

**MEMORANDUM**

TO: Board of Governors  
FROM: SC Bar Family Law Section Council  
RE: Proposed bylaw changes  
DATE: January 21, 2021

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The Family Law Section respectfully requests the Board of Governors approval of the revisions to the Family Law Section bylaws (redlined draft can be seen on page 8-18).

**BYLAWS OF THE FAMILY LAW SECTION  
OF THE SOUTH CAROLINA BAR**

Adopted by FLSC June 2020  
Approved by SC Bar: \_\_\_\_\_

**ARTICLE I  
NAME AND PURPOSE**

Section 1. Name. This Section shall be known as the Family Law Section of the South Carolina Bar (the “Bar”).

Section 2. Mission. The mission of the Section shall be to support family law practitioners’ ability to meet with distinction the expectations of their clients, the courts, the legal profession, and their communities. The Section shall seek to fulfill its mission by: promoting the ethical and knowledgeable practice of law by this constituency; developing or otherwise providing educational and practice resources oriented toward this constituency; establishing and maintaining relationships with other Bar entities and organizations; monitoring legislative, judicial, and other developments of interest to this constituency; and promoting and advocating the interests of this constituency within the Bar.

**ARTICLE II  
DEFINITIONS AND ADMINISTRATIVE PROVISIONS**

Section 1. Definitions.

- a. Section-at-large. All members of the Family Law Section not on the Section Council.
- b. Section Council. The Section Council shall consist of fourteen (14) members: the five (5) officers of the Section and nine (9) representatives.

c. Officers. The Section Council shall have five (5) officers as follows: a Past Chairperson, a Chairperson, a Chairperson-Elect, a Secretary, and a Section Delegate. Officers shall be elected from the Council representatives.

d. Representatives. The Section Council shall have nine (9) representatives. Representatives shall be nominated by the Section-at-large and elected by the Council.

e. Ex Officio Members: There may be two ex officio members of the Section Council at any time appointed by the Chair with approval of a majority of Section Council members. Ex officio membership shall be for one year from the date of approval but shall not exceed the term of the appointing Chair. Ex officio members have the right to fully participate in all Council activities except they shall not have a vote.

f. Council Meeting. A meeting of Council is any properly noticed gathering of the Council members attending in person, by telephone, or by other electronic means for Section business.

g. Quorum. A quorum of Section Council is a simple majority of Council present at a meeting. A quorum must be present in order for the Council to take any binding action.

Section 2. Eligibility for Council. For any individual to be eligible for election or appointment to the Section Council, (s)he must be: a member of the Bar in good standing; a member of the Section in good standing; and an attorney whose primary practice area is family law. No law firm or public entity (e.g., DSS) may have more than one member on Council simultaneously. The Council shall make a reasonable effort to ensure that Council membership represents the public and private family law sectors as well as solo, small, and larger firms, and that the Council membership is inclusive of the diversity of the Section at-large both geographically and otherwise.

Section 3. Powers and Duties. Subject to applicable, published procedural rules and requirements of the Bar, the Section Council shall be the primary governing body of the Section. Accordingly, the powers and duties of the Section Council shall be as follows: adopting or amending Section Bylaws; authorizing annual budgets and goals; nominating and electing the Chairperson-Elect and other Section officer(s); upon written petition of any Council member, reinstating by vote of at least a majority of Section Council an individual Section Council officer or representative who has been considered to have resigned as set forth at Article IV, Section 3; authorizing specific Section-sponsored programs and activities; authorizing financial aid initiatives; adopting or amending Section policies and procedures; and otherwise exercising such powers and fulfilling such duties as may normally be expected of such a body.

Section 4. Fiscal Year. The fiscal year of the Section shall be the same as the calendar year.

Section 5. Financial Obligations. All bills properly incurred by or on behalf of the Section shall be forwarded to the Bar for payment.

Section 6. Policy Matters. To be effective, any action or decision by this Section pertaining to legislation, Bar policy, or public policy must be approved by the Bar's Board of Governors or House of Delegates.

Section 7. Amendments. These Bylaws may be amended by a vote of three-fourths (75%) of the Section Council (not just three-fourths of those present) at a properly called Council meeting. Amendments become effective only upon approval and ratification by the House of Delegates of the South Carolina Bar.

