

BYLAWS OF THE
ALTERNATE DISPUTE RESOLUTION SECTION
STATE BAR OF NEVADA

ARTICLE I

Name

This Section shall be known as the Alternate Dispute Resolution Section (“ADR Section”), of the State Bar of Nevada (“State Bar”), under the jurisdiction and control of the Board of Governors.

ARTICLE II

Purpose

The general purposes of the ADR Section shall be (a) to increase knowledge in all areas of Alternate Dispute Resolution among members of the State Bar, dispute resolution professionals, the business community, the legal community and the public at large; (b) to study existing and future methods for improving the prompt and effective resolution of disputes; (c) to encourage and sponsor publication of videos, computer, audio and written materials and publications on ADR; (d) to conduct, assist and encourage public and professional ADR education programs; and (e) to recommend changes in the administration of ADR in accordance with the policies of the State Bar by participating in rule-making and legislation.

The ADR Section (a) is prohibited from representing its actions as those of the State Bar; (b) shall not take positions on political or social issues which do not relate to the practice of law or the administration of justice; (c) shall not publicly state support or opposition to candidates for public office.

No salary or compensation for services shall be paid to or by any Member, Officer, Executive Board Member, or Member of any Committee, except as may be specifically authorized by the Board of Governors.

ARTICLE III

Membership

The Membership of the ADR Section shall be comprised of those active members in good standing with the State Bar, upon payment of the annual ADR Section dues. The term of membership shall be the calendar year for which dues have been paid.

Dues for Membership in the ADR Section shall be set by the Board of Governors. Dues are payable for the calendar year and are not prorated.

Only Members whose ADR Section dues are current and are in good standing with the State Bar shall be eligible to hold office and/or to vote at the Annual Meeting or any other meetings of the ADR Section.

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Current, active law students may be admitted as non-voting Members (“Student Members”) to the ADR Section, upon application to, and approval by, the Executive Board.

ARTICLE IV
Officers

The Officers of the ADR Section shall be the Chairperson, the Vice-Chairperson, the Secretary and the Treasurer.

The Chairperson, or the Vice-Chairperson, in the absence of the Chairperson, shall (a) preside at all meetings of the Section and of the Executive Board; (b) appoint the Chairperson and members of all Committees of the Section who are to hold office during that term; (c) plan and superintend the program of the ADR Section during that term; (d) superintend the performance of all activities of the ADR Section; (e) keep the Executive Board duly informed and carry out its decisions; (f) perform such other duties and acts as usually pertain to this office or as may be designated by the Executive Board; and (g) make an annual written report to the Board of Governors which shall be presented prior to or at the annual meeting of the State Bar.

The Vice-Chairperson shall (a) aid the Chairperson in the performance of the responsibilities of office in the manner and to the extent the Chairperson may request; and (b) shall perform such further duties and have such further powers as usually pertain to this office, or as may be designated by the Chairperson or the Executive Board. In case of death, resignation, or disability of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson for the remainder of the Chairperson’s term of disability.

The Secretary shall (a) maintain a current roster of the Members of the ADR Section; (b) keep a true record of the proceedings (“Minutes”) of all meetings of the ADR Section and of the Executive Board; (c) be the liaison between the ADR Section and the State Bar staff regarding the retention and maintenance of books, papers, documents and other property pertaining to the work of the ADR Section; (d) and attend generally to the business of the ADR Section.

The Treasurer shall (a) keep an accurate record of all monies appropriated to it and expended by the State Bar for the purposes of the ADR Section; (b) report on the ADR Section's present and projected financial condition at each meeting of the Executive Board; (c) advise the Officers and Executive Board as to the financial impact of any proposed action by the Officers, Executive Board or ADR Section; (d) prepare and submit a Proposed Budget to the Executive Board for approval or modification to submit to the State Bar, prior to or at the time of the Annual Meeting; and (e) prepare such other recommendations and special reports on financial affairs of the ADR Section as may be requested by the Chairperson.

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ARTICLE V
Meetings

The ADR Section shall hold its Annual Meeting (“Annual Meeting”) in conjunction with the annual meeting of the State Bar, at a time and date set by the Executive Board. The election of Officers and Members of the Executive Board shall be conducted during the Annual Meeting. The Executive Board shall adopt written policies governing all elections.

