

American Board of Trial Advocates



AMERICAN BOARD OF TRIAL ADVOCATES BYLAWS OF THE MASSACHUSETTS CHAPTER

I. CHAPTER OFFICERS

Section 1. (a) The officers of the Chapter shall be President, Vice President, Secretary and Treasurer. One person may hold two offices simultaneously, except the President may not serve simultaneously as either the Vice President or as the Secretary.

(b) All officers shall be elected for a one-year term. The President may not serve more than two consecutive terms in that office.

(c) The Chapter shall elect one or more representatives to the National Board of Directors who shall serve three-year terms of term of office as provided in Article IV section 5 of the Constitution of the Association. ("The Constitution"). If the Chapter has more than one representative, the terms shall be staggered so that they do not all expire in the same year. There shall be no restriction on the number of terms a representative to the National Board from this Chapter may serve.

Section 2. The Chapter Secretary shall keep a complete record of all proceedings and correspondence of the Chapter, shall send notices of meetings to members of the Chapter as may be required, shall keep a current roll of the members of the Chapter, and shall perform all other duties usually appertaining to the office of Secretary.

Section 3. The Chapter Treasurer shall perform the duties usually assigned to this office, and as further set out in these Bylaws. Among other duties, the Treasurer shall keep an accurate account of the revenue and expenditures of the Chapter and shall, at least once each year, report promptly to the appropriate person at National ABOTA on the finances and provide all other related information when requested by the National President or his or her designee.

Section 4. (a) The Chapter shall have an Executive Committee comprised of the elected officers, the Chapter Representative(s) to the National Board of Directors, and such other members as the Chapter may choose to include on the Executive Committee.

(b) The Executive Committee shall have the powers and duties necessary and appropriate for the administration of the business and affairs of the Chapter, subject to the limitations of these Bylaws, and of the general laws of the Commonwealth of Massachusetts, including: (1) the power to make rules and regulations for the government of the Chapter members and officers, and for the management of the affairs of the Chapter; (2) the power to incur indebtedness when necessary for legitimate functions of the Chapter as provided in these Bylaws; (3) the power to levy and collect such dues and assessments as may be established from time to time by majority vote of those voting from the membership of the Chapter; (4) the power to raise funds in any lawful manner to assist in producing ABOTA programs and taking other actions in furtherance of the ABOTA goals; (5) the power to establish procedures for the selection, nomination and election of new members that are not

inconsistent with the provisions of the National ABOTA Constitution and Bylaws; (6) the power to call a general meeting of the membership of the Chapter at least once each calendar year and at other times for valid and legitimate purposes; (7) the power to commit the Chapter to join a Regional ABOTA Chapter; and (8) all other powers necessary and proper for carrying out these powers and the goals of ABOTA, not inconsistent with the National Constitution and Bylaws.

Section 5. Any member of the Chapter Executive Committee, with the prior consent or subsequent ratification of a majority of a quorum of the Chapter Executive Committee actually present and voting at any meeting, shall have the power to make expenditures or to incur indebtedness on behalf of the Chapter up to a limit of \$1,000 for any single transaction. Expenditures or incurrence of indebtedness in excess of \$1,000 for any single transaction may be made by any member of the Chapter Executive Committee only after prior approval of a majority of a quorum of the Chapter Executive Committee actually present and voting at any regular meeting of the Chapter Executive Committee or at any meeting duly called for that purpose.

II. CHAPTER COMMITTEES

A. Standing Committees

The Chapter shall have four Standing Committees outlined in Sections 1 through 4.

Section 1. A Chapter Membership Committee shall be appointed by the President from the members of the Chapter. The Membership Committee shall aid the Chapter Executive Committee in the job of recommending nominees for membership as provided in the ABOTA Constitution, Article III, Sections 1 through 3, or Termination of Membership as provided in Article III Section 4. The Chapter Executive Committee shall give consideration to, but shall not be bound by, the recommendations of the Membership Committee. An affirmative vote of three-fourths of the Chapter Executive Committee shall be necessary to recommend a nominee to membership in the Association except where otherwise specifically provided in these Bylaws.

Section 2. The Chapter Program Committee shall arrange and sponsor all events given in the name of the Chapter and shall provide for speakers on appropriate topics.

