

LEGAL ASSISTANTS DIVISION
of the State Bar of Nevada

STANDING RULES

**LEGAL ASSISTANTS DIVISION
OF THE
STATE BAR OF NEVADA**

November 11, 1994

(Revised through June 25, 1997)

**600 E. Charleston Boulevard
Las Vegas, Nevada 89104**

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Table of Contents

PREAMBLE	1
INTRODUCTION	1
A. Authority	
B. Purpose	
I. MEMBERSHIP CRITERIA, DUES AND RENEWALS	2
A. General	
B. Criteria for Active Membership	
C. Membership Dues	
D. Membership Renewal Delinquency	
II. PROCESSING OF MEMBERSHIP APPLICATIONS	4
A. Membership Subcommittees	
B. Processing Membership Applications	
C. Approving Membership Applications	
III. DISCIPLINARY PROCEDURES	7
A. Introduction	
B. General Considerations	
C. Discipline	
D. Professional Misconduct	
E. Grievance Committee	
F. Disciplinary Procedure	
IV. ESTABLISHING ADDITIONAL DIRECTORSHIPS	14
A. Composition of the Board	
B. Procedure	
C. Filling Additional Directorship	
D. Term	
V. PROCESS OF ELECTIONS FOR DIRECTORS	15
A. Elections Subcommittees	
B. Election Process	
VI. GUIDELINE FOR CAMPAIGNS FOR CANDIDATES AS DIRECTORS	17
A. General Considerations	
B. Guidelines	
VII. DISCIPLINE OF DIRECTORS	18
A. For Good Cause	
B. For Non-Attendance	
VIII. RULES OF ORDER FOR BOARD MEETINGS	19
A. Open Meetings	
B. Members Addressing the Board	
C. Motions	
D. Voting	
E. Reports	
F. Minutes	
G. Parliamentary Procedure	

IX.	BOARD VOTE BY MAIL OR TELEPHONE.....	21
	A. Authority	
	B. Procedure	
	1. Notice/Vote by Telephone	
	2. Notice/Vote by Mail	
	3. Notice by Mail/Vote by Telephone	
	4. General	
X.	FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES	22
	A. General	
	B. Standing Committees	
	1. Annual Meeting	
	2. Budget and Finance	
	3. Bylaws and Rules	
	4. Elections and Nominations	
	5. Membership and Public Service	
	6. Professional Ethics and Development	
	C. Special Committees ²	
	D. Reports	
XI.	RULE OF ORDER FOR ANNUAL MEETINGS.....	25
	A. Authority	
	B. Purpose	
	C. General Rule of Order	
	D. Agenda	
XII.	GUIDELINES FOR PUBLICATIONS	28
	A. Authority	
	B. Purpose	
	C. Guidelines	
XIII.	PETITIONS FOR PROPOSED AMENDMENTS TO BYLAWS.....	30
XIV.	PROCESS OF BALLOTS FOR AMENDMENTS TO BYLAWS	32

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PREAMBLE

A legal assistant (also known as a paralegal) is a person, qualified through education, training, or work experience, who is employed or retained by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such an assistant, the attorney would perform the task.

INTRODUCTION

A. Authority

1. The Legal Assistants Division of the State Bar of Nevada (the "Division") has adopted Bylaws as the fundamental instrument establishing the organization and these Bylaws define the primary characteristics of the Division, the limitations on the powers of the Division, and the rights of its members. However, in order to give an organization the greatest freedom to act within its purpose, bylaws should be made no more restrictive nor more detailed in specification than necessary.

2. Standing Rules are rules which are related to the details of the administration of an organization and may be adopted or changed as any ordinary act of the organization. Generally, they are adopted individually by the governing body at any business meeting, if and when the need arises.

3. Pursuant to Article III, Section 7.a. of the Bylaws, the Board of the Division hereby adopts the following Standing Rules deemed necessary to carry out the Bylaws and to serve the purpose of the Division. These Standing Rules shall govern the operation of the Division where not inconsistent with the Bylaws and may be suspended, amended, rescinded, or expanded from time to time by a majority vote of the Board members present and voting at a duly noticed meeting.

B. Purpose

1. As suggested in the most recent edition of ROBERT'S RULES OF ORDER, if an organization as a whole meets less often than quarterly, the entire administrative authority of the organization is best left to the Board of Directors between the organization's meetings. Due to the size and geographical distribution of the Division's membership it is impractical to hold a general membership meeting more often than annually. However, the business of the Division must be conducted on a continuous basis and these Standing Rules are intended to provide the necessary guidance to the Board, the committees and the general membership in the day-to-day activities of the Division.

2. Although the Board has the authority to adopt, suspend, amend, rescind, or expand these Standing Rules, the members of the Board are cognizant of their capacity as representatives of the general membership. The Board hereby expresses its desire that the members of the Division contact their respective Directors with comments, questions and suggestions with respect to these Standing Rules.

I. MEMBERSHIP CRITERIA, DUES AND RENEWALS

A. General

1. For the purposes of determining eligibility for membership in the Division, paralegal work by a legal assistant is considered to be legal work which can only be done in direct assistance to an attorney, distinguishing it from other types of work which can be performed directly for members of the general public.

2. Each application for membership shall contain:

a. applicant's consent to the Division to contact present and/or former supervising attorneys for verification or clarification of qualifications for membership;

b. a statement that the applicant has read the Definition of a Legal Assistant², as set forth in the Preamble of these Standing Rules, has read the Legal Assistant's Pledge of Professionalism, and has read and agrees to be bound by the Code of Ethics and Professional Responsibility;

c. an agreement to be bound by the Disciplinary Procedures adopted by the Division;

d. written affidavit(s) by a duly licensed Nevada attorney(s) employing and supervising the applicant for the required time frame;

e. certification by the applicant that he meets one of the criteria for membership as set out in Section I.B of these Standing Rules;

f. attached thereto, a comprehensive description of current job functions and any supporting information;

g. attached thereto, a current resume; and

h. an explicit reference to NRS 7.285, and notice to the applicant that membership in the Division does not constitute membership in the State Bar of Nevada, nor does membership in the Division authorize applicant to practice law.

B. Criteria for Membership

1. The applicant works as a legal assistant under the direct supervision of a duly licensed Nevada attorney and also meets one of the following criteria:

a. Successful completion of the voluntary certification examination given by the National Association of Legal Assistants, Inc., plus one (1) year of employment experience as a legal assistant under the direct supervision of a duly licensed Nevada attorney; or

b. A baccalaureate or higher degree in any field plus one (1) year of employment experience as a legal assistant under the direct supervision of a duly licensed Nevada attorney; or

c. Successful completion of an ABA approved program of education and training for legal assistants, or a non-ABA approved but institutionally accredited program of education and training for legal assistants, plus one (1) year of experience as a legal assistant under the direct supervision of a duly licensed Nevada attorney; or

d. A minimum of three (3) continuous years of full time employment experience as a legal assistant under the direct supervision of a duly licensed Nevada attorney, which experience complies with the definition of a legal assistant as defined above.

2. If a member's employment status has changed from working under the direct supervision of a duly licensed Nevada attorney to that of a freelance legal assistant (that is, working

under the direct supervision of one or more duly licensed Nevada attorneys on a case-by-case basis), the member may be accepted as a member by completing the Affidavit of Freelance Legal Assistant Applicant and meeting the requirements therefor, and by submitting the Affidavit of Present and Former Supervising Attorneys, indicating that the legal assistant has worked at least 1200 hours in the past 12 month period under the direct supervision of one or more licensed Nevada attorneys.

