

By-Laws of the
SECTION OF LITIGATION
of the Maryland State Bar Association, Inc.

Adopted June 7, 1991

ARTICLE I
Name and Purpose

SECTION 1. There is a Section of Litigation (the "Section" in the Maryland State Bar Association (the "Association")).

SECTION 2. The Section promotes the objectives of the Association in the field of general civil litigation. To that end the Section endeavors (1) to elevate the level of trial and appellate practice in the courts of Maryland and in federal courts serving Maryland and (2) to increase the professionalism of the litigator of general civil cases. The Section:

--provides a forum for exchanging ideas in matters of interest to litigators;

--considers and presents recommendations on issues involving rules, procedures and practices of litigation;

--develops materials and presents seminars for continuing legal education either solely or in cooperation with others, including the Maryland Institute for the Continuing Professional Education of Lawyers, Inc.;

--maintains liaison with the Maryland and federal judiciaries toward achieving procedural reform of the adversarial process; and

--generally promotes and furthers the interests of the profession within the field of litigation.

ARTICLE II
Membership

SECTION 1. Any member of the Association, upon request to the secretary of the Association and upon payment of Section dues for the current year, becomes a member of the Section. Each member of the section shall also pay Association dues as determined by the Board of Governors. Section dues are payable in advance each year. Any member of the Section who ceases to be a member of the Association or whose Section dues are more than six months past due ceases to be a Section member.

ARTICLE III
Officers and Council

SECTION 1. The officers of the Section are a Chair, a Chair-Elect, a Vice-Chair, a Secretary, and a Treasurer.

SECTION 2. There is a Council composed of the Section's officers, those four persons, willing to serve on the Council, who most recently served as Chair, and twelve other members elected as hereinafter provided (the "Elected Council Members"). The policy of the Section is that each region of the State should be represented on the Council whenever possible.

SECTION 3. Each former Chair who is not a full member of the Council is an ex-officio member of the Council without voting power.

ARTICLE IV

Meetings of Members

SECTION 1. The annual meeting of the Section membership shall be held during, and at the site of, the annual meeting of the Association.

SECTION 2. Special meetings of the Section membership may be called by the Chair with the approval of the Council and upon notice to the members in the manner determined by the Council.

SECTION 3. The members of the Section present at any membership meeting constitute a quorum.

SECTION 4. Action of the Section membership is by vote of a majority of the members present and voting.

ARTICLE V

Nominations, Elections and Eligibility

SECTION 1. The Chair shall appoint five section members as a Nominating Committee. The Nominating Committee shall submit to the Section membership at its annual meeting nominations for Chair-Elect, Vice-Chair, Secretary, and Treasurer and for those positions of Elected Council Member that are to be filled that year.

SECTION 2. The election by the members of officers and Elected Council Members shall be held at the annual meeting. Additional nominations for any position to be filled by election may be made from the floor by any member of the Section at the annual meeting following the report of the Nominating Committee. In the event that there is more than one nominee for any position, the vote shall be by written ballot.

SECTION 3. Officers may not succeed themselves in the same office by election by the members. No person is eligible for election to a full term as an Elected Council Member who has been an Elected Council Member for a period of four consecutive years or more.

SECTION 4. Except as provided in Section 3, any member of the Section in good standing thirty days prior to the election is eligible for election to an office or as an Elected Council Member. Any dispute as to the eligibility of a nominee shall be resolved by a majority of the Council members present at the annual meeting of the Section members.

SECTION 5. The Nominating Committee shall also determine, and report to the annual meeting for its information, those four persons, willing to serve on the Council, who most recently served as Chair.

ARTICLE VI

Terms of Officers and Council Members

SECTION 1. The term of office of an officer is one year, measured from the close of one annual meeting of members to the close of the next succeeding annual meeting of members, or until the officer's successor is duly elected and qualified. The term of the Chair begins at the close of the annual meeting held one year after that person's election as Chair-Elect. The terms of the other officers begin at the close of the annual meeting at which they were elected.

SECTION 2. Terms of Elected Council Members are three years, beginning at the close of the annual meeting at which elected and ending at the close of the annual meeting held three years later or when their successors are duly elected and qualified. Four of the twelve Elected Council Members shall be nominated and elected at each annual meeting of the members.

SECTION 3. The four former Chairs who, as such, are members of the Council each have a term of one year, measured as that of an officer, other than Chair.

SECTION 4. Any vacancy arising in the office of Vice-Chair, Secretary or Treasurer or as a member of the Section Council shall be filled by the Council for the unexpired balance of the term.

