#### CONSTITUTION AMENDMENTS

## **Article I. Name and Purposes**

Section 1.1 Name. The name of this organization is the South Carolina Bar (the "Bar").

Section 1.2 Purposes. The purposes of the Bar shall be to uphold and defend the Constitution of the United States and the Constitution of the State of South Carolina; to protect, and maintain respect for, representative government; to continually improve the administration of justice throughout the State; to require the highest standards of ethical and professional conduct, and uphold the integrity and honor of the legal profession; to advance the science of jurisprudence; to promote consistent high quality of legal education; to promote consistent high quality of legal education and legal services to the public; to apply the knowledge, experience and ability of the legal profession to the promotion of the public good; to encourage goodwill and respect for integrity and excellence in public service among the members of the legal profession and the public; to perform such any additional purposes and duties as may be assigned to it by the Supreme Court of South Carolina; to promote and correlate such policies and activities as fall within these purposes in the interest of the legal profession and the public.

# Article III. Membership

Section 3.1 Eligibility. All persons who shall have been licensed by the South Carolina Supreme Court to practice law and who shall not have resigned or be under suspension or disbarment, and such other persons as provided for in the Bylaws, shall be eligible for membership in the Bar. No person shall practice law in the State of South Carolina unless he is an Active Member or a Senior Member of the Bar in good standing as defined in the Bylaws.

Section 3.2 Classification of Members. The classes, privileges, and responsibilities of membership, the method of enrollment, the fees and assessments to be charged, and all-other provisions with respect to membership in the Bar shall be delineated in the Bylaws; provided, however, that any change in the active member license fee must be approved by the state Supreme Court before it becomes effective.

### **Article X. Divisions, Sections, and Committees and Affiliates**

Section 10.3 Committees. Committees, boards, task forces and commissions may be created by the Board of Governors to carry on the work of the Bar and to promote its purposes.

Section 10.4 Affiliates. There shall be Lawyer Affiliates and Law Student Affiliates with the Bar. A lawyer who is not admitted to practice law in South Carolina but who is licensed to practice law before the highest court of another state or jurisdiction of the United States, or who has retired from the practice before such court, may become a Lawyer Affiliate under such terms and conditions as may be

specified in the Bylaws. A lawyer who is suspended or disbarred from the practice of law in any jurisdiction may not become a Lawyer Affiliate. A law student enrolled at a law school that has been approved or provisionally approved by the Council of Legal Education of the American Bar Association may become a Law Student Affiliate under such terms and conditions as may be specified in the Bylaws. Affiliation with the Bar does not confer any privilege to practice law in South Carolina, and affiliates are not members of the South Carolina Bar.

#### BYLAWS AMENDMENTS

# Article I. Membership

Section 1.1 Classes of Membership. Members Membership classes of the South Carolina Bar are divided into seven classes defined by Rule 410(h), SCACR: active, limited license, judicial, military, inactive, retired, and associate members Regular, Inactive, Judicial, Judicial Staff, Military, Administrative Law Judge, and Retired Members, Limited Member - Rule 405, Limited Member -Rule 414 and Limited Member - Rule 415. Membership status is determined as of January 1 each year. A member may change class if that member meets the requirements of the class and pays the difference in annual license fees which would have been owed if that member had been in the subsequent class as of January 1 as set forth in Rule 410, SCACR.