3. If an applicant is employed as a freelance legal assistant as that term is defined in subsection 2. above, membership status will be considered provided that the applicant meets one or more of the criteria contained in section 1.a. through 1.d. above, submits the Affidavit of Present and Former Supervising Attorneys, indicating that the legal assistant has worked at least 1200 hours in the past 12 month period under the direct supervision of one or more licensed Nevada attorneys.

4. If a member's employment status has changed from working under the direct supervision of one duly licensed Nevada attorney to another duly licensed Nevada attorney, a new affidavit from the member's current supervising attorney must be provided within sixty (60) days from the date of cessation of employment with the former employer. Failure to submit the affidavit within the allotted time frame will result in suspension of membership.³

C. Membership Dues

1. The membership fee, as determined by the Board and approved by the Board of Governors of the State Bar of Nevada from time to time, shall apply to the fiscal year, but shall be due on January 1, and when paid shall entitle the member to all the privileges and prerogatives of membership.

D. Membership Renewal; Delinquency

1. Memberships expire on December 31, and renewals of membership shall require filing the renewal application and paying the appropriate fee, both as established from time to time by the Board. Any member who has not filed a renewal application and paid the appropriate membership fee on or before March 31² shall be considered delinquent and not in good standing, therefore not entitled to vote or be eligible for candidacy for Director².

2. Any member who has not filed a renewal application and paid the appropriate fee on or before March 31² shall be deleted from the membership rolls of the Division. Reinstatement will require the submission of a new application in accordance with the requirements then in effect, except at the discretion of the Board.

II. **PROCESSING OF MEMBERSHIP APPLICATIONS**

A. Membership Subcommittees

1. The Membership and Public Service Committee of the Division is composed of members representing each District within the state. Each District Committee Member shall form a membership subcommittee of three or five members in the respective District, including the committee member who shall chair the subcommittee.

2. The purpose of the subcommittee shall be to review all applications for membership from persons in the respective District, to clarify or verify information contained in the applications, and to approve or recommend denial of membership for applicants.

(This entire Subsection suspended until the formation of a Membership and Public Service Committee with sufficient number of members).¹

B. Processing Membership Applications

The following procedure shall be followed in processing applications for membership:

1. A prospective member shall request an application for membership from the Chair of

the Membership Subcommittee in his District or from his District Director.

2. Upon completion of the application, the prospective member shall forward the application for membership to the subcommittee chair in his district.

3. Upon receipt of the application, the subcommittee chair will notify the applicant that the application is being processed and explain that the applicant and the present and/or former supervising attorneys may be contacted for the purpose of clarification or verification of information contained in the application. The notice shall explain that the process may take as long as thirty (30) days.

4. If the application is approved, the subcommittee chair shall mail a notification to that effect to the applicant, together with instructions for mailing dues.

5. Upon receipt of the approval notification, the applicant shall mail dues payable pursuant to the instructions of the subcommittee chair.

6. Upon receipt of the dues, the subcommittee chair shall enter information pertaining to the applicant on the membership rolls, forward the dues and the member's name and business mailing address to the State Bar of Nevada, and mail copies of the Bylaws and Standing Rules to the new member.

7. If a question arises regarding the applicant's eligibility for membership, the following steps shall be taken by the Membership Subcommittee:

a. Meet with or call applicant to clarify or verify information contained in the application² and to ascertain the degree of paralegal work performed;

b. Meet with or call the supervising attorney(s) to clarify or verify information contained in the application and to ascertain the degree of paralegal work performed;

c. Meet with or call any professional references given by the applicant to clarify or verify information contained in the application.

8. If an applicant is deemed to be ineligible for membership, such applicant's application shall be denied. The subcommittee chair shall notify the applicant of the decision in writing. A copy of such letter shall be forwarded to the Membership and Public Service Chair for his information in the event there is an appeal.

9. If a question of eligibility still exists, the Membership and Public Service Chair shall be notified in writing that the subcommittee recommends denial of the application. The Membership and Public Service Chair shall make an independent investigation which shall include one or more of the following steps:

a. Meet with or call subcommittee members;

b. Meet with or call applicant to clarify or verify information contained in the application and to ascertain the degree of paralegal work performed; or

c. Meet with or call the supervising attorney to clarify or verify information contained in the application and to ascertain the degree of paralegal work performed; or

d. Meet with or call any professional references given by the applicant to clarify or verify information contained in the application.

10. If a question continues to exist, the Membership and Public Service Chair shall then inform the applicant, using the language: "Based upon information presently available, the membership subcommittee in your District has recommended that your application for membership in the Legal Assistants Division of the State Bar of Nevada be denied. If you wish to appeal this decision, please notify the Chair of the Membership and Public Service Committee within thirty (30)

days of the date of this letter." The name, address, and business telephone number of the Committee Chair shall be included in the notice to the applicant.

11. If the application is not resubmitted to the Chair of the Membership and Public Service Committee within thirty (30) days of the date of the notice to applicant, the application for membership shall be denied. If the application is resubmitted, the Membership and Public Service Committee Chair shall submit the application to the entire Committee, and may request that a written report from the Chair of the subcommittee which recommended denial of the application be circulated to the Committee. The Committee Chair shall poll the Committee members by telephone, to be followed by written confirmation, to obtain their votes to (i) deny the application, or (ii) reconsider the application, and unless a majority of the committee members vote to reconsider the application, it shall be denied.

12. If a majority of the Committee members vote to reconsider the application, the Committee Chair shall appoint five (5) members of the committee to constitute an appeals subcommittee, including the Committee Chair but not the chair of the subcommittee which recommended denial of the application. The Committee Chair shall notify the applicant in writing to submit any additional information pertinent to the application within ten (10) days of the date of said notice, and shall distribute any such additional information to the appeals subcommittee. After considering the application and any additional information submitted by the applicant, the appeals subcommittee shall vote on the application by mail ballot to the Committee Chair. The application shall either be approved or denied by a vote of at least three (3) members of the appeals² subcommittee, and the decision shall be the decision of the Membership and Public Service Committee and shall be final. The Committee Chair shall notify the applicant in writing as to the decision. The ballots shall be retained in a sealed envelope in the file of the Committee Chair.

C. Approving Membership Applications

Applications received after November 1 will be processed to apply to the next calendar year.¹

III. DISCIPLINARY PROCEDURES

A. Introduction

1. A Code of Ethics and Professional Responsibility (the "Code") was adopted as part of the creation of this Division. Each applicant for membership agrees to be bound by the Code² and these disciplinary procedures.

2. Membership in the Division is voluntary. The Code, grievance procedures and disciplinary sanctions apply only to Division members. Any reference to a "legal assistant" in these Standing Rules is a reference to a member of the Division unless otherwise stated.

3. A mere claim of misconduct cannot justify the imposition of discipline. Proof of misconduct must be shown.

B. General Considerations

1. A member may be expelled and membership thereby terminated or application for membership or for reinstatement of membership may be rejected for:

a. Conviction of a felony for which the member/applicant has not been pardoned or otherwise had full civil rights restored;

b. Conviction of a misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property;

c. Expulsion, disbarment or suspension as an attorney licensed to practice law in any state, territory, or jurisdiction;

d. Revocation of suspension of a license or permit to practice or engage in a profession or occupation; and

e. Expulsion or suspension of membership in a law related professional association.

C. Discipline

1. The permanent records of grievance matters shall remain confidential and be maintained under strict security;

2. Sanctions may include:

- a. Private reprimand;
- b. Public reprimand;
- c. Suspension of membership for a stated period; or
- d. Expulsion from membership in the Division.

3. The Board may accept the resignation of a legal assistant who has agreed to disciplinary sanction and may set conditions for subsequent reinstatement.

