

**SECTION OF NEGLIGENCE, INSURANCE &
WORKERS' COMPENSATION**

Of the Maryland State Bar Association, Inc.

November, 1968

Revised October 22, 1969

Revised February, 1978

Revised January, 1981

Revised October, 2010

SECTION 1

NAME, PURPOSE, POWERS

- 1.01. **NAME.** This section shall be known as the Section of Negligence, Insurance and Workers' Compensation
- 1.02. **PURPOSES.** The purpose of this section shall be to promote the objectives of the Maryland State Bar Association within the particular fields designated by the name of the section, and to that end, to further the development of the law of negligence, insurance, and workers' compensation; to stimulate and extend the study of these fields of the law, to cooperate in obtaining legislation and administration in all matters concerning negligence, insurance and workers' compensation, and to simplify and improve the application of justice in these fields of law.
- 1.03. **POWERS.** Subject to the provisions of the constitution and by-laws of the Maryland State Bar Association, the Section shall have all powers necessary and advisable to carry out the purposed mentioned above, or necessary and advisable with respect to the internal operation of this Section itself.

SECTION 2

SECTION MEETINGS

- 2.01. **ANNUAL MEETINGS.** The annual meeting of this Section shall be held in one or more sessions at or about the time, and in the same place as, the membership meeting of the Maryland State Bar Association. The program and order of business for annual meetings shall be arranged by the Council.

- 2.02. SPECIAL MEETINGS. Special meetings of this Section may be called by the chairman upon approval of the Council, at such time and place as the Council determines, upon not less than 20 days' written notice to the members.
- 2.03. VOTING. The members of this Section present at any duly called meeting constitute a quorum for transaction of business. All actions of the Section shall be a majority vote of the members present. Proxy voting is not permitted.

SECTION 3 THE COUNCIL, OFFICERS, AND THEIR FUNCTIONS

- 3.01. MEMBERSHIP OF THE COUNCIL. There shall be a Council, consisting of the following officers: Chair, Chair-Elect (vice-chair), Secretary and ten (10) other members of the Section and all past chairs of the Section (unless they have resigned). The officers of the Section and their Council members and officers shall be as hereinafter provided. The chair of the Council may invite other members of the Section to attend specific Council meetings from time to time. The three (3) immediate past chairs of the Section shall be voting members of the Council. All other past chairs of the Section, and members of the Section who are not members of the Council attending Council meetings by invitation, have no vote in Council proceedings. One of the 10 members at large shall be a current member of the Maryland Judiciary who is also a member of the MSBA. In addition another one of the 10 members at large shall be a Workers' Compensation Commissioner, who is also a member of the MSBA. Neither the member of the Maryland Judiciary and the Workers' Compensation Commissioner shall be a voting member of the Council.

If any elected member of the Council shall fail to attend three (3) successive regular meetings of the Council without having been excused by the Chair or by a vote of the Council, the seat of that Council member thereafter shall be deemed vacated automatically, and the vacancy shall be filled as

provided below. Nonvoting past chairs can attend a meeting of the Section Council, provided that they pay for the cost of their meals.

3.02. **POWERS OF THE COUNCIL.** The Council has general supervision and control of the affairs of this Section, subject to the provisions of the constitution and the by-laws of this Section. Between meetings of the Section, the Council has full authority to act for the Section in any way in which the Section itself would be authorized to act. All such action taken by the Council shall be reported to the members of the Section at the next annual meeting of the Section. The Council may from time to time delegate powers to the chairman, or other officer, or member, or to any committee which it has created. All action of the Council shall be by a majority of the voting members of the entire Council. Proxy voting of the Council is not permitted.

3.03. **DUTIES OF THE CHAIR.** The Chair is responsible for and shall direct all activities of the Section and shall perform all duties assigned to him/her from time to time by the Council.

The Chair shall see that appropriate work is assigned to members of the Council, and shall be responsible to see that the work so assigned is completed in an acceptable orderly fashion.

3.04. **DUTIES OF THE CHAIR-ELECT(A.K.A. VICE-CHAIR).** The chair-elect shall assist the chair in the performance of his/her responsibilities to the extent assigned by the chair. He/she shall perform such other duties as usually pertain to his/her office or as may be assigned by the chair of the Council. He/she shall perform the duties of the chairman during any disability of the chair. The chair-elect shall become chair of the Section upon the adjournment of the annual meeting succeeding the annual meeting at which he/she is elected chair-elect; he/she is thereafter ineligible for the office of the chair. If for any reason the office of chair of the Section for the previous chair-elect shall automatically become chair of the Section for the previous chair's unexpired term, but such service does not prevent him/her from taking office for his/her regular term.

