

**LITIGATION SECTION OF
THE STATE BAR OF NEVADA
AMENDED AND RESTATED BYLAWS**

**ARTICLE I
Name and Principal Office**

Section 1 Name

This organization shall be known as the Litigation Section of the State Bar of Nevada (hereinafter referred to as the "Section").

Section 2 Principal Office

The principal office of the Section shall be the State Bar of Nevada, 600 East Charleston Blvd., Las Vegas, Nevada 89104. The Executive Committee of the Section may change the location of the principal office at any time.

**ARTICLE II
Purpose**

The purposes of the Section shall be:

- A. To provide a forum for the improvement of law and procedure in the field of litigation in civil and criminal areas.
- B. To provide a forum addressed to the problems and interest of the trial practitioner who specializes in the spectrum of civil litigation, without limitation to a particular substantive area.
- C. To provide a forum addressed to the problems and interest of the trial practitioner who specializes in the spectrum of criminal trial practice.
- D. To promote the sound development of ethical and professional litigation practices and procedures.
- E. To assist the judiciary in enhancing the administration of justice in the area of civil litigation and criminal procedure.
- F. To support and enhance the art of trial and appellate advocacy.
- G. To act upon all matters germane to its purpose as so described or referred to by the Board of Governors.

ARTICLE III
Membership

Section 1 **Membership qualifications**

Any Nevada licensed attorney who is a member in good standing with the State Bar of Nevada may qualify membership upon payment of the Section dues.

Section 2 **Membership rights**

Members have the following rights:

- A. To attend meetings, including meetings of the Executive Committee;
- B. To vote;
- C. To hold office; and
- D. To participate in all activities of the Section not prohibited or assigned in Accordance with the Bylaws.

Section 3 **Dues**

The General Membership shall determine the amount of dues at the time of the Annual Meeting. If no determination is made at the Annual Meeting, the dues shall remain at the Same amount as the preceding year. The initial dues shall be set at \$30.00. Fees shall be Paid into the treasury of the State Bar along with all other funds generated by this Section, to be used for the purpose of defraying costs and expenses of this section or such other purposes as the Board of Governors may designate.

Section 4 **Terms**

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

ARTICLE IV
General Membership Meetings

Section 1 **Annual Meeting**

The General Membership shall hold a meeting at least annually at a time and place to be determined by the Executive Committee. The initial General Membership meeting shall be held on September 28, 2011.

Section 2 Notice

- A. Written notice of each meeting specifying the time and place shall be mailed, e-mailed, faxed or delivered by other means to each member thirty (30) days prior to meeting
- B. Written notice shall include an agenda with the action items indicated.
- C. Robert Rules of Order shall apply, if so determined by the Executive Committee.

Section 3 Quorum

Ten (10) members or ten percent (10%) of the General Membership (whichever is less), shall constitute a quorum at the Annual Meeting.

Section 4 Voting

- A. Each member in good standing shall have one (1) vote.
- B. Except as provided in Article VIII, a majority vote of the quorum is necessary to take action.

ARTICLE V
Executive Committee Meetings

Section 1 Executive Committee Meetings and Action Without a Meeting

The Executive Committee shall hold at least (4) meetings each year at a time and place to be determined by the Executive Committee. This shall include meetings via teleconference call. Written notice of such meeting shall be mailed to members of the Executive Committee at least five (5) days before the meeting or e-mailed or faxed to members at least three (3) days before the meeting. At the meeting of the Executive Committee, the majority of its members shall constitute a quorum for the transaction of any business of the Executive Committee.

The Executive Committee may act without a meeting. In such event, no less than fifty Percent (50%) of the members of the Executive Committee must agree on any action taken. A poll of the members of the Executive Committee may be conducted by the Chairperson by telephone, video or audio conference, e-mail, fax or letter.

Notwithstanding the provisions of this section, amendments of these Bylaws shall be governed solely by the provisions of Article VIII.