- (a) Active Members: The active members are all persons licensed to practice law in the State of South Carolina who shall have paid the license fees hereinafter specified and who are not included in one of the classes defined below.
- (b) Judicial Members: The following persons who are licensed to practice law in this State and who shall have paid the license fees hereinafter specified shall be classified as judicial members: all full-time judges, all full-time magistrates, all full-time state administrative officers who spend the majority of their time in the performance of quasi-judicial functions, all judges of Federal Courts, including Federal Magistrates and Administrative Judges, and all such judges who have retired but are eligible for temporary judicial assignment and are not engaged in the practice of law. A judicial member who is no longer a judge may change his classification to that of an active member by filing with the Secretary a written request and the license fee of an active member.
- (c) Military Members: Military members are all persons who are licensed to practice law in the State of South Carolina and are (1) in the active military service of the United States or (2) in the reserves of a military service of the United States and only practice law when serving as a military lawyer or Judge Advocate of the military services of the United States and who shall have paid the license feeshereinafter specified.
- (d) Inactive Members: Inactive members are all persons who are licensed to practice law in South Carolina but who do not practice law in South Carolina, have elected to become inactive members, and shall have paid the license fees hereinafter specified. An inactive member who has practiced law in South Carolina or another jurisdiction during the immediately prior twelve months may become an active member by paying the difference in license fees if that member is current with mandatory continuing legal education requirements. After the first twelve months an inactive member who has completed the equivalent of the mandatory continuing legal education requirement for the preceding calendar year and who has filed a compliance statement with the Commission on Continuing Legal Education and

Specialization and paid the filing fee may become an active member upon payment of the difference in license fees. (e) Retired Members: Retired members are all persons who are licensed to practice law in South Carolina but who have retired because of age, serious illness or total and permanent disability. To be eligible for retired membership by reason of age, a member shall have attained age sixty-five or more. After two years, a retired member may return to active member status after completing fourteen hours of continuing legal education, including two hours on legal ethics and professional responsibility. (f) Associate Members: Associate members are all persons who are not licensed to practice law in South Carolina but who are licensed to practice before the highest court of another state or jurisdiction of the United States or have retired from practice before such court and who shall have paid the license fees hereinafter specified. (g) Limited License Members: Limited license members are persons licensed to practice law in the State of South Carolina under Rules 405, 414 and 415, SCACR. Section 1.2 Fees. (a) The annual license fees are set forth in Rule 410(j), SCACR. as follows: (1) For active members who have been admitted to practice law in any jurisdiction for three years or more and limited license members admitted under-Rule 405 or 414—\$245. (2) For active members who have been admitted to practice law in any jurisdiction for less than three years—\$175. (3) For judicial members—\$175. (4) For military members—\$175. Provided, however that military members shall be exempt from the payment of license fees during the time of war declared by the Congress of the United States or when called into equivalent active duty. (5) For inactive members—\$175. (6) For associate members—\$175. (7) For all active members, an additional fee designated for meeting the civillegal needs of indigents as directed by the Board of Governors, provided that any member may deduct this additional fee before remitting the payment—\$30. (b) Retired members and limited license members admitted under Rule 415are exempt from the payment of license fees. Each such member shall, however,

during the month of January each year, notify the Secretary shall by February 1

<u>notify the Bar through the Attorney Information System or otherwise</u> in writing of his then current address whether or not there has been a change.

(c) License fees are due and payable on the first day of January. Persons who become members of the Bar after the first day of January but before the first day of July shall pay on or before July 1 the fees specified under Rule 410(n). one half the amount set forth in paragraph (a) as for license fees for the remainder of the calendar year; persons who become members of the Bar after the last day of June shall be exempt from payment of license fees for the remainder of the calendar year. (d) Any member who fails to pay the required license fee on or before January 31 shall be assessed a penalty as set forth in Rule 410(m). in the amount of fifty percent of such license fee. If a member pays before February 1 and that check is returned to the Bar after January 31 for any reason, the fifty percent same penalty will be assessed. (d) Promptly after January 15, the Executive Director will send notice to all retired members who shall have failed to give the notice required by paragraph (b) of this Section 1.2 and to all active, limited license, judicial, military, inactive and associate members who shall have failed to pay the license fees required by paragraph (c). Membership in the Bar of all persons who remain delinquent at the close of business on January 31 shall terminate. Delinquent members shallthereafter be given notice by certified mail or by electronic mail. (e) At any time before April 1, a terminated member may be reinstated by correcting the delinquency, which in the case of retired members shall consist of giving the notice required by paragraph (b) of this Section 1.2 and in the case of active, limited license, judicial, military, inactive and associate members shallconsist of paying all license fees in arrears and penalties as required by paragraph (c) by cashiers check, certified check, or money order. After April 1, a terminated active, limited license, judicial, military, inactive or retired member may be reinstated only upon order of the Supreme Court and, in the case of active, limited license, judicial, military, inactive and associate members, payment of license feesand penalties for all years since and including the year of termination. (e) Administrative suspensions shall be governed by Rule 419, SCACR. Section 1.3 Membership Register. (a) The Secretary shall maintain a current membership register which shall contain as to each member the following items of information together with such other information as the Board of Governors may prescribe: (1) Name; (2) Date of registration;

