

# American Board of Trial Advocates



## **Constitution and Bylaws of the American Board of Trial Advocates**

### **Preamble**

Whereas, we believe that our traditional jury system, both civil and criminal, is the one system of jurisprudence which guarantees necessary safeguards for the protection of the rights of person and property, and that this system should be preserved in its essence; and

Whereas, in the year 1958 when this organization was founded our society was and continues to be confronted with a problem of increasing congestion of available trial courts, and with generalized dissatisfaction with the court processes; and

Whereas, certain persons whom we deem misguided have espoused radical formulae intended to relieve this problem which include drastic changes in the trial court system in general, and in the process of jury trials in particular; and

Whereas, we believe it is self-evident that our court system is confronted with the same problems in organization and in efficient management as are faced by all phases of our modern society, and as the operation of our courts is becoming more complex due to population trends and new areas of litigation requiring an enlargement of the bench and improvement in the management of trials; and

Whereas, we further believe that these problems can and should be solved with little or no change in the basic principles of litigation traditional in our system of jurisprudence, inherited from our forefathers; and that the profession can assist in the solution of these problems by aiding attorneys engaged in trial practice in attaining a higher degree of knowledge and skill in the art of advocacy and by inculcating in trial attorneys the highest precepts of integrity and ethical standards; and

Whereas, we further believe that there is a pressing need for an organization within the legal profession which will undertake to discover, encourage and recognize attorneys who can supply society's needs for advocates combining skill and integrity, and which organization will further undertake to educate the laity as to the benefits inuring to society from such attorneys who affirmatively support and steadfastly stand by our jury system;

NOW, THEREFORE, we reciprocally and morally bind ourselves to expend the reasonably necessary time, effort and funds to form and maintain an association, not operated for profit, composed of practicing lawyers whose paramount practice is contested litigation in which the right to jury trial is insured by constitutional provision.

Restated 1996

## **Constitution**

**ARTICLE I.** The name of this organization shall be:  
**AMERICAN BOARD OF TRIAL ADVOCATES**

### **ARTICLE II. GENERAL AND SPECIFIC PURPOSES**

#### **Section 1. General Purposes**

The general purposes of this Association shall be to foster improvement in the ethical and technical standards of practice in the field of advocacy to the end that individual litigants may receive more effective representation and the general public be benefited by more efficient administration of justice consistent with time-tested and traditional principles of litigation.

## **Section 2. Specific Purposes**

The specific purposes of this Association are:

- (1)** To elevate the standards of integrity, honor and courtesy in the legal profession;
- (2)** To aid in further education and training of trial lawyers; to work for the preservation of our jury system; to improve methods of procedure of our present trial court system; to serve as an informational center; to discuss and study matters of interest to trial lawyers; to advance the skill of its members as trial attorneys; to honor the members of the Association who have the requisite qualifications; to provide a forum for the expression of interests common to trial lawyers and to act as an agency through which trial lawyers in general, and members of the Association in particular, shall have a voice with which to speak concerning matters of common and general interest;
- (3)** To establish relations and cooperate with other legal organizations and associations for the purposes of promoting the efficient administration of justice and constant improvement of the law;
- (4)** To cultivate a spirit of loyalty, fellowship, and professionalism among our members; to advance the interests of the members of the Association professionally and to enable trial lawyers as a group to have an active association of standing in the community and nation through which they may learn and be heard.

## **ARTICLE III. MEMBERSHIP**

### **Section 1. Eligibility**

Any trial lawyer who is of high personal character and honorable reputation, and who is a member of the Bar of the State, province, district, territory or country in which he or she practices, and who has met the qualifications as prescribed in Article III, Section 2, may become a member of the American Board of Trial Advocates upon nomination, election, and payment of initiation fees and dues.

### **Section 2. Classes of Membership**

There shall be eight classes of membership, admission to which shall be dependent upon the qualifications hereinafter set forth.

- (1) Member** — Shall have completed (10) civil jury trials to jury verdict or hung jury as lead counsel. The applicant shall further possess the other and additional professional and ethical attributes and accomplishments as becomes one committed to the preservation of the Seventh Amendment. Each such person shall be admitted to the rank of “Member” and shall have all the rights of any other class of membership.
- (2) Associate** – Shall have at least five (5) years of active experience as a trial lawyer and as a member of the Bar of the state, province, district or territory in which he or she practices, and shall have tried a minimum of twenty (20) civil jury trials to a jury verdict or hung jury as lead counsel or, in the alternative, shall have tried a minimum of ten (10) civil jury trials to a jury verdict or hung jury as lead counsel and twenty (20) felony criminal trials to a jury verdict or hung jury or, as a second alternative, shall have tried ten (10) civil jury trials to a jury verdict as lead counsel and have acquired 200 points under the trial experience equivalency provisions as defined by Bylaw IV, Section 1.
- (3) Advocate**— Shall have at least eight (8) years of active experience as a trial lawyer and as a member of the Bar of the state, province, district or territory in which he or she practices, and shall have tried a minimum of fifty (50) civil jury trials to a jury verdict or hung jury as lead counsel or, in the alternative, shall have tried twenty-five (25) civil jury trials to a jury verdict or hung jury as lead counsel and shall have acquired 500 points as defined by Bylaw IV, Section 1.

