

**SECOND AMENDED AND RESTATED  
BYLAWS OF THE  
APPELLATE LITIGATION SECTION  
STATE BAR OF NEVADA (2022)**

**Section 1**

**IDENTIFICATION**

**1.1 NAME.** This Section shall be known as the “Appellate Litigation Section, State Bar of Nevada” and hereinafter be designated simply as “the Section.”

**1.2 PURPOSE.** The general purpose of the Section shall be the promotion of the objects of the State Bar of Nevada (State Bar) within the particular fields designed by the name of this Section. To that end, it shall be the purpose of the Section to further the knowledge of the members of the Section, the Bar and the Judiciary in all aspects of Appellate Litigation; establish and administer seminars (subject to prior approval of the State Bar CLE Director); provide for and distribute Appellate Litigation publications; and assist the Board of Governors in the implementation of programs, policies, standardization and guidelines in the field.

**Section 2**

**MEMBERSHIP**

**2.1 ENROLLMENT.** Any member in good standing with the State Bar, upon request to the Secretary of the Section, shall be enrolled as a member of the Section by the payment of annual Section dues.

Current, active law students may be admitted as non-voting Members (“Student Members”) to the Appellate Litigation Section, upon application to, and approval by, the Section’s Executive Board and payment of such dues as the Board of Governors shall set.

**2.2 TERM.** The term of membership in the Section shall be for a period of one (1) year, corresponding to the membership year established by payment of State Bar dues.

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

**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 each enrollment. Such fees shall be prescribed by the Board of Governors and shall be paid into the treasury of the State Bar along with all other funds generated

by this Section, to be used for the purposes of defraying the costs and expenses of this Section or such other purposes as the Board of Governors may designate. Within the meaning of this Section, the time intervening between successive annual meetings is deemed to be one (1) year. The initial dues shall be \$25 per year.

**2.5 DELINQUENCY.** Any member of the Section whose annual dues are more than six (6) months past due shall thereupon cease to be a member of this Section.

**2.6 MEMBERSHIPS.** Members shall have the following rights:

1. To attend meetings, including meetings of the Executive Committee.
2. To vote, upon payment of the appropriate dues.
3. To hold office.
4. To participate in all activities of the Section not prohibited or assigned in accordance the Bylaws.

### **Section 3**

#### **COMMITTEES**

The Executive Committee of this 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 promote the activities of the Section within the jurisdiction of the Section and with the approval of the Board of Governors. In establishing a new committee, the Executive Committee shall state in writing the area of its proposed activities. No action of any Section committee shall be effective until approved by the Executive Committee or by the Section.

### **Section 4**

#### **MEETINGS OF THE MEMBERSHIP**

**4.1 ANNUAL MEETING.** This Section shall hold a meeting at least annually at a place and time to be determined by the Executive Committee.

**4.2 NOTICE.** Written notice of each meeting specifying the time and place shall be mailed, e-mailed, faxed or delivered to each member ten (10) days prior to meeting.

**4.3 QUORUM.** The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**4.4 CONTROLLING VOTE.** Action of the Section shall be by majority vote of the members present.

**4.5 VOTING ELIGIBILITY.** Any member of the State Bar and Section whose

good standing can be certified by official State Bar records for ten days prior to the time of voting shall be eligible to vote.

**4.6 AGENDA.** Among the matters of business to be transacted at the annual meeting of the membership shall be the election of Officers and other members of the Executive Committee members. The agenda shall consist of other matters as decided by the Chairperson or Executive Committee.

**4.7 ALTERNATE FORMS OF VOTING.** The Executive Committee may direct that a matter be submitted to the members of the Section for a vote by alternate means, including mail, email, or facsimile. 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 Committee.

## **Section 5**

### **OFFICERS**

**5.1 OFFICERS.** The Officers of the Section shall be the Chairperson, Chair-Elect, Secretary and Financial Officer/Treasurer. The general membership shall elect the Officers annually by a majority vote with the terms of office to begin September 1 of each year.