D. Professional Misconduct

For purposes of the disciplinary procedures set out herein, the following shall constitute professional misconduct:

1. Willful misrepresentation of a material fact in a legal assistant's application for membership or renewal thereof;

2. Violation of any Canon contained in the Code;

3. Conviction of a felony;

4. Conviction of a misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property;

5. Revocation or suspension of a license or permit to practice or engage in a professional occupation;

6. Expulsion from or suspension of membership in a law-related professional association.

E. Complaints

1. A "complaint" is defined as a written allegation from any person, agency or entity, of professional misconduct by a legal assistant. Allegations which do not show probable cause of professional misconduct shall not be classified as complaints. All pertinent information to aid the investigation and determination of the complaint shall be included.

2. Each complaint shall be acted on expeditiously.

F. Grievance Committee

1. The Professional Ethics and Development Committee, composed of at least one member from each Division District, shall serve as the Grievance Committee (the "Committee") for the Division and shall exercise the powers and perform the duties conferred on it herein as well as any other powers and duties imposed by the Board.

a. The Chair of the Professional Ethics and Development Committee shall serve also as the Grievance Committee Chair (the "Committee Chair") during the term of appointment by the Chair of the Board (the "Board Chair").

b. The Committee may delegate any of its powers and duties imposed herein, except the making of a final determination of Professional Misconduct, to a grievance subcommittee (the "Subcommittee").

2. A subcommittee shall consist of a Committee member and two other members of the Division, whose principal places of business are in the same district as that of the legal assistant against whom a complaint has been filed.

a. The Committee member shall serve as the subcommittee chair and shall appoint the other two members of the subcommittee.

b. The subcommittee shall investigate any complaint and shall submit a written recommendation to the Committee Chair.

c. If the subcommittee fails to act upon a complaint within a reasonable period of time, the Committee Chair shall report the subcommittee's inaction to the Board Chair. When notified of the subcommittee's inaction, the Board Chair may discharge the subcommittee, dismiss the subcommittee chair, and appoint a new member to the Committee. In such event, the successor Committee member shall assume the subcommittee chair, appoint new members, and proceed to act upon the complaint.

G. Disciplinary Proceedings

1. No legal assistant shall be disciplined herein, until the Committee has made a final determination of professional misconduct.

2. Any allegation of wrongdoing shall be in writing and shall be forwarded to the Grievance Committee Chair for investigation.

a. If an investigation reveals that there is no probable cause for the allegation of professional misconduct, the Committee Chair shall so advise the complainant.

b. If an allegation of professional misconduct is received jointly involving an attorney and a legal assistant, the Committee Chair shall forward a copy of the allegation to the Bar Counsel of the State Bar of Nevada, without comment.

c. If an allegation is made against a non-member, the Committee Chair shall advise the complainant that the Division has no jurisdiction. The matter shall remain confidential.

3. All proceedings involving such complaint shall be confidential. Any envelope containing a notice of complaint, investigative report, notice of hearing, or any other matter pertaining to the complaint or the proceedings related thereto shall be clearly marked "PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY" (hereinafter referred to as² "restricted delivery").

4. To initiate formal proceedings the Committee Chair shall forward the complaint to the subcommittee chair in the district of the legal assistant's principal place of business. The Committee Chair shall simultaneously forward a copy of the complaint by certified mail, return receipt requested, to the legal assistant and to the complainant.

a. If the complaint alleges professional misconduct by the Committee Chair, Subcommittee Chair, or any Committee member, the complaint shall be forwarded to the Board Chair. The legal assistant shall be immediately removed from the Committee and the Board Chair shall appoint a replacement.

5. The subcommittee shall conduct a complete and confidential investigation to determine all acts and circumstances relevant to the allegations of the complaint.

a. The Committee Chair and subcommittee chair may enlist a² member within the District, familiar with the type of practice in which the legal assistant is engaged, to assist in the investigation. The Committee Chair shall so advise the Board Chair in writing.

b. The following guidelines shall be followed by the subcommittee in an investigation:

(1) Interview the complainant to obtain details of the allegation, including the names and addresses of persons with knowledge of relevant facts;

(2) Schedule an interview with the legal assistant advising that it may be necessary to interview the verifying attorney on the legal assistant's membership application/renewal.

(3) Interview the legal assistant to obtain details of the allegations including the names and addresses of persons with knowledge of relevant facts.

(4) Interview all persons identified by the complainant and legal assistant.

(5) Conduct any and all other investigation as necessary.

c. No less than five (5) days prior to the hearing the subcommittee chair shall prepare and deliver to the subcommittee members a written report of the investigation.

d. If during the investigation allegations surface involving both an attorney and legal assistant, the proceedings concerning the legal assistant shall not be delayed.

6. The subcommittee chair shall schedule and preside at a hearing to be held within ninety (90) days of receipt of the complaint.

a. At least thirty (30) days before the hearing, the subcommittee chair shall notify the legal assistant by certified mail return receipt requested, of the date, time and place of said hearing. Copies shall be mailed to the complainant, members of the subcommittee and the Committee Chair. The notice shall give the legal assistant twenty (20) days from the date of receipt of said notice within which to respond in writing to the allegations. The subcommittee Chair shall provide copies of any response to the aforementioned parties.

b. For good cause shown, the time for the legal assistant to respond in writing and the hearing date may be extended for no more than thirty (30) additional days. Notice of extension and rescheduled hearing shall be sent by certified mail, return receipt requested, to the legal assistant and the complainant, with copies to members of the subcommittee and Committee Chair.

c. The following guidelines shall be followed by the subcommittee in conducting hearings:²

(1) All persons testifying at the hearing shall be sworn to tell the truth.

(2) Any party may present witnesses to testify and present evidence relevant to the allegations contained in the complaint.

(3) The legal assistant has the right to be present during all testimony, with counsel if so desired. Counsel shall be at the legal assistant's expense.

(4) The subcommittee chair shall determine the order of appearance of witnesses. Each witness shall be heard privately and out of the presence of other witnesses.

(5) The subcommittee chair shall make an electronic recording of the full hearing and shall immediately reduce to a written record. The recording, written record, and all pertinent documentation shall be forwarded to the Secretary who shall keep such record in the confidential

files of the Division. Such recording and written record shall be available only for the use and inspection of the Committee and the Board sitting as the Disciplinary Committee pursuant to Division G.12. below.

7. The subcommittee shall within 10 days by majority vote make its determination of either "No Professional Misconduct" or "Professional Misconduct." A determination of "Professional Misconduct" shall include a recommendation for disciplinary sanctions. The subcommittee chair shall forward to the Committee Chair a written report of the determination, a copy of the investigative report, and any minority recommendation.

8. The Committee Chair shall distribute copies of the subcommittee report, the investigative report and any minority recommendation by certified mail to the Committee and the Secretary. Committee members shall have fifteen (15) days from receipt to cast their votes in writing. The Committee members shall vote by certified mail to the Committee Chair either (i) a finding of "No Professional Misconduct"; (ii) a finding of "Professional Misconduct" and the recommended disciplinary sanction; or (iii) a request for a new hearing before a special appeals subcommittee.

a. A majority finding of "No Professional Misconduct" shall be final, and the Committee Chair shall so notify the legal assistant and the complainant by certified mail, return receipt requested, with copies to the Committee members and to the Secretary.

b. Notice of a majority finding of "Professional Misconduct" shall be final, and the Committee Chair shall so notify the legal assistant by certified mail, return receipt requested.

c. If a majority of the Committee votes a request for a new hearing before a special appeals subcommittee, the Committee Chair shall proceed under Section G.9 below.

d. If the vote of the Committee fails to show a majority, a finding of "No Professional Misconduct" shall be made and is final. The Committee Chair shall notify the legal assistant and the complainant by certified mail, return receipt requested, with copies of the Committee members and the Secretary.