**(4) Diplomat** — Shall have at least twelve (12) years of active experience as a trial lawyer and as a member of the Bar of the state, province, district or territory in which he or she practices, shall have held the rank of Advocate for a minimum of three (3) years and shall have tried a minimum of one hundred (100) civil jury trials to a jury verdict or hung jury as lead counsel or, in the alternative, shall have tried fifty (50) civil jury trials to a jury verdict or hung jury as lead counsel and shall have acquired 1,000 points as defined by Bylaw IV, Section 1.

**(5) Honorary Diplomat** – Shall be a member or former member of the Bar in good standing, or other person of national or international prominence, who has been nominated by unanimous vote of the chapter executive committee and then approved by unanimous vote of those voting in any sponsoring chapter, who has thereafter been unanimously recommended for approval by the National Membership Committee, and then approved by the unanimous vote of the National Executive Committee. The National Executive Committee shall then submit the candidate for admission to the National Board of Directors, who shall approve the nominee only by a unanimous vote of approval. A member or former member of this organization shall not be eligible to admission as an Honorary Diplomat. A nominee for the rank of Honorary Diplomat must have, over a period of time, made continuing and significant contributions to the cause of justice and to the right to jury trials in civil cases. An Honorary Diplomat shall have no voting privilege, nor shall he or she be required to pay an initiation fee, dues or assessments.

**(6) Judge** — Any judge who by reason of his or her standing in the community and his or her contribution to the advancement of the cause of justice under the jury system, and who is a member or a former member of a State Bar Association and prior to becoming a judge has acquired the minimum qualifications required of a Member, shall be eligible for admission to membership, provided he or she has received an affirmative vote in accordance with Article III, Section 3, Subsection 3.

An applicant under this class of membership shall be required to pay an initiation fee equivalent to that of an associate member and shall be subject to the payment of dues and assessments.

**(7) Emeritus Member** — Upon recommendation of the local chapter, an Associate, Advocate, or Diplomat who has served ABOTA or the legal profession with distinction, has been a member of ABOTA in good standing for 10 years, and who has ceased to engage in the active practice of law by reason of age, illness, injury, infirmity or other reason satisfactory to the local chapter and the National Board, shall be eligible for designation as an Emeritus member. Designation as an Emeritus member shall be at the complete discretion of the National Board present and voting at a Board meeting. Emeritus status shall continue all rights and duties previously held by the member, but he or she shall be relieved of the obligation to pay dues to ABOTA National and any state or regional organization. Extant Emeritus members as of January 2011 shall retain that rank.

**(8) International Member** — This is an honorary category of membership, by invitation of a member of the National Executive Committee only. A person in this category shall be a member or former member of the Bar in good standing, or a member or former member of the Judiciary in good standing of a country other than United States of America in which he or she resides who believes in the general principles of this organization and in the preservation and promulgation of the right to jury trial in contested litigation. Such membership shall require a seventy-five percent (75%) vote of the National Executive Committee (presently six out of the eight members) and by a ratification vote of the National Board present and voting at a National Board meeting. An International Member shall have no voting privilege nor shall he or she be required to pay any initiation fee, dues or assessments except as stated by Bylaw V, Section 2.

**(9) Senior Member** — An Associate, Advocate or Diplomat who has been a member in good standing for 10 years and has reached the age of 75, or who has ceased to engage in the active practice of law due to illness, injury or, infirmity at an earlier age may submit an application to his or her local chapter for Senior Status. Upon recommendation of the local chapter and approval by the National Board, Senior Status will be granted to such member and such member will thereafter be obliged to pay 50% of the ABOTA National annual dues. However, said member shall be subject to any amount assessed by a state or regional organization of ABOTA.

### **Section 3. Election to Chapter Membership**

A nominee, to be admitted to membership in a chapter, must receive, in the following order:

- (1) An affirmative vote of seventy-five percent (75%) of the Executive Board of the local chapter;
- (2) An affirmative vote of seventy-five percent (75%) of the local chapter present and voting at an official meeting of, or in a mailing to, the chapter's general membership;
- (3) An affirmative vote of seventy-five percent (75%) of the National Board present and voting at a National Board meeting.

### **Section 4. Conduct of the Membership**

ABOTA does not discriminate on the basis of race, creed, color, national origin, gender, religion, or sexual orientation, and ABOTA prohibits harassment of any kind by a member of the Association toward an ABOTA employee, volunteer, or other member. Members are expected to strictly adhere to these policies.

### **Section 5. Termination of Membership**

- (1) Membership shall be terminated by resignation when the member files a letter of resignation with the Executive Director of the Association. The resigning member should send a copy to the president of the local chapter.
- (2) The following shall be grounds upon which expulsion of a member may be based:
  - a. When a member of this Association is convicted of a felony involving dishonesty or moral turpitude, or a misdemeanor involving theft, embezzlement or misappropriation of funds;
  - b. When a member of this Association has been disbarred or suspended by the highest court of a state in which he or she is licensed, or resigns in the face of disciplinary proceedings;
  - c. When a member no longer possesses the qualifications required for membership as set forth in the Preamble and as defined in Article III, Section 1; or
  - d. When a member of this Association is found, after hearing or by personal admission, to have harassed or discriminated against an employee, volunteer, or other member of ABOTA.
  - e. When other good cause exists.
- (3) Membership may be terminated by expulsion, or a member may be otherwise disciplined, by a two-thirds (2/3) vote of the National Board, present and voting, and a two-thirds (2/3) vote of those members present and voting on the issue of the member's local chapter, if there is a local chapter. Membership may be terminated by expulsion by a three-fourths (3/4) vote of those members present and voting on the issue of the National Board, regardless of the vote of the member's local chapter, and regardless of whether there is a vote of the local chapter, if there is a local chapter.
- (4) If termination by expulsion is contemplated, the National Board and the local chapter may, in their discretion, provide a hearing before a vote to expel is taken, and such hearing shall be more fully provided for in the Bylaws.
- (5) Membership shall be automatically terminated upon failure of a member to pay his or her dues or assessments within twelve (12) months of the due date thereof, as provided for more fully in the Bylaws. Such termination shall not require an expulsion vote by the National Board or the member's local chapter.

