Pages.....	53
- Arizona Attorney Magazine	54
TECHNOLOGY.....	55

BRIEF HISTORY OF THE STATE BAR

The State Bar of Arizona was created in 1933 by an act of the Legislature to serve the legal profession and the public. In 1973, after the Legislature outlined plans to reorganize the state government, the Supreme Court created an organization known as the State Bar of Arizona (now codified at Rule 31, Rules of the Supreme Court), with the advice and concurrence of the legislative leadership. From 1973 to 1984, the Bar owed an allegiance to both the Legislature and the Arizona Supreme Court. In 1984, the Legislature applied the state's "sunset" provisions to the statutes governing the State Bar, which now exists solely as an organization under the "direction and control" of the Arizona Supreme Court. All persons licensed to engage in the practice of law must be members of the State Bar of Arizona.

The Court rules outline the specific responsibilities the State Bar has toward its membership and to protect the public interest.

In 1933, the Bar had one full-time employee and several hundred members. As of 2011, the professional staff numbers more than 100. There are 28 sections and approximately 16,600 active members.

The State Bar receives no state revenues but obtains its operating funds from several sources, including annual membership fees; application fees from candidates for admission to the practice of law; seminar fees; revenues from the sale of continuing legal education publications; revenues from advertising in *Arizona Attorney Magazine* and the *Membership Directory*, and registration and exhibitors' fees from the annual convention.

LONG-TERM VISION, MISSION, AND CORE VALUES

STATE BAR OF ARIZONA Trust and Partnership A Five-Year Vision for the State Bar of Arizona May 2010

LONG-TERM VISION

The State Bar of Arizona, through its Long-Range Planning Committee, created Strategic Priorities 2010.

The effort involved an outreach to a wide range of constituents, including Bar sections and sister bar associations. Once this information was collected, it became the foundation for the five-year plan. The committee made sure to coordinate the plan with Justice 20/20, the five-year plan adopted by the Arizona Supreme Court.

The result, “Trust and Partnership: A Five-Year Vision for the State Bar of Arizona,” was adopted by the Board of Governors in May 2010.

- Goal 1: Competency – The State Bar of Arizona ensures that Arizona attorneys meet and maintain the highest standards of competency and technical skill.
- Goal 2: Ethics – The State Bar of Arizona ensures that Arizona attorneys exhibit the highest level of ethical conduct.
- Goal 3: Professionalism – The State Bar of Arizona provides the foundation for a supportive and collegial community of legal professionals.
- Goal 4: Administration of Justice – The State Bar of Arizona ensures that Arizona citizens have equal access to legal services of the highest quality and to a system that affords prompt and fair resolution.

MISSION STATEMENT

The State Bar of Arizona serves the public and enhances the legal profession by promoting the competency, ethics, and professionalism of its members and enhancing the administration of and access to justice.

STATE BAR OF ARIZONA
Trust and Partnership
A Five-Year Vision for the State Bar of Arizona
May 2010

CORE VALUES

There are certain key values that guide our work. These values are important in everything that we do. We use them to shape our work and ensure that our approaches are consistent with our results. We list them without reference to priority, because they are of equal value to how we live our professional and personal lives.

- **Integrity:** This value represents our commitment to truth in all of its forms and in all of our actions. It is adherence to the spirit as well as to the letter of the law. It is consistency, transparency, and accountability for what we say and what we do, as individuals, as professionals, and as an organization.
- **Service to Clients and the Public:** This value represents our commitment to advocate the causes of others with all of our strength, as we would advocate for ourselves in the most important of personal concerns. It is embracing the responsibility to give back to society the knowledge and skills that we acquired with the help of others.
- **Diversity:** This value represents our commitment to ensuring that the legal profession and the justice system reflect the community they serve in all of its social, economic, and geographical diversity. It is seeking out members of under-represented groups to add their strength to the legal profession and to the advancement of justice in all areas of society.
- **Professionalism:** This value represents our commitment to each other and to all those we encounter to act with the highest level of sensitivity to the feelings of others. It transcends common courtesy and requires treating all persons within the sphere of our influence with dignity, respect, and unqualified civility.
- **Promoting Justice:** This value represents our commitment to ensuring at all costs that others have access to the system of justice in which we serve as officers of the court. It is living our daily lives according to the oaths of allegiance to the Constitutions of the United States and the State of Arizona under which we are privileged to practice our profession.
- **Leadership:** This value represents our commitment to use whatever influence we may acquire to advance the just causes of those whose influence is less. It is understanding at all times that our actions are observed and may be emulated, and that we are responsible for social behaviors modeled upon our own.

BOARD OF GOVERNORS

BOARD OF GOVERNORS REQUESTS

Whenever a section requests action by the Board of Governors, the requested action is to be reflected in the group's minutes as well as in a letter accompanying the minutes directed to the Board of Governors in care of Bar staff. If the vote on the requested action was not unanimous, the votes for and against it should be set forth in the minutes; and committee members are to be afforded the opportunity to state the reasons for their positions.

The Board of Governors will consider requests during its regularly scheduled monthly meetings. Strict adherence to deadlines for submission of materials is required. Items will not be placed on the Board agenda if materials are not received by the deadline. Materials must be accompanied by a completed Board of Governors Reporting Form. In addition, all proposed rule amendments and comments to proposed rules must be in Rule 28 form on pleading paper, if possible. All requests, Board of Governors Reporting Forms, and Rule 28 proposals/comments are to be prepared in final form by the sections and their members, not by State Bar staff.

Members of the Board of Governors are identified on the State Bar's website. The Board members' contact information as well as the Board meeting dates are also posted there. Please refer to www.azbar.org/aboutus/leadership.

Questions about the Board of Governors can be directed to Carrie Sherman at 602.340.7201 or carrie.sherman@staff.azbar.org.

A sample of a Board of Governors Reporting Form follows.



BOARD OF GOVERNORS

Reporting Form

NAME: _____ PHONE: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

BOARD MEETING DATE: _____

WISH TO APPEAR BEFORE THE BOARD? ____ YES ____ NO

SUBJECT: _____

BACKGROUND OF ISSUE:

ISSUE(S) (*please be specific*):

DISCUSSION/ANALYSIS:

RECOMMENDED BOARD ACTION:

VOTE OF THE COMMITTEE/SECTION (*if applicable*):

WAS A QUORUM PRESENT FOR THE VOTE? _____ YES _____ NO
VOTE WAS: _____ UNANIMOUS _____ TO _____

IF YOUR COMMITTEE OR SECTION HAS A BREAKDOWN AMONG MEMBERS OF DEFENSE/PROSECUTION OR PLAINTIFF/DEFENSE COUNSEL, OR IF ANY OTHER SPLIT EXISTS, HOW WAS THE VOTE SPLIT AMONG THOSE GROUPS?

WAS THE ISSUE VETTED TO COMMITTEE(S)/SECTION(S)/STAKEHOLDERS?
__ YES __ NO

IF SO, WHAT COMMITTEE(S)/SECTION(S)/STAKEHOLDERS?

HOW WILL THIS PROPOSAL IMPACT THE STATE BAR'S BUDGET? STATE BAR STAFF?

IS THE RECOMMENDED ACTION CONSISTENT WITH THE *KELLER** DECISION?

DOES THIS ISSUE RELATE TO (check any that apply):

- REGULATING THE PROFESSION
- IMPROVING THE QUALITY OF LEGAL SERVICES
- IMPROVING THE FUNCTIONING OF THE SYSTEM OF JUSTICE
- INCREASING THE AVAILABILITY OF LEGAL SERVICES TO THE PUBLIC
- REGULATION OF TRUST ACCOUNTS
- EDUCATION, ETHICS, COMPETENCY, AND INTEGRITY OF THE LEGAL PROFESSION

(*Note that *Keller v. State Bar of California*, 496 U.S. 1 (1990), prohibits the expenditure of mandatory bar dues on political or ideological matters unrelated to these objectives.)

WHICH GOAL/OBJECTIVE OF THE STATE BAR'S LONG-RANGE PLAN IS
ADVANCED BY THE RECOMMENDED ACTION?

IF NONE, WHY SHOULD THE BOARD OF GOVERNORS FOLLOW THE
RECOMMENDATION?

BOARD ACTION TAKEN: (Passed, Failed or Other Notes)

RESOLUTIONS

Section Endorsement of Board Candidate(s)

Sections of the State Bar of Arizona may not endorse any candidate running for election to the Board of Governors. Since section activities are supported by mandatory dues, i.e., the Bar's general fund, sections as a whole cannot publicly support candidates for election to the governing board. Individual section members, as individuals, can publicly support any candidate(s) they choose.

(Adopted by the Scope and Operations Committee on November 21, 1996.)

Statement Regarding Diversity and Inclusion

RESOLVED that the State Bar of Arizona is committed to promoting the inclusion of all its members in State Bar programs, committees, and activities, and to assuring the rights of all members within the organization without discrimination based on race, ethnicity, religion, disability, gender, sexual orientation, gender identity and expression, or geography.

FURTHER RESOLVED that the Board of Governors will periodically monitor all existing programs, committees, and activities for compliance with the goal of diversity and with assurance of the rights of all persons in every aspect of the Bar.

(Adopted by the Board of Governors of the State Bar of Arizona on March 20, 1992.

Amended April 16, 2004. Comment: technical change from "Arizona State Bar" to "State Bar of Arizona"; expands the scope of the inclusion of members.)

POLITICAL ACTIVITIES POLICY

It is the policy of the State Bar of Arizona that the Board of Governors, State Bar employees, and section, task force and committee members (hereinafter collectively referred to as “Bar Leaders”) shall not engage in political activity on behalf of the State Bar of Arizona. Political activity refers to partisan activities; campaigns; ballot referendums; elections involving primaries or partisan ballots; and any other political activity.

This policy does not prohibit or restrict the following lawful activities or uses of SBA resources:

The lawful and permitted activities of lobbying, funding, and supporting activities of a political or ideological nature that are reasonably related to the Bar’s core purposes, as outlined in the State Bar’s Bylaws at Article XIII, Sections 13.01 and 13.02, and as approved by the Board of Governors.

Bar Leaders and all others acting on the State Bar’s behalf must comply with the State Bar’s bylaws and policies, which generally prohibit the use of Bar resources to support or oppose candidates or political committees. Except for the lawful political contributions and activities described below, the SBA does not allow political campaign or partisan political activities at any SBA workplace or facility, and does not permit the use of the SBA name, logo or other resources including computers, telephones, emails, or employee work time for political campaigning, fundraising, or partisan political activities.

SBA employees and Bar Leaders have the right to participate individually in the political process, and to make voluntary contributions of their nonworking time and personal resources to support candidates and political parties of their choice. The SBA encourages employee involvement in the political process, but these activities must not in any way suggest SBA support or use SBA resources. SBA employees and Bar Leaders who choose to become candidates for a political office have the right to state that they are members in good standing with the State Bar, and may also list the ways in which they have served the Bar.

(Adopted by the Board of Governors of the State Bar of Arizona on March 19, 2010.)