(3) Classification of membership;

(4) Address (office or residence; if office address and the registrant maintains more than one office, the principal office);
(5) Each jurisdiction in which licensed to practice and date licensed in each;
(6) Date and place of birth; and
(7) Name of law school from which graduated and year of graduation.
(b) Applications for membership shall contain the information referred to in paragraph (a) and shall be in such form as shall be prescribed by the Board of
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- (a) The Attorney Information System shall be the source of enrollment information for members.
- (b) The Board of Governors shall prescribe such additional information which shall be collected upon enrollment.
- (c) The <u>mailing and email</u> address appearing on the <u>register Attorney</u> <u>Information System</u> shall be the official address of the member for all purposes of the Bar including the giving of notice and for the purpose of eligibility to vote and election to office. <u>Each member shall notify the Secretary promptly of any change in such address.</u>
- (d) At periodic intervals, not less frequently than annually, the Secretary shall furnish to the Supreme Court, to each Circuit Judge, and to the Clerk of Court of each County a list of all members. Such Judges and Clerks of Court shall notify the Secretary of any person who, to their knowledge, is engaged in the practice of law but whose name does not appear on such list.

Section 1.4 Privileges of Members.

- (a) Active Regular members, judicial staff members and limited license members admitted under Rule 405 or and Rule 414, while in good standing as defined in Rule 410(i), SCACR, shall be eligible—
- (1) to engage in the practice of law in South Carolina;
- (1) (2) to vote in the election of or serve as a member of the Board of Governors or as a circuit delegate in the House of Delegates;
- (2) (3) to vote on any matter before the Assembly or on any matter which is the subject of a referendum directed to the membership; and
- (3) (4) to serve as voting members of committees, boards, task forces, commissions, divisions and sections.

Limited license members shall be eligible to engage in the practice of law only to the extent permitted by South Carolina Appellate Court Rules.

- (b) <u>Judicial</u>, military, <u>judicial</u> and <u>associate</u> <u>administrative law judge</u> members, <u>while in good standing as defined in Rule 410(i)</u>, <u>SCACR</u>, are entitled—
- (1) to attend meetings of the Assembly and to participate without vote in its deliberations;
- (2) to serve as nonvoting members of sections and committees, boards, task forces, commissions, divisions and sections; and
- (3) to receive all notices and publications of the Bar except notices relating to elections and matters upon which only active members may act.
- (c) Inactive, limited license members admitted under Rule 415 and retired members, while in good standing as defined in Rule 410(i), SCACR, shall have the same privileges as do military, judicial, and associate members except that they shall not be entitled to receive any notices or publications except the South Carolina Lawyer unless they shall request the Secretary in writing that they be sent the other notices to which military, judicial, and associate members are entitled.
- Section 1.5 Change of Status. It shall be the duty of any member whose membership status changes to notify the Secretary promptly of such change.
- Section 1.6 Resignation. An associate member may resign from the Bar by giving written notice of resignation to the Secretary. No member of any other class-may resign except with the approval or consent of the Supreme Court of South-Carolina.