The ADR Section may hold other meetings of the Members throughout the year, upon the call of the Chairperson and upon reasonable notice to the Members.

The Quorum of any meeting of the ADR Section or Committee shall be the number of Members present.

Special Meetings of the ADR Section may be called by the Chairperson at any time. If the Chairperson refuses to call a Special Meeting, any 3 Executive Board Members may call and conduct a Special Meeting, upon reasonable notice to all Members.

The Executive Board may establish such procedures that it deems appropriate for Members to attend any meeting by telephone, video link or other technological method, which allows for simultaneous communication. Participation through such means constitutes personal presence for purposes of establishing a quorum and conducting business.

The Executive Board may establish such procedures that it deems appropriate for Members to cast a vote on a pending question by mail, email or other technological method.

ARTICLE VI
Executive Board

The Executive Board shall be vested with the powers and duties necessary for the administration of the affairs of the ADR Section.

Between meetings of the ADR Section, the Executive Board shall have full power to do and perform all acts and functions which the ADR Section itself might perform. Any such action taken by the Executive Board shall be reflected in the Minutes of the Executive Board and reported to the ADR Section at its next meeting.

The policy of the Executive Board shall be consistent with the policies set by the Board of Governors of the State Bar. It shall especially authorize all commitments which entail the payment of money, and shall authorize the expenditure of all monies budgeted by the State Bar for the use or benefit of the ADR Section. It shall not, however, authorize commitments which entail the payment of more money during any fiscal year than the amount budgeted to the ADR Section for the fiscal year. Nothing in these bylaws prohibits the Executive Board from seeking additional funds from the State Bar at any time.

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The Executive Board shall be comprised of (a) the 4 Officers; (b) the Immediate Past Chairperson; (c) 3 At-Large Members; (d) 1 voting, ex-officio Member appointed by the Board of Governors; (e) 1 Legislative Liaison (any active member may hold this position); and (f) 1 non-voting Student Representative.

The Immediate Past Chairperson shall serve until replaced by the succeeding Immediate Past Chairperson. Any vacancy in the Immediate Past Chairperson can only be filled by a Past Chairperson.

The At-Large Members shall each be elected to a rotating 3-year term, with 1 At-Large position set for election at each Annual Meeting. Any vacancies in the At-Large Member may be filled by the Executive Board. Such an appointee shall serve until their successor is elected to the At-Large Member position in the normal course.

The Board of Governors may appoint any person it deems appropriate to serve as a voting, Ex Officio Member of the Executive Board. The Ex Officio Member shall serve until their successor is appointed.

The Student Representative shall be elected by the non-voting Student Members and shall serve until their successor is elected to the Student Representative position in the normal course. A vacancy in the Student Representative shall be filled by the Executive Board with a Student Member.

Between the Annual Meetings of the ADR Section, the Executive Board may fill vacancies in its own Members, or in the offices of Vice-Chairperson, Secretary, Treasurer or Student Representative. Members of the Executive Board and Officers so appointed shall serve until their successors are elected at the next Annual Meeting of the ADR Section. Officers and Executive Board Members may succeed themselves; there are no term limits for Officers or Executive Board Members.

The quorum of the Executive Board shall be a majority of the Members of the Executive Board. Under ordinary circumstances, the quorum will be 5 members. The non-voting Student Representative shall not be counted in establishing a quorum.

The Executive Board shall meet prior to, or during, the Annual Meeting to review and approve the Proposed Budget. The reports required of the Officers shall also be presented at the Annual Meeting.

The Executive Board may establish such procedures that it deems appropriate for Executive Board Members to attend any Executive Board Meeting by telephone, video link or other technological method, which allows for simultaneous communication. Participation through such means constitutes personal presence for purposes of establishing a quorum and conducting business.

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The Executive Board may establish such procedures that it deems appropriate for Executive Board Members to cast a vote on a pending question by mail, email or other technological method.

ARTICLE VII
Committees

The Chairperson shall have the full authority to appoint any ad hoc Committees, including its Members and the Chairperson of that Committee. The Committee and its Chairperson so appointed by the ADR Section Chairperson shall adjourn and cease to exist at the end of the Annual Meeting and until such time as the incoming Chairperson reappoints that Committee or establishes new Committees.

No action of any ADR Section Committee shall be effective until approved by the Executive Board or by the Section.