Section 3. The Chapter Public Relations Committee shall act as counsel for the Chapter in matters pertaining to public relations and shall formulate and disseminate such public statements as may be approved by a majority of the Chapter Executive Committee in accordance with the Constitution, Bylaws and rules of the National Association. However, no statement shall be made in the name of the Chapter except through or with the express authority of the Chapter President.

Section 4. The Chapter Diversity Committee shall be concerned with the exploration, formulation and recommendation of policies and activities of the organization designed to improve diversity of membership and attract accomplished trial lawyers from a broad spectrum of those practicing in the Commonwealth.

B. Additional Committees

The Chapter President may appoint ad hoc committees in addition to the standing committees described above.

III. MEETINGS OF THE CHAPTER EXECUTIVE COMMITTEE

Section 1. Meetings of the Executive Committee may be called at any time by any member of the Executive Committee upon three days advance notice by mail, telephone, email, or any similar electronic means reasonably calculated to provide Executive Committee members with notice of the meeting.

Section 2. A majority of the membership of the Executive Committee shall constitute a quorum at meetings of the Executive Committee; however, at the discretion of the President, the votes of any absent members of the Executive Committee may be received by letter addressed to the Secretary on any issue brought for vote before a quorum present; provided that the Secretary shall have addressed in writing to the absent member the exact resolution or issue submitted to a vote, and provided further that the absent member's letter of vote shall be received by the Secretary prior to the meeting.

IV. MEETINGS OF THE CHAPTER

Section 1. Annual Chapter Meeting. There shall be at least one Annual Meeting of this Chapter to be held at any convenient place to be selected by the Executive Committee. The time and place of the Annual Meeting shall be announced in writing to each member in good standing at least one month in advance. At the Annual Meeting, annual reports of officers and committees shall be delivered and the officers for the ensuing year shall be installed. The Chapter may conduct such other business and call for votes on issues as the Executive Committee determines, provided proper notice be given as set forth in these Bylaws.

Section 2. Other Meetings of the Chapter The time and place of meetings other than the Annual Meeting shall be selected by the President or by such individual or committee as delegated by the President for this purpose, and written notice shall be given by the Secretary to each Chapter member in good standing at least two weeks in advance of the meeting. Business may be transacted at such meetings if a quorum is present.

Section 3. Quorum. At all meetings of the general Chapter membership, one-third of the roster of members in good standing actually present, shall constitute a quorum.

Section 4. Conduct of Chapter Meetings. All meetings shall be conducted by the President, or in his absence, by the Vice President. 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 by ballot according to the discretion of the presiding officer, except for issues requiring a secret ballot under these Bylaws. 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 that fails to be seconded shall be a nullity.

Section 5. Voting. At any meeting of the general Chapter membership, only members actually present may cast votes on any issue presented for the vote of the general membership, except that in voting on amendments to these Bylaws, or in voting on any other business that has already been the subject of a particular and timely written notice to the membership by the Secretary, an absent member may vote by proxy. The method of casting a proxy vote shall be determined in advance of the meeting by the Chapter Executive Committee and the Secretary shall give written

notice of such method in advance of the meeting to the membership.

V. NEW MEMBERS

Section 1. Qualifications

To be admitted to membership in ABOTA from this Chapter, a nominee shall have been invited by the Chapter to apply and shall have completed at least 10 civil jury trials to jury verdict or hung jury as lead counsel. The applicant must possess the civility, professionalism, ethical attributes and other accomplishments as becomes one committed to the preservation of the Seventh Amendment and the promotion of the rule of law. Each successful applicant shall be admitted to the rank of “Member,” “Associate” or “Advocate,” as set forth in Article III Section 2 of the Constitution, and shall have all the rights of members as set forth in the Constitution.

Section 2. Election of Proposed Members

Once nominated, to become a member of ABOTA, a successful candidate for membership must receive:

- (1) An affirmative vote of 75% of the Executive Committee, present and voting, of this Chapter;
- (2) An affirmative vote of 75% of the general membership, present and voting, of this Chapter;
- (3) An affirmative vote of the majority of National Membership Committee duly voting on the application; and
- (4) An affirmative vote of 75% of the votes cast by members of the National Board of Directors present and voting.

Section 3. Voting Procedures Generally; Voting for Proposed Honorary Diplomates

Voting by this 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 Chapter shall determine. All other votes by the Chapter shall be by the method designated by the Chapter, unless otherwise required to be secret.