**5.2 CHAIRPERSON.** The Chairperson shall:

1. Preside at all meetings of the Section and of the Council.
2. Plan and superintend the programs of the Section during that term, subject to the direction and approval of the Council.
3. Superintend the performance of all duties of the Section.
4. Keep the Executive Committee duly informed and carry out its decisions.
5. Perform such other duties and acts as are necessary and proper to the office or as may be designated by the Council.
6. Make an annual written report to the Board of Governors which shall be available at the annual meeting of the State Bar.
7. For the term to begin September 1, 2013, the Chair will be elected by a majority of the Section membership attending the August 2013 meeting.

**5.3 CHAIR- ELECT.** The Chair-Elect shall be elected annually by a majority of the Section membership, to take office as Chair-Elect September 1 of the same year, and to take office as Chair September 1 of the year following the year of election. The Chair-Elect shall aid the Chairperson in the performance of the responsibilities of office in the manner and to the extent the Chairperson may request, and 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 Council. In case of death, resignation, or disability of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson for the remainder of Chairperson's term or disability, as the case may be. In the event the Chairperson is temporarily unavailable, the ViceChairperson shall assume and perform the duties of the Chairperson.

**5.4 SECRETARY.** The Secretary shall be elected annually by a majority of the, to take office September 1 of the same year. The Secretary shall consult and assist all the officers of the Section; be the liaison between the Section and the State Bar staff regarding the retention and maintenance of books, papers, documents and other property; keep a true record of the proceedings of all meetings of the Section and of the Council; and attend generally to the business of the Section as directed by the Chair-Elect. The Secretary shall maintain the official copies of the Bylaws, Minutes, Membership Rolls, List of Executive Committee Members and Officers of the Council.

**5.5 FINANCIAL OFFICER/TREASURER.** The Financial Officer/Treasurer shall be elected in the same manner as the Chair-Elect and for the same term. The Financial Officer/Treasurer shall monitor all accounts, reports and other documents prepared as to Section funds, revenues and expenditures, and seek to make certain that all such accounts and other documents are at all times accurate and correct; report on the Section's present and projected financial condition at each meeting of the Section Council; advise the Officers and Executive Committee as to the financial impact of any proposed action by the Officers, Executive Committee or Section which, in the judgment of the Financial Officer/Treasurer, would have a significant impact on the financial condition of the Section; at least once per year, prepare and submit a projected budget to the Executive Committee for approval or modification at such time as may be expressly fixed by the Council, which shall be done in a sufficient time to submit the same to the membership and the State Bar Board of Governors for approval. The Section budget shall be effective only upon approval by the Board of Governors, a copy of which, once approved, shall be maintained by the Financial Officer. The Financial Officer/Treasurer shall also submit a copy of the Section budget to the Section membership at the annual meeting, a report on the Section's financial affairs and financial conditions; prepare such other recommendations and special reports on financial affairs of the Section as may be requested by the Chairperson of the Section.

**5.1 TERM.** Save the Chair-Elect, who serves as described above, all officers shall serve a one (1) year term following election. With the exception of Chair/Chair-Elect, officers may be re-elected to the same office more than once but may not serve more than eight (8) consecutive years.

## Section 6

### **THE EXECUTIVE COMMITTEE**

**6.1 POWERS.** The Executive Committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section. The policy of the Executive

Committee shall be consistent with the policies set by the Board of Governors. It shall especially authorize all committees 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.

**6.2 COMPOSITION.** The Committee shall be composed of:

1. The Officers of the Section;
2. The Immediate Past-Chair;
3. A minimum of three, but no more than eight, Members-at-Large each of whom shall serve one-year terms, with the Members-at-Large consisting, where possible, of at least one (1) member from metropolitan Clark County, one (1) member from Washoe County or Carson City, and one (1) member from a rural county. If no member residing in the rural counties is available to serve as a Member-at-Large, then that position will be open to a member from either of the other two areas; and
4. A non-voting ex officio appointee of the Board of Governors, who may choose not to exercise this option.