Section 8. Bar Constitution, By-Laws, and Published Rules. The provisions of these Bylaws shall at all times be subject to then-prevailing provisions of the Bar's Constitution, Bylaws, and other published Bar rules and requirements, as applicable.

### ARTICLE III AT-LARGE MEMBERSHIP AND DUES

Section 1. Membership Duration. At-Large Membership shall be for a calendar year and shall expire at the end of that calendar year unless renewed by timely payment of Section dues in accordance with Section 3 of this Article III.

Section 2. Membership Eligibility and Privileges.

a. Eligibility. Any attorney admitted to practice in South Carolina and in good standing with the Bar may become a member of the Section.

b. Privileges. Any member of the Section in good standing is eligible to receive all benefits and privileges of Section membership then existing, including, but not limited to, voting rights at meetings of the Section-At-Large.

Section 3. Dues. Dues are payable annually on Bar members' license fee statements.

a. Dues Determined by Council. The amount and timing of payment of annual Section dues shall be as determined by Section Council. Effective with the 2021 calendar year, annual dues shall be \$25.00 except there shall be no membership fee for public employees. Dues are not prorated; however, any member joining after November 1 in any calendar year will be credited as paying through December 31 of the following calendar year.

b. Exceptions. The Section Council may make such exceptions to the provisions of this section of Article III as it may determine to be appropriate.

Section 4. Revocation of Membership. Any member who ceases to be a member in good standing of the South Carolina Bar shall automatically be removed as a member of this Section. Upon showing that the member meets the qualifications of Section 2 a., the member may be reinstated in the Section.

### ARTICLE IV COUNCIL REPRESENTATIVES

Section 1. Terms. Except for an appointment necessary to fill an unexpired term, the terms of all Section Council representatives shall be for three (3) years and shall begin and end with the new

calendar year. At the conclusion of a three (3) year term, the Council representative may elect to remain for one additional three (3) year term. All Council representatives beginning their first term in 2020 shall continue through 2021 as the first year of their term.

Section 2. Appointment of Council Representative. If any Section Council representative shall resign or otherwise become unavailable for service during his or her term or be removed, the Section Chairperson may appoint a member of the Section-at-large to fill the balance of such unexpired term. If the vacancy occurs within three (3) months preceding the regular election, the position shall be held vacant until filled by regular election means. Any period served of less than one year shall not count towards the term limit.

Section 3. Removal. If any Council member (including a Council Officer) misses more than three regularly scheduled meetings in a row, that Council member will be considered to have resigned his or her position on the Council.

## ARTICLE V COUNCIL OFFICERS

Section 1. Composition. There shall be five (5) officers of the Section as follows: a Past Chairperson, a Chairperson, a Chairperson-Elect, a Secretary, and a Section Delegate.

Section 2. Eligibility. For any individual to be eligible for election or appointment as an officer of the Section, (s)he must be a representative currently serving on the Section Council.

Section 3. Terms. The Secretary and Section Delegate shall serve one (1) year in each capacity, but they may stand for re-election at the end of their term and there is no limit on the number of terms as long as the person is re-elected. The Chairperson-Elect, Chairperson, and Past Chairperson shall each serve one (1) year in each capacity. Except for an appointment necessary to fill an unexpired term, the terms of all officers shall begin and end on the same date(s) as applicable to the new calendar year.

Section 4. Powers and Duties. Subject to the Constitution and Bylaws of the Bar and these Bylaws, the powers and duties of each officer of the Section shall be as follows:

a. Past Chairperson: The Past Chairperson shall furnish such support and assistance to the Chairperson as may be necessary.

b. Chairperson.

1. Powers and Duties. The Chairperson shall be the Chief Executive Officer of the Section and, as such, (s)he shall be empowered to and responsible for appointing standing and special committees and committee chairpersons, as applicable; scheduling and presiding at Section and Council meetings; preparing or causing to be prepared the Section's annual budget and goals; appointing one or more Section liaisons to Bar entities, programs, and activities; approving specific expenditures; removal of any Section Council officer or representative who has been absent without good cause from three (3) Council meetings in one calendar year; appointing interim representatives of the Section Council and/or interim officers to fill the balance of any

unexpired term(s); and otherwise exercising such powers and fulfilling such duties as may normally be associated with such office.