## **ARTICLE IV. NATIONAL BOARD OF DIRECTORS AND OFFICERS**

## **Section 1. National Board of Directors**

This Association shall have a National Board of Directors comprised of the President, President-elect and Vice President of the Association, and an additional membership of not less than one member from each chapter plus such additional elected members which each chapter is entitled to in accordance with its numerical strength and governed by the limitations imposed by Section 5 hereunder. In addition, each President or Chair of a state or regional ABOTA recognized group which is made up of multiple ABOTA chapters shall automatically be a National Board Member for the term(s) of that President or Chairperson. In addition, the President shall have the right to appoint a reasonable number of members to the National Board who shall have the same voting rights and duties as the elected members. In the year immediately preceding the President's term, the President-Elect shall submit the proposed appointed members of the National Board of Directors to be approved by the Executive Committee. In addition, should the President wish to select appointed members to the National Board during the President's term, the President shall submit any such proposed appointed member for approval by the Executive Committee. The term of office of those members appointed by the President shall be the same as the President's one-year term. When the President appoints a member during the President's term of office, the appointed member's term of office will expire at the end of the President's one-year term. In addition, each past National President shall be a permanent ex-officio member of the National Board with the same rights and duties as elected members of the same.

## **Section 2. Election of Officers and Terms of Office**

This Association shall have a President, a President-elect and a Vice President, and such other officers as shall be provided in the bylaws. The Vice President shall be elected by the general membership of the Association and shall advance in successive years to the office of President-elect, and then President. The Nominating Committee, composed of the past National Presidents, the current President, the President-elect, and the Vice President, shall meet each summer and select the nominees to stand for election for the office of Vice President for the following year. All additional officers shall be elected by the National Board from the membership of the National Board.

## **Section 3. Powers and Duties**

It shall be the duty of the President, or in his or her absence the President-elect, or in the absence of both, the Vice President, to preside at all meetings of the Association, and of the National Board, and to see that the Bylaws and such rules and regulations as may be adopted by the National Board are enforced; to appoint heads and members of all committees; and to call the meetings of the National Board.

Said National Board, subject to limitations of this Constitution, of the Bylaws, and of the general laws of the jurisdiction within which it is acting, shall have the powers and duties necessary or appropriate for the administration of the business and affairs of the Association. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the National Board shall have the following powers, to wit: To make rules and regulations for the government of the members and officers, and for the management of the affairs of the Association; to incur indebtedness when necessary for legitimate functions of the Association as provided in the Bylaws; to levy and collect assessments upon all members for the purpose of paying expenses, conducting business, paying debts or carrying out the purposes of the Association; to establish procedures for the selection, nomination and election of new members; to make, alter and use a seal in such form as provided in the Bylaws; and to call a general meeting of the membership of the Association at least once a year and at other times for any valid and legitimate purpose.

## **Section 4. Qualifications**

Members of the National Board must be members in good standing.

The President, President-elect and Vice President shall have served at least three (3) years as a member of the National Board at the time of installation in office.

#### **Section 5. Election of National Board of Directors and Terms of Office**

Each chapter shall nominate and elect its representative for membership on the National Board. The names of the members so elected shall be furnished to the National Executive Director sixty (60) days in advance of the Annual Meeting of the Association. Members of the National Board other than President, President-elect or Vice President shall be elected to three (3) year terms on a staggered basis, one-third of the members to be elected annually.

Each position on the National Board, other than President and Vice President, shall be numbered in consecutive order and shall, thereafter, be designated as an "office" when any vacancy is to be filled on the National Board.

No chapter shall be permitted to have more than one numbered office occupied by one of its members at any one time, unless said chapter shall have a current dues-paying membership of at least fifty-one (51) members, in which event it shall be permitted to have members occupy a maximum of two offices, unless said chapter shall have a current dues-paying membership of at least one hundred one (101) members, in which event it shall be permitted to have members occupy a maximum of three offices, and so on, in like increments of fifty (50) or more. The National Board is authorized, from time to time, to raise the size of this increment by appropriate amendments to the Bylaws, but shall not reduce it. The National Board shall so regulate its nominating procedures so as to guarantee the effectiveness of the aforementioned limitations on the National Board membership.

The provisions of this Section dealing with the length of term of office shall not be applicable to any member of the National Board presently serving a term of office. Each such member shall complete the term of office on the same basis upon which he or she was previously elected.

#### **Section 6. Vacancies**

Vacancies in said National Board, with the exception of President, President-elect and Vice President shall be filled by the chapter with which the committee member was affiliated at the time of his or her election. Said newly-elected member shall serve the unexpired term of the office. The name of the member so elected shall be immediately furnished to the National Executive Director. A vacancy in the office of the President, which occurs on or before June 30 of the term of office shall be filled by a past President selected at a special meeting of the Executive Committee to be held within thirty (30) days of the vacancy. A vacancy in the office of the President on or after July 1 shall be filled by the President-elect, who shall complete the unexpired term of the President and shall also serve his or her anticipated full term as President. In the case of a vacancy in the office of the President-elect, the Vice President shall become the President-elect for the remainder of the unexpired term of the President-elect and shall serve his or her anticipated full term as President-elect. A vacancy in the office of the Vice President shall be filled by a special election called of the General Membership for that purpose.

