

**STATE BAR OF ARIZONA
APPELLATE PRACTICE SECTION BYLAWS**

ARTICLE I: IDENTIFICATION

1.1 NAME: This Section shall be known as "The Appellate Practice Section," and shall be herein designated simply as the "Section."

1.2 PURPOSE: 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.

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

ARTICLE II: MEMBERSHIP

2.1 ENROLLMENT: Any member in good standing of the State Bar shall be enrolled as a member of the Section by the payment of annual Section dues.

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

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

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

ARTICLE III: COMMITTEES

3.1 COMMITTEES: The council of the Section is authorized to establish, or to empower the chair of the Section to establish, such committees as it may deem necessary and desirable to promote effectively the purposes and activities of the Section within the jurisdiction of the Section. In establishing a new committee, the council shall state the area of its proposed activities.

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 may, upon approval of the Council, hold other meetings of members throughout the year.

4.2 QUORUM: The members of the Section present at any meeting, in person or by written proxy, shall constitute a quorum for the transaction of business.

4.3 CONTROLLING VOTE: Action of the Section shall be by majority vote of a quorum.

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

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

4.6 MAIL VOTING: The council may direct that a matter be submitted to the members of the Section for vote by mail. In that event, binding action of the Section shall be by a majority of the votes received from members in accordance with rules fixed by the council.

ARTICLE V: OFFICERS

5.1 OFFICERS: The officers of the Section shall be the chair, the chair-elect, the secretary, and the budget officer. It is preferred, but not required, that one of these officers be a member of the judiciary.

5.2 CHAIR: The chair, or the chair-elect in the absence of the chair, shall preside at all meetings of the Section and of the council. The chair shall appoint the chairs and members of all committees of the Section who are to hold office during the term as chair. The chair shall plan and superintend the activities of the Section during the chair's term, subject to the directions and approval of the council. The chair shall keep the council duly informed and carry out its decisions. The chair shall perform such other duties and acts as usually pertain to the office or as may be designated by the council.

5.3 CHAIR-ELECT: The chair-elect shall, on consultation with the chair, arrange for the appointment of the chairs and members of all committees who are to hold office during the coming term as chair. The chair-elect shall aid the chair in the performance of all responsibilities in such manner and to such extent as the chair may require. The chair-elect shall perform such further duties and have such further powers as usually pertain to the office or as may be designated by the council or the chair. In case of the death, resignation, or disability of the chair, the chair-elect 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 all the officers of the Section as to the work of the Section generally in the manner and to the extent they may require. The secretary shall be the liaison between the Section and the State Bar staff regarding the retention and maintenance at the State Bar office of books, papers, documents, and other property pertaining to the work of the Section. The secretary shall keep a true record of the proceedings of all meetings of the Section and of the council. The secretary, in conjunction with the chair, as authorized by the council, shall attend generally to the business of the Section.

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

ARTICLE VI: THE COUNCIL

6.1 POWERS: The council shall be vested with the powers and duties necessary for the administration of the affairs of the Section. The policies of the council shall be consistent with the policies set by the Board of Governors. It shall especially authorize all commitments which entail the payment of money, and shall authorize the expenditure of all monies appropriated by the State Bar for the use or benefit of the Section. It shall not, however, authorize commitments which entail the payment of more money during any fiscal year than the amount appropriated to the Section for the fiscal year. No action of any Section committee shall be effective until approved by the council or by the Section.

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

- (i) the officers;
- (ii) the last retiring chair;
- (iii) Three members-at-large elected to the council by the Section members for three-year terms, one of whom shall preferably be a member of the judiciary, although such is not required. (At any one time, one member shall be serving the first year of his/her term, one shall be serving the second year, and one shall be serving the third year).

6.3 CONTROLLING VOTE: Action of the council shall be by majority vote of those members present in person or by written proxy. A quorum consisting of a majority of the council members shall be required to conduct its business.

6.4 MEETINGS: The council shall hold a meeting once per month, or as deemed necessary to conduct business. The council shall hold a meeting each year at the time and place of the annual meeting of the State Bar to conduct any necessary business. The chair may, and upon request of four members of the council shall, call special meetings of the council between annual meetings.