9. If a majority of the Committee votes to request a new hearing before a special appeals subcommittee, the Committee Chair shall appoint four other members of the Committee, including the subcommittee chair as the appeals subcommittee.

a. Within thirty (30) days from the request for rehearing, notice of the date, time and place of the hearing shall be sent by certified mail, return receipt requested, to the legal assistant and the complainant, with copies to the appeals subcommittee and the Secretary.

b. The hearing shall be held in the legal assistant's District on a date not less than thirty (30) nor more than forty-five (45) days from the date of notice of said hearing. The hearing shall be conducted as set forth in Section² G.6 above.

c. The appeals subcommittee shall vote a finding of (i) "No Professional Misconduct" or (ii) "Professional Misconduct" and recommend appropriate disciplinary sanctions to the Committee.

(1) If the vote of the appeals subcommittee fails to show a majority recommending a finding of "Professional Misconduct," a final finding of "No Professional Misconduct" shall be entered for the Committee. The appeals subcommittee chair shall so notify the legal assistant and the complainant by certified mail, return receipt requested, with copies to the Committee members and the Secretary.

(2) If a majority of the appeals subcommittee votes to recommend a finding of "Professional Misconduct" and appropriate disciplinary sanction, said finding shall be final. The Appeals Subcommittee Chair shall so notify the legal assistant and the complainant by certified mail, return receipt requested.

10. The Committee Chair shall report to the Board in writing the disciplinary sanctions recommended by the Committee and the appeals subcommittee for determination by the Disciplinary Committee. Copies of said report shall be mailed to the Committee and the Secretary.

11. The Committee Chair shall notify the legal assistant by certified mail, return receipt requested, of the date, time and place of the next Board meeting which will be at least twenty (20) days but not more than ninety (90) days after the date of the notice. The notice shall advise the legal assistant that he may appear and present any testimony or evidence relative to disciplinary action.

12. Pursuant to a notice given in Section G.11, the Board shall meet in executive session as a Disciplinary Committee to determine the appropriate disciplinary sanction. The legal assistant, the legal assistant's counsel, if any, and the Committee Chair may appear. The Board may consider any testimony or evidence presented.

a. The Disciplinary Committee shall by majority vote determine an appropriate sanction and impose such sanction on the legal assistant.

b. If the vote fails to show a majority of the Board for a single disciplinary sanction, the Executive Committee of the Board shall meet in executive session as a disciplinary subcommittee.

(1) The disciplinary subcommittee shall by majority vote determine an appropriate disciplinary sanction. The Board Chair shall announce the decision to the Disciplinary Committee and by majority vote the Board shall ratify the decision which shall be final.

13. If the disciplinary sanction

a. is a private reprimand, the Disciplinary Committee shall call the legal assistant, if present, to appear and hear the reprimand and any conditions in connection therewith. The identification of the legal assistant shall remain confidential.

b. is a public reprimand, the Board Chair shall return to open session and announce the sanction. The name and county of place of business of the legal assistant and the sanction imposed shall be published to the general membership.

The Board Chair shall promptly notify the legal assistant by certified mail, return receipt requested of the sanction imposed. In the case of suspension or expulsion of membership, written notice shall also be sent to the attorney(s) who verified the legal assistant's application/renewal.

IV. ESTABLISHING ADDITIONAL DIRECTORSHIPS

A. Composition of the Board

1. The governing body of the Division consists of a Board of Directors composed of elected representatives from each District of the Division. Each time the membership in a District shall exceed increments of 25 members, as certified by the custodian of the membership records to the Board Chair, the Board shall establish an additional Directorship for such District.

2. Directorships in Districts having more than one Director shall be designated by numbered Places.

B. Procedure

1. If, on January 2 in any year, the membership in a District exceeds an increment of 25 members represented by an existing Directorship, the Board Chair shall notify the Board that the subject of an additional Directorship for that district will be on the agenda for the next regular meeting.

2. By majority vote of the Board members present and voting at the next regular meeting, an additional Directorship shall be established for that District and shall be designated by a Place numbered immediately consecutive to the existing Place numbers in the District. If only one Directorship presently exists in that District, the existing Directorship shall be designated by Place 1 if in an odd-numbered district or Place 2 of in an even-numbered district. The additional Directorship established shall be designated by Place 2 if in an odd-numbered District or Place 1 if in an even numbered District. Future Directorships shall be designated in a consistent fashion.

C. Filling Additional Directorship

1. When an additional Directorship for a District has been established by the Board, the Board Chair shall call for an election to be held at the same time as other elections of Directors that fiscal year, as provided in Article III, Section 4 of the Bylaws.

2. The Board Chair shall cause to be sent notice of the election to all members of the Division whose principal places of business are in the District wherein the new Directorship has been established.

D. Term

1. Any additional Directorship so established by the Board shall have a term of office commencing at the Board meeting immediately following the Annual Meeting and expiring in the year of the next election for Director according to even or odd-numbered Places, as prescribed in Article III, Section 6 of the Bylaws.

V. PROCESS OF ELECTIONS FOR DIRECTORS

A. Elections Subcommittee

1. The Elections and Nominations Committee of the Division is composed of members representing each District within the State. In each District required to hold an election, the District Committee Member shall form an Elections Subcommittee of 3 or 5 members, including the District Committee Member who shall chair each subcommittee. Within a particular District, subcommittee members shall not have a common employer. No Division member seeking the office of Director shall be eligible for membership on an elections subcommittee.

2. The purpose of the subcommittees shall be to carry out the election process for the Director of each respective district and any run-off elections for Director that may be necessary and to conduct the balloting process for the proposed amendments to the Bylaws.

B. Election Process

The following procedure shall be followed in the election process:

1. Prior to January 31 of each year, the date on which the Membership and Public Service Committee of the Division reviews membership status to determine those members eligible to request a member's name be printed on the official ballot, the Chair of the Elections and Nominations Committee shall request from the Membership and Public Service Chair a list of members in the Division as of January 31. The Committee Chair shall then provide each Elections Subcommittee Chair in each District required to hold an election with a copy of that particular District's members.

2. By February 5 of each year, the elections subcommittee shall have prepared to forward to potential candidates for Director, upon request, the following materials:

- a. Current membership printout for their District.
- b. A sample nominating petition.
- c. A copy of Section VI of these Standing Rules entitled "Guidelines for

Campaigns for Candidates as Director."

3. On April 1⁴ or the next following business day, the Membership Department of the Division shall send to the subcommittee chair in each district holding an election a set of mailing labels for placing on envelopes containing ballots.

4. Nominating petitions shall be filed with the elections subcommittee chair in each District pursuant to Article III, Section 4b of the Bylaws.

5. Each elections subcommittee shall on March 5 or the next following business day verify the number of signatures thereon pursuant to Article III, Section 4b of the Bylaws, and shall on the same day notify each nominee of the approval or rejection of his nominating petition.

6. Each elections subcommittee shall cause to be printed the ballots for the election in that District. Such ballots shall have printed thereon:

a. The names of the candidates, in alphabetical order by last name, and each candidate's full name and address, including county, of his place of employment.

b. A space for a write-in candidate, clearly identified as such.

c. Instructions that each member shall have one (1) vote for each open Directorship.²

d. The name and address of the person to whom the ballot is to be returned.

e. The statement: "The deadline for voting is May 25. Only ballots received by the Elections and Nominations Chair by May 25 shall be tallied."