2. Appointments. In the event that any officer shall resign or otherwise become unavailable for service during his or her term, the Section Chairperson may appoint a Section Council representative, or other individual Section member if no Council representative will serve, to fill the balance of such unexpired term. If the vacancy occurs within three (3) months preceding the regular election, the position shall be held vacant until filled by regular election means. If the person resigning is the Chair of the Section, the Chair-Elect will assume the remainder of the exiting Chair's term, and afterward serve their own regularly elected term.

c. Chairperson-Elect. The Chairperson-Elect shall furnish such support and assistance to the Chairperson as may be necessary or assigned, including, but not necessarily limited to, presiding at meetings in the absence of the Chairperson; exercising the powers and fulfilling the duties of the Chairperson in the event of his or her unavailability (i.e., by reason of death, disability, illness, resignation, extended absence, or similar condition or circumstance); and otherwise exercising such powers and fulfilling such duties as may normally be associated with such office.

d. Secretary: The Secretary shall assist the Bar's Section Liaison with keeping minutes. The Secretary shall also monitor attendance of Council members at meetings and notify the Chairperson when a Council member has excessive absences. The Secretary shall also chair the newsletter committee. The Secretary shall also furnish such support and assistance to the Chairperson as may be necessary or assigned.

e. Section Delegate. The Section Delegate shall represent the Section's interests with respect to, and shall attend meetings as a member ex officio of, the Bar's House of Delegates and shall keep the Chairperson and Council informed in a timely manner of agendas, issues, actions, and activities of the Bar's House of Delegates as they relate to the Section and its membership.

Section 5. Section Liaison. In addition to the above-listed Section officers, if and as the Bar assigns a liaison to the Section, (s)he shall perform such duties as may be reasonably assigned by the Section Chairperson, including, but not necessarily limited to, keeping financial and non-financial records associated with Section activities and programs; taking and keeping minutes of Section Council and annual meetings; engaging in routine communications with Section members, Bar entities, and outside organizations; preparing routine documentation associated with Section programs and activities (e.g., giving notice of meetings), securing and/or compiling Bar or Section related information; and performing such other duties as may be normally be associated with such capacity.

## ARTICLE VI SUCCESSION AND ELECTION

Section 1. Succession. In the normal course of events, at the conclusion of each annual term of office (or such longer period of time if and as may be required by then existing circumstances), the Section Chairperson shall succeed to the official position of Past Chairperson for the year to

follow, and the Section Chairperson-Elect shall succeed to the official position of Chairperson for the year to follow.

Section 2. Nomination of Officers. Representatives of Council who have served at least two (2) years shall be eligible to run for Chairperson-Elect, Secretary, and Section Delegate. Nominations for Section Chairperson-Elect may be made by any person currently serving on Section Council commencing the Monday after Labor Day for a period of five (5) business days. Nominations shall be made in writing to the Section Liaison. During this period, Council representatives not running for Chair-Elect and whose terms are otherwise ending as required herein shall give notice to the Section liaison of their intention to remain on Council or resign.

Section 3. Election. Election of the Section Chairperson-Elect shall be by a majority of the Section Council present and voting at a Section Council meeting or by email to the Section Liaison no later than September 30.

Section 4. Nominations of Council Representatives. Once the number of vacancies on Council has been ascertained through the officer election process, nominations for elected representatives of Section Council shall be opened to the Section at-large beginning the first Monday in October for a period of ten (10) working days. Notice of intention to run for Council may be made to any Council officer or the Bar staff liaison.

Section 5. Election of Council Representatives. The Section Liaison shall notify Council of all nominees by October 31. Election of new representatives of Council shall be held no later than December 1 by a simple majority of Section Council present and voting at a Section Council meeting. The provisions of Article 2, Section 2 shall be taken into consideration in electing Council members.

Section 6. Re-election to Council. If a Council representative has previously served two (2) successive terms, they will be eligible to run for Council again after a period of three (3) years has passed since their day in office, as long as they meet all other criteria. However, any election or succession to an Officer position will nullify this three-year period before a person may be re-elected provided the person is re-elected immediately at the end of the officer term. By way of example, if a Council representative has served two terms (six years) and at the end of the sixth year that person is elected Secretary, that person may run for re-election as a Council representative at the end of the term as Secretary.