#### **Section 7. Absences of Board of Directors Members and Officers**

Any member of the National Board or any officer who is absent from three (3) consecutive meetings, unless he or she shall present satisfactory excuses, shall be deemed to have resigned his or her office and shall cease to be a member of the National Board or to be an officer. He or she may, however, be reinstated by a majority vote of the National Board.

### **ARTICLE V. BYLAWS**

Bylaws may be adopted or amended by the National Board.

## **ARTICLE VI. VOTING RIGHTS**

**Section 1.** All members of this Association shall be entitled to vote on all matters submitted to a vote.

**Section 2.** Voting on the national level concerning the election of officers and of an Honorary Diplomate shall be by secret written ballot, secret vote by electronic mail, or such other secret voting method as the voting body chooses, absent unanimous consent.

**Section 3.** All references in this Constitution to required percentage of votes shall be computed on the basis of those members voting.

## **ARTICLE VII. CHAPTERS**

**Section 1.** Subject to exceptional circumstances approved by a majority of the National Board and subject to the approval of existing Chapters in the same geographical area, local chapters of this Association may be formed whenever a group of ten or more trial lawyers so petition, and the National Board shall issue an appropriate charter to such groups under such conditions as may be deemed proper by said National Board. The National Board shall have the right to suspend or revoke the charter for good cause. Good cause shall include, but not be limited to the following:

- a. Failure to timely file an annual accounting related to the depository and use of chapter funds.
- b. Failure to conduct an annual meeting.
- c. Failure to timely elect officers and to name a National Board representative of the chapter.
- d. Failure to timely report to the National Board the names of the elected officers and the National Board representative(s) of the chapter.
- e. Failure to timely submit to an audit under Section 2, if requested.
- f. Failure to adopt and adhere to Bylaws pursuant to Section 2 and failure to timely provide those adopted Bylaws to the National Board.
- g. Failure of a chapter to have a National Board representative to attend at least one National Board meeting during the year without excuse.

**Section 2.** Local chapters shall operate under Bylaws which are consistent with the National Constitution and National Bylaws. Local Chapters shall submit to an audit by the National Board of their chapter funds and of their adopted chapter Bylaws when requested by the Executive Committee of the National Board.

**Section 3.** Local chapters shall elect such officers as are necessary to efficiently carry out their purposes. Each local chapter shall have an Executive Board, which shall be composed of at least the President, Vice President and Secretary of the local chapter. Voting by a local chapter for approval of membership and to nominate an individual for Honorary Diplomate shall be by secret written ballot, secret electronic means, or such other secret method as members of the local chapter shall determine. All other votes by the local chapter shall be by the method designated by the chapter, unless otherwise required to be secret.

**Section 4.** In the event of a revocation or suspension of the charter of a local chapter, such revocation or suspension shall not have any effect upon an individual member's standing in this Association. Said members are under the circumstances of a charter suspension or revocation free to apply to an appropriate chapter for membership and shall be given credit for the balance of the year for dues paid, or may themselves apply to form a new chapter in accordance with these Bylaws.

**Section 5.** Chapter officers shall be elected for the same term of office as National officers. In no event shall a chapter President serve in the same office for more than two (2) consecutive years. National Board representatives are not included within this section.

**Section 6.** Any number of local chapters may petition to charter a multi-chapter organization for the purpose of facilitating the goals of this organization. Such a petition will be subject to a majority vote of the National Board. Any such organization may function under its own bylaws if such bylaws are not inconsistent with the National Constitution and Bylaws. Each such organization shall have an Executive

Board which shall be composed of at least a President, Vice President and Secretary, elected from among the members of the participating local chapters. The National Board shall have the right to suspend or revoke the charter for good cause. Good cause shall include, but not be limited to the following:

- a. Failure to timely file an annual accounting related to the depository and use of multi-chapter organization funds.
- b. Failure to conduct an annual meeting.
- c. Failure to timely elect officers.
- d. Failure to timely report to the National Board the names of elected officers.
- e. Failure to timely submit to a request for an audit under Section 2.
- f. Failure to adopt and adhere to Bylaws pursuant to Section 6 and failure to timely provide those adopted Bylaws to the National Board.

**Section 7.** Chapters and multi-chapter organizations shall not take public positions inconsistent with the published resolutions of the National organization.

**Section 8.** Funds of chapters, or a multi-chapter organization, whose charter has been suspended or revoked shall be remitted to the National Board upon request. The National Board shall retain said funds thereafter for up to 180 days in trust for the chapter, or for the multi-chapter organization, until such time as a new chapter or multi-chapter organization is formed, in which case the funds will be remitted to the new chapter or multi-chapter organization. If no new chapter or multi-chapter organization is formed within 180 days, the funds will be retained by the National Board, at its discretion, except those funds remitted to any chapter on behalf of a member who chose to transfer to another chapter, in which case funds retained on behalf of any member who transfers will be remitted by the National Board to the members new chapter.

#### **ARTICLE VIII. INITIATION FEES AND DUES**

Initiation fees and dues shall be established by the National Board.

#### **ARTICLE IX. AMENDMENTS**

This Constitution may be amended by a three-quarters (3/4) vote of the members present and voting at any annual meeting or any special meeting called for the purpose, provided that written notice of the proposed amendments shall have been sent to members not less than ten (10) days in advance of such meeting; the National Board may order said vote to be taken by mail.