SECTION ADMINISTRATION

OVERVIEW

In many ways the work and accomplishments of the State Bar are the work and accomplishments of its sections. The Bar's Board of Governors, the State Bar staff, and the sections combine efforts to fulfill our goals.

This manual has been prepared to assist the Bar's volunteer sections. This manual also reminds all section chairs of their responsibilities to their sections, to the governing body of the Bar, and to the overall membership. Each section member is expected to focus on the best interests of the Bar and the legal system, rather than on personal, constituent or client interests.

Staff

Betty Flores, Practice Resource Center Supervisor	602.340.7215
Nancy Nichols, Section Administrator	602.340.7304
Johnetta Dorsey, Section Administrator	602.340.7307
Teri Yeates, Section Administrator	602.340.7312
Wendell Chin, Administrative Services Coordinator (Tucson)	520.623.9944

Purpose of Sections

Sections of the State Bar are established upon the petition of not less than 100 members in good standing and are governed under bylaws adopted by the Board of Governors. Sections address matters of continuing and recurring concern to their membership and the State Bar. Sections are considered our internal practice area experts and may be asked to undertake specific assignments of relatively short duration. Only those sections that continue to meet the needs of their membership are established and retained.

Members pay additional dues to belong to a section, and the chairs and governing executive councils are elected in accordance with each section's bylaws. The executive council may appoint from its section's membership such subcommittees as it deems advisable to facilitate its work.

Cooperation with and respect for other sections is expected. Should conflicts appear in areas of responsibility or in purposes or goals, such conflicts should be promptly called to the attention of the Board of Governors.

Rosters, Contact Information

A complete listing of all of the sections of the State Bar of Arizona, as well as rosters of all council chairs and Board of Governors members, can be found on the State Bar's website, www.azbar.org.

Important Dates

Section members should calendar all important events and deadlines. Please refer to the State Bar's website or contact your State Bar section administrator to obtain additional information on these events.

Activity

Section reports on plans for upcoming Bar year
Board of Governors meeting agenda requests
Board of Governors meetings

Section budget proposals
Introduction of legislation
Convention seminar proposals
Convention brochure information
Convention seminar materials
State Bar Convention

Arizona Attorney Magazine submissions

Section Annual Reports

Approximate Due Date

September 30
Last Friday of each month
Third Friday of each month (check the website)

September
End of first week in September
Mid-October
Late December

Mid-February

June

Anytime for review by the Editorial Board

May 30 for June Board meeting

MEETINGS AND STAFF SERVICES

The State Bar wants its sections to be active and to study and remark on problems affecting their segment of the law or the profession. Sections are encouraged to meet on a monthly basis. Dates and locations for proposed meetings throughout the year should be scheduled with and submitted to the section administrator.

Section Meetings: Attendance, Absences, Quorums

Each section's bylaws define the criteria for membership and meeting quorum. Please refer to your section bylaws.

Attendance records must be kept by chairs or their designees. Absence from **two** consecutive meetings without an excused approval by the chair may result in removal. The chair should advise the section administrator, who will advise the Bar president of any absence for three or more meetings.

Section Meeting Location Arrangements and Notices

Your State Bar section administrator will assist with meeting arrangements, the notification process, and the distribution of agendas and minutes at your chair's request. We urge you to give staff sufficient advance notice to permit them to provide this important service in a timely manner. The State Bar strongly encourages its sections to utilize technological and electronic means to communicate and share information among members and for meeting notification.

Conference rooms are available for section use at the State Bar offices. Rooms must be reserved in advance by calling your section administrator.

Minutes

Sections **must** keep minutes of all meetings. The chair should designate a member to record and prepare the minutes for distribution. The minutes will be forwarded in final form to the State Bar section administrator within 15 days following each meeting. The minutes will be filed with the Board of Governors by the State Bar section administrator. It is requested that the minutes be provided in electronic format for ease in distribution to section and Board members.

Financial and Organizational Overview

Revenues from and expenditures by the sections will be under the general supervision of the Board of Governors, acting through the Executive Director.

Reimbursable expenses associated with a section activity should be approved by the chair and submitted to the section administrator with original receipts.

Meeting Costs; Mileage Reimbursement Policy

Reimbursable expenses incurred in conjunction with meetings include reasonable costs for refreshments and meeting rooms. Mileage may be paid to section members upon approval by the section executive council.

Budget Overview

Section budgets are due in mid-September. They must coincide with the State Bar's fiscal year, which runs from January 1 through December 31.

In July or August, the section administrator or the Bar's Accounting Department will provide you with a sample budget as well as a copy of your section's current budget showing appropriations and expenditures to date. The section chair and/or budget officer should review each line item to determine whether certain programs or activities should be continued, expanded, downscaled or eliminated.

Each section is assigned a budget code. The Accounting Department's reference may sometimes be the appropriate code instead of your section program name.

How to Prepare the Budget

Review last year's budget. Consult the immediate past chair and budget officer for guidance. Consider these questions:

- Was the previous budget sufficient?
- Did you take all previous errors and omissions into consideration?
- Have you included all anticipated special events?
- Have you factored in any anticipated increases (i.e., taxes, catering charges, and lodging)?

The following is a list of line items with expenses that typically fall into each category:

- Accommodations: breakfast, luncheon or dinner meetings; lodging and/or meals for convention speakers.
- Delivery services.
- Facilities/meeting room rental charges.
- Office supplies: name tags, audio or videotapes, banners.
- Parking: meetings, out-of-state conferences.
- Postage: monthly mailing of meeting notices, newsletters, surveys, or legislative information.
- Printing: brochures, invitations, or newsletters.
- Reproduction: copying of meeting or convention materials by section members.
- Telephone: teleconference meetings.
- Gifts/contributions: plaques for outgoing chairs, awards, or gifts to speakers. (NOTE: In the past gifts/contributions have been limited to founding chairs and/or long-term chairs upon retirement.)
- Honorariums: convention speakers or special presentations at meetings.
- Library: books, magazines.
- Professional services: language specialists, translators, etc.
- Travel - Faculty: travel expenses for convention seminar speakers.

Inquiries regarding financial policy and budget preparation in general should be directed to your section administrator. The administrators are available to assist in developing cost

estimates for particular projects and in considering the various factors involved in implementing these activities.

Sections cannot have bank accounts or funds of their own, as all transactions connected with Bar activities must be reflected in the appropriate State Bar account. All funds received by a section must be remitted to the State Bar, and all expenditures will be paid by the State Bar.

Donations

Because sections are funded by the State Bar and any moneys they receive as income are commingled with general Bar funds, all donations (including “in-kind” donations) must be approved in advance of expenditure or commitment by the Board of Governors in order to ensure consistent application of the *Keller* policy (see pp. 38-40).

Public Positions

Only the State Bar President, elected officers, and the President’s designees can speak on behalf of the State Bar of Arizona. No member of a section, in his or her capacity as such, shall express a position to the public (either in writing or verbally) or engage in any activity (including political or legislative activity) in the name of or on behalf of the section or State Bar without advance authorization by the Board of Governors. Further, no section or any member thereof (while acting in his or her capacity as such) may submit an *amicus curiae* brief in any matter without Board of Governors approval.

All section members are reminded that while serving as a member of a section’s executive council, they are to focus on the best interests of the legal system, the State Bar, and the section, rather than on personal, constituent, or client interests.

Section members are encouraged, however, to participate in activities as private citizens, but not representing the Bar unless authorized to do so by the Board of Governors. In addition, letters to the editor cannot be written on State Bar letterhead and cannot suggest that the person writing the letter is submitting it on behalf of the State Bar of Arizona.

Amicus Curiae

The decision to enter an appearance as an *amicus curiae* will be made at a regularly held meeting of the Board of Governors. When possible, the Board will solicit the positions of all parties to the matter to assist in determining whether or not to enter a case.

In the case of an emergency, the President will poll the Board and will act only on the affirmative vote of the majority of the Board. No section may submit an *amicus curiae* brief in any matter without prior Board of Governors approval.

Correspondence

When you communicate with anyone in writing regarding the business of your section, you are doing so in the name of the State Bar. To avoid any misunderstandings or possible ethical problems, the Board of Governors directs that all such correspondence must be typed on State Bar stationery and that your representative capacity must be indicated following your signature (e.g., John Q. Doe, Chair, _____ Section). Board policy also dictates that it is never appropriate to include your firm or agency’s logo/letterhead on State Bar letterhead. Supplies of Bar letterhead stationery and envelopes may be obtained from the Bar office. Copies of any

significant section materials or correspondence must be provided to the State Bar for our master files.

As previously stated, only the State Bar President, elected officers and the President's designees can speak on behalf of the State Bar of Arizona. Please contact your section administrator with any questions in this regard.

Gender-Neutral Language

In drafting articles for *Arizona Attorney Magazine*, manuals and seminar materials for Continuing Legal Education programs, and any other publications and materials for the State Bar, gender-neutral language should be used. Unless the circumstances require otherwise, gender-neutral nouns, such as "applicant," "witness," "party," "director," etc., should be used in place of masculine or feminine pronouns.

Section Reports

Two reports are to be prepared and filed with the Board of Governors each year. The first, to be submitted by **September 30**, will outline the section's plans and goals for the coming year. The second report will be submitted by **May 30 for the June Board meeting** and will summarize the activities of the current year and anticipated activities for the ensuing year.

Chair's General Duties

- Planning objectives (in consultation with the Board and staff).
- Assigning responsibilities to individual members to make sure that each member is an active, productive participant.
- Conducting meetings such that all views are aired, objectives are met, recommendations are summarized, and participation is encouraged.
- Maintaining records and information by ensuring that accurate minutes are kept, reports are prepared, and a record of work is maintained.
- Monitoring the progress of subcommittees and the work of individual members.
- Evaluating the status of activities and projects, and the participation of individual members.
- Adjusting work assignments so that individual assignments meet the interests and capabilities of each member.
- Informing the staff, the President, and the Board of the activities and progress on a given task as well as the overall objectives.

Executive Council Members' Responsibilities

Executive council members report to the chair. Members are expected to fully participate in the work of the council, provide thoughtful input to the deliberations of the group, and work toward fulfilling the section's goals. Members are expected to do the following:

- Review all relevant material before meetings, make contributions, and voice objective opinions on issues.
- Attend meetings and conduct business by telephone and/or written or email communications.

- Carry out individual assignments made by the chair and discharge their responsibilities diligently, and not delegate them to other members or staff.
- Work as part of the team to ensure that when the section proposes policies and/or develops products and services, it is done within their scope of interest.
- Promote clarity within the section on how it supports and fits within the interests of the State Bar.
- Publicly disclose any actual or perceived conflicts of interest and not vote on such matters.
- Act in good faith and in accordance with what they believe to be in the best interests of the State Bar, their section, and the legal profession as a whole, rather than on personal, client, or constituent interests.

SECTION MISSION STATEMENTS

Mission – Administrative Law – Established 1996

The general purpose of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by the name of the section. To that end, it will be the purpose of the section:

- To promote excellence in the practice of administrative law;
- To provide a forum for the discussion of issues pertaining to administrative law;
- To sponsor and encourage participation in the practice of administrative law;
- To enhance the professional image of the administrative law practitioner.