Section 2 Special Meetings of the Executive Committee

- A. Any three (3) members of the Executive Committee may convene a special meeting of the Executive Committee at a time and place, to be determined by the Executive Committee, such meetings may include teleconference calls.
- B. Reasonable efforts shall be made to notify members, including but not limited to notice by mail, e-mail, fax, telephone, or delivery by other means at least three (3) days prior to the meeting.

Section 3 Powers

The policies, programs, business and property of the Section shall be controlled and Managed by its Executive Committee. The policy of the Executive Committee shall be consistent with the policies set by the Board of Governors. The Executive Committee shall:

- A. At least annually review the mission and the goals, objectives and priorities of the Executive Committee and make recommendations for change, if any, to the General Membership.
- B. Adopt procedures for establishing, implementing and reviewing priorities in the allocation of resources.
- C. Establish and appoint officers and members to appropriate sub-committees, as the Executive Committee shall from time to time determine as appropriate or necessary.

Section 4 Members

The initial Executive Committee shall consist of ten (10) members listed on Exhibit A.

The Executive Committee shall be compromised of twelve (12) members, consisting of the Chairperson, Vice Chair, Secretary and Treasurer, together with eight (8) at-large members to be elected by the Section membership from among those nominated by the Section. Nominations for such appointments may be made by the Executive Committee acting as a Nominating Committee or by a petition signed by at least three (3) members of the Section before August 1st of each year. Annual elections of Executive Committee members shall occur at the Annual Meeting of the Section. Section members may vote for Executive Committee members by voting in person at the Annual Meeting of the Section or by returning a written ballot by the date and to the person specified on the ballot. The Executive Committee shall adopt procedures for sending out ballots to members for voting at annual elections. Each member of the Executive Committee shall take an oath of office and shall receive no compensation for services.

Section 5 Term of Office

The members of the Executive Committee shall be elected for initial terms of one and two years each as such memberships are designated on Exhibit A. Thereafter, all terms shall be two years each. Any vacancy in membership occurring prior to the formal expiration of the terms shall be filled by the Executive Committee for the unexpired term.

The term of office of each member of the Executive Committee shall commence on the day the member is elected by the Section membership and shall continue until the Section membership elects a successor. All Executive Committee members shall serve the foregoing fixed term unless sooner removed at the recommendation of the Executive Committee and the Board of Governors.

The members of the Executive Committee may serve four (4) consecutive terms. In no case may a member of the Executive Committee serve more than either (8) consecutive years. The time served in filling a vacancy for part of a term shall not be included in computing the eight-year limit.

Section 6 Election and Terms

- A. The General Membership shall elect the Executive Officers by a majority vote at the Annual Meeting of the Section by voting in person or by returning a written ballot by the date and to the person specified on the ballot.
- B. Officers shall serve a one-year term or until a successor has been elected.
- C. No officer shall hold more than one office at the same time.
- D. No officer shall serve more than two consecutive terms in the same office unless approved by the General Membership.

Section 7 No Compensation

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

Section 8 Resignation

Any Officer may resign by giving written notice to the Executive Committee.

Section 9 Removal

Upon written notice and just cause as agreed by at least two members of the Executive Committee, the General Membership may remove a member of the Executive Committee by a majority vote.

Section 10 Vacancies

The Executive Committee may fill a vacancy in any office for the duration of the unexpired term.

ARTICLE VI
Powers and Duties of the Officers

Section 1 Officers

The officers of the Section shall be Chairperson, Vice Chair, Secretary and Treasurer. The Executive Committee shall appoint the initial officers from among its members. Thereafter, annually the general membership shall elect the officers.

The newly elected officers shall assume the duties of their respective offices upon their selection by the Executive Committee and shall continue in office until their successors are appointed and assume office. In the event of a vacancy among the officers, the Executive Committee may appoint a successor to fill the unexpired term.