7. Each elections subcommittee shall, prior to April 5⁴ of each year, cause to be delivered to the Elections and Nominations Chair the ballots, in envelopes, ready to be distributed to its District. Ballot envelopes shall have the mailing labels affixed thereon, shall be placed in zip code order, and shall contain the following items:

a. Printed ballot.

b. Brochure or resume of each candidate who provides one pursuant to Section VI.B.1 of the Standing Rules.

c. Return envelope addressed to the Elections and Nominations Chair and marked "BALLOT" on the front lower left-hand corner.

VI. GUIDELINES FOR CAMPAIGNS FOR CANDIDATES AS DIRECTOR

A. General Considerations

Campaign rules are helpful to candidates and effectively restrain campaign tactics and practices, therefore preventing problems. The following specific guidelines are hereby established:

B. Guidelines

1. A brochure or resume pertaining to each candidate for director may be enclosed with the ballots and shall be prepared and furnished to the Elections Subcommittee at each candidate's own expense. Such brochure or resume shall be received by the Elections Subcommittee Chair sufficiently in advance to be included in the mailing of ballots. Such brochure or resume shall not exceed one 8 and 1/2" by 11" page.

2. The excessive use of telephone solicitation by persons other than candidates through the use of WATS lines and similar organized solicitation is discouraged.

3. Solicitation by mail or other support by individual legal assistants is proper, provided that such mailing be on personal stationery. Candidates themselves, in addition to the mailing authorized in paragraph 1 above, may campaign by personal solicitation. The full expense of such mail solicitation shall not exceed the sum of \$500.00. However, to the fullest extent possible, all communications and solicitations, whether by letter or card or telephone, should concentrate on the candidates merits and should avoid criticism of the other candidate or candidates.

4. Candidates shall avoid personal campaigning prior to March 5 or the next following business day when the signature on the nominating petitions for Director have been verified.

5. Nomination to the office of Director is an expression of confidence and trust in the candidates by their peers. Each candidate and his supporters should make a reasonable effort to present his candidacy in a dignified manner.

6. The elections subcommittee in each District where an election is to be held shall serve as the Election Supervisory Committee to assure compliance with these rules.

VII. DISCIPLINE OF DIRECTORS

A. For Good Cause

1. The Board shall have the power to discipline Directors, including any Board officer, for good cause, that is, Professional Misconduct or neglect of duty in office.

2. Sanctions may include private reprimand, fine, suspension or removal from the Board.

3. When there appears to be good cause for the discipline of a Director, the Board Chair shall call a meeting of the Executive Committee, excluding the person who is subject to potential discipline if a member of the Executive Committee, to consider the matter. If the Board Chair is the Director subject to potential discipline, the Chair Pro Tem shall call the meeting, excluding the Chair, and shall fulfill the responsibilities of the Chair under this Standing Rule until such matter is resolved by the Board.

4. The Director who is subject to potential discipline shall be notified in writing by the Board Chair of the date, time and place of the Executive Committee meeting no less than ten (10) days prior to said meeting. The notice shall set forth the specific nature of the conduct or neglect of duty which appears to be good cause for removal, and shall be clearly marked, "PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY" (hereinafter, restricted delivery).

5. If the Executive Committee determines by majority vote that there are sufficient grounds to present the matter to the Board for a hearing, the matter will be scheduled for executive session at the next regular meeting of the Board, and the Director who is subject to potential discipline and the other members of the Board shall be so notified via restricted delivery.

6. If two-thirds of the Board vote in favor of discipline of the Director, the Chair shall call for a vote by the Board as to the appropriate sanction. If two-thirds of the Board vote in favor of removal of the Director from the Board, the Chair shall declare the removed Director's office vacant, and a successor shall be appointed by the Board pursuant to Article III, Section 10.b of the Bylaws.

7. If a majority of the Board members present vote in favor of a sanction other than removal, that sanction shall be imposed by the Board. If no single sanction receives a majority vote, the Chair shall announce the two sanctions other than removal which received the most votes and a tie in the most votes cast for other sanctions receiving the next highest total. The Board shall again vote for one of the two or several sanctions and the sanction receiving a majority of the votes cast shall be imposed by the Board.

B. For Non-Attendance

1. Any Director, including any Board officer, shall automatically be removed for failure to attend two duly noticed Board meetings without good cause during his term. The Board Chair may excuse absences for good cause, and excused absences shall not be the basis for removal.

2. Immediately following the second unexcused absence of any Director, the Board Chair shall notify such Director in writing, restricted delivery, to appear at the next duly noticed Board meeting to show cause why he should not be removed from the Board.

3. If a majority of the Board members present and voting at the duly noticed meeting finds that good cause for such two absences has not been shown, the office of the non-attending Director shall become automatically vacant, and a successor shall be appointed by the Board pursuant to Article III, Section 10.b of the Bylaws.

VIII. RULES OF ORDER FOR BOARD MEETINGS

A. Open Meetings

1. All meetings of the Board shall be open to members of the Division and to visitors, except at those times when executive sessions may be held for matters of a confidential nature, provided that only the Board members shall be entitled to vote.

2. Visitors may address the Board only upon invitation by the Chair after written request. Any such request shall identify the name and place of business of the person requesting to address the Board and shall specify the subject matter to be addressed.

B. Members Addressing the Board

1. A member of the Division who wishes to address the Board shall register with the Secretary of the Board, giving name, District, and item of business or other matter to be addressed. The Chair shall acknowledge the presence of members attending Board meeting and shall, as time permits, recognize members who have registered to address the Board. Any address by a visiting member shall be limited to three (3) minutes.

2. Visiting members will not be allowed to speak once a motion is on the floor. However, Committee Chairs or their duly authorized representatives who are on the Agenda to make a report to the Board may speak on motions arising out of the Committee's report.

3. Written communications to the Board from members of the Division shall either be read or copies distributed to the Board and entered in the official minutes of the meeting.

C. Motions.

1. Motions and seconds to motions may be made only by voting members of the Board. A Board member shall be recognized by the Chair before making a motion or second and should speak up for the benefit of all Board members and other members present. At the Chair's discretion any motions or amendments shall be presented to the Secretary in writing before action is taken.

2. The three minute rule shall not apply to Board members, nor shall the limit of speaking only once on the same motion. However, Board members should limit discussion to a reasonable length of time and to the motion or discussion on the floor at the time. If discussion by one Board member extends to considerable length, the Chair or the Parliamentarian shall call for time on the discussion, unless by majority vote of the Board the time is extended.

D. Voting.

Unless otherwise required by the Bylaws or these Standing Rules, a majority vote of the Directors present and voting shall be required to approve items of business brought before the Board. In case of a tie vote, a second vote shall be taken, and if the second vote results in a tie, the

motion is lost. Voting on any motion may be by written ballot upon announcement by the Chair.

E. Reports.

1. Reports to the Board shall be made orally unless waived by majority vote of the Board. Committee reports shall also be submitted in writing to the Board and shall be included as attachments in the minutes of the meeting.

2. No motion is required for acceptance of Committee reports, but any recommendation of a committee for Board action shall be put in the form of a motion by a member of the Board.

F. Minutes

The only official minutes of Board meetings are those taken by whatever means by the Secretary or person designated by the Chair. Other verbatim recordings, electronic or otherwise, will be allowed only upon majority approval of the Board.

G. Parliamentary Procedure

Except as otherwise provided in the Bylaws or these Standing Rules, all meetings of the Board shall be conducted in accordance with the most recent edition of ROBERT'S RULES OF ORDER and in particular the chapter therein concerning Boards and Committees.