Mission – Alternative Dispute Resolution – Established 1991

Promotes the awareness and use of dispute resolution methods other than litigation (including negotiation, mediation facilitation, arbitration, “mini-trials,” use of special masters, and fact finding) among members of the State Bar, the business, professional and legal community, and the public at large.

This awareness and use will be promoted by educational activities, participation in rule-making and legislation, and other appropriate activities.

Mission – Animal Law – Established 2003

To promote the study and understanding of laws, regulations, and court decisions involving animals.

Mission – Antitrust Law – Established 1976

The purpose of this section shall be to study the laws and procedures pertaining to Antitrust Law, and to promote the fair and just administration of Antitrust Law; to study and report upon proposed and necessary or desirable legislation; to promote throughout the State of Arizona the legal education of members of the Bar and the public on the problems of Antitrust Law by sponsoring meetings, institutes, and conferences devoted to the problems of Antitrust Law, by the preparation and dissemination of pamphlets and brochures with respect thereto, and by preparing, sponsoring, and publishing legal writing in this field.

Mission – Appellate Practice – Established 1995

The purpose of the section shall be to promote the highest level of appellate advocacy and to foster a fair and efficient appeal process. To these ends, the section will:

- provide a forum for appellate practitioners and judges to meet and exchange ideas and concerns;
- recommend and support ways to improve the appellate process;
- review existing and proposed rules affecting appellate practice;

- sponsor CLE programs relating to appellate practice and appellate advocacy;
- conduct discussion groups regarding various aspects of the appeals process;
- disseminate information to the Bar and to the public about the appeals process;
- cultivate candidates for the appellate bench;
- work with the Board of Legal Specialization and any Advisory Commission of the State Bar to develop guidelines for specialization as an Appellate Advocate.

Mission – Bankruptcy – Established 1976

The general purposes of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by the name of this section. To that end, it shall be the purposes of this section: To promote the objectives of the State Bar in the fields of bankruptcy, insolvency laws, debtors’ rights, creditors’ rights and related fields, including, without limitation, organizational activities, educational activities, promotional activities, and review of and comment on pending and existing legislation, rules, and procedures.

Mission – Business Law – Established 1966

The purpose of this section shall be to promote the objectives of the State Bar of Arizona within the area of business law, and, to that end, to further the development of that field of the law and all its branches to cooperate in obtaining uniformity with respect to both legislation and administration in all matters within this field; to simplify and improve the application of justice in this field; to promote throughout the State of Arizona the legal education of members of the Bar and the public on new developments and problems within this field by sponsoring meetings, institutes, and conferences, the preparation, sponsorship, and publication of legal writing in this field; and otherwise further the interests of the State Bar of Arizona and the legal profession as a whole in any and all ways relating to this field of the law, all in conformity with the bylaws of the State Bar of Arizona as in effect from time to time.

Mission – Construction Law – Established 1988

- To provide an opportunity for attorneys representing owners, architects/engineers, contractors, subcontractors, and suppliers to discuss construction problems in both the private and public sectors.
- To serve as a vehicle for attorneys involved with the construction industry to become better informed about developments in construction law.
- To sponsor programs for improving related legal services.
- To foster communication among members of the construction bar and the construction industry.

Mission – Criminal Justice – Established 1979

The general purpose of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular fields designated by the name of this section. To that end, it shall be the purpose of this section:

- To promote the professional competence of attorneys who practice in the Criminal Justice system.
- To promote public understanding of the Criminal Justice system.
- To provide information on the Criminal Justice system.
- To promote just and swift operation of the Criminal Justice system.

Mission – E-Commerce and Technology Law – Established 2000

The E-Section is dedicated to promoting and advancing the understanding and practice of Internet, information technology, and e-business law in Arizona. The E-Section accomplishes this goal by sponsoring continuing legal education seminars as well as providing an online forum dedicated to the open exchange of information. Membership in the E-Section is not restricted to members of the State Bar of Arizona; lawyers from other jurisdictions and non-lawyers alike should feel free to attend the E-Section's seminars and events.

Mission – Elder Law and Mental Health – Established 1991

The purpose of this section shall be to consider all matters of legal interest relating to the various subjects covered by the section, including but not limited to the following:

- To provide a forum for section members to exchange information and ideas about mental health and elder law, related areas of law, and the delivery of services;
- To review mental health and elder law and related issues, and to propose, promote, and monitor legislation enabling the development of improved services;
- To provide education and support services about the practice of mental health and elder law to members of the Bar, to mental health and elder law professionals, and to the public.

Mission – Employment and Labor Law – Established 1976

The Employment and Labor Law Section of the State Bar of Arizona was created for the purpose of enhancing the quality of practice in the area of labor and employment law so as to substantively, procedurally, and ethically provide representation to clients while providing a personally and professionally satisfying experience for practitioners in this area of law. Its focus covers the complex fields of employment, discrimination, employee relations, and traditional labor law.

Mission – Environment and Natural Resources Law – Established 1985

Provides for the collection and dissemination of knowledge pertaining to the practice of environmental and natural resources law. This shall be accomplished by, among other methods, holding periodic meetings, conferences and seminars; publishing newsletters, papers, and pamphlets; and furnishing speakers to other interested professional groups. While the section may act as a neutral forum, it shall not take a position on political, legislative or adjudicative issues.

Mission – Family Law – Established 1978

Our mission is to promote education and professionalism among family law attorneys, to provide input to the State Bar Board of Governors regarding rules of practice and laws that affect family law, and to improve the public image of family law attorneys.

Mission – Immigration Law – Established 1980

To foster awareness and appreciation of the area of immigration and nationality law; to study immigration and nationality law; to promote recognition of immigration and nationality law as a specialized area of practice; to promote throughout the State of Arizona the legal education of members of the Bar and the public on immigration and nationality problems and issues; to foster through education a greater understanding and appreciation by the Bar and the public of the contributions made by immigrants to the State; to sponsor, prepare or assist the publication of legal writing in this field; and to otherwise further the interests of the State Bar of Arizona and the legal profession as a whole in all ways related to immigration and nationality law.

Mission – Indian Law – Established 1991

The general purposes of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by the name of the section. 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.

Mission – Intellectual Property Law – Established 1984

To maintain a high standard of professional ethics in the practice of the profession of patent and associated fields of law; to aid in the development of the patent, trademark, and

copyright laws, the administration thereof, and the procedures in connection therewith by the Patent Office, the courts, or other offices or tribunals charged therewith; to take action concerning amendments to the patent, trademark, and copyright laws and the Rules of Practice of the Patent Office and other offices or tribunals charged with the administration of such laws; to protect the administration of such laws against practices and practitioners tending to impose upon the public or otherwise to bring the patent, trademark or copyright systems into disrepute; to provide a medium by which relations and exchanges of viewpoint may be had with persons and organizations having related interests in the fields of patents, trademarks, and copyrights and with the public at large; and to promote social intercourse among its members.

Mission – International Law – Established 1978

The purposes of this section shall be to further the development of the fields of private and public international law; to study the impact of the laws of foreign countries and the United States of America and its individual states on the fields of private and public international law; to promote throughout the State of Arizona the education of members of the State Bar and the public on new developments and problems within the fields of private and public international law by sponsoring meetings, institutes, and conferences; and by preparing, sponsoring and publishing legal writings.

Mission – Juvenile Law – Established 1990

The mission of this section is:

- (a) To promote excellence in the practice of juvenile law;
- (b) To be the voice of the juvenile law practitioner within the State Bar of Arizona;
- (c) To provide a forum for the discussion of issues pertaining to juveniles;
- (d) To sponsor and encourage education, participation and specialization in the practice of juvenile law;
- (e) To enhance the professional image of the juvenile law practitioner;
- (f) To cooperate with other sections of the State Bar of Arizona in matters concerning juveniles; and
- (g) To sponsor, promote and participate in legislative and rule-making matters concerning juveniles.

Mission – Probate and Trust – Established 1966

The purposes of the section shall be to consider all matters of legal interest relating to the various subjects covered by the section, as follows:

The law with respect to wills, the administration of estates, estate and tax planning, probate court jurisdiction, the advisability of specific probate statutes or rules, other matters of interest in the field of probate law, the law with respect to trusts in all of its various aspects, including the creation of trust estates, trustees and their powers and duties, trust companies and their relationships to trustors, beneficiaries, and the public, the investment, control, and protection of trust funds, the function of the various forms

of trusts created; consideration of legislation with respect to trusts, and other matters of general interest in the field of trust law; the law with respect to guardianships and conservatorships, consideration of legislation pertaining to guardianships and conservatorships, the law with respect to powers of attorney and living wills and the consideration of legislation pertaining to powers of attorney or living wills.

In addition to those purposes specifically set forth above, the section shall promote throughout the State of Arizona the legal education of the members of the Bar and the public on the subject of probate, trust law and related topics through the sponsorship of meetings, seminars and conferences devoted to those subjects and by the preparation and dissemination of pamphlets and brochures with respect thereto and by preparing and sponsoring the publication of legal writings in this field.

Mission – Public Lawyers – Established 1987

The purpose of the section shall be:

- To stimulate the interest of public lawyers of the State Bar of Arizona in the activities, objectives, and purposes of the State Bar of Arizona.
- To encourage study and the interchange of thoughts and materials pertaining to the problems, duties, and responsibilities of members of the legal profession practicing in the public sector.
- To provide public lawyers with a more effective means to participate in activities directed toward improving the administration of justice and promoting issues of importance to public lawyers.
- To promote cooperation and fellowship among public lawyers and to correlate the activities of public lawyers in the State Bar of Arizona.
- To assist law students and new members of the Bar in preparing for and establishing themselves in the practice of law as public lawyers.
- To perform and carry on such activities as may be assigned to the section by the Board of Governors of the State Bar of Arizona.

Mission – Real Property – Established 1966

The Real Property Section considers all matters of legal significance related to interest in real property, title thereto, and transactions therein. The section participates in and comments on improvements and reforms in real property and related legislation and regulation, title and recording practices and standards, and other matters of interest to attorneys involved in real estate matters in Arizona.

Mission – Securities Regulations – Established 1984

The general purpose of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by this section. To that end, the purposes of this section shall be: to promote the objectives of the State Bar within the areas of federal and state securities law, rules and regulations, and, to that end, to further the development of that field of the law and all its branches; to cooperate in obtaining uniformity with respect to

both legislative and administration of all matters within this field; to review, study, report, and comment on pending and existing legislation, rules, regulations and procedures; to simplify and improve the application of justice in this field; to promote throughout the State of Arizona the legal education of members of the Bar and the public on new developments and problems within this field by sponsoring meetings, institutes, seminars, and conferences; the preparation, sponsorship, publication, and dissemination of legal writing in this field; and otherwise to further the interests of the State Bar and the legal profession as a whole in any and all ways relating to this field of the law, all in conformity with the bylaws of the State Bar as in effect from time to time.