Section 2 Chairperson

The Chairperson shall:

- A. Preside at all the meetings of the Executive Committee and the Section;
- B. Appoint an at-large member of the Executive Committee as a Chairperson to each standing committee;
- C. Serve as an ex officio member of all standing or sub-committees; and
- D. Be vested with any and all powers and duties to fulfill the office of the Chairperson.

Section 3 Vice Chair

The Vice Chair shall:

- A. Shall serve as an ex officio member of all standing or sub-committees;

- B. In the event the Chairperson is unavailable, the Vice Chair shall assume and perform the duties of the Chairperson; and
- C. Shall be vested with any and all powers and duties necessary to fulfill the office of Vice Chair.

Section 4 Secretary

The Secretary shall:

- A. Record and maintain, or cause to be recorded and maintained, minutes of all meetings;
- B. Send or cause to be sent, written notice of all meetings of the membership;
- C. Keep and maintain copies of notices, agenda, minutes, attendance and other written records or items from the meetings; and
- D. Be vested with any and all powers and duties necessary to fulfill the office of the Secretary.

Section 5 Treasurer

- A. Keep and maintain, or cause to be kept and maintained, adequate and correct accounts of its assets, liabilities, receipts and disbursements;
- B. Render, or cause to be rendered, to the membership at each regular and Annual Meeting, or upon request, an account of the financial status of the Section; and
- C. Be vested with any and all powers and duties necessary to fulfill the office of the Treasurer.

ARTICLE VII
Committees

Section 1 Standing Committees

The Section shall have the following standing committees:

- Committee of Legal Education Pertaining to Criminal and Civil Areas;
- Publications Committee;
- Committee on Civil and Appellate Procedure;
- Committee on Criminal Procedure;
- Membership Committee; and
- Committee on Ethics and Professionalism.

The Executive Committee shall have the power to create other committees from time to time.

Section 2 Officers

Each committee shall have a Chairperson who must also be a member of the Executive Committee. Each committee may have other officers as may be required who shall be selected by, and serve at the pleasure of, the Executive Committee or the committee itself as shall be determined by the Executive Committee. The officers shall have such powers and duties as the Executive Committee may from time to time determine.

Section 3 Ad Hoc Committees

The Chairperson of the Executive Committee shall have the power, without the need for Executive Committee approval, to appoint such ad hoc committees as are necessary for the purpose of furthering the objectives of the Section.

Section 4 Members of the Committees

The members of the standing and ad hoc committees shall be elected by the Executive Committee from members of the Section with the exception of the committee Chairperson which must be a member of the Executive Committee.

Section 5 Meetings

The Committee meetings will be called as necessary by the Executive Committee or Committee Chairperson. Meetings may be held in person or via teleconference.

ARTICLE VIII
Amendment of Bylaws

These Bylaws may be amended, altered or repealed at the Annual Meeting by a two-thirds (2/3rds) vote of the quorum present.

ARTICLE IX
Miscellaneous

Section 1 Action of the State Bar of Nevada

No action of the Section shall be represented or construed as the action of the State Bar of Nevada until the same has been approved by the Board of Governors of the State Bar of Nevada.

Section 2 Financial Obligations

The Executive Committee is authorized to approve the payment of all financial obligations of the Executive Committee and the Section.

Section 3 Continuing Legal Education

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

Section 4 Compensation of Expenses

No salary or other compensation shall be paid to any member of the Section for performance of services to the Section. However, the members may be reimbursed for such reasonable and necessary telephone expenses, reproduction expenses and other similar out-of-pocket expenses which are incurred as a result of the performance of such services and as are specifically authorized by the Chairperson of the Section of the Executive Committee.

CERTIFICATION

The undersigned, duly appointed Chairperson of the Litigation Section does hereby certify that the members of the Litigation Section adopted the foregoing Bylaws on the 27th day of September 2012.


Tracy A. DiFillippo
Chair

APPROVED

The Board of Governors of the State Bar of Nevada unanimously approved the foregoing Bylaws at its regularly scheduled meeting on the 25th day of July, 2013.