

Dispute Resolution (DR) Section Bylaws

Article I. Name and Purpose

Section 1. This Section is known as the Dispute Resolution (DR) Section of the South Carolina Bar.

Section 2. The purpose of the Section is to promote the goals and objectives of the South Carolina Bar in the fields of alternative dispute resolution, including but not limited to mediation and arbitration. Objectives include educating the bench, the bar and the public to the benefits and use of ADR; encouraging and promoting the use of ADR in the court system and outside the court system; promoting the adoption of mediator and arbitrator standards; promoting mediator and arbitrator training standards; and seeking uniformity in legislation and procedures concerning ADR applications, where appropriate.

Article II. Membership and Privileges

Section 1. Any member of the South Carolina Bar may join the Section. Yearly dues are \$15, payable in advance to the South Carolina Bar by January 1. Dues are not prorated, however, new members joining after November 1 and paying will be credited as paid through December 31 of the following year.

Section 2. Section members have the same basic privileges set forth in Section 1.4, Article I of the Bylaws of the South Carolina Bar, (i.e. only Active and Senior members may vote). However, voting and floor privileges at any Section meeting are limited to Section members in good standing thirty (30) days prior to the opening of that meeting as verified by a list provided by the Executive Director of the South Carolina Bar.

Article III. Section Meetings

Section 1. An annual meeting of the Section will be held in conjunction with the Annual Meeting of the South Carolina Bar.

Section 2. Special Section meetings may be called by the Chair upon approval by the Council.

Section 3. The Section members present at a Section meeting constitute a quorum for transacting business. All decisions are made by majority vote.

Article IV. Governing Body

Section 1. The general business of the Section is conducted by a council composed of the Section Officers, the Immediate Past Chair, a Section Delegate and six (6) "general members". There may be more than 6 general members on the Council during the transition from 3-year to 2-year terms beginning in 2019.

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Section 2. The Section Officers are a Chair, Chair Elect and Vice Chair. Their terms of office are for one (1) year beginning at the conclusion of the Annual Meeting of the South Carolina Bar, at which they are elected and ending at the conclusion of the Annual Meeting of the Section, at which their successors are elected.

Article V. The Council

Section 1. Authority. The Council exercises general supervision and control over Section affairs, subject to provisions of the Constitution and Bylaws of the South Carolina Bar and these Bylaws. Council actions between annual Section meetings are binding upon the Section. The Council must authorize the commitment and expenditure of all funds appropriated to the Section (which will not exceed in any fiscal year the total amount of reserve funds credited to the Section, if any, plus estimated receipts from dues, Section publications, and other appropriations for that fiscal year).

Section 2. Committees. The Council may establish and terminate standing and ad hoc committees. It also may authorize the Chair to appoint such committees from Section members.

Section 3. Quorum. The council members present (in person or by telephone) at a properly scheduled council meeting constitute a quorum to transact business. Decisions will be made by a majority of the quorum.

Section 4. Meetings. The Council shall meet regularly in person or by telephone, with an annual schedule of such meetings to be decided upon at the first meeting of each year following the annual meeting. Notice of the year's scheduled meetings will be provided to all members by email within the minutes from the meeting. In addition to its regular meetings, the Council may also transact business and vote by telephone, teleconferencing, mail, etc.. Any business so conducted will be published to the entire council by email prior to the next regular council meeting.

Section 5. Vacancies. The Council may fill interim vacancies within its membership by majority vote.

Article VI. Officers

Section 1. Chair. The Chief Executive Officer of the Section who makes appointments to committees, presides at all Section and Council meetings and presents a report on the state of the Section at its annual meeting.

Section 2. Chair Elect. Assumes the duties of the Chair during the temporary or permanent absence, or that individual's inability to act.

Section 3. Vice Chair. Assumes the duties of the Chair Elect during the temporary or permanent absence, or that individual's inability to act.

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Article VII. Nominations and Elections

Section 1. Not later than forty-five (45) days before the annual meeting of the Section, the Council will nominate such officers, Council members and Section Delegate as are scheduled to be elected by the members at the next Annual Meeting of the Section. The nominations will be published by electronic mail to the registered members of the Section.

Section 2. Not later than twenty (20) days before the scheduled Annual Meeting of the Section, five (5) or more members of the Section who are in good standing may file by registered mail with the Chair a nominating petition containing signatures and printed names and addresses and making nominations for one or more of the offices to be elected. Such petitions must be accompanied by the written consent of any person nominated.

Section 3. In each even numbered year there must be a nominee for Section Delegate to the House of Delegates. The Section Delegate serves a one-year term., beginning at the conclusion of the Annual Meeting of the Section at which he or she is elected.

Section 4. All elections will be held at the annual meeting of the Section. Should there be more than two nominations for any one office, the candidate receiving the highest number of votes will be declared elected. If two candidates receive an equal number of votes, the Council will decide the winner. If there is only one qualified nominee for an office, that person will be declared elected by acclamation.

Section 5. Three (3) general members of the Council will be elected at each annual meeting for terms of office to begin immediately upon the conclusion of the Annual Meeting of the Section at which he or she is elected and to continue for two (2) years. General members may serve up to one successive term.

