

STATE BAR OF ARIZONA

ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION BYLAWS

ARTICLE 1: IDENTIFICATION

1.1 NAME: This Section shall be known as "The Section of Administrative Law and Regulatory Practice" and shall be hereinafter 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 Arizona (State Bar) within the particular fields designated by the name of the Section. To that end, it shall be the purpose of the Section:

- To promote excellence in the practice of administrative law;
- To provide a forum for the discussion of issues pertaining to administrative law;
- To sponsor and encourage participation in the practice of administrative law;
- To enhance the professional image of the administrative law practitioner.

While the Section may act as a neutral forum for the discussion of legislative or adjudicative issues, it shall avoid advancing the personal agenda of any particular individual or group.

1.3 LIMITATIONS: These bylaws have been adopted subject to the Rules of the Supreme Court and bylaws of the State Bar.

ARTICLE II: MEMBERSHIP

2.1 ENROLLMENT: Any member in good standing of the State Bar shall be enrolled as a member of the Section by the payment of annual section dues. A person who is not currently, and has never been, licensed to practice law in Arizona may be enrolled as an affiliate member upon payment of annual Section dues for associate members.

2.2 THE MEMBERSHIP: Persons whose dues are paid pursuant to the provisions of this article shall constitute the membership of the Section.

2.3 NON-VOTING CONSTITUENT MEMBERS:

SECTION AFFILIATES: It is the policy of the State Bar of Arizona that non-SBA members be eligible to join State Bar Sections as Section Affiliates upon application to the State Bar and payment of the dues. Such individuals will be entitled to the same section benefits as SBA members except that such non-SBA members may not vote, hold elected office, or be counted in determining the presence of a quorum. Section Affiliates shall not advertise or hold themselves out as members of the State Bar of Arizona, nor shall they use or knowingly permit the use of their non-voting status in any directory or law list for the purpose of soliciting or obtaining

business or financial advantage. In any advertisements or professional listings, non-SBA members must describe their association with the State Bar (if they reference it at all) as Affiliates of a particular section, and must include the phrase “not licensed to practice law in Arizona”. Section Affiliates who advertise themselves as members of the State Bar of Arizona will be immediately removed from their section.

2.4 DUES: Dues for the membership in the Section shall be set by the Section and approved by the Board of Governors. Dues are payable upon enrollment and thereafter annually in advance each year, at the beginning of the State Bar's fiscal year following enrollment.

2.5 DELIQUENCY: Any member of the Section whose annual dues are more than six months past due shall cease to be a member of the Section

ARTICLE III: COMMITTEES

3.1 COMMITTEES: The council of the Section, or the chair, if authorized by the council, may establish committees necessary to promote effectively the activities of the Section. In establishing a committee, the council or the chair shall state the area of its proposed activities.

ARTICLE IV: MEETINGS OF THE MEMBERSHIP

4.1 ANNUAL MEETING: The Section shall hold an annual meeting of its members in conjunction with the annual meeting of the State Bar. The Section may, upon approval of the council, hold other meetings of members throughout the year.

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

4.3 CONTROLLING VOTE: Action of the Section shall be by majority vote of members present.

4.4 VOTING ELIGIBILITY: Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of voting is eligible to vote. An affiliate member is not eligible to vote.

4.5 AGENDA: Among the matters of business to be transacted at the annual meeting of the membership shall be the election of officers and council members. The agenda shall consist of other matters as decided by the chair or council.

4.6 VOTING: The council may direct that a matter be submitted to the members of the Section for vote by mail or electronic mail. Action of the Section shall be by a majority of the votes received from members.

ARTICLE V: OFFICERS

5.1 OFFICERS: The officers of the Section shall be the chair, the vice-chair, the secretary, and the budget officer.

5.2 CHAIR: The chair, or the vice-chair, in the absence of the chair, shall preside at all meetings of the Section and of the council. The chair shall appoint committee chairs and members who are to hold office during the term of the Section chair. The chair shall plan and oversee the activities of the Section during the chair's term, subject to the directions and approval of the council. The chair shall keep the council informed and carry out its decisions. The chair shall perform such other duties and acts as usually pertain to the office or as may be designated by the council.

5.3 VICE-CHAIR: The vice-chair, on consultation with the chair, shall arrange for the appointment of the committee chairs and members who will hold office during the coming term of the Section chair. The vice-chair shall assist the chair in the performance of all responsibilities in such manner and to such extent as the chair may request. The vice-chair shall perform such further duties and have such further powers as usually pertain to the office or as may be designated by the council or the chair. In case of the death, resignation, or disability of the chair, the vice-chair shall perform the duties of the chair for the remainder of the chair's term or disability.

5.4 SECRETARY: The secretary shall consult with and assist all the officers of the section as to the work of the section generally in the manner and to the extent they may request. The secretary shall be the liaison between the Section and the State Bar staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the State Bar. The secretary shall keep a true record of the proceedings of all meetings of the Section and the council, whether assembled or acting under submission.

5.5 BUDGET OFFICER: The budget officer shall keep an accurate record of all monies appropriated to it by the Board of Governors and expended by the State Bar for the purposes of the Section. The budget officer shall monitor all accounts reports, and other documents prepared as to the Section funds, revenues, and expenditures, and seek to make certain that all such accounts, reports and other documents are at all times, accurate and correct. The budget officer shall report on the Section's present and projected financial condition at each meeting of the Section Council. The budget officer shall advise the officers and council as to the financial impact of any proposed action by the officers, council or Section that, in the budget officer's judgment, would have a significant impact on the financial condition of the Section. At least once a year, the budget officer shall prepare a projected budget for approval or modification at the time of the annual meeting, or such other time as may be expressly fixed by the council. The budget officer shall submit to the Section, at the annual meeting, a report on the Section's financial affairs and financial condition.