Mission – Sole Practitioner and Small Firm – Established 1989

The general purpose of this section shall be the promotion of the objectives of the State Bar of Arizona within the practice of law by Sole Practitioners and members of small firms. To that end, it shall be the purposes of this section to educate, assist, counsel, advance, and promote those attorneys of the State Bar of Arizona who choose to practice law singly and solely by themselves or in small firms. A small firm is considered to be a law firm that does not have more than three attorneys.

Mission – Tax Law – Established 1977

The purpose of the section shall be to promote the objectives of the State Bar of Arizona within the field of taxation, promote and maintain an active section membership, and provide leadership in the practice of tax law by:

- Improving the education of tax attorneys and other tax professionals in the laws of taxation;
- Facilitating the development of professional relationships among tax attorneys and other tax professionals;
- Communicating and encouraging intellectual discussion about recent developments and current issues affecting tax attorneys and other tax professionals; and
- Undertaking such other services as may benefit section members.

Mission – Trial Practice and Procedure – Established 1979

The purpose of the Section on Trial Practice and Procedure of the State Bar of Arizona shall be to promote the administration of justice by improving the caliber of trial practice and procedure in the courts of Arizona and to afford the members of the Bar the opportunity to increase their knowledge and improve their skills as trial practitioners, and thereby further the interests of the State Bar of Arizona, the legal profession as a whole, and the citizens of Arizona.

Mission – Workers' Compensation – 1986

The general purposes of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by the name of this section. To that end, it shall be the purposes of this section: To promote excellence among the Workers' Compensation Bar of the State of Arizona by use of continuing education, dissemination of information, collecting of opinions, and such other means as may be appropriate, for the purpose of educating the Bar, lawmakers, and the public.

Mission – World Peace Through Law – Established 1989

The World Peace Through Law Section of the State Bar of Arizona ("section") was formed in 1989 to encourage world peace and justice through respect for international law. To this end, the section:

- Facilitates debate among the legal profession on issues of world peace;
- Organizes presentations on various topics relating to world peace through law to members of the public and other attorneys (section members make these presentations);
- Presents lectures and workshops at various times on "world peace through law" topics (guest lecturers from government, academia, business, or law may make the presentations);
- Presents continuing legal education programs and sponsors delegations for members of the State Bar on topics related to world peace and justice through law; and
- Informs the Board of Governors on matters which may be appropriate for Board action.

Representative "topics" of interest to the section include: the United Nations; the World Court; Global Security; the Law of War; Combating Terrorism; War Crimes and an International Criminal Court; United States Policies, Political, and Economic Relations with Other Countries; International Conventions (e.g., Elimination of Discrimination Against Women, Protecting the Environment, Covenant on Civil and Political Rights); and Areas of Armed Conflict or Terrorism (e.g., the Middle East, Palestine and Israel, Bosnia-Herzegovina, Africa, Northern Ireland, Latin America, and Asia).

STATE BAR OF ARIZONA MODEL SECTION BYLAWS

ARTICLE I: IDENTIFICATION

1.1 NAME: This section shall be known as “The Section of _____”, and shall hereinafter be designated simply as the “section.”

1.2 PURPOSE: The general purposes of the section shall be the promotion of the objectives of the State Bar of Arizona within the particular field designated by the name of the section. To that end, it shall be the purpose of the section:

(Either numerical list or compound sentence containing statement of purpose.)

COMMENTS: Although the purposes of the section should be broadly stated, they should be sufficiently limiting so that the section and standing committee jurisdictions overlap as little as possible. From time to time, a section may wish to consider whether there has been a shift in its activities and objectives that would warrant a jurisdictional restatement.

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 SECTION MEMBER ENROLLMENT: Any member of the State Bar in good standing shall, upon request and payment of annual section dues, be enrolled as a member of the section.

COMMENTS: The State Bar’s bylaws require that section members be members of the State Bar. This provision in section bylaws makes it clear that there is no other requirement for enrolling as a section member.

2.2 THE MEMBERSHIP: Members so enrolled and whose dues are paid pursuant to the provisions of these articles shall constitute the membership of the section.

2.3 SECTION AFFILIATES: It is the policy of the State Bar of Arizona that non-SBA members be eligible to join State Bar sections as section affiliates upon application to the State Bar and payment of the dues. Such individuals will be entitled to the same section benefits as SBA members except that such non-SBA members may not vote, hold elected office, or be counted in determining the presence of a quorum. Section affiliates shall not advertise or hold themselves out as members of the State Bar of Arizona, nor shall they use or knowingly permit the use of their non-voting status in any directory or law list for the purpose of soliciting or obtaining business or financial advantage. In any advertisements or professional listings, non-SBA members must describe their association with the State Bar (if they reference it at all) as affiliates of a particular section, and must include the phrase “not licensed to practice law in Arizona”. Section affiliates who advertise themselves as members of the State Bar of Arizona will be immediately removed from their section.

COMMENTS: The State Bar’s bylaws require that section members be members of the State Bar. This provision makes it clear that non-SBA members are allowed to join as section affiliates where appropriate without causing confusion. The policy now calls non-SBA members who belong to sections “section affiliates,” **not** members. This provision also ensures that Arizona attorneys are the officers of those sections with non-voting members. This is important for many reasons, among them that they are voting about issues that may go to the Board of Governors.

2.4 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 period.

COMMENTS: If the section’s bylaws provide for a dollar amount of dues, the section must turn to its membership in order to raise dues; and this can only be done at an annual meeting. The section must then await approval of the Board of Governors. If the terminology suggested here is used, the executive council, which is in the best position to assess the section’s financial status, may increase dues if it believes an increase is necessary or desirable. The reason for requiring Board approval of a section dues change is to ensure that the State Bar’s records reflect the correct dues amount and to permit the Board to counsel against making such a change if other sections have found such action to be ill-advised. All dues shall be handled by the State Bar Accounting Department.

2.5 DELINQUENCY: Any member of the section whose annual dues shall be more than three months past due shall cease to be a member of the section.

ARTICLE III: COMMITTEES

3.1 COMMITTEES: The executive 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 effectively promote the activities of the section within its jurisdiction and with the approval of the Board of Governors. In establishing a new committee, the council shall identify the area of its proposed activities.

COMMENTS: The bylaws of some sections list the section’s standing and special committees. However, the inclusion of these committees in the bylaws necessitates a bylaw amendment each time a committee is created, terminated, or in some way changed. It is therefore suggested that section bylaws not list the special and standing committees of the section, thereby enabling the section to alter the number and structure of its committees without involving the Board. It should be the goal of the section to avoid overlapping with other sections of the State Bar.

3.2 CHAIRPERSONS: The chair shall announce the membership and the chair of each committee of the section for the following section year no later than the business meeting held during the section’s annual meeting.

COMMENTS: This provision may not be necessary. However, the bylaws must contain a provision emphasizing that committee appointments are to be completed and publicized at the start of the State Bar year.

ARTICLE IV: MEETINGS OF THE MEMBERSHIP

4.1 ANNUAL MEETING: The section shall hold an annual meeting of members in conjunction with the annual meeting of the State Bar. The section should hold other meetings of members throughout the year.

4.2 QUORUM: The members of the section present at any meeting shall constitute a quorum for the transaction of business.

COMMENTS: This provision permits a handful of members to transact a section's business. If there were a specific quorum requirement, it is possible that a quorum would seldom be present and no business could be transacted. In some sections, the business is routine; and very few members attend. Provided that proper notice of the meeting is given with an indication of the business expected to be transacted, there appears to be no reason to require a numerical quorum.

4.3 CONTROLLING VOTE: Action of the section shall be by majority vote of members present.

COMMENTS: Parliamentarians generally agree that a majority vote is the appropriate requirement for approval of an action by a deliberative assembly.

4.4 VOTING ELIGIBILITY: Any member of the State Bar and the section whose good standing for 30 days prior to the time of voting can be certified by official State Bar records shall be eligible to vote.

4.5 AGENDA: Among the business to be transacted at the annual meeting of the membership shall be the election of officers and executive council members. The agenda shall include other matters as determined by the chair or executive council.

COMMENTS: All section officers are elected by the members of the section at its annual meeting. The procedures for section elections are set forth in Article VII. Language could be included clarifying that any member can submit agenda items to the chair at least 15 days prior to the publication of the agenda to the membership.

The provision assigning to the chair or executive council the responsibility of determining the agenda may seem restrictive since it does not permit a section member to include a matter of legitimate concern on the agenda. If a section member wishes to have a matter included on the agenda, the request may be channeled through the chair. The executive council may overrule the chair's decision if the chair's wishes do not coincide with those of the members.

4.6 VOTING: The executive council may direct that a matter be submitted to the section membership for vote by mail, email, facsimile transmission, or telephone. In such event,

binding action of the section shall be by a majority of the votes received from members in accordance with rules fixed by the executive council.

ARTICLE V: OFFICERS

5.1 OFFICERS: The officers of the section shall be the chair, the vice-chair, the secretary, and the budget officer.

5.2 CHAIR: The chair, or successively the vice-chair, in the absence of the chair, shall preside at all meetings of the section and the executive council. The chair shall appoint the chairs and members of all committees of the section who will hold office during his/her term as section chair. During the chair's term, the chair shall plan and superintend the program of the section, subject to the direction and approval of the executive council, oversee the performance of all activities of the section; keep the executive council duly informed and carry out its decisions; and perform such other duties and acts as are typically the responsibility of the chair, or as may be designated by the council.

COMMENTS: These are the duties which are usually delegated to the chair of a section.

5.3 VICE-CHAIR or CHAIR-ELECT: The vice-chair shall, on consultation with the chair, arrange for the appointment of the chairs and members of all committees who will hold office during his/her term as vice-chair. The vice-chair shall aid the chair in the performance of the chair's responsibilities in such manner and to such extent as the chair may request. The vice-chair shall perform such other duties and have such further powers as usually pertain to the vice-chair's office or as may be designated by the executive council or the chair. In case of the death, resignation, or disability of the chair, the vice-chair shall perform the duties of the chair for the remainder of the chair's term or disability, as the case may be.

5.4 SECRETARY: The secretary shall consult with and assist the section's other officers in the work of the section generally to the extent they may request. The secretary shall keep a true record of the proceedings of all meetings of the section and the executive council, whether assembled or acting under submission. The secretary shall provide the State Bar staff with a copy of the minutes of all meetings. The secretary, in conjunction with the chair and as authorized by the executive council, shall attend generally to the business of the section.

5.5 BUDGET OFFICER: The Accounting Department of the State Bar shall keep an accurate record of all monies appropriated to the section and expended by the State Bar for the purposes of the section. The budget officer receives reports and other documents prepared by the State Bar Accounting Department as to the section's funds, revenues, and expenditures, and works with State Bar staff and the Accounting Department to ensure the accuracy of the reports. The budget officer reports on the section's present and projected financial condition at each meeting of the section's executive council. State Bar staff and the budget officer advise the officers and executive council as to the financial impact of any proposed action by the officers, executive council, or section.

ARTICLE VI: THE EXECUTIVE COUNCIL

6.1 POWERS: The executive council shall be vested with the powers and duties necessary to administer the affairs of the section. The policies of the executive council shall be consistent with the policies set by the Board of Governors, and shall especially authorize all commitments which entail the payment of money and 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 the amount appropriated to the section for the fiscal year. No action of any section committee shall be effective until approved by the executive council or by the section.