ARTICLE VIII
Parliamentary Authority

The parliamentary authority for the ADR Section shall be the current edition of Robert's Rules of Order, Newly Revised.

ARTICLE IX
Legislation and Public Policy

Guidelines: All State Bar of Nevada practice-area section legislative or policy activities must be germane to the State Bar of Nevada's mission and reasonably related to any of the following subjects: Regulating and disciplining of lawyers; improving the functioning of the courts including issues of judicial independence, fairness, efficacy, and efficiency; making legal services available to society; the education, ethics, competence, integrity, and regulation of the legal profession; issues involving the structure and organization of federal, state, and local courts in or affecting Nevada; issues involving the rules of practice, procedure, and evidence in federal, state, or local courts in or affecting Nevada; or issues involving the duties and functions of judges and lawyers in federal, state, and local courts in or affecting Nevada.

Legislative Process: Because of the nature of the legislative process, the Board of Governors retains the right to sponsor or take positions on appropriate legislation. In so doing, the Board will make a reasonable effort to do the following: Encouraging as wide a participation of the membership as possible in formulating positions on legislative issues; inform members, especially sections and committees, of the Bar's legislative issues; inform members, especially sections and committees, of the Bar's legislative positions; respect divergent opinions of subgroups within the legal profession; provide assistance to bar sections and committees; and

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avoid committing Bar funds to issues that are divisive or result in creating factions within the profession.

Committees and Sections: Any Section wishing to sponsor legislation or take a position on any rule or public policy issue will inform the Board of Governors of the exact nature of the legislation proposed. A copy of the bill, proposed rule, or policy will be presented for consideration and approval of the Board. A committee or Section of the Bar may not represent to the Nevada State Legislature or any individual, committee, or agency thereof, a position or proposal or any bill or act as the position of that committee or section of the Bar without the majority approval of the members of that committee or, in the case of a Section, the Section's Executive Committee and the prior approval of the Board, except as follows:

- (a) Adoption of Legislative Position. If the Board of Governors approves of the legislative position taken by the Section, the Section may take the legislative position and may assert that the legislative position is endorsed by the State Bar generally or the Board of Governors.

If, on the other hand, the Board of Governors does not expressly disapprove of the Section's position, or fails to take any action on the Section's legislative position, the Section may, as a Section, seek to influence the legislation if and only to the extent that all such efforts and activities of the Section to influence the legislation are funded entirely from the voluntary dues of its members, and not through any funds obtained from the State Bar of Nevada through its imposition of mandatory dues. Under such circumstances, the legislative action taken by the Section shall be clearly identified as the legislative position of the Section and not that of the State Bar or the Board of Governors. A legislative position statement of a Section to a legislative body must, as a preamble, contain the following disclaimer in capital letters and underlined:

THESE POSITIONS ARE BEING PRESENTED ON BEHALF OF THE EXECUTIVE COMMITTEE OF THE ALTERNATIVE DISPUTE RESOLUTION SECTION OF THE STATE BAR OF NEVADA. THIS POSITION SHOULD NOT BE CONSTRUED AS REPRESENTING THE POSITION OF THE BOARD OF GOVERNORS OR THE GENERAL MEMBERSHIP OF THE STATE BAR. THE EXECUTIVE COMMITTEE OF THE ALTERNATIVE DISPUTE RESOLUTION SECTION, WHICH TAKES THIS POSITION, IS A VOLUNTARY SECTION OF THE ALTERNATIVE DISPUTE RESOLUTION MEMBERS COMPOSED OF LAWYERS THAT SUPPORT ALTERNATIVE DISPUTE RESOLUTION.

This disclaimer shall be filed before the presentation of testimony with the clerk of the committee or subcommittee before which testimony is to be presented. Additionally, the disclaimer must be read at the beginning of any oral testimony before a committee or subcommittee. If the general membership of the Section has approved the Section's position, paragraph 2 of the disclaimer may be omitted.

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ARTICLE X
Amendments

These Bylaws may be amended by (a) a majority vote of the Members, with prior notice of the proposed amendments in the Call of the Meeting, or (b) a 2/3 vote of the Members, when prior notice of the proposed amendments was not provided in the Call of the Meeting.

Approved by the Membership on the 16th day of November, 2022.

By: _____
Secretary