#### **ARTICLE X. EFFECTIVE DATE**

The effective date of this Constitution, as amended, shall be January 26, 2008.

### **NATIONAL BYLAWS OF THE AMERICAN BOARD OF TRIAL ADVOCATES**

#### **BYLAW I OFFICERS**

**Section 1.** The officers shall be the President, President-elect, Vice President, Secretary and Treasurer. The Secretary and Treasurer shall be elected for the following year by a plurality vote of the members of the National Board of Directors ("National Board") at the fall meeting and shall be members of the National Board at the time of nomination and election. No person elected to the office of Secretary or Treasurer shall serve more than two (2) consecutive terms beginning with the 2015 election for the office of Treasurer and the 2016 election for the office of Secretary.

**Section 2.** There shall be no campaigning by, for, or on behalf of any person, or in opposition to any person, for the office of Vice President. After a candidate accepts a nomination for the office of Vice



President, and until the election is decided, there shall be a moratorium on any written communication to the membership by that candidate in any official role of ABOTA or the ABOTA Foundation. The candidate for the office of Vice President shall refrain from any appearances before the membership not scheduled prior to the nomination, which appearances may be construed as promoting his or her candidacy.

**Section 3.** Each candidate for National Vice President shall be permitted to submit a written statement regarding his or her candidacy to the Executive Director and Nominating Committee Chairperson for publication to the membership on the following schedule: one statement by the end of the first week, a second statement by the end of the second week; and a third statement by the end of the third week following the announcement of the nomination.

**Section 4.** Voting for the election for National Vice President shall commence no later than thirty (30) days after the nominations are announced and the election shall close by 12:00 a.m. (midnight) Central Time on the fourteenth (14th) day of the election.

**Section 5.** In the event of a tie of the leading candidates' votes, a run-off election shall commence within three (3) days of the close of the regular election and the voting period shall be open for five (5) days, with the election to close by 12:00 a.m. (midnight) Central Time on the fifth (5th) day of the run-off election.

**Section 6.** The Secretary shall keep a complete record of all proceedings and correspondence of the Association and National Board. He or she shall send notices of meetings by mail to members of the Association or National Board as the same may be required. He or she shall keep a roll of the members of the Association and shall perform all other duties usually appertaining to the office of Secretary. The President shall have the power to appoint an Assistant Secretary to aid the Secretary whenever he or she deems it necessary. Such appointment must be made from the membership of the National Board, elected or advisory. Nothing herein contained shall be construed to prohibit the Executive Committee, by appropriate procedure and within their authority, from employing temporary or permanent personnel, whether or not members of this organization, to perform either ministerial or advisory functions in aid of any officer of this organization.

**Section 7.** The Treasurer shall perform the duties usually assigned to this officer, and as further set out in the National Bylaws and Constitution, and shall give bond, if required, by the National Board. All checks shall bear the signature of any two of the following officers: President, President-elect, Vice President, Secretary, Treasurer or Executive Director.

**Section 8.** Contracts and formal documents shall be signed by both the Secretary and the President, or in the absence of the President, the President-elect. A majority vote of a quorum of the National Board present and voting at a meeting, duly called, shall designate substitute signatories from the membership of the National Board in the event of emergency. Other than when acting in accordance with any National Board approved budget of the Association, the President and/or Treasurer or National Board designated substitute signatories shall have no authority to make expenditures or incur indebtedness on behalf of the Association in excess of \$2,000 for any single transaction without the prior consent or subsequent ratification of a majority of a quorum of the National Board actually present and voting at any duly called meeting.

## **BYLAW II THE EXECUTIVE COMMITTEE**

**Section 1.** The Executive Committee shall be composed of the officers of the Association and the immediate Past President. In addition, the President shall nominate three additional members to serve on the Executive Committee. The first two nominees shall include one Past President and may include either a second Past President or a currently elected member of the National Board. The third nominee shall be a currently elected member of the National Board, shall not have previously served on the Executive Committee and shall be nominated after consultation with the immediate Past President and the President-Elect. This third nominee shall serve only a one-year term on an assignment designated by the President

and shall not be appointed again in that capacity. All three nominees are subject to the approval of the National Board. Moreover, the President shall also designate a member, if needed, to fill a vacancy. This amendment shall be effective for the 2013 year.

**Section 2.** Subject to the exceptions set forth in Section 3 below, the Executive Committee shall have the full power and authority of the National Board over the affairs of the American Board of Trial Advocates between the business meetings of the National Board. A vote by the majority of the committee shall be sufficient. It shall, in addition, have the power to fix the hour and place of the meetings of the Executive Committee, make recommendations to the National Board, and perform such other duties as may be specified in these Bylaws or specifically authorized by National Board action as reflected by the minutes of the National Board. Minutes shall be made of all actions of the Executive Committee. All actions taken or decisions made by the Executive Committee shall be reported in writing to each member of the National Board within ninety (90) days of the date of the Executive Committee meeting at which the action was taken or orally reported on at the next regular meeting of the National Board, whichever is the earlier.