VI. INITIATION FEES AND DUES

Section 1. The National Board of Directors will set Initiation Fees, Annual Dues and other assessments for ABOTA membership.

Section 2. In addition, Chapter assessments and fees may be imposed at any time by an affirmative vote of a majority of a quorum of the members present and voting at any meeting of the Chapter. This includes dues for membership in any Regional ABOTA organization if formed.

Section 3. Any member of the Chapter who fails to pay National Association dues or assessments within six months from the due date thereof is automatically suspended from membership.

Section 4. Any member of the Chapter who fails to pay Chapter assessments or fees shall be subject to suspension by the affirmative vote of a majority of a quorum of the Chapter Executive Committee.

Section 5. A suspended member may not hold any office or position in the Chapter, serve as a member of any committee, or attend any meeting of the Chapter, receive any of its publications, notices or other communications, or otherwise have any of the privileges of membership.

Section 6. Upon failure of a member to pay National Association dues or assessments within 12 months of the due date thereof, his or her membership thereupon terminates as provided in Article III, Section 4 (5) of the National Constitution and his or her name shall be removed forthwith from the roll of the members of the Chapter.

Section 7. The fiscal year of the Chapter is from the first day of January to the last day of December of the current year.

VII. TERMINATION FOR CAUSE

Section 1. Upon receipt of reliable information, of the nature set forth in Article III, Section 4 (2) of the Constitution, against any member of this Chapter, the National President, may choose to appoint a member of the Board of Directors, or a committee of members from the Board of Directors, to undertake an investigation of the information received. All members of this Chapter shall cooperate fully and honestly with such investigation. The investigator, or investigating committee, shall submit to the National President and National Board a written report of findings and recommendations. Such findings and recommendations shall be completed and submitted within 120 days of the appointment.

Section 2. (a) Upon receiving reliable information of the nature set forth in Article III, Section 4 (2), of the Constitution against a member of this Chapter, the President of this Chapter shall immediately notify the National President.

(b) The President of this Chapter may cause the matter to be investigated and he or she may conduct a hearing on the matter at a regular or special meeting of the Chapter. All Chapter members shall cooperate fully and honestly in such an investigation.

(c) If a hearing is conducted by the Chapter President, it shall be conducted fairly and promptly. The outcome of the hearing shall be reported promptly to the National President in writing.

Section 3. The National President and the President of this Chapter may coordinate their respective investigations.

Section 4. If the Board of Directors, after receiving the report of the investigating officer, investigating committee, or the Chapter President following a hearing under Section 2 (c),

determines preliminarily that good cause for expulsion exists, the member being investigated may be granted a hearing before the National Board of Directors, if the member requests such a hearing. If such a hearing is requested and granted, it shall be conducted fairly and promptly.

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

- a. The member has been convicted of a felony or a misdemeanor involving dishonesty or moral turpitude;
- b. The member has been disbarred by a federal court or the highest court of a state.

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

Section 6. The vote required for expulsion, is set forth in Article III, Section 4 (3), of the Constitution.

VIII. AMENDMENTS

These Bylaws may be amended, provided such amendments are not inconsistent with the ABOTA Constitution or National Bylaws, by affirmative vote of a majority of the members voting at any meeting of the Chapter, provided, also, that notice of such amendment or amendments and the nature thereof shall have been given to the members of the Chapter at least ten days prior to the date of the meeting at which the amendment or amendments are to be presented for consideration.

IX. ROSTER OF MEMBERS

Section 1. The names of the Chapters Officers and National Board Representative(s) elected shall be furnished to the National Executive Director sixty (60) days in advance of the Annual Meeting of the Association or promptly at any time requested by the National Executive Director or his or her nominee.

Section 2. At least once a year, following the election of officers of the Chapter, the Chapter Secretary shall provide to each member of the Chapter a roster of officers, Executive Committee members, standing committee members, and members at large of the Chapter. Such roster shall contain the name, business address, and telephone number of the listed members.

X. CHAPTER REQUIREMENTS

Section 1. The ABOTA National Board of Directors shall have the right to suspend or revoke the charter of the Massachusetts Chapter for good cause as set forth in Article VII, §1 of the National Constitution. 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 submits 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 the chapter to have a National Board Representative attend one National Board meeting during the year without excuse.