SECTION 5. If any Council Member fails to attend two successive meetings of the Council without having been excused for cause by the Chair, that member's position is potentially vacant. By letter the Chair shall advise all Council members of the impending vacancy. The position automatically becomes vacant unless, at its next meeting following that notice, the Council passes a resolution excusing the absences.

ARTICLE VII

Duties and Powers of Officers

SECTION 1. Chair. The Chair, or successively, the Chair-Elect and the Vice-Chair, in the absence of the Chair, shall preside at all meetings of the members and of the Council.

The Chair shall:

--formulate and present at each annual meeting of the Association a report of the work of the Section for the then closing year;

--appoint the chair and members of all committees of the Section for terms co-extensive with that of the Section Chair;

--plan and superintend the program of the Section at the annual meeting of the Association during the Chair's term, subject to the direction and approval of the Council;

--Superintend the performance of all activities of the Section;

--keep an accurate record of all monies appropriated to and expended for the use of the Section;

--perform such other duties and acts as usually pertain to the Chair's office or as may be designated by the Council.

SECTION 2. Chair-Elect. Upon the death, resignation or during the disability of the Chair or at the Chair's request, or upon the Chair's refusal to act, the Chair-Elect shall perform the duties of the Chair.

SECTION 3. Vice-Chair. The Vice-Chair is next in the line of succession behind the Chair-Elect in the event of any death, resignation or disability of the officers above the Vice-Chair. Additionally, the Vice-Chair performs any duties assigned to the Vice-Chair by the Chair or Council.

SECTION 4. Secretary. The Secretary is the custodian of all books, papers, documents and other property of the Section, except money. The Secretary shall keep a true record of the action taken at all meetings of the members and of the Council. The Secretary, in conjunction with the Chair and other officers, shall attend generally to the business of the Section.

SECTION 5. Treasurer. The Treasurer performs the duties usually pertaining to that office, consistent with the policies of the Association and subject to the direction of the Chair, and shall perform other duties assigned to the Treasurer by the Chair or Council. The Treasurer shall maintain appropriate accounts of the funds of the Section, if any there be, subject to any regulations or operating procedures imposed by the Association.

ARTICLE VIII

Duties and Powers of the Council

SECTION 1. The Council has general supervision and control of the affairs of the Section, subject to the Constitution and By-Laws of the Association and to these By-Laws. Council authorization is required for all contracts by which the Section promises

to pay money and for the expenditure of moneys appropriated by the Association for the use or benefit of the Section. The Council may not authorize Section promises to pay more money during a fiscal year than the amount appropriated to the Section for that fiscal year.

SECTION 2. Eleven of the full members of the Council constitute a quorum for the transaction of all business. Any action of the Council may be taken by a majority of those present and voting at a meeting. The Chair may poll the Council by mail, telephone or telegram, and a vote of a majority of the entire Council so taken is as effective as if the members of the Council had met to act upon the matter.

SECTION 3. The Council may authorize the Chair to appoint committees from Section members to perform those duties and to exercise those powers which the Council may direct, subject to the limitations of these By-Laws and of the By-Laws of the Association.

SECTION 4. The Council is authorized to act on behalf of, and to bind, the Section on any and all matters arising between annual meetings of the Section.

ARTICLE IX

Committees

SECTION 1. The Chair shall appoint standing and special Committees of the Section relating to matters within the scope of the Section's activities. Committees have the powers, duties and procedures that the Council from time to time determines. All reports of standing or special Committees shall be transmitted to the Section Chair by the Chair, or other authorized members, of the Committee. No report shall be made public in whole or in part unless and until approved by the Council and authorized and approved by the Board of Governors of the Association.

ARTICLE X

Miscellaneous Provisions

SECTION 1. The fiscal year of the Section is the same as that of the Association.

SECTION 2. All bills incurred by the Section, before being forwarded to the Treasurer of the Association for payment, shall be approved by the Chair, or by the Treasurer, or, if the Council so directs, by both.

SECTION 3. No salary or compensation shall be paid to any officer, council member or member of a committee.

SECTION 4. Any action by this Section must be approved by the Association before the same becomes effective as the action of the Association.

SECTION 5. These By-Laws take effect upon their adoption by the Section members. A copy shall be filed with the Executive Director of the Association.

SECTION 6. All printing for the Section, or for the Council, or for any committee of the Section, shall be done only on authorization of the Council.

ARTICLE XI

Amendments

These By-Laws may be amended without prior notice to members at any annual meeting of the Section by a majority vote of the members of the Section present and voting.