Section 6. If any elected member of the Council fails to attend three (3) successive meetings of the Council, and such failures are not excused for cause by the Chair or the Council, the Chair may by electronic mail to all Council members declare such member to have automatically resigned.

Section 7. At the end of his or her term, the Chair Elect will automatically assume the office of Chair. The Immediately Retiring Chair will remain a member of the Council for the ensuing year.

Article VIII. Miscellaneous

Section 1. The Section's fiscal year will coincide with that of the South Carolina Bar.

Section 2. At any Section or Council meeting a majority of members present and voting is sufficient to approve business of any nature.

Section 3. The Council or the Chair must approve all Section bills before forwarding them for payment to the Executive Director of the South Carolina Bar.

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Section 4. The Section and Council must follow the provisions of Article VI of the Bylaws of the South Carolina Bar on matters relating to legislation and representing the Bar on particular issues.

Article IX. Amendments

These Bylaws may be amended at any meeting of the Section. No amendment may be inconsistent with the Constitution and Bylaws of the South Carolina Bar. Amendments become effective only upon approval and ratification by the House of Delegates of the South Carolina Bar.

Effective Date: The 16th day of January 2013, as amended in 2017 and 2018, and on January 17, 2019.

Excerpts from SC Bar Bylaws

Article VI. Representation of the Bar

Section 6.1 Representation. The President or his designee shall express the policy of the Bar as determined by the House of Delegates or the Board of Governors. No other member or employee may represent the Bar or a division, section, committee, board, task force, or commission before a legislative body, court or governmental agency, unless specifically authorized by the House of Delegates or the Board of Governors.

Section 6.2 Briefs. If representation of the Bar requires the filing of a brief, it shall be reviewed by the Board of Governors or its designees and approved by the Board before it is filed.

Section 6.3 Personal Views of Members. Any member who, when making public utterance, permits himself to be identified as having an official connection with the Bar or one of its divisions, sections, committees, boards, task forces, or commissions shall, if the policy of the Bar on the subject matter of the utterance has been determined by the House of Delegates or Board of Governors, fairly state that policy and, if he expresses views at variance with it, clearly identify the variance as his personal views only. If there has not been, or if he has no knowledge of, any such policy determination, he shall nevertheless identify his utterance as his personal views.

Section 6.4 Indemnification. The Bar shall indemnify each member of the House of Delegates, member of the Board of Governors, employee and agent who is or is threatened to be made a party of any action, proceeding or suit, whether administrative, civil, criminal, or investigative (other than any action proceeding by or in behalf of the Bar) by reason of the fact that he is or was a member of the House of Delegates, member of the Board of Governors, employee or agent of the Bar, or is or was serving at the request of the Bar in such capacity of the Bar, against expenses (including attorneys' fees), fines, judgments, and amounts paid in settlement actually and reasonably incurred by him in connection

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with any such action, proceeding or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the Bar and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any such action, proceeding or suit by judgment, order, settlement, conviction, or a plea of nolo contendere, or its equivalent, in and of itself, shall not create a presumption that he did not act in good faith and in a manner reasonably believed to be in or not opposed to the best interests of the Bar, and, with respect to any criminal action or proceeding, had reasonable cause to believe the conduct was unlawful. In the discretion of the Board, the Bar may make advances before final disposition of any such action, proceeding or suit in respect of indemnification. The Bar may purchase and maintain insurance on behalf of itself, members of the House of Delegates, members of the Board of Governors, employees and agents against liability that may be asserted against it or against any such individual in such capacity arising out of their status as such.

Section 6.5 Delegated Authority. The officers of the Bar and the Immediate Past President shall constitute the Executive Committee. The Board of Governors may empower the Executive Committee and other ad hoc committees of the Board to act between meetings of the Board. Any committee actions must be ratified at the next meeting of the full Board.

Article XI. Sections

Section 11.1 General. There shall be within the Bar such sections as the House of Delegates may authorize, each of which shall consist of not fewer than one hundred members.

Section 11.2 Membership. The members of each section shall be members of the Bar and meet such other requirements as the bylaws of the section provide.

Section 11.3 Officers and Council. Each section shall have a chairman. It may also have a chairman-elect and such other officers and council as its bylaws may provide.

Section 11.4 Funds. With the approval of the House of Delegates, section members may be required to pay dues. Section funds shall be administered by the Treasurer but shall be accounted for separately from the general fund. No section shall accumulate an amount equal to more than five times its then current annual dues income. All funds in excess of such amount shall be transferred to the general fund of the Bar.

Section 11.5 Meetings. Each section shall meet during the year as the section may desire.

Section 11.6 Bylaws. Each section shall adopt bylaws and may adopt amendments thereto which are not inconsistent with the Constitution or these Bylaws and which shall become effective when approved by the House of Delegates. The jurisdiction of each section shall be described in its bylaws.

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Section 11.7 Dissolution. During any year a section may be dissolved by vote of seventy percent of the section members. In the event that any section does not have at least one hundred members by March 31 in any year that section will be considered dissolved. Section dues paid for the year in which dissolution occurs shall be returned to the members. Remaining funds shall be deposited in the general fund of the Bar.