**6.3 CONTROLLING VOTE.** Action of the Executive Committee shall be by a majority vote of those voting members present. The Chair shall have a vote only in the event of a tie. A quorum consisting of at least three members of the Executive Committee members shall be required to conduct its business.

**6.4 MEETINGS.** The Executive Committee shall hold at least four (4) regular meetings each year to dispatch any necessary business, with those meetings being held quarterly in January, April, at the annual meeting as provided for in Section 4.1, and October, or as close to those times as practicable. The Executive Committee Meetings may be held via telephone or video-conferencing. The Chairperson may, and upon request of three (3) members of the Executive Committee shall, call special meetings of the Executive Committee between annual meetings.

**6.5 POLL OF EXECUTIVE COMMITTEE.** In urgent matters requiring immediate attention, the Chairperson may, and upon request of three (3) members of the Executive Committee shall, submit in writing to each of the members of the Executive Committee a proposition upon which the Executive Committee may be authorized to act, and the members of the Executive Committee may vote upon the proposition either by electronic (email) vote, to the Secretary, who shall record the proposition and votes in the matter.

**6.6 EXECUTIVE COMMITTEE AUTHORITY.** Between meetings of the

Section, the Executive Committee shall have full power to do and perform all acts and functions which the Section itself might perform. Any such action taken by the Executive Committee shall be reported to the Section at its next meeting.

**6.7 NO COMPENSATION.** No salary of compensation for services shall be paid to or by any Officer, member of the Executive Committee, or member of any committee, except as may be specifically authorized by the Board of Governors.

## Section 7

### **SUCCESSION OF OFFICERS AND VACANCIES**

**7.1 OFFICERS AND EXECUTIVE COMMITTEE.** Between annual meetings of the Section, the Executive Committee may fill vacancies in its own membership by majority vote; however, any vacancy in the position of Chair-Elect must be filled by a vote of the membership. The Board of Governors shall by appointment fill any vacancy of its ex officio member. Officers and Executive Committee members may succeed themselves.

**7.2 ABSENTEEISM.** If any Officer or member of the Executive Committee shall fail to attend two (2) consecutive meetings of the Executive Committee, his office shall be automatically vacated, unless excused upon good cause accepted by members of the Council.

**7.3 RESIGNATION.** Any officer may resign by giving written notice to the Council.

**7.4 REMOVAL.** Upon written notice, the General Membership may remove a member of the Executive Committee by a majority vote.

## Section 8

### **LEGISLATION AND PUBLIC POLICY**

**8.1 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 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.

**8.2 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: Encourage 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 positions; respect divergent opinions of subgroups within the legal profession; provide assistance to bar sections and committees; and avoid committing Bar funds to issues that are divisive or result in creating factions within the profession.

**8.3 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 disapproves of the legislative position taken by the Section, the Section shall not take a position on such matter.

If 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 only on behalf of the Executive Committee of the [NAME OF SECTION] 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 [NAME OF SECTION] Section, which takes this position, is a voluntary section of

[NUMBER OF SECTION MEMBERS] members composed of lawyers practicing in a specified area of law.

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.

### **Section 9**

#### **CONTINUING LEGAL EDUCATION PROJECTS**

All educational projects of the Section for which CLE credits will be sought must be submitted to the Continuing Legal Education Committee for approval. The Continuing Legal Education Committee will administer and coordinate all such projects with the Section. Net profits or losses of such projects will be divided in a manner considered appropriate by the Continuing Legal Education Committee.

### **Section 10**

#### **AMENDMENT TO BYLAWS**

The 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 Committee. They shall become effective upon approval by the Board of Governors, and may be amended or repealed at any time by the Board of Governors on its own motion.