6.2 COMPOSITION: The executive council shall be composed of the following persons:

- (i) the officers;
- (ii) a legislative liaison (any member may hold this position)
- (iii) the most recent retiring chairperson;
- (iv) _____ members-at-large elected to the executive council by the section membership for three-year terms (at any one time, one-third of these members shall be serving the first year of their terms, one-third shall be serving the second year, and one-third shall be serving the third year);
- (v) (option A):
a representative appointed by the Young Lawyers Division from among its members, who shall serve for a one-year term; or

(option B):

a member elected to the executive council by the section membership to represent the members of the Young Lawyers Section.

6.3 CONTROLLING VOTE: A quorum consisting of a majority of the executive council members shall be required to conduct the council's business. Action of the executive council shall be by majority vote of those members present.

6.4 MEETINGS: The executive council shall hold at least one regular meeting each year to dispatch any necessary business at the time and place of the annual meeting of the State Bar. The chair shall call regular meetings of the council between annual meetings.

6.5 POLL OF EXECUTIVE COUNCIL: In urgent matters requiring immediate attention, the chair may submit to each of the members of the executive council a proposition upon which the executive council may be authorized to act, and the members of the executive council may vote upon the proposition either by written ballot; electronic mail ballot; facsimile transmission; or telephone vote, confirmed in writing to the secretary, who shall record the proposition and votes in the matter.

6.6 EXECUTIVE COUNCIL AUTHORITY: Between meetings of the section, the executive council shall have full power to perform all acts and functions which the section itself might perform. Any such action take by the executive council shall be reported to the section at its next meeting.

6.7 NO COMPENSATION: No salary or compensation for services shall be paid to or by any officer, member of the executive council, or member of any committee, except as may be specifically authorized by the Board of Governors.

6.8 REFERENDUM: The executive council may direct that a matter be submitted to the members of the section for vote. In such event, binding action of the section shall be determined by a majority of the votes received in accordance with the rules fixed by the executive council and as conducted and certified by the secretary.

ARTICLE VII: ELECTIONS

7.1 ELECTIVE OFFICERS: At each annual meeting of the section, the membership shall elect:

- (i) a vice-chair or chair-elect to serve a one-year term;
- (ii) one-third of the total number of members-at-large of the executive council and a representative from the Young Lawyers Division (optional) to serve a three-year term;
- (iii) a secretary and a budget officer for a one-year term; and
- (iv) officers or executive council members to fill vacancies in any office upon the council as provided in Article VIII.

7.2 CHAIR: The vice-chair or chair-elect shall automatically succeed to the office of chair. The vice-chair or chair-elect shall serve a one-year term and may not again accede to that office. In the event the office of chair-elect shall be vacant, then a chair shall be elected 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 for 30 days prior to the time of election can be certified by official State Bar records shall be eligible for office.

7.4 NOMINATIONS AND VOTING:

(Option A: Voting at business session)

By March 1 of each year, the chair, after consultation with the executive council, shall appoint a nominating committee of not less than three members of the section who are not candidates for office, at least two of whom shall be neither a present or former officer nor a member of the section's executive council.

The chair shall announce the names and addresses of the members of the nominating committee in a publication of the State Bar to the section members. The chair may appoint a member to fill any vacancy in the nominating committee which may arise thereafter.

The nominating committee shall make and report one nomination for each position to be filled by elections as provided elsewhere in these bylaws. The report shall identify each nominee and shall include a brief statement of the nominee's activities in the section and in the law profession generally. The nominating committee shall submit its report to the chair of the section within enough time to allow the chair to have it published in a publication by

the State Bar to the section members not later than 60 days prior to the opening assembly of the annual meeting.

State Bar staff, with the assistance of the secretary, shall publish a notice of all contested section elections to all members of the section.

The chair of the nominating committee shall announce the committee's nominees at a business meeting of the section. The chair of the section shall then announce the time and place when the election will be held, as stated in the official program of the annual meeting of the State Bar. All elections shall be held at a business session of the section during the annual meeting. Elections for contested petitions shall be by written ballot, unless otherwise determined by unanimous consent of the section members present. Each contested position shall be voted upon separately. 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.

(Option B: Voting by Email)

By March 1 of each year, the chair, after consultation with the executive council, shall appoint a nominating committee of not less than three section members who are not candidates for office, and at least two of whom shall be neither a present nor a former officer or council member of the section; and the chair shall promptly thereafter announce the names and addresses of the members of the nominating committee in a publication of the State Bar to the section members.

The chair may appoint a member to fill any vacancy in the nominating committee which may arise thereafter.

The nominating committee shall make and report one nomination for each position which is to be filled by an election as provided elsewhere in these bylaws. The report shall identify each nominee and shall include a brief statement of the nominee's activities in the section and in the law profession generally. The nominating committee shall submit its report to the chair of the section within enough time to allow him or her to have it published in a publication by the State Bar to section members or by other publication to the section members not later than 60 days prior to the opening assembly of the annual meeting.

The State Bar staff shall publish a notice of all contested section elections to the section membership.

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's executive council shall be sent via email at least 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 emailed are not eligible to vote. Such email ballots shall be accompanied by a brief biographical statement for each person nominated to an office for which more than one name had been placed in nomination. Ballots shall be returned to the State Bar staff. State Bar staff shall inform the secretary of the section of the ballot results no later than noon on the day of the

opening assembly of the annual meeting. Election shall be by a plurality of the votes cast by email.

In the event that only one person is nominated for each position to be filled, ballots need not be emailed. Instead, election shall be by voice vote at a business session of the section at the annual meeting.

7.5 TERM 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 has been elected.

ARTICLE VIII: SUCCESSION OF OFFICERS AND VACANCIES

8.1 CHAIR-ELECT/VICE-CHAIR: The chair-elect/vice-chair, unless he/she refuses or is disqualified, automatically assumes the office of the chair for a one-year term at the end of the annual meeting following the election.

8.2 OFFICERS AND EXECUTIVE COUNCIL: Between annual meetings of the section, the executive council may fill vacancies in its own membership or in the offices of vice-chair, secretary, or budget officer. Members of the executive 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 executive council members to fill any unexpired terms existing at the time.

8.3 ABSENTEEISM: If any officer or member of the executive council shall fail to attend two successive meetings of the executive council, the officer or executive council member's office shall be automatically vacated, unless excused upon good cause accepted by the members of the council.

8.4 RETIRING CHAIR: At the end of the chair's term of office, the retiring chair shall become a member of the executive council for a one-year term.

8.5 SUCCESSION: No executive council member-at-large may serve more than two successive terms as a member-at-large; however, a member-at-large may serve additional terms on the executive council as an ex-officio member.

ARTICLE IX: REPRESENTATION OF STATE BAR'S POSITION

9.1 The section must seek Board of Governors approval before taking any official action or making official comments on behalf of the State Bar or the section. Any action by the section must be approved by the Board of Governors before such action can be made effective as action by the State Bar. Any resolution adopted or action taken by the section shall be reported by the chair or the chair's 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 executive council. Proposed amendments shall become effective upon approval by the Board of Governors.

GOVERNMENT RELATIONS

OVERVIEW

The Government Relations Office coordinates all federal, state, and local legislative activities and analyzes the impact of proposed legislation. The office coordinates and facilitates communication between various entities in monitoring and influencing legislation to achieve the State Bar's goals.

Legislative Activity

The Government Relations Office monitors the legislative priorities of the State Bar of Arizona based on the direction of the Board of Governors and as set forth in Rule 32(a)(1), Arizona Rules of the Supreme Court.

Any section may initiate new legislation, which may be vetted among other relevant sections in advance of the Board of Governors' consideration. Proposed legislation must be received by the Government Relations Office no later than September 1 prior to the commencement of the legislative session.

Permission from the Board of Governors is mandatory prior to any legislative advocacy. Requests for permission must be provided to the Government Relations Administrator, who represents the Bar.

During regular legislative sessions, the Government Relations Office provides updates on legislative matters on the website. Each section has the responsibility for reviewing legislation that falls within its particular area of expertise. It is very important to communicate to the Government Relations Administrator as soon as possible any legislative concerns your section may have.

All proposed positions on existing legislation and all legislative proposals initiated by sections shall be directed to the State Bar's Government Relations Administrator, who will forward the proposals to the Board of Governors. All relevant materials are to be prepared by section members, shall be in writing, and shall include the following:

- Board of Governors Reporting Form (which may include some of the following required information)
- Copies of the bill or proposal and a detailed summary thereof
- Copies of pending legislation in the Arizona or other legislatures, if appropriate; the existing state or federal laws which would be affected by the proposal and whether the proposal would repeal or supplement such laws, and a brief description of how such change or repeal would operate
- Reasons for the approval, enactment, or rejection of the proposal and the anticipated impact as it relates to the Bar's Long-Range Plan
- A statement of the known positions on the proposal by interest groups or corporations, including the principal reasons for their support or opposition to the proposal
- Other information as requested by the Government Relations Office or Board of Governors.

Sections are responsible for reviewing and commenting on legislation within their particular area of expertise. This responsibility may be delegated to a legislative subcommittee or, when appropriate, may be reserved for consideration by the entire body.

The progress of legislation particular to each section can be viewed on the Government Relations Web page at www.azbar.org. During the regular legislative session, the Government Relations Office provides online updates of legislative action at the Arizona Capitol.

It is very important to communicate to the Government Relations Administrator as soon as possible all legislative concerns of your section, since the Arizona Legislature is generally in session from January through May, and **time is of the essence**.

The Government Relations Office asks that each chair appoint at least one legislative liaison to receive legislative updates, information, and requests during the legislative session. The State Bar's ability to maintain an effective legislative program is directly dependent upon its members continuing to devote their time and efforts to legislative analysis, and their active involvement in the legislative process.

For a brief description of the legislative process, please review "How a Bill Becomes Law."

Legislative Procedure

The Board of Governors must review all legislation before the Bar or any of its agents may take a stance. The Bar may support, oppose, or take no position on a bill if it is not sufficiently relevant to the Bar's mission to warrant action. Generally, the Bar takes a formal position on a small number of bills each legislative session in order to preserve its lobbying effectiveness but does so only for bills which are seen as central to the interests of the Bar and which appear to have some viability in the Legislature. The constitutional restrictions in *Keller v. State Bar of California* and subsequent cases require that positions taken by the State Bar of Arizona must be narrowly limited to areas which have a substantial impact upon the judiciary, the practice of law, or the administration of justice.

If the Board does not endorse the proposed legislation, such action in no way diminishes the right of every member to express, **in their individual capacity**, support for or opposition to any legislation.

Individual members of a section are free to advocate their own position as long as they **clearly indicate** that they are not speaking on behalf of the State Bar of Arizona.

All legislative proposals regarding new or existing legislation shall be directed to the State Bar's Government Relations Administrator. The Government Relations Office must receive legislation to be proposed in the next legislative session no later than September 1. All submissions of legislative proposals regarding new or existing legislation must include a Board of Governors Reporting Form and any relevant documentation.