### **Article II. Circuit Delegates**

Section 2.1 Nomination and Election. Delegates from odd-numbered circuits shall be elected in even-numbered years and delegates from even-numbered circuits shall be elected in odd-numbered years. On or before the fifteenth day of January, ten or more active regular members residing in the circuit from which one or more delegates are to be elected may file with the Board of Governors, which shall serve as a board of electors, a signed petition nominating a candidate, or candidates, for circuit delegate from that circuit. The Board of Governors shall thereupon cause the name of each nominee to be published or otherwise distributed to all members. If the number of persons nominated does not exceed the number of delegates to be elected from a circuit, the Board of Governors shall declare the nominees elected. If fewer persons are nominated than there are delegates to be elected, the Board of Governors shall choose a sufficient number of nominees to constitute a full slate. If the number of nominees exceeds the number of delegates to be elected from a circuit, the Board of Governors shall on or before the fifteenth day of February prepare ballots bearing the names of the nominees and shall cause a ballot to be mailed to each active regular member, judicial staff member, limited member - Rule 405 and limited member -Rule 414 residing in such circuit. In order to be effective, each ballot shall be duly marked and returned to the Board of Governors not later than the fifteenth day of March. On that date the balloting for the election of circuit

delegates shall be closed and the Board of Governors shall proceed to count the ballots and determine, announce, and publish the results of such election. Where there is only one circuit delegate to be elected from a judicial circuit, the nominee receiving the greatest number of votes shall be declared. Where there are more than one circuit delegate to be elected from a judicial circuit, those nominees receiving the greatest number of votes shall be declared elected until all positions are filled. In the event of a tie vote, the Board of Governors shall declare the procedure to be followed to determine the nominee or nominees elected.

Section 2.2 Nomination and Election of Out-of-State Delegates. The out-of-state delegates shall be elected in even numbered years to serve for a term of two years. Nominations for out-of-state delegates may be made by petitions signed by ten or more active regular members who reside either within or without the state of South Carolina. Ballots for out-of-state delegates shall be sent to and cast by only active regular members who reside without the state.

The provision of Section 2.1 relating to the nomination and election of circuit delegates shall apply to the nomination and election of the out-of-state delegates except insofar as such provisions are in conflict with the provisions of this Section 2.2.

Section 2.3 Vacancies. In the event of a vacancy in the position of circuit or out-of-state delegate, the Board of Governors shall fill the vacancy for the remainder of the unexpired term. A vacancy occurs when a member is no longer an active member or the member's residence changes to another circuit.

#### **Article VIII. Duties of Officers**

Section 8.2 President. The President shall preside at all meetings of the Assembly and the Board of Governors and shall appoint the chair and members of all committees, boards, task forces and commissions. He shall be the official spokesman for the Bar and shall have general charge and supervision of its affairs subject to the authority of the House of Delegates and Board of Governors.

Section 8.5 Secretary.

The Secretary shall—

- (a) keep the respective minutes and records of the Assembly, the House of Delegates, and the Board of Governors;
- (b) maintain the roster of the delegates in the House and the register of members: . . .

# **Article XIII. Affiliates**

Section 13.1 Lawyer Affiliates. The Board of Governors shall set the annual fee required for participation as a lawyer affiliate. Lawyer affiliates shall be afforded the same privileges as inactive members under Section 1.4.

Section 13.2 Law Student Affiliates. The Board of Governors shall set the annual fee required for participation as a law student affiliate. A Law Student Affiliate Council shall be defined by the Board. The Council shall recommend to the Board the privileges to be afforded to Law Student Affiliates, with determination of those privileges reserved to the Board. The Council shall oversee all collective activities of the Law Student Affiliates.

### **Article XIII** IV. Notice

Section 13.1 14.1 Notice. Any notice which is required or permitted to be given to the Bar or to any officer shall be addressed to Post Office Box 608, Columbia, SC 29202, be delivered to the Bar headquarters at 950 Taylor Street, Columbia, SC, or be sent electronically to the address of the Executive Director or to scbar-info@scbar.org.