IX. BOARD VOTE BY MAIL OR TELEPHONE

A. Authority

As authorized in Article III, Section 9.d. of the Bylaws, the Board may conduct a vote by mail or by telephone. The following procedures shall govern such a vote.

B. Procedure

1. Notice/Vote by Telephone.

a. The Board Chair shall contact each Director by telephone and clearly explain each item to be voted upon and accept a vote.

b. In the event a Director requests additional time to consider the matter prior to casting his vote, the Director shall be given a reasonable amount of time in which to vote, but in no event more than three (3) days from the date the Board Chair called and read the matter to be voted on.

2. Notice/Vote by Mail.

a. The Board Chair shall prepare a mail ballot and mail the ballot to each Board member.

b. The directors shall be required to return the ballot to the Board Chair no less than five (5) nor more than fourteen (14) days from the date it was mailed.

3. Notice by Mail/Vote by Telephone.

The Board Chair shall prepare a written explanation of the matter to be voted on and mail such written explanation to each Board member, with notification of the date on which a vote will be taken by telephone.

4. General.

a. A majority vote of the Board shall be required to approve any item of business

which is the subject of a mail or telephone ballot.

b. The Board Chair shall immediately inform each Director in writing of the results of the mail or telephone ballot.

c. Any Board vote by mail or by telephone shall be recorded by the Board Chair and canvassed by the Board at its next meeting.

d. Any Director wishing to call a vote by mail or by telephone shall be responsible for calls to other Directors to obtain the required one-third approval for such vote. The Director who has polled the other Directors shall report to the Board Chair the names of all Directors who are requesting the vote and designate the method by which the vote shall be taken. If the report to the Board Chair is by telephone, it shall be followed by a written report to the Board Chair.

X. FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES

A. General

1. The standing committees listing in this Standing Rule are authorized in Article V, Section 1.a of the Bylaws.

2. Each standing Committee, with the exception of the Elections and Nominations, and Professional Ethics and Development Committees, shall consist of no more than ten (10) members including the Chair unless it is determined by the Board that the projects of a particular Committee for the year require more Committee appointments to a particular Committee.

3. The Board Chair shall appoint Committee members from among those members who have requested appointment to a Committee by completing and forwarding to the Chair the Request for Committee Appointment and such other members as the Chair shall deem appropriate to appoint. The Request for Committee Appointment shall be distributed to the² membership by such method as is deemed to be acceptable by the Chair.

4. The Board Chair shall, with the advice and consent of the Board, designate the chairs of such Committees.

5. Membership on Committees shall include a representation from each District². In addition, a balance should be maintained between members who have previously served on a particular Committee and those who have not. The terms of office shall expire at the close of the annual meeting.

6. The Executive Committee shall be comprised of the elected officers of the Board, authorized by the Bylaws, Article III, Section 1.d., and shall perform such duties as the Board may from time to time authorize². Meetings may be called by the Board Chair or by a majority of the officers. Business to be conducted may include matters of a pressing, complex, or confidential nature that require study and recommendation for action(s) to be reviewed by the Board. Minutes of such meetings of the Board shall be recorded and distributed to the Board prior to the meetings of the Board together with written reports or recommendations that will assist the Board in its determinations.

B. Standing Committees

1. Annual Meeting. This committee shall plan the Annual Meeting of the general membership of the Division. The Chair and Board Advisor of this committee each year shall be from the district in which the Annual Meeting will be held the following year.

2. Budget and Finance. This committee will be chaired by the Treasurer. It will be responsible for analyzing financial information of the Division including but not limited to monthly balance sheets, monthly summaries of expense and revenue, and quarterly reports, and it will provide regular reports to the Board. It will analyze trends, consider requests by Committees for budget increases and may make recommendations to the Board, the Committees or the

membership for funding projects. It will propose amendments to the current year's budget when deemed necessary, and prepare the annual budget for presentation to and approval by the Board of Governors of the State Bar of Nevada.

3. **Bylaws and Rules.** This Committee shall receive all written suggested amendments² to the Bylaws and it shall study such suggested amendments to be proposed and submitted to the general membership for a vote. This Committee may also initiate suggested amendments² to the Bylaws and shall make recommendations to the Board concerning these Standing Rules and Rules of Order for the Conduct of the Annual Meeting and shall participate in the process of ballots for proposed amendments to Bylaws as set out in these Standing Rules.

4. **Elections and Nominations.** This Committee shall be composed of at least one member from each District who shall chair a subcommittee of three or five members of the Division in the respective District and shall fulfill the responsibilities set forth in these Standing Rules and the Bylaws. This committee will be concerned with the process of elections for Directors and with the process of balloting on proposed amendments to the Bylaws and shall assure compliance with the guidelines for each such process. This Committee shall consider all eligible Board members as possible candidates for Board offices, and shall, at the regular Board meeting immediately prior to the Annual Meeting of the general membership, make recommendations for these offices. The Committee shall be composed of Board members who either are not eligible for election as an officer for the ensuing year or have expressed a desire not to serve as an officer.

5. **Membership and Public Service.** This Committee shall be composed of at least one member from each district who shall chair a subcommittee of three or five Division members in the respective District, and shall fulfill the responsibilities set forth in Standing Rule II. This Committee will be concerned with qualifications for membership and the criteria to be used in determining eligibility and shall promote membership and growth within the Division. This Committee shall study and develop various means to better inform the legal profession and the general public about the legal assistant profession, and shall nurture positive relationships with local and national associations of legal assistants and other associations throughout the country.

6. **Professional Ethics and Development.** This Committee shall be composed of at least one member from each District who shall chair a subcommittee of two Division members in their respective Districts and shall fulfill the responsibilities set forth in Standing Rule III. This Committee shall also interpret and recommend amendments to the Code of Ethics and Professional Responsibility, and make recommendations to the Board with respect to disciplinary procedures. This committee shall also study and collect information with respect to standards for schools offering paralegal education and training programs, and with respect to certification or licensing or other regulation of legal assistants. This Committee will also assist in various projects for enhancing the professional development of legal assistants.

C. Special Committees

1. Special committees may be established from time to time as may be deemed necessary by the Board Chair or a two-thirds vote of the Board members present and voting at a Board meeting.

2. The tenure of a special committee shall not extend beyond the next Annual Meeting of the general membership following the creation of the Committee.

D. Reports

1. All Committees shall submit written reports to the Board at each regular meeting of the Board. The Committee Chairs should submit the written report to the Board Chair, with a copy to the Secretary, no later than two (2) weeks prior to the Board meeting in order that copies may be distributed to the Board.

2. Oral reports may be given at the Board meeting, at the request of the Board Chair, by the Committee Chair or designee, or by the Board Advisor to the Committee. If action by the Board is to be recommended by the Committee, the Committee Chair should submit the

recommendation in the form of a motion to the Board Advisor who will make the motion to the Board.

3. All Committees shall submit a written annual report to the Board Chair, with a copy to the Secretary, no later than May 27 of each year. Summaries of these annual reports shall be made available to the general membership at the Annual Meeting.

XI. RULES OF ORDER FOR ANNUAL MEETINGS.

A. Authority.

1. The stated parliamentary procedure which governs the Annual Meeting of the general membership of the Division is the most recent edition of ROBERT'S RULES OF ORDER (Article VI Section 3 of the Bylaws). However, ROBERT'S also provides that an assembly is free to adopt any rules it may wish, even rules deviating from parliamentary law.

2. Article III, Section 7.a. of the Bylaws authorizes the Board to establish, adopt and amend Standing Rules, including the right to suspend or rescind such Rules, when such are deemed necessary to carry out the Bylaws and serve the purposes of the Division.