**Section 3.** The Executive Committee shall have no authority to do any one of the following:

- (1) Take any final action on any matter which by law also requires the approval of either the National Board or the General Membership of the organization;
- (2) Fill any vacancies on the National Board or any vacancies on any committee that has authority to act for the National Board;
- (3) Amend or repeal any motion passed by the National Board or resolution adopted by the National Board, unless by the express terms of such motion or resolution it is amendable or repealable by the Executive Committee;
- (4) Create any other committees of the National Board or appoint members to any committee of the National Board;
- (5) Authorize the expenditure of general funds of the organization from initiation fees, assessments and dues or to obligate this organization for any purpose in excess of a total of Twenty Five Thousand and 00/00 Dollars (\$25,000.00) above the approved budget for the year for all purposes in any one fiscal year;
- (6) Other than for contracts to secure the office lease, equipment and technical services for the National Office, or for employment and benefits related to the National Office staff, or contracts to secure hotel space and related expenses for future meetings of the organization, obligate the general funds of the organization for any sums for any purpose beyond the end of the fiscal year in which the Executive Committee action is taken regardless of the amount of money involved; or
- (7) Take any action to amend, adopt or repeal the Constitution and Bylaws of the American Board of Trial Advocates.

### **BYLAW III COMMITTEES**

**Section 1. Standing Committees.** All Standing Committee(s) members shall be appointed by the President from the regular, appointed or ex officio members of the National Board. The Standing Committees shall consist of:

- (1) The Membership Committee, which shall aid the National Board in the job of certifying nominees for membership as provided in Article III, Section 1 through 5, and Article IV, Section 3, of the Constitution. The National Board shall give consideration to, but shall not be bound by, the recommendations of the Membership Committee. The affirmative vote of three-fourths (3/4) of the National Board shall be

necessary to certify a nominee to membership in the Association except where otherwise specifically provided in these Bylaws or by the Constitution.

(2) The Civil Justice Committee, which shall recommend resolutions to the Executive Committee and the National Board, pertaining to the civil justice system, when needed or appropriate.

(3) The Long Range Planning and Policies Committee, which shall be concerned with looking to the future and setting goals and purposes for 5, 10 and 15 years.

(4) The Professionalism, Ethics and Civility Committee, which will be responsible for elevating the standards of integrity, honor, ethics, civility and courtesy in the legal profession. The committee shall cultivate a spirit of camaraderie and fellowship among ABOTA members and work to encourage and advance members of ABOTA professionally.

(5) No person shall serve as Chair or Co-Chair of any standing committee for more than three (3) consecutive terms. This provision shall become effective at the first National Board Meeting of 2015.

**Section 2. Special Committees.** The President shall be empowered to appoint special committees, in addition to the Standing Committees hereinabove described, composed of National Board members and general members of the Association who would enhance the work of the committee.

#### **BYLAW IV TRIAL EXPERIENCE**

**Section 1. Trial experience equivalency.** For the purposes of trial experience equivalency as that term is used in the Constitution and these Bylaws, an applicants trial experience may, at the discretion of the National Board, be measured by the point system described hereinbelow:

The total number of points required for eligibility to admission are:

- (1) for the rank of Associate 200;
- (2) for the rank of Advocate 500; and
- (3) for the rank of Diplomate 1000.

Points shall be assigned on the following basis:

(1) 10 points for each civil jury trial to a jury verdict in a state or federal court; or a felony criminal trial to a jury verdict:

(2) 15 points for any trial described in (1) above which consumes more than 10 trial days;

(3) 20 points for any trial described in (1) above which consumes more than 15 trial days;

(4) 30 points for any trial described in (1) above which consumes more than 20 trial days;

(5) 40 points for any trial described in (1) above which consumes more than 30 trial days;

(6) One-half of the points to which an attorney would be otherwise entitled in cases where the jury returned a verdict will be assigned in the event the trial is concluded by means other than by jury verdict.

(7) No applicant shall be considered unless he or she shall have tried a minimum of ten (10) civil jury trials as lead counsel to a jury verdict for the rank of Associate; twenty-five (25) civil jury trials as lead counsel to a jury verdict for the rank of Advocate; and fifty (50) civil jury trials as lead counsel to a jury verdict for the rank of Diplomate.

**Section 2. Trial Day.** For the purpose of computing trial days, a trial shall be deemed to have commenced upon the swearing of the jury panel.

**Section 3. Eligibility.** In order to be eligible for the assignment of points enumerated herein, the attorney must be lead or full-time associate counsel.

**Section 4. Lead Counsel.** Lead Counsel is an attorney substantially responsible for the personal representation of the client during the trial. "Substantially responsible" means, at a minimum:

- (1) selecting a jury, or opening, or closing, and;
- (2) presentation of live witnesses through direct or cross examination.

**Section 5. Associate Counsel.** An attorney trying the case with lead counsel will be assigned fifty (50) percent of the points eligible for lead counsel.

**Section 6. Jury verdict.** "Jury verdict" as used in the Constitution and Bylaws means a verdict returned by a jury, whether or not eventually accepted by the trial court. It does not include directed verdict, mistrial, or other means of disposition of the case but does include a hung jury.

#### **BYLAW V INITIATION FEES AND DUES**

**Section 1.** The amount and manner of payment of initiation fees, assessments and dues may be changed from time to time by appropriate action of the National Board, and its decision shall automatically amend Section 2 of this Bylaw in that regard.

**Section 2.** Initiation fees for entry into the Association either as a Member, Associate or Advocate shall be \$300.00. The fees for elevation in rank from one level to the next higher level shall be \$100.00. Applicants for reinstatement shall be required to pay a \$300 administrative fee plus dues for the year of the application.