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

6.6 COUNCIL AUTHORITY: Between meetings of the Section, the council shall have full power to do and perform all acts and functions which the Section itself might perform, except election of council members. Any such action taken by the 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 council, or member of any committee, except as may be specifically authorized by the Board of Governors.

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

VII: ELECTIONS

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

- (i) a chair-elect to serve a term of one (1) year;
- (ii) a member-at-large to serve a term of three (3) years;
- (iii) a secretary and a budget officer for one-year terms; and
- (iv) officers or council members to fill vacancies in any office or upon the council as provided in Article VIII.

7.2 CHAIR: The chair-elect shall automatically succeed to the office of chair. 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 can be certified by official State Bar records for thirty (30) days prior to the time of election shall be eligible for office.

7.4 NOMINATIONS AND VOTING: At any time not later than ninety (90) days prior to the opening meeting of the Annual Bar Convention, the chair, after consultation with the council, shall appoint a nominating committee of three members of the Section who are not candidates for office, at least one of whom shall not be either a present or former officer or council member of the Section, who shall promptly thereafter announce the names and addresses of the members of the committee to the members of the Section. The chair may appoint a member to fill any vacancy which may arise thereafter in the nominating committee. The nominating committee shall make and report one nomination for each position which is to be filled by election as

provided elsewhere in these Bylaws. The report shall identify each nominee and shall include a brief statement of his or her activities in the Section and in the law profession generally. The committee shall submit its report to the chair of the Section within enough time to allow to have it published to Section members not later than sixty (60) days prior to the opening assembly of the annual meeting. One or more additional nominations may be made for any office by petition signed by not less than ten (10) members of the Section. The petition should state that the member nominated has agreed to the nomination. The petition must be sent to the chair of the section and must be received no later than sixty (60) days prior to the opening assembly of the annual meeting. Any nomination made by petition shall be made known immediately to the nominating committee, the other candidates, the council, and the Sections Administrator of the State Bar. The Section members will be notified prior to the annual meeting of all contested section elections.

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 council shall be placed in the United States mail at least thirty (30) days prior to the opening assembly of the annual meeting, addressed to the members of the Section as shown on the latest roster of Section membership. Members enrolled in the Section after the ballots have been mailed are not eligible to vote. Such mail ballot shall be accompanied by a brief biographical statement of each person nominated to an office for which more than one name had been placed in nomination, together with an envelope addressed to the secretary of the Section, duly identified on the outside to show that it contains a member's ballot. The council shall prescribe the method of return of these ballots which shall insure the receipt of all valid votes by the secretary of the Section no later than 12:00 noon on the day of the opening assembly of the annual meeting. Election shall be by a plurality of the votes cast by mail.

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

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

ARTICLE VIII: SUCCESSION OF OFFICERS AND VACANCIES

8.1 CHAIR-ELECT: The chair-elect, unless refusing to act as chair-elect or having been disqualified, automatically assumes the office of the chair for a term of one year at the end of the annual meeting following the election.

8.2 OFFICERS AND COUNCIL: Between annual meetings of the Section, the council may fill vacancies in its own membership, or in the offices of chair-elect, secretary, or budget officer. Those filling such vacancies shall serve until the next annual meeting of the Section, at which time the members of the Section shall elect officers or council members to fill any unexpired terms existing at the time.

8.3 ABSENTEEISM: If any officer or member of the council shall fail to attend three successive meetings of the council, the 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 term of office the retiring chair shall become a member of the council for a term of one year.

8.5 SUCCESSION: No member-at-large may serve more than two successive terms as a member-at-large.

ARTICLE IX: REPRESENTATION OF STATE BAR'S POSITION

Any action by this Section must be approved by the Board of Governors of the State Bar before action can be effective as the action of the State Bar. Any resolution adopted or action taken by the Section shall be reported by the chair or representative to the Board of Governors for action by the State Bar.

ARTICLE X: AMENDMENTS

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