If you have further questions about legislation or the legislative process, please contact Government Relations Administrator Kathleen Lundgren at 602-340-7371 or Kathleen.Lundgren@staff.azbar.org.

HOW A BILL BECOMES LAW

1. DRAFTING The legislative process begins when a legislator asks the Office of Legislative Council to draft legislation for a particular idea. Once the bill is drafted, the language to be introduced to the Legislature (the “intro set”) is circulated for the purpose of soliciting sponsors. Bills may be co-sponsored by any number of members. The first named sponsor of a House bill must be a Representative, and of a Senate bill, a Senator; this primary sponsor controls the bill.

2. FILING Bills are then filed for introduction with the House Chief Clerk or the Senate Secretary. Only legislators can file bills.

3. INTRODUCTION A bill is introduced to the Legislature when the bill is read aloud on the chamber floor in open session (“first reading”). The Arizona Constitution requires that a bill be read on the floor on three different days before it can be enacted.

4. REFERRAL TO COMMITTEE Once introduced, bills are referred to standing committees. The membership of standing committees changes from legislature to legislature, while the committees themselves remain in place. A change in the legislative rules is required to rename or otherwise change these committees. House bills are referred to House committees by the Speaker of the House, and Senate bills are referred to Senate committees by the President of the Senate. Often, the second reading of the bill takes place at this time.

5. COMMITTEE HEARINGS Committee chairs decide which bills assigned to their committees will receive a hearing, which will be held in committee, and which will be referred to a study committee. Committees meet, take testimony, and make recommendations that the bill “do pass” as is, that it be revised (“do pass as amended”), or that it “fail.” A bill must pass each committee to which it has been assigned, or the bill dies.

6. COMMITTEE REPORTS Committee recommendations are read aloud on the floors of their respective chambers. These are called “committee reports.”

7. CONSIDERATION BY THE FULL CHAMBER

7(A). CONSENT CALENDAR If no amendments have been recommended, a bill may be put on the consent calendar, indicating the members’ consent not to debate the bill on the floor. If there are no objections within a stated period, the bill remains on the consent calendar and advances directly to a roll call vote (third reading). Upon passage, the bill will go to the second chamber. Any member can object to a bill being placed on the consent calendar and, if there is an objection, the bill is removed from the consent calendar and requires consideration by the “committee of the whole.”

7(B). COMMITTEE OF THE WHOLE (“COW”) All bills not on the consent calendar require debate by the full chamber and are sent to COW for discussion and any proposed amendments and to recommend action to the chamber. COW is composed of all the members of a chamber.

7(B)(i). COW DEBATE During COW, committee amendments and floor amendments offered by individual members are presented. Each amendment is considered separately and approved or disapproved by a voice vote of the body. After all committee and

floor amendments have been voted up or down, the bill's sponsor moves that, when COW rises to report, it recommend to its chamber that the bill "do pass."

7(B)(ii). COW VOTE COW votes mainly by unrecorded voice vote. If a COW voice vote is in favor of recommending a bill, it continues to third reading. Often, when a voice vote is close, "division" is called, and a standing headcount of the vote is taken. A roll call vote is required when a motion to recommend is defeated. If COW fails to recommend a bill, the bill dies.

8. THIRD READING A bill that has been approved by COW is reprinted as a House or Senate engrossed bill, which incorporates the COW-approved amendments into the original text. Engrossed bills and bills on the consent calendar are scheduled for a third reading, which is a roll call vote. If the bill passes the third reading, the bill continues to the second chamber.

9. ACTION BY THE SECOND CHAMBER In the second chamber, steps 3-8 above are repeated: the bill goes to the second chamber's committees, consent or COW calendar, and third reading. If the bill passes the second chamber, it returns to the chamber of origin.

10. RETURN TO CHAMBER OF ORIGIN

10(A). UNAMENDED BILL If a bill leaves the second chamber unamended, the chamber of origin transmits the bill to the Governor for action.

10(B). AMENDED BILL If the second chamber amends a bill, the primary sponsor of the bill decides whether to accept or reject the bill as amended.

10(B)(i). AMENDMENT ACCEPTED If the primary sponsor accepts the second chamber's revisions, the chamber of origin votes on the bill again ("final reading"). If the bill passes, it is transmitted to the Governor. Final reading is required because both chambers must approve identical versions of the bill before it is sent to the Governor.

10(B)(ii). AMENDMENT REJECTED If the primary sponsor rejects the second chamber's revisions, the presiding officer of the chamber of origin appoints members to a committee, which usually includes the primary sponsor, to meet with a like committee from the second chamber appointed by that chamber's presiding officer to resolve the differences. This is called a "conference committee."

10(B)(ii)(a). CONFERENCE COMMITTEE Unless no agreement is reached or the conference committee is discharged, the conference committee will recommend approval of one of three versions of the bill: 1) as it passed its chamber of origin, 2) as it passed the second chamber, or 3) a new version with new amendments approved by the conference committee.

10(B)(ii)(b). CONFERENCE REPORT The conference report is submitted to and approved by a voice vote in each chamber. The bill, as amended by the report, must then be "Final Read" in one or both chambers, so that each chamber has approved an identical version of the bill.

11. BILL GOES TO GOVERNOR Once both chambers have approved the same version of the bill, it is sent by its chamber of origin to the Governor for action.

12. VETO or ENACTMENT The Governor must either sign or veto the bill within five days during the legislative session or within 10 days of adjournment (not including Sundays), or the bill will be filed into law without his/her signature. If the Governor disapproves of the bill, he/she can veto it, and it returns to the Legislature. The Legislature can override vetoed bills with a 2/3 vote of both chambers. A 3/4 vote of both chambers is required if a bill contains an emergency clause, raises taxes, or raises fees.

13. CHAPTER NUMBER The Secretary of State assigns each new law a chapter number within the session law of the regular or special session in which the bill passed. Before the law is incorporated into the Arizona Revised Statutes, the law is referred to by its session and chapter number.

EXECUTIVE SUMMARY OF *KELLER* AND RELATED CASE LAW

Several important court decisions have been issued since 1990 that limit the types of activities in which the State Bar of Arizona can be engaged. These cases, known as “*Keller* and its progeny,” address the appropriate use of mandatory bar dues for all State Bar activities and address appropriate procedures for responding to dissenting members’ objections. The following summary highlights the most important points that the courts have made in the development of the *Keller* doctrine.

I. *KELLER v STATE BAR OF CALIFORNIA*, 496 U.S. 1 (1990)

The *Keller* doctrine originated from a 1990 U.S. Supreme Court opinion, which stated that the compelled association within a unified bar is justified by the State’s interest in regulating the legal profession and improving the quality of legal services.

Essentially, *Keller* held that “[t]he State Bar may therefore constitutionally fund activities germane to those goals out of mandatory dues of all members.” Furthermore, the Court added that the State Bar “may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity.”

The *Keller* Court also provided the following test in order to assist bar associations in determining permissible expenditures – “whether the challenged expenditures are necessarily or reasonably incurred for the purpose of regulating the legal profession or ‘improving the quality of the legal service available to the people of the State.’”

II. *GIBSON v THE FLORIDA BAR*, 906 F.2d 624 (11th Cir. 1990)

The Eleventh Circuit in *Gibson* was one of the first courts to accept the strategy that if a state bar decides to be “*Keller*-pure” and offer its members a constitutional procedure for objecting to expenditures of their mandatory dues, then a court need not concern itself with any specific activity engaged in by the bar. In *Gibson*, the Eleventh Circuit stated that when considering the constitutionality of a bar association’s objection resolution procedure, rebate procedures are acceptable in lieu of an advanced deduction procedure. It is also permissible for a bar association to require a dissenting member to object to specific activities. Finally, the *Gibson* court determined that a three-member arbitration panel (as the procedure for handling an objecting member’s dissent) is constitutionally acceptable.

III. *THE FLORIDA BAR RE FRANKEL*, 581 So.2d 1294 (Fla. 1991)

The Florida Supreme Court found that the following were permissible areas for action by the Florida Bar: (1) questions re disciplining attorneys; (2) matters re improvement of court functioning; (3) increasing legal services to society; (4) regulating trust accounts; (5) education, ethics and integrity of the legal profession; and (6) issues: (a) of great public interest; (b) that lawyers are trained to evaluate; (c) where the subject matter affects the rights of those involved in the judicial system.

The court also found that three areas were not permissible areas for lobbying by the Florida Bar: various children’s rights, welfare reform, and benefits legislation.

IV. *SCHNEIDER v COLEGIO DE ABOGADOS DE PUERTO RICO*, 917 F.2d 620 (1st Cir. 1990), cert. denied, 502 U.S. 1029 (1992)

In this case, the First Circuit held that it is not permissible for a bar to take a position based upon partisan views rather than lawyerly concerns. Consequently, the bar cannot use mandatory dues for lobbying on controversial bills to change the law in ways not directly linked to the legal profession or the judicial system.

Colegio also provides a list of acceptable activities that are chargeable even to dissenting members: (1) lobbying regarding issues related to the core purpose of the bar association (budget appropriations for judges, increased salaries for government lawyers, positions against statutory limits on attorney advertising); (2) attorney discipline; (3) continuing legal education; (4) admission of new attorneys; (5) supervising law schools; (6) increasing availability of legal services through legal aid; (7) public education regarding legal services; and (8) commentary on the function of the court system.

V. *LEHNERT v FERRIS FACULTY ASSOCIATION*, 500 U.S. 507 (1991)

In *Lehnert*, the U. S. Supreme Court addressed the question of what activities may be charged to dissenting members in a union rather than a bar association. The *Lehnert* Court concluded that chargeable activities must have three traits: (1) be germane to the core activity of the union; (2) be justified by the government's vital policy interest supported by mandatory membership in the union; and (3) not significantly add to the burdening of free speech that is inherent in the allowance of mandatory membership in the union. 500 U.S. at 519.

VI. *ROMERO v COLEGIO ABOGADOS PUERTO RICO*, 204 F.3d 291 (1st Cir. 2000)

This case reaffirms two principles: (1) a unified bar can give financial support to core-related bar activities; and (2) members cannot be compelled to contribute to “ideological activities not ‘germane’ to the purpose for which the compelled association is justified.” This case also raises a third issue as to whether compelled bar association dues may be used to fund non-ideological and non-germane activities. The big issue presented was whether the association of lawyers, the *Colegio*, could compel members to purchase group life insurance. The court felt the mandate violated the *Keller* doctrine; but rather than declare the requirement to be unconstitutional, it remanded the issue back to the Puerto Rico Supreme Court to certify the following question: “Is the *Colegio* [the association] . . . authorized to compel members to purchase life insurance coverage through the *Colegio* as a condition of membership in the Bar of Puerto Rico?”

The court also approved and reaffirmed the activity of charging members for social activity expenses because they are often de minimis, but also germane.