Section 2. The Bylaws of this Chapter may not be inconsistent with the National Constitution or National Bylaws. If there is a conflict between the Chapter Bylaws and the National Constitution or Bylaws, the provisions of the National Constitution and Bylaws will supersede the Chapter Bylaws.

Section 3. The Massachusetts Chapter shall promptly submit to an audit of the Chapter funds and of its adopted Chapter Bylaws by the National Board or its designee when requested by the Executive Committee of the National Board.

Section 4. In the event of a revocation or suspension of the charter of the Massachusetts Chapter, this revocation or suspension shall not have any effect upon an individual member's standing in this Association. Members under the circumstances of a charter suspension or revocation are 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 the National Constitution and Bylaws.

Section 5. In the event this Chapter's charter is suspended, the National Executive Committee, with the approval of the Board of Directors, shall have the authority to appoint a new National Board Representative from this Chapter and new officers as needed until such time as either the suspension is lifted or the Chapter has been re-formed and officers and permanent representatives have been elected by the members.

Section 6. If the charter of this Chapter has been suspended or revoked, all funds held by or in the name of this Chapter shall be remitted to the National Board promptly upon request. The National Board shall retain these funds thereafter for up to 180 days in trust for the Chapter, until such time as a new Chapter is formed, in which case the funds will be remitted to the new Chapter. If no new Chapter 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 chooses 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 member's new Chapter.

XI. REVOCATION OF PREVIOUS BYLAWS

By adopting these Bylaws, the Massachusetts Chapter revokes all previously adopted Bylaws of the Chapter.

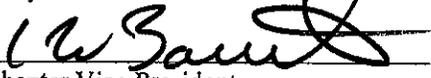
ADOPTED by vote of the Massachusetts Chapter and **RATIFIED** by the Executive Committee of the Massachusetts Chapter on the 7th day of April, 2014.



Chapter President

4/17/14

Date



Chapter Vice President

4/17/14

Date

Chapter Secretary

Date

Chapter Treasurer

Date

Chapter National Board Representative

Date

Chapter National Board Representative

Date

Chapter National Board Representative

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date

XI. REVOCATION OF PREVIOUS BYLAWS

By adopting these Bylaws, the Massachusetts Chapter revokes all previously adopted Bylaws of the Chapter.

ADOPTED by vote of the Massachusetts Chapter and **RATIFIED** by the Executive Committee of the Massachusetts Chapter on the 7th day of April, 2014.



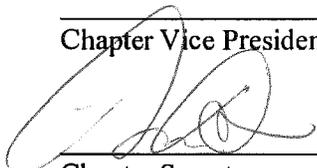
Chapter President

4/17/14

Date

Chapter Vice President

Date



Chapter Secretary

4/17/14

Date

Chapter Treasurer

Date

Chapter National Board Representative

Date

Chapter National Board Representative

Date

Chapter National Board Representative

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date

XI. REVOCATION OF PREVIOUS BYLAWS

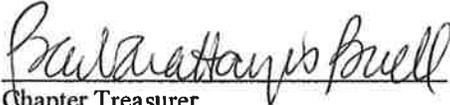
By adopting these Bylaws, the Massachusetts Chapter revokes all previously adopted Bylaws of the Chapter.

ADOPTED by vote of the Massachusetts Chapter and **RATIFIED** by the Executive Committee of the Massachusetts Chapter on the 7th day of April, 2014.

 4/17/14
Chapter President Date

Chapter Vice President Date

Chapter Secretary Date

 4/17/14
Chapter Treasurer Date

 4/17/14
Chapter National Board Representative Date

Chapter National Board Representative Date

Chapter National Board Representative Date

Chapter Executive Committee Member Date

Chapter Executive Committee Member Date

Chapter Executive Committee Member Date

XI. REVOCATION OF PREVIOUS BYLAWS

By adopting these Bylaws, the Massachusetts Chapter revokes all previously adopted Bylaws of the Chapter.

ADOPTED by vote of the Massachusetts Chapter and **RATIFIED** by the Executive Committee of the Massachusetts Chapter on the 7th day of April, 2014.



Chapter President

4/17/14

Date

Chapter Vice President

Date

Chapter Secretary

Date

Chapter Treasurer

Date



Chapter National Board Representative

4/18/14

Date

Chapter National Board Representative

Date

Chapter National Board Representative

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date

Chapter Executive Committee Member

Date