Dues of this organization shall be \$500.00 annually, except as provided for Judicial Members below, of which \$50.00 annually shall be contributed to the Foundation of the American Board of Trial Advocates. All dues shall be paid directly to the National Association office which shall be responsible for transmitting forty-five percent (45%) of the remaining dues from members of an affiliated chapter to the Treasurer of such affiliated chapter provided the affiliated chapter is in compliance with Article VII, Section 1 of the Constitution. International members will not be assessed dues unless it is determined by the National Executive Committee that a particular member's activity level justifies the assessment of dues, in which case the National Executive Committee will set an appropriate dues amount, not to exceed the existing dues structure for regular members. The annual dues for Judicial Members shall be \$100 annually, of which \$15 shall be contributed to the Foundation of the American Board of Trial Advocates, \$35 from the remaining dues shall be transmitted to the Treasurer of the Chapter with which the Judicial Member is affiliated, and the remaining \$50 will be retained by the National Association.

Each full-time governmental attorney or full time in-house non-profit corporate counsel shall be assessed annual dues at fifty percent (50%) of the annual dues total by certifying on the dues statement that he or she has been and remains employed in that capacity for the applicable period.

Assessments may be adopted by two-thirds (2/3) vote of the National Board present and voting. Any chapter or multi-chapter organization may impose assessments and/or fees for chapter or multi-chapter organization purposes; all such local fees or assessments shall be separate and distinct from those levied by the National Board.

**Section 3.** Any member of the Association who fails to pay his or her dues or assessments within six months from the due date thereof automatically becomes a suspended member.

**Section 4.** A suspended member may not hold any office or position in the Association, serve as a member of any committee, or attend any meeting of the Association, receive any of its publications, notices or other communications, or otherwise have any of the privileges of membership.

**Section 5.** Upon failure of a member to pay his or her dues or assessments within twelve months of the due date thereof, his or her membership thereupon terminates as provided in Article III, Section 4, Subsection 5 of the Constitution, and his or her name shall be removed forthwith from the roll of the members of the Association, and said member shall forthwith surrender the Association plaque to the National Headquarters.

**Section 6.** The Secretary shall notify a member of a prospective suspension or termination of his or her membership for non-payment of dues or assessments by written notice mailed thirty or more days prior to the date of prospective suspension or termination. Copies of such notice shall be sent to the President and Treasurer of the member's local chapter.

**Section 7.** The fiscal year of the Association is from the first day of January to the thirty-first day of December.

**Section 8.** Dues shall be prorated to the first day of the calendar month and year in which the member is elected to membership.

**Section 9.** Any member of this Association may request inactive status by reason of any disability, physical or otherwise, absence from the country, election, appointment to or employment in a position that prohibits the practice of law, or retirement from the practice of law. This request shall be made in writing and submitted to the Executive Board of the local chapter. Such status may be granted upon approval of at least three-fourths (3/4) vote of the Executive Board of the local chapter and the National Board. Inactive status is separate and distinct from that of Emeritus member as defined in the Constitution, Article III, Section 2(6).

A member who is placed on inactive status shall be relieved from the payment of dues and assessments but shall not be entitled to voting privileges.

An inactive member who desires to return to active status shall submit an appropriate written request to the Executive Board of the local chapter. Said member shall be restored to active status in this Association upon approval of at least three-fourths (3/4) vote of the Executive Board of the local chapter and the National Board.

**Section 10.** Any active member in good standing may request a transfer of his or her membership from one local chapter to another upon moving his or her practice, residence, or both, to a geographical location other than the location of the chapter where he or she is presently a member.

Such a request shall be made in writing to the Executive Board of the new chapter to which the new member is requesting a transfer of his or her membership. The advice and comment of the new chapter shall be submitted to the National Board in writing and signed by the President of the new chapter. The National Board shall consider the advice and comment of the new chapter before acting upon said request. The sole power to approve such a transfer shall be vested in the National Board.

A member requesting a transfer to a different chapter by reason of his or her moving his or her practice or residence shall request that such transfer be made to the chapter nearest to the member's new business address.

Upon approval or rejection of said request, the member shall be notified thereof by the Secretary of the Association.

## **BYLAW VI TERMINATION FOR CAUSE**

**Section 1.** The National President, upon receipt of reliable information of the nature set forth in Article III, Section 4(2) of the Constitution against a member of this Association, shall appoint a member of the National Board, or a committee of such persons, to undertake an investigation of such information; and the investigator, or investigating committee, shall submit to the National President and National Board a written report of its findings and recommendations. Such findings and recommendations shall be completed and submitted within 120 days.

**Section 2.** The President of the local chapter, upon receiving reliable information of the nature set forth in Article III, Section 4(2) of the Constitution against a member of a local chapter, shall immediately notify the National President of this Association, and the President of the local chapter may cause this matter to be investigated, and he may conduct a hearing on the matter at a regular or special meeting of the local chapter. If there is such a hearing, it shall be conducted fairly and promptly.

**Section 3.** The National President and the President of the local chapter may coordinate their respective investigations.

**Section 4.** If the National Board, after receiving the report of the investigating officer, or investigating committee, determines preliminarily that good cause for disciplinary action, including expulsion exists, the member being investigated may be granted a hearing before the National Board, if the member requests such a hearing. If such a hearing is requested and granted, it shall be conducted fairly and promptly.

A member being investigated shall be suspended from participation in all ABOTA activities upon a finding that good cause for expulsion or other disciplinary action exists until a final determination of the matter is made.