SUMMARY OF CHARGEABLE ACTIVITIES AND “PERMISSIBLE” EXPENDITURES FOR MANDATORY BARS PURSUANT TO *KELLER* AND ITS PROGENY

Chargeable or Permissible Activities

- Activities connected with disciplining members of the bar (*Keller, Schneider, Frankel*).
- Acting as professional advisors to those charged with regulating the legal profession (*Keller*).
- Proposing ethical codes or regulations for lawyers (*Keller, Schneider, Frankel*).
- Ensuring attorney competence (*Schneider, Frankel*).
- The education, ethics, competence, integrity, and regulation as a body of the legal profession (*Frankel*).
- Increasing the availability of legal services (*Schneider, Frankel*).
- Improving court operations, efficiency, and efficacy (*Schneider, Frankel*).
- Expenditures without expressive content that benefit all members equally, such as offering free life insurance (*Schneider*).
- Social events for members (*Schneider, Romero*).
- A periodical for members which is “devoted to educational articles about the legal profession or the quality of legal services available,” and which does not publish “markedly political and ideological material” (*Schneider*).
- Political activities, including lobbying, may be funded as long as the target issues are narrowly limited to issues of regulation of the legal profession and improving the quality of legal services, such as court budgets, salaries for government attorneys, attorney advertising, and legal specialization (*Schneider*).
- Regulation of attorneys’ client trust accounts (*Frankel*).
- Issues (a) of great public interest; (b) that lawyers are especially suited for by their training to evaluate and explain; and (c) where the subject matter affects the rights of those likely to come in contact with the judicial system (*Frankel*).
- Lobbying to allow either a seal or a stamp on notarized documents (*Schneider*).

Non-chargeable or Impermissible Activities

- Endorsement or advancement of gun control initiatives (*Keller*).
- Endorsement or advancement of nuclear weapons freeze initiatives (*Keller*).
- Lobbying for various children’s rights (*Frankel*).
- Lobbying for welfare and benefits legislation (*Frankel*).
- Mandating that all members purchase life insurance. Still in question (*Romero*).
- Mandatory fees used for activities that are germane to core purposes but are mixed with other, prohibited activities are generally prohibited or non-chargeable (*Schneider*).
- Issues of family planning, abortion, no fault insurance, and the death penalty (*Schneider*).
- The legal status (statehood) of Puerto Rico (*Schneider*).
- Committees on nuclear armament and the nuclear ban treaty in Latin America were both found to be outside the narrow category for which financial support could be compelled (*Schneider*).

RULE PETITIONS, COMMENTS AND RESPONSES

The Government Relations Office is responsible for the development of and commentary regarding proposed amendments to state, federal and local court rules.

Original rule petitions are managed through the Government Relations Office. For any rule change request or to comment on any proposed rule change, a section or committee must follow the procedure (described below) for vetting and submission of the petition or comment to the Board of Governors.

Once a section has decided to submit a new rule petition, comment or response, it must prepare a Board of Governors reporting form. This form will include the group vote in consideration of *Keller*, along with the “draft” language of the petition, comment or response. The Board reporting form and the relevant draft language are submitted to the Government Relations Office. This information will then be forwarded to the Rules Review Committee of the Board for their review. The Rules Review Committee may request that the section chair or representative be available at their meeting to respond to possible questions from committee members. The request for approval, based on the outcome of the Rules Review Committee vote, will then be submitted to the full Board for their information at one meeting with a formal vote at the following Board meeting.

Once the document is filed with the Supreme Court, the Government Relations Administrator sends the link to the Supreme Court website, via email, to each appropriate section chair. Chairs are asked to review the information and decide if it is a matter for the membership to (a) discuss; (b) be made aware of; or (c) inform members in a particular jurisdiction, e.g., rules changes in local courts.

If you have any questions, please contact the Government Relations Administrator, Kathleen Lundgren, at Kathleen.Lundgren@staff.azbar.org or 602.340.7371.

SECTION EDUCATION

CONVENTION

The Annual State Bar Convention, also known as the Annual Meeting, is a four-day event, housed at various resort hotels in Arizona. Generally the convention is hosted in the greater Phoenix area for two years, and Tucson every third year.

The Board of Governors is sworn in during the Annual State Bar Luncheon at the convention. Awards are also presented to members at this luncheon, which is the most popular convention event. Special events are also a part of the convention and vary from evening parties to breakfast meetings, as well as a silent auction. Special events change from year to year.

A convention committee is formed each year. The committee consists of various members and staff of the State Bar of Arizona. The liaison to this committee is always a staff person of the Sections Department. Currently, Nancy Nichols fills that role. Nancy also coordinates all State Bar of Arizona staff volunteers for the convention.

The Sections Department hosts an average of 30 seminars during the convention. Seminars are available to members in half- and full-day sessions. For each seminar attended, attorneys obtain CLE credits and have the opportunity to receive all of the 15 credits required annually. At each seminar, two staff members check in the attendees.

CONTINUING LEGAL EDUCATION PROGRAMS

To ensure that a complete and comprehensive continuing legal education curriculum is available to the members of the State Bar, communication and coordination of efforts between the CLE Department and the SBA sections is of the utmost importance. Currently, many of the seminars offered for the bar are co-sponsored by the CLE Department and various sections. There are continuing and developing opportunities for more collaboration.

There are a number of ways through which you may offer educational programs to your members. These include:

- Live lunch-hour programs or programs under four hours in length offered by your section alone for your monthly section meetings
- Live programs co-sponsored with the CLE Department and available to all bar members
- Live webcasts co-sponsored with the CLE Department and available to all bar members

All program formats have their advantages. The short lunchtime programs work well for narrow topics and also provide an opportunity for section members to network. The longer, live programs work well to facilitate recruiting new members for your section, serve as networking opportunities, and also provide an avenue for an interactive CLE program. Finally, live webcasts offer an opportunity for members to attend a program as it is being presented without leaving their desks. This is a convenient way to get the continuing education you seek. Information regarding webcasting programs follows this section.

To best serve your section members, please:

- designate an executive council member to be responsible for CLE endeavors;
- contact your section administrator with dates of programs your section is considering to ensure they do not conflict with other major CLE events.

Sections and the Young Lawyers Division may not co-sponsor any CLE programs with a non-SBA entity, including the ABA, without CLE Department approval. Such proposals should be submitted to the CLE Department at least 100 days prior to the proposed seminar. No program will be approved if it conflicts with or duplicates a program sponsored or co-sponsored by the SBA CLE Department.

It is through cooperative efforts between the CLE Department and the sections that the members will be best served. Please do not hesitate to call upon your SBA section administrator to help you build and serve your membership.

WEBCAST OPTIONS WITH THE SBA CLE DEPARTMENT

Working with the CLE Department to offer webcasts to your members allows you to offer a high quality program with an unlimited number of viewers possible. CLE webcasts provide a live video stream with simultaneous viewing of any slides that may be used during the presentation. Viewers are able to ask questions of the presenter(s) by way of email that can be addressed during the presentation.

Offering the programs to the entire State Bar of Arizona membership also provides more opportunities for your Section to recruit new members and to put your members forth as subject matter experts to the general membership.

The options for co-sponsoring a seminar with CLE include: Section hour-long programs, co-sponsored with monetary contribution, co-sponsored without monetary contribution, and co-sponsored with subsidy from the Section.

Hour-long Section webcasts

As a benefit to your members who are not able to travel to the Section's monthly meetings, you may choose to offer some as webcasts. This arrangement would allow us to market your programs to the general membership and the Section would benefit from keeping the registration costs of all in-person attendees. We would then keep the program in the CLE online catalog and offer it to the general membership. CLE staff will operate the webcasting equipment the day of the event.

Co-sponsored with CLE Department

CLE staff will work with the presenters through the entire planning process including planning the program format and agenda, marketing, manual preparation and operating the webcasting equipment the day of the event.

1. Co-sponsored with monetary contribution

If your Section chooses to co-sponsor a webcast that may have extra costs associated, i.e., costs of bringing in a national speaker, we would ask for a monetary contribution from your Section to offset those costs.

2. Co-sponsored without monetary contribution

If your Section has a topic idea with possible speakers that would draw a larger audience beyond your Section membership, co-sponsoring with CLE would provide a broader marketing audience. We would help you produce the program and market to the entire membership.

3. Co-sponsor with a subsidy

Your Section may also want to subsidize your members' attendance at a CLE webcast. For example, we would give discounted rate to the Section members and then your Section would cover the difference in cost for members of the Section.

By choosing any of the above options, your Section would still have the benefit of possibly covering its annual staff allocation costs based on a percentage of the net profit from the program.



Prospective CLE Event Information Sheet

To facilitate cooperation and help to avoid scheduling conflicts and duplicative topics, complete this form.

SBA/SBA Section sponsored event Invited to Speak at Non-SBA seminar (If you check this box, only fill out the items that have an *)

Title of Program*: _____

Date of Program*: _____

Start Time/Length of Program*: _____

Proposed Price*: _____

Sponsoring Group(s)*: _____

MCLE Hours*: _____ Ethics Hours*: _____

Target Audience(s)*: _____

Projected # Attending: _____

Proposed Seminar Format*: Live Webcast Teleseminar

Practice Area(s)*: _____

Location 1*: _____

Location 2: _____

SBA Staff Contact: _____

Description/Topics: _____

Seminar Chair & Faculty Info: _____

Co-sponsored with CLE Dept.? Yes No

Will this program be filmed? Yes No

If yes, for what purpose? _____

Person Submitting Form*: _____ Supervisor Approval*: _____

Note: This form needs to be completed for all prospective programs in which Bar staff are involved. Completion of this form does not imply application approval. Application approval must be received before commitment to sponsoring group can be made.

For CLE Dept Use Only

Approved by: _____ Date: _____

Notes:

SPLITTING THE PROFIT FOR CO-SPONSORED CLE SEMINARS

Sections are encouraged to co-sponsor seminars with the CLE Department. When a section co-sponsors a seminar with the CLE Department, the net profit of the co-sponsored seminar(s) for the calendar year will be split with the section to the extent that the section can recover 100% of the Bar's expense allocation. In addition, if the co-sponsored seminar(s) generate a net loss, the section will not be charged for any portion of the net loss.

Examples:

XYZ Section

During the year they co-sponsor three seminars with the CLE Department and on an annual basis, the section is charged \$12,000 in Bar expense allocation.

Seminar 1 – net profit of \$15,000
Seminar 2 – net profit of \$18,000
Seminar 3 – net loss of \$3,000

Combined profit for the year: \$30,000 times 50% equals \$15,000, however the \$15,000 is greater than the Bar expense allocation of \$12,000; thus, the section will receive \$12,000 of revenue on their December 31st cost sheet.

ABC Section

During the year they co-sponsor three seminars with the CLE Department and on an annual basis, the section is charged \$12,000 in Bar expense allocation.

Seminar 1 – net profit of \$8,000
Seminar 2 – net profit of \$5,000
Seminar 3 – net loss of \$3,000

Combined profit for the year: \$10,000 times 50% equals \$5,000; the section will receive \$5,000 of revenue on their December 31st cost sheet.

TLA Section

During the year they co-sponsor one seminar with the CLE Department and on an annual basis, the section is charged \$12,000 in Bar expense allocation.

Seminar 1 – net loss of \$8,000

Combined loss for the year: \$8,000 and no amount of this loss is charged to the section.