B. Purpose

1. Rules of order for an assembly are the written rules of parliamentary procedure related to the orderly transaction of business in meetings. Ordinarily, the general parliamentary authority designated in the Bylaws governs the conduct of business at meetings, but special rules of order are sometimes necessary due to the nature of a society, the infrequency of meetings of the general membership, the amount of business to be conducted, and the limitations of time in which that business may be completed.

2. It is in the best interest of the Division to establish General Rules of Order for Annual Meetings of the Division, which rules will be published in the notice of Annual Meeting each year.

C. General Rules of Order

1. The Annual meeting of the Division shall be governed by the Division Bylaws when applicable, the most recent edition of ROBERT'S RULES OF ORDER¹, these general rules of order, and any special rules of order adopted by the assembly.

2. Unless otherwise required by the Bylaws, ROBERT'S or these Rules, all motions shall require a simple majority vote of the members present and voting to be passed.

a. Introduction of business, motions and seconds to motions may be made by any member of the Division in good standing. Any person wishing to be recognized must register with the Sergeant at Arms, address the Chair, state his name, city of employment and District number, and the matter to which the member wishes to speak. If the subject to be addressed is a motion before the assembly, the member shall also inform the Sergeant at Arms whether he is to speak for or against the motion. No member shall be permitted to speak until recognized by the Chair.

b. The Chair may limit time for debate on any subject, and no speaker shall be permitted to speak more than twice on any one subject and not more than three (3) minutes each time, except by permission of the Chair. Provided, however, that no member shall be permitted to speak a second time on the same subject as long as any member who has not spoken on the subject desires to do so. Two (2) timekeepers shall be appointed by the Chair to assist the Sergeant at Arms in enforcing this rule.

c. Debate or discussion on a motion shall be limited to six (6) speakers, three (3) for the motion, including the member who made the motion if that member wishes to speak and three (3) against the motion. The Chair shall let the floor alternate, as far as possible, between those

favoring and those opposing the motion.

d. At the close of the debate as declared by the Chair, the question shall be put to a vote. Voice vote shall be determined by the Chair unless more than a simple majority vote is required on a matter on the floor, in which event the vote shall be taken by a show of hands, division of the assembly (standing vote) or written ballot. The Chair shall appoint a judge and two (2) tellers to supervise and tally all votes cast in this manner, and the judge shall certify the results to the Chair, who shall announce the results to the assembly.

e. Should members desire to confer with others from their District before casting their votes, a recess of not more than five (5) minutes may be allowed by the Chair upon request of at least three (3) members from the particular District. If the members present from each District desire a recess, the Chair may grant such a request.

f. No proxy voting shall be permitted, and no member shall be permitted to speak to any motion on behalf of other members in the speaking member's District.

D. Agenda

Unless otherwise deemed necessary and announced by the Chair, the business of the assembly shall be conducted in the following order:

1. When the appointed time of the meeting has arrived, the Chair shall determine that a quorum is present and call the meeting to order.

2. The Chair of the Professional Ethics and Development Committee, or his designee, shall be recognized to read the Code of Ethics and Professional Responsibility of the Division.

3. The Director(s) of the host District and the President of a local association of legal assistants may be recognized by the Chair to give brief welcoming remarks.

4. The Chair may recognize any special guests who are in attendance.

5. The Chair may introduce to the general membership the Officers and Directors of the Division.

6. The Chair may appoint such special officers as are deemed necessary for the orderly conduct of the business of the assembly.

7. The Chair shall recognize the Parliamentarian to read the Rules of Order as set forth in Section C. of this Standing Rule. In the event Special Rules of Order for the meeting are proposed, the Parliamentarian shall read the proposed rules and move for their adoption.

8. The Chair shall recognize the Secretary to read the minutes of the annual meeting of the previous year, and shall entertain motion to approve those minutes. Upon motion, reading of the minutes may be waived, provided written copies of the minutes² are available to the assembly.

9. The Board Chair shall report to the assembly any action taken by the Board not previously reported to the general membership. If the Board has by majority vote requested ratification by the general membership of any action taken by the Board, a member of the Board other than the Chair shall move for its ratification.

10. The Chair shall recognize the Chair Pro Tem to give the annual report required by Article III, Section 7.c. of the Bylaws.

11. The Chair may recognize the Committee Chair or designee, or the Board Advisor to a Committee, to give the annual report of the various Standing Committees.

12. If there is a report from any special committee, the Chair may recognize the committee chair or designee, or the Board Advisor to the committee, to give the report. If the committee is recommending action by the assembly, the Chair shall entertain a motion at the conclusion of the report.

13. If the minutes of the previous Annual Meeting or a previous session of the current annual meeting show that there is some unfinished business to be brought before the assembly, the Chair shall call for Unfinished Business; otherwise, this item shall not be called.

14. The Chair shall call for New Business, and members may introduce new items of business to the assembly.

15. Time permitting, the Chair may recognize any members who have registered with the Sergeant at Arms for the purpose of offering informal observations regarding the work of the Division pursuant to its purpose. Any member desiring to do so should consult with the Chair sufficiently ahead of the time which this item may be called in order to determine the propriety of the matter and any time constraints.

16. The Chair may make or call upon other members to make any necessary announcements. The placing of general announcements at this point in the order of business does not prevent the Chair from making an urgent announcement at any time.

17. If there is to be a program of an educational nature, or a guest speaker, the program or talk will be presented before the Annual Meeting is adjourned. If, in courtesy to a guest speaker who is present, the Chair wishes the talk to be located at an unscheduled point within the business portion of the meeting, he may call for unanimous consent of the assembly to hear the speaker's address out of order. If there is no objection, the action is decided. If there is objection, the Chair may entertain a motion to Suspend the Rules for the purpose of hearing the speaker's address out of order.

18. The Chair shall entertain a motion to adjourn the Annual Meeting and upon second and simple majority vote, the meeting shall be adjourned until the next Annual Meeting of the Division.

XII. GUIDELINES FOR PUBLICATIONS

A. Authority

Article III, Section 7.a of the Bylaws gives the Board the authority to adopt such Standing Rules as are necessary to carry out the Bylaws and serve the purpose of the Division. It is the purpose of the Division to enhance legal assistants' participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar of Nevada, and information published by the Division should be consistent with its stated purpose.

B. Purpose

1. This Standing Rule is intended to provide guidance to those who submit information for publication and to those who must decide what information is to be published by the Division. It is not intended to stifle the expression of various viewpoints and opinions; however, it is in the best interest of the Division and its members not to publish information which is unduly critical of the judicial system, the legal profession, or the legal assistants profession.

2. In order that the membership be aware of the procedure for getting information published by the Division, these guidelines, adopted by the Board, are published and made a part of these Standing Rules.

C. Guidelines

1. Editorial subcommittee. The Chair of the Professional Ethics and Development Committee shall appoint from among the Committee members an editorial

subcommittee consisting of five (5) members, including a Committee Chair who shall chair the subcommittee.

a. An article for publication shall be submitted to the Professional Ethics and Development Committee Chair, who shall furnish a copy of the article to any two members of the editorial subcommittee, the Board Advisor to the Committee, the Board Chair and to the Division Attorney, if any.

b. The said two members and the chair of the editorial subcommittee, acting for the full subcommittee, shall make a determination of the propriety of publishing the article. If said article is not approved by the editorial subcommittee in its first draft, the subcommittee chair shall have the following options:

(1) Returning the article to the author with any editorial comments or suggestions for the redraft that the Editorial Subcommittee may have, if the subcommittee has determined that the subject matter of such article is publishable;² or

(2) Disapproving the article in its entirety; or

(3) Submitting said article to the Board for review if approval for publication is or remains in question. The decision of the Board as to whether such article may be published shall be final.

c. Articles submitted for publication in the Nevada Lawyer must also meet the requirements of the Editorial Board of the State Bar of Nevada.