**Section 5.** No hearing before the National Board will be necessary when:

(1) The member has been convicted of a felony involving dishonesty or moral turpitude, or a misdemeanor involving theft, embezzlement or the misappropriation of funds;

(2) The member has been disbarred by the highest court of a state in which he or she is licensed or resigns in the face of disciplinary proceedings.

In other cases, a hearing should be granted on request.

**Section 6.** The vote required for expulsion or other disciplinary action is set forth in Article III, Section 4(3) of the Constitution of this Association.

## **BYLAW VII MEETINGS OF THE ASSOCIATION**

**Section 1. Annual Meeting.** The annual meeting of this Association shall be held in conjunction with the first National Board meeting of the year. The time and place of said meeting shall be announced in writing to each member in good standing at least two (2) months in advance. At the meeting, annual reports of officers and committees shall be delivered. The President, President-elect, Vice President, Secretary and Treasurer for the year shall be installed at the same time as the first National Board meeting of the year.

**Section 2. Other Meetings.** The time and place of meetings other than the annual meeting shall be selected by the President or by such individual or committee as is delegated by the President to select same, and written notice of the meeting time and place shall be given by the Secretary to each member in good standing at least two (2) months in advance of said meeting. Business may be transacted at such meetings if a quorum is present.

**Section 3. Special Meetings.** Special meetings shall be called by the Secretary upon written request of a minimum of fifty percent (50%) of the chapter presidents. Members shall have at least thirty (30) days advance notice of the time, place, and object of the meeting.

**Section 4. Quorum.** At all meetings of the General Membership, except the annual meeting, one-third (1/3) of the roster of members in good standing, actually present, shall constitute a quorum; at the annual meeting one-third (1/3) plus one (1) of the roster members in good standing present in person shall be necessary to constitute a quorum.

**Section 5. Conduct of Meetings.** All meetings shall be conducted by the President, or, in his or her absence, by the President-elect. All matters requiring the vote of the members shall be presented by a motion from the floor by a member eligible to vote. All motions must be seconded by an additional member eligible to vote before being voted upon. The voting shall be by voice or ballot, according to the discretion of the presiding officer. A simple majority shall suffice to carry any motion, unless otherwise specified prior to the voting by the presiding officer. Motions will be acted upon in the order presented. Any motion which fails to be seconded shall be a nullity.

Order of Business. At the annual meeting, the order of business shall be as follows:

- (1) Report of President.
- (2) Report of Secretary and reading of minutes of the last annual meeting.
- (3) Report of Treasurer.
- (4) Report of Membership Committee.
- (5) Report of Civil Justice Committee.
- (6) Report of Long Range Planning and Policies Committee.
- (7) Report of Special Committees.
- (8) General Business.

**Section 6. Voting.** At any annual meeting or special meeting of the General Membership only members actually present may cast votes on any issue that may be presented for the vote of the General Membership.

#### **BYLAW VIII AMENDMENTS**

Section 1. These Bylaws may be amended by the affirmative votes of a majority of the members voting at any meeting of the Association, provided notice of such amendment or amendments and the nature thereof shall have been given to the members of the Association at least ten (10) days prior to the date of the meeting at which said amendment or amendments are to be presented for consideration; or these Bylaws may be amended by a three-fourths (3/4) vote of the National Board at any regular or special meeting thereof, provided that notice of any such amendment must be given to the General Membership at the next regular meeting of the General Membership.

#### **BYLAW IX SEAL**

**Section 1.** This Association shall have a seal consisting of a design approved by the National Board.

#### **BYLAW X NEW MEMBERS**

**Section 1.** An elected nominee to the Association shall be duly notified by the Secretary of such election and shall be bound by the Constitution and Bylaws of the Association. A copy of said notice shall be sent to the Secretary and President of the local chapter.

#### **BYLAW XI MEETINGS OF THE NATIONAL BOARD OF DIRECTORS**

**Section 1.** Meetings of the National Board may be called by the President at any time, and a special meeting may be called upon written request of any twenty (20) members of the National Board addressed to the Secretary. At least thirty (30) days notice by mail, facsimile or telephone of such meeting must be given to the members of the National Board, and the notice must state the object of the meeting. The National Board shall hold a minimum of three (3) regular meetings per year.

**Section 2.** Fifty (50) or more voting members of the National Board present at the meeting shall constitute a quorum.

**Section 3.** In any instance wherein these Bylaws or the Constitution of this organization shall specify the necessary majority or plurality of votes of the National Board or of any other committee of this organization in terms of fractions, and said designated fraction will not mathematically produce a whole number, the necessary number of votes shall be rounded off to the nearest whole number.

#### **BYLAW XII ROSTER OF MEMBERS**

**Section 1.** At least once a year, following the election of officers of the Association, the Secretary shall provide each member of the Association a roster of all members, specifying the National Officers, Executive Committee, National Board, members, and Standing Committee Chairpersons. Such roster shall contain the names, business addresses, and telephone numbers of the listed members.

#### **BYLAW XIII CHAPTER BYLAWS**

**Section 1.** Each chapter shall adopt a set of governing bylaws provided such bylaws are not inconsistent with the Constitution and National Bylaws. Upon adoption, the Chapter Bylaws shall be lodged with the National Office.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on January 26, 2008.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Oct. 9, 2010.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Jan. 14, 2012.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Jul. 27, 2013.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Oct. 12, 2013.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Jan. 25, 2014.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on Jan. 24, 2015.



RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on May 2, 2015.

RATIFIED AND ADOPTED as amended by unanimous vote of the National Board of Directors on January 16, 2016.