CLE PUBLICATIONS

PLEASE NOTE: THIS SECTION DOES NOT INCLUDE INFORMATION ABOUT NEWSLETTERS OR *ARIZONA ATTORNEY MAGAZINE*.

State Bar CLE Publications

The CLE Publications Department regards sections as practice area experts and looks to them for assistance in identifying subject matter, developing titles, and recruiting volunteers as authors.

The executive council designates a publications contact. The designee meets with the CLE Publications Coordinator periodically to review the existing library (books, manuals, audiotapes and CDs/DVDs) to ensure that they comply with current law. The designee also works with the CLE Publications Coordinator to develop titles for each section and to recruit volunteers as authors.

Ilona Kukan is the CLE Publications Coordinator and can be reached at 602.340.7320, or Ilona.Kukan@staff.azbar.org. Ms. Kukan is currently working closely with a number of sections, including the Employment and Labor Law Section, Environmental and Natural Resources Section, Criminal Justice Section, Probate and Trust Section, Workers' Compensation Section, and Appellate Section.

COMMUNICATIONS

OVERVIEW

The Communications Division provides a multitude of products and services to the State Bar and its members. Among them are *Arizona Attorney Magazine*, the bimonthly electronic newsletter, *eLegal*; *The Rattler*, a newsletter targeted to members in the Southern Region; media relations; monitoring media coverage of the State Bar; news releases and assistance with newsletters; and website content management. If a potential *Keller* issue is identified, it will be passed on to the General Counsel's office for a recommendation.

Communicating With the Media

The State Bar of Arizona aims to have accurate, timely, open, and effective communication with the news media. The Bar's communication practices should help develop and maintain positive relationships with media members. We seek to help the media and the public better understand the legal profession, the justice system, and the role, responsibilities, and actions of the State Bar.

Media contact and communications on Bar-related issues should be coordinated through the Chief Communications Officer to ensure a consistent and strategic response. If you are unable to reach the Chief Communications Officer, contact the CEO/Executive Director.

Section members who are not designated as State Bar spokespersons should clearly indicate that they are not speaking on behalf of the organization if they are communicating with the news media on law-related issues. Section members should alert the Chief Communications Officer when they communicate with the media in their role as a section member.

These steps will help provide the best possible service to the media while also ensuring that the organization portrays itself in a positive, accurate, and strategic manner.

Newsletters

Newsletters can be produced in TWO formats: online and hard copy. As of January 1, 2010, all members are required to provide the Bar with a current email address (Arizona Supreme Court Rule 32(c)(3)). Sections might wish to use this as an opportunity to discontinue hard-copy newsletters.

Online newsletters are produced with the assistance of the section administrators and the State Bar's production manager. Once posted on your Web page, the link for the newsletter is distributed via email. Members who link to the page will be asked to choose between the current and a past issue. Once they have selected an issue, the table of contents will appear. They can then click on an article they want to read, and it will appear in text. Articles should generally be kept short, and images are not recommended.

Hard-copy newsletters are published and distributed via regular mail. The production manager helps design these and should be consulted for content. Please remember to allow for printing and distribution in determining your timeline.

STATE BAR PROCEDURE FOR EMAIL COMMUNICATION TO MEMBERS

Overview

The State Bar of Arizona uses email to efficiently and effectively communicate with its members and to allow its members to communicate with each other. The email service is a valuable tool that must be monitored for effective use to deliver maximum customer service to our members, and track any abuses that might occur. In order to ensure the highest standards, the State Bar reserves the right to maintain final control over the content and delivery of messages.

The procedures below are designed to help us maintain an email program that:

- Delivers valuable information to members;
- Empowers members to customize delivery of their State Bar-related email to the extent our technology permits;
- Allows the State Bar to monitor the service for abuses and maintain control of the service;
- Allows the State Bar to proactively plan the effective delivery of email messages;
- Helps the State Bar maintain and increase the value of membership and helps our members feel more connected to the organization and each other; and
- Within reasonable limits, allows the State Bar to market its services and programs that are in the best interest of our members.

Email content

Our goal is to keep email content relevant and timely. Generally, State Bar email should contain information related to one of the following categories:

- Announcements from the State Bar President, Board of Governors, CEO/Executive Director, or the Arizona Supreme Court
- Section information and listserv discussions
- CLE programs
- Practice management alerts

The Chief Communications Officer has the authority to deny the distribution of any email, based on its content and scheduling conflicts. If the Communications Officer is not available, contact the CEO/Executive Director.

Content Appropriateness

Content of all emails, including mass emails via the listservs, must be consistent with high standards of propriety and good taste. The content of email messages should be germane to the mission of the State Bar's members. The messages should be free of vulgarity or other offensive language. Messages must not encourage the violation of the Supreme Court of Arizona's Rules of Professional Conduct.

Section chairs have the right to request the removal of any listserv member for violating these professional standards.

Content Control

The State Bar of Arizona has the right to reject and control the distribution of electronic messages delivered through its email system. Parties who do not have the authority to send messages for mass distribution to the general attorney population must get approval from the Chief Communications Officer, the CEO/Executive Director, or the State Bar President.

The State Bar-sponsored listservs for sections operate under the control of the chair of each section, although the ultimate authority is the State Bar. Content for the listservs should be germane to the specific interest of the section and should not be used for non-Bar related commercial solicitations or political purposes. Non-listserv members who wish to distribute messages through the listserv must get approval from the section chair. In the chair's absence, approval must come from the vice-chair of the section.

General “eblast” guidelines:

- The State Bar's Communications and Member Services Divisions are authorized to send eblasts on behalf of the Board of Governors, CLE Department, the courts, and departments of the Bar. The author is responsible for ensuring the accuracy of the content. The message must be consistent with State Bar email procedures as described in this manual.
- The goal of the Communications Division is to limit the number of State Bar mass emails to three per week. This does not include emails sent by sections to their members. It is the responsibility of each authorized user to check the calendar before sending out any group email.
- Questions or exceptions to email procedures and guidelines should be sent to the Chief Communications Officer or the Chief Executive Officer.

Monitoring for problems

In an effort to maintain quality control and monitor potential problems, the State Bar section administrators and Chief Communications Officer may subscribe to State Bar listservs and receive all other mass emails.

Responding to complaints from members about emails and listservs

Customer service is a priority. The section administrator and any other State Bar employee should respond to all complaints within 24 hours. Members with low-level complaints may receive responses via email. Members who express serious concern or appear to be very agitated by a problem should receive a telephone call from the appropriate State Bar employee. When in doubt about the seriousness of a problem, it is best to place a call to the member, rather than email a response. The Chief Communications Officer should be notified of all complaints that are serious in nature and require a phone call to the member.

Authorized staff group email senders

- CLE Marketing Director, CLE Secretary
- Sections, committees and YLD – Administrators
- IT Director or designee
- Chief Communications Officer or designee

Any staff member not on this list must consult the Chief Communications Officer before sending a group email message.

Disclaimers

All listservs have a disclaimer that says:

“This listserv is provided by the State Bar of Arizona. The State Bar of Arizona accepts no responsibility for the opinions and information posted on this site by others. The listservs are intended to provide an open forum for the posting and discussion of information relevant to State Bar members and section associate members. Nothing contained in these transmissions should be considered legal advice for a particular legal matter. No attorney-client relationships are established by participation in this listserv. Pursuant to Arizona Supreme Court Rule 31(a)(3), only active members of the State Bar of Arizona may give legal advice. Non-lawyer participants in this listserv should contact a lawyer directly if they have a specific legal matter.”

WEB PAGES

All sections are encouraged to use the State Bar's website as a central location to communicate with their members. Every section has its own page(s) on the State Bar website. It is the responsibility of the sections and the Communications Division of the State Bar to determine how these pages will be used. Content will be updated by the section administrator and should always be consistent with the State Bar and section bylaws. Political or vendor usage is inappropriate. Members who require assistance in determining what is appropriate should contact the Chief Communications Officer.

The Bar's Information Technology Department is constantly looking for ways to improve the technology and usability of the website. In the process of making these improvements, changes will be made that will affect all section pages; all such changes help to maintain a consistent format for the website.

The website is a great member benefit for each section. Sections can use this forum to increase and enhance membership with their Web-based services, such as:

- Member-only listservs for discussions/access to privileged information
- Sharing case law or other relevant legal information
- Providing assistance to members by discussing current legal issues and practices
- Creating an online newsletter
- Enhancing the "Events" portion by ensuring that the information about events is provided to the Bar well in advance
- Accessing rosters and bylaws
- Posting meeting notices or award announcements on Web pages.

Efficient use of section Web pages will greatly enhance the value of membership and facilitate volunteer service to the Bar.

ARIZONA ATTORNEY MAGAZINE

Arizona Attorney Magazine is always looking for stories and topics that improve and illuminate law practice. We reach more than 20,000 people every month, and the staff and editorial board welcome your suggestions and submissions.

Like all monthlies, we plan our issues well in advance. So if you know of a topic that will be newsworthy in the coming year, it's never too early to call it to our attention. We rely on legal leaders; you are where our content begins:

- You are the experts in your practice area.
- You can spot law stories that others may miss.
- You can identify trends in practice that affect all lawyers or those in your area of law.
- You are attuned to upcoming changes in laws, rules or jury instructions.
- You can identify upcoming or recently decided court cases that are noteworthy.

Have we not run a story in your practice area for some time? Contact us. The magazine staff responds quickly and seeks to get the word out about developments in law or law practice.

To submit a substantive article or query letter:

- Send it to the editor, Tim Eigo, at arizona.attorney@azbar.org or call him at 602.340.7310.
- The editorial board and editor will review the article at its monthly meeting.
- We will inform you of our decision and work with you on suggested changes.
- The editor will “slot” the article into the magazine’s publication schedule.

Deadlines for magazine content vary with the type of information provided:

- Substantive law stories are reviewed by the editorial board and editor; if a story is accepted, we try to publish it as soon as possible.
- News items need to be sent to staff at least two months before the cover date of the issue in which you’d like the item to appear. For example, if you want to call attention to a jury instruction public comment period that will end in May, send the item by March 1 (or earlier); that gives us time to run it in the May magazine (which is mailed to readers in the last week of April).
- “People” column items have no deadline. We try to get them in as soon as possible. But because we always have a backlog of those items, we cannot tell you in advance in which issue it will run. The sooner we get the item, the sooner we can publish it.
- Send stories, news and People items to arizona.attorney@azbar.org.

Tim Eigo invites you to talk with him at any time about the magazine and your story ideas.

He also visits section meetings when invited to discuss the practice area and related story ideas. If you would like to have him speak with your section, contact him at arizona.attorney@azbar.org or call him at 602.340.7310.

TECHNOLOGY

The State Bar's website is your connection to the latest law-related news, information, services and programs 24 hours a day. The site, www.azbar.org, contains resources that can help you in your practice, connects you to your colleagues, and provides important information from the State Bar. Section membership adds the following benefits:

- Technology support for use of conference rooms.
- Electronic mailing list (listserv) access for all sections, enabling email collaboration.
- Personalized section Web presence.