- 3.05. DUTIES OF THE SECRETARY. The secretary shall keep a true record of the proceedings of all meetings of the Council and of the Section. He/she shall perform such other duties as may be assigned him/her by the chair or the Council, and in cooperation with the chair, shall draft an appropriate report for publication in the reports of the Maryland State Bar Association.
- 3.06. DUTIES OF THE COUNCIL MEMBERS. The members of the Council shall perform all duties assigned to them by the chair or by the Council. With the approval of the chair, a member on behalf of the Council may appoint such persons or committees to assist him/her in completing the assignments given to him/her as he/she may from time to time consider appropriate.

SECTION 4 NOMINATION, TERMS, AND ELECTION OF OFFICERS AND MEMBERS OF THE COUNCIL

- 4.01. NOMINATIONS; TERMS. Between the mid-winter meeting of the Maryland State Bar Association and April 1st, the chair, with the approval of the Council, shall appoint a nominating committee, to consist of from three (3) to seven (7) persons. The members of the nominating committee shall be persons who are familiar with the affairs of the Section, and with the capability and availability of possible nominees; they shall be selected from varying geographic localities to the extent feasible.

The nominating committee shall receive and consider suggestions for nomination of qualified persons to serve as officers and members of the Council. Subject to Section 3.04 with respect to the Chair, the nominating committee shall nominate each year a sufficient number of persons to fill the positions of the officers and members of the Council whose terms will expire upon the next annual meeting of the Section and to fill any other vacancies in unexpired terms that occur concurrent with the next annual meeting of the Section. Not later than fifteen (15) days before the May meeting of the Section, the nominating committee shall report in writing to

the members of the Section its nominations for the officers and members of the Council.

Unless elected to fill an unexpired term, each officer shall hold office for a one (1) year term. Each officer's term shall begin upon the adjournment of the annual meeting at which the officer is elected or commences to serve and shall end upon the adjournment of the next succeeding annual meeting of the Section or when the officer's successor has been elected and qualified.

Unless elected to fill an unexpired term, each Council member shall hold office for a two (2) year term. The terms of the Council members shall be staggered so that one-half (1/2) of the Council members shall hold a two (2) term ending in an odd numbered year and one-half (1/2) of the Council shall hold a (2) year term ending in an even numbered year. The terms of the Council members shall begin upon the adjournment of the annual meeting at which the Council member is elected and shall end upon the adjournment of the next succeeding annual meeting of the Section conterminous with the Council member's respective term or when the Council member's successor has been elected or qualified.

Any person elected to fill an unexpired term shall serve for the unexpired portion of the term until a successor has been elected and qualified. Other than the Chair and the Chair-Elect, any officer or Council member may be re-elected to additional terms.

The nominating committee shall designate the term, or unexpired portion of a term, that each person has been nominated to serve.

4.02. ELECTION OF OFFICERS AND COUNCIL MEMBERS. The recommendation of the nominating committee shall be voted upon at the May meeting of the Section Council.

4.03. VACANCIES. Except as otherwise provided in these by-laws, if a vacancy occurs in the membership of the Council between annual meetings, the Council may fill that vacancy, and the person so selected shall serve for the

unexpired portion of the term for the position to which the person shall have been elected or until a successor has been elected and qualified.

SECTION 5 MISCELLANEOUS PROVISIONS

- 5.01. DUES. With the approval of the board of governors of the Maryland State Bar Association, the Council may establish dues for membership in the Section. The collection, deposit, and expenditure of the Section dues, and the termination of Section membership for non-payment of dues, shall be in accordance with policies and procedures established by the board of governors.
- 5.02. COMPENSATION. No salary or compensation may be paid to any member of this Section for services rendered to the Council or to the Section. This Section does not preclude reimbursement of reasonable expenses incurred by members on behalf of the Section.
- 5.03. FISCAL YEAR. The fiscal year of the Section shall be the same as that of the Maryland State Bar Association.

SECTION 6 AMENDMENTS AND EFFECTIVE DATE OF BY-LAWS

- 6.01. AMENDMENTS. These by-laws may be amended at any meeting of the Council, by a three –quarters vote of the entire Council, or at any annual meeting of the Section, by a majority of the members of the Section present and voting.
- 6.02. EFFECTIVE DATE. These amended by-laws are effective as of November 15, 2010, having been approved by a $\frac{3}{4}$ vote of the entire Council.