The budget officer shall prepare other recommendations and special reports on financial affairs of the Section as may be requested by the chair of the Section.

ARTICLE VI: THE COUNCIL

6.1 POWERS: The council has the authority to administer the affairs of the Section. The policies of the council shall be consistent with the policies set by the Board of Governors. The council shall authorize all commitments that 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. During any fiscal year, the council shall not authorize commitments that entail the payment of more money than the amount appropriated to the Section for the fiscal year. No action of any Section committee shall be effective until approved by the council or by the Section.

6.2 COMPOSITION: The council shall be composed of the following persons:

- (i) the officers;
- (ii) the last retiring chair;
- (iii) six members-at-large elected to the council by the Section membership for three-year staggered terms. At any time, two members shall be serving the first year of the member's term, two members shall be serving the second year, and two members shall be serving the third year.

6.3 CONTROLLING VOTE: Action of the council is by majority vote of members present. A quorum consisting of a majority of the council members is required to conduct its business.

6.4 MEETINGS: The council shall hold at least one regular meeting each year at the time and place of the annual meeting of the State Bar to conduct any necessary business. The chair may, and upon request of three members of the council shall, call additional meetings of the council between annual meetings.

6.5 POLL OF COUNCIL: In urgent matters requiring immediate attention, the chair may, and upon request of three members of the council shall, submit in writing to each council member, a matter upon which the council may be authorized to act. The members of the council may vote upon the matter either by written ballot or by telephone vote, confirmed in writing to the secretary, who shall record the matter and votes.

6.6 COUNCIL AUTHORITY: Between meetings of the Section, the council shall have full power to do and perform all acts and functions which the Section itself might perform. Any such action taken by the council shall be reported to the Section at its next meeting.

6.7 NO COMPENSATION: Salary or compensation for services shall not be paid to or by any officer, member of the council, or member of any committee, except as may be specifically authorized by the Board of Governors.

6.8 REFERENDUM: The council may direct that a matter be submitted to the members of the Section for vote by mail. In such event, binding action of the Section shall be a majority of the votes received in accordance with the rules fixed by the council and as conducted and certified by the secretary.

ARTICLE VII: ELECTIONS

7.1 ELECTIVE OFFICERS: At each annual meeting of the Section, the membership shall elect:

- (i) a vice-chair to serve a term of one (1) year;
- (ii) a member-at-large of the council to serve a term of three (3) years;
- (iii) a secretary and a budget officer to serve a term of one (1) year; and
- (iv) officers or council members to fill vacancies in any office or upon the council as provided in Article VIII

7.2 CHAIR: The vice-chair shall automatically succeed to the office of chair. The chair shall serve a term of one year and may not again accede to that office for three years after the conclusion of the term as chair. In the event the office of vice- chair becomes vacant, the Nominating Committee shall elect the chair as set forth in Section 7.4.

7.3 ELIGIBILITY FOR OFFICE: Any member of the State Bar and the Section whose good standing can be certified by official State Bar records for thirty (30) days prior to the time of election is eligible for office. An associate member is not eligible for office.

7.4 NOMINATIONS AND VOTING: No later than April 15 of each year, the secretary shall publish a notice to the Section membership requesting nominations for all open offices no later than April 30. If an office is contested, then the Section shall hold an election by written or electronic ballot transmitted to each section member no later than May 15, with a deadline of the last Friday in May, for the return of ballots. Each position shall be voted separately. The candidate receiving the highest number of votes from the total number of valid ballots cast shall be the winner of the election. Candidates may run for multiple positions, but may only fill one. The results of the election shall be announced at the annual meeting.

7.5 TERMS OF OFFICE: The term of office shall begin with the adjournment of the Annual Meeting following the election and shall end following the Annual Meeting at which a successor has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor is elected.

ARTICLE VIII: SUCCESSION OF OFFICERS AND VACANCIES

8.1 VICE-CHAIR: The vice -chair, unless the vice-chair has been disqualified or refuses to act as chair, automatically assumes the office of the chair for a term of one year at the end of the Annual Meeting following the vice-chair's election.

8.2 OFFICERS AND COUNCIL: Between Annual Meetings of the Section, the council may fill vacancies in its own membership, or in the offices of vice-chair, secretary, or budget officer. Members of the council and officers so elected shall serve until the next Annual Meeting of the Section, at which time the membership of the Section shall elect officers or council members to fill any unexpired terms existing at the time.

8.3 ABSENTEEISM: If any officer or member of the council fails to attend two successive meetings of the council, the officer or member's position shall be vacated, unless the officer or member shows good cause.

8.4 RETIRING CHAIR: At the end of the chair's term of office, the retiring chair shall be come a member of the council.

ARTICLE IX: REPRESENTATION OF STATE BAR'S POSITION

Any action by the Section must be approved by the Board of Governors of the State Bar before it becomes effective as the action of the State Bar. Any resolution adopted or action taken by the Section shall be reported by the chair or the chair's representative to the Board of Governors for action by the State Bar.

ARTICLE X: AMENDMENTS

These 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 council. The bylaws also may be amended by written ballots cast by members of the Section, with the proposed amendment approved by a majority of the council. The proposed amendment shall be distributed to all members in good standing of the Section. The members of the Section shall be permitted to cast ballots for 30 days after mailing, and approved contingent upon receipt of a majority vote of the members voting on the proposal. The amendments shall become effective upon approval by the Board of Governors.

Approved by Board of Governors 12-6-19