2. Articles

a. Articles submitted for publication by the Division should be informative, educational, of interest to legal assistants, and enhancing to the professionalism of legal assistants. If possible, they should be written with a positive and optimistic attitude. Articles including constructive criticism and articles of a controversial nature should not personalize the critical remarks or the controversial issue and should clearly state both sides of the question.

b. Presenting one side only will be allowed in instances where there will be two articles published simultaneously, one representing each side of an issue. If the length of the articles prohibits publishing both at the same time, the first article published shall include an editorial comment that the other side of the question will be published in the next available publication, and the second article published shall include an editorial comment referring to the previous publication of the other article.

3. News Items and Reports

a. News items from local associations of legal assistants shall be submitted to the Professional Ethics and Development Committee Chair, and the same procedure followed as set forth for articles, above.

XIII. PETITIONS FOR PROPOSED AMENDMENT(S) TO BYLAWS.

Article IX of the Bylaws provides that members of the Division may propose bylaw amendments by petition.

1. A request for a sample petition shall be made to the Chair of the Bylaws and Rules Committee who shall promptly furnish same.

2. By July 1, a separate petition for each proposed amendment shall be submitted to the Bylaws and Rules Committee Chair and shall contain:

a. The exact article number, section number and wording of the existing Bylaw provision together with the proposed amendment either underlined or sidelined so the amendment,

addition or deletion is clearly identifiable; and if a new article or section, indication in a clear manner that it is new and where it shall be inserted;

- b. a statement in support and explanation of the proposed amendment;
- c. the signatures of a minimum of 25 members of the Division, comprised of members from at least two different Districts of the Division, with each name also clearly printed, together with each member's Division number;
- d. a statement of all other affected Bylaws which will require revision in order to avoid conflicts or confusion; and
- e. the name and address of one of the individuals designated by petitioners to receive on behalf of all petitioners the notice of the action of the Bylaws and Rules Committee.

3. Upon receipt of the petition(s) the Bylaws and Rules Committee Chair shall promptly furnish copies to all members of the Board and such other committees as, in the Committee Chair's discretion, are appropriate for study and advice to the Bylaws and Rules Committee.

4. The Bylaws and Rules Committee Chair in his discretion may conduct the meeting of the Committee by mail or by telephone to consider verification of the petition.

- a. If the meeting is conducted by mail, the Bylaws and Rules Committee Chair shall prepare and mail a ballot to each Committee member, who shall be required to return the ballot regarding verification of the petition to the Chair no later than July 22.

- b. If the meeting is conducted by telephone, the Bylaws and Rules Committee Chair shall clearly read to each Committee member each proposed amendment and accept a vote on that item before proceeding to another.

5. The Bylaws and Rules Committee shall also verify that other affected Bylaws are fully set out in the petition. Omission by petitioners of an affected Bylaw shall not be cause to deny the petition. The Bylaws and Rules Committee shall complete the petition by adding any other affected bylaws.

6. The Bylaws and Rules Committee may contact any person whose signature appears on the petition to verify personal execution of the petition.

7. If two-thirds of the Bylaws and Rules Committee determines that a petition contains the procedural requisites set out in paragraph 2 of this Rule for submission of the proposal to the membership for voting, the petition shall be verified.

8. The Bylaws and Rules Committee Chair shall promptly notify:
- a. each member of the Board of the Committee's verification of adequacy of each petition;
 - b. The Elections and Nominations Committee, of the verification or failure of each petition;
 - c. The person designated on the petition to receive notice on behalf of all petitioners of the Bylaws and Rules Committee's verification of the petition or, in the event of a failure of the petition, the reason(s) for such failure.

9. If the provision sought to be incorporated already exists or if the Bylaws and Rules Committee finds the petition procedurally inadequate in any of the requirements prescribed, the petition shall fail. Verified petitions shall be automatically submitted to the membership for voting.

10. Any member(s) of the Division may advise by mail the general membership of the existence of the petition, whether or not it has been verified by the Bylaws and Rules

Committee, and of his (their) support or opposition.

11. If any specified date shall be a Sunday or a legal holiday, the act so designated shall occur on the next following business day.

XIV. PROCESS OF BALLOTS FOR AMENDMENTS TO BYLAWS

1. The Elections and Nominations Committee of the Division shall carry out the voting process for proposed amendments to the Bylaws by secret ballot.

2. The following voting procedure shall be followed:

a. Before February 5 of each year, the Elections and Nominations Committee Chair shall request from the Membership and Public Service Committee Chair a list of members in the Division as of January 31. Such list shall be provided to each Elections Subcommittee Chair in each District.

b. On or before April 5⁴ the Membership and Public Service Committee shall furnish to the Elections Subcommittee Chair in each District a set of mailing labels for all members in such District.

c. By July 26, the Bylaws and Rules Committee shall furnish the Elections and Nominations Committee Chair a NOTICE OF PROPOSED AMENDMENT(S) TO BYLAWS ("Notice"), which shall set forth the proposed amendment and any explanatory comments, and a BALLOT, which have been approved by the Bylaws and Rules Committee Board Advisor and which shall contain:

(1) The exact article number, section number and wording of the Bylaws² provision proposed for amendment, together with the proposed amendment either underlined or sidelined so the amendment, addition or deletion is clearly identifiable; and if a new section, indicated in a clear manner that it is new and where it shall be inserted;

(2) On separate lines, the words "FOR _____" and "AGAINST _____";

(3) Instructions for marking the Ballot;

(4) The name and address of the person to whom the Ballot is to be returned;

(5) The statement "The deadline for voting is May 25. Only Ballots Received by the Bylaws and Rules Committee by May 25 shall be tallied" and

(6) A place, properly designated for signature of the member casting the vote.

d. By April 5⁴, the Elections and Nominations Committee Chair shall furnish the Notice and Ballot to each Elections Subcommittee Chair.

e. By April 5⁴, each Elections Subcommittee shall have Notices and Ballots ready for mailing to each member in that District. Notices and Ballots shall be in envelopes, with mailing labels affixed thereon. Such envelopes shall also contain a return envelope addressed to the Bylaws and Rules Committee Chair and marked "BYLAWS AMENDMENTS²" on the front lower left-hand corner.

f. On April 5⁴, the Elections Subcommittee chairs shall cause the Ballot envelopes to be mailed to each member in each District, at his specified mailing address. In Districts holding elections for Directors, the ballots for Directors and Ballots for Bylaws² amendments may be mailed to the members in the same envelope.

g. The Bylaws and Rules Committee Chair shall hold the unopened Ballots in a safe container under private lock until May 30 at 12:15 P.M. or if May 30 falls on a non-judicial day, then the next business day, when, in the presence of any Division members who may appear, such Ballots shall be counted and tallied. The voting results shall promptly be reported to the Board Chair.

h. By June 1, the Bylaws and Rules Committee shall canvass the Ballots and certify the results thereof to the Board Chair.

i. Formal announcement of the voting results and the effective date shall be given to the general membership at the Annual Meeting and in such other manner as directed by the Board.

j. If any specified date shall be a Sunday or a legal holiday, the act so designated shall occur on the next following working day.

¹Amended 8/9/95 Board of Directors Meeting

²Amended 6/28/96 Board of Directors Meeting

³Amended 7/22/96 Board of Directors Meeting

⁴Amended 6/6/97 Board of Directors Meeting