Section 7. Dates. If any of the dates in Article VI shall fall on a Saturday or Sunday or a Bar holiday, the following Monday or next Bar business day shall be applicable. All Officer and Representative terms run from January 1 through December 31 (unless filling an unexpired term).

## ARTICLE VII MEETINGS AND VOTING REQUIREMENTS

Section 1. Section at-Large Member Meeting.

a. Quorum. Ten (10) members of the Section at-large present at any Section meeting shall constitute a quorum sufficient for the conduct of the Section's business at such meeting.

b. Notice. Special meetings of the Section-at-large may be called by the Chairperson with a minimum of five (5) business days' written notice. Regular meetings of the Section may be called and held upon the giving of no less than 30 days written notice. "Notice" includes regular correspondence, e-mail, electronic mailing list, or E-Blast to all Section members.

#### Section 2. - Council Meetings.

a. Notice. The Section Council shall meet to conduct the business of the Section at such times and places as shall be appointed by the Section Chairperson, provided that there shall be at least one such meeting each year to elect officers, adopt any necessary budget(s), and adopt any goals for the following year. Meetings of the Section Council may be called and held upon the giving of no less than ten (10) days advance written notice (i.e., regular correspondence, e-mail, or equivalent) to the Section Council. This notice requirement may be waived by consent of a majority of the Section Council.

b. Binding Action. Unless otherwise required by these Bylaws or the Bar's Constitution or Bylaws, a simple majority of those present and voting shall be sufficient to take any action(s) or make any decision(s) binding upon the Section.

c. Binding Action without a Meeting. Unless otherwise required by these Bylaws, any action that may be taken at any Section Council meeting may be taken without such a meeting upon approval of a majority of all Section Council.

**BYLAWS OF THE FAMILY LAW SECTION  
OF THE SOUTH CAROLINA BAR**

**Adopted by FLSC June 2020**

**Approved by SC Bar: [REDACTED]**

**ARTICLE I**

**Name and Purpose  
NAME AND PURPOSE**

**Section 1. Name.** This Section ~~is~~ shall be known as the Family Law Section of the South Carolina Bar. ~~– (the “Bar”).~~

**Section 2. Mission.** ~~The purpose of the Section is to promote the goals and objectives of the South Carolina Bar in the field of Family Law. Objectives include stimulating research and development, seeking uniformity in legislation and administration, and improving the application of justice in this field of law.~~

The mission of the Section shall be to ~~work to improve~~ support family law practitioners’ ability to meet with distinction the ~~demands and~~ expectations of their clients, the courts, the legal profession, and their communities. The Section shall seek to fulfill its mission by: promoting the ethical and ~~efficient~~ knowledgeable practice of law by this constituency; ~~seeking to develop~~ developing or otherwise ~~provide~~ providing educational and practice resources oriented toward this constituency; establishing and maintaining relationships with other Bar entities and ~~other~~ organizations; monitoring legislative, judicial, and other developments of interest to this constituency; and promoting and advocating the interests of this constituency within the Bar.

**ARTICLE II**

**DEFINITIONS AND ADMINISTRATIVE PROVISIONS**

**Section 1. Definitions.**

- a. **Section-at-large.** All members of the Family Law Section not on the Section Council.
- b. **Section Council.** The Section Council shall consist of fourteen (14) members: the five (5) officers of the Section and nine (9) representatives.
- c. **Officers.** The Section Council shall have five (5) officers as follows: a Past Chairperson, a Chairperson, a Chairperson-Elect, a Secretary, and a Section Delegate. Officers shall be elected from the Council representatives.
- d. **Representatives.** The Section Council shall have nine (9) representatives. Representatives shall be nominated by the Section-at-large and elected by the Council.



- e. **Ex Officio Members:** There may be two ex officio members of the Section Council at any time appointed by the Chair with approval of a majority of Section Council members. Ex officio membership shall be for one year from the date of approval but shall not exceed the term of the appointing Chair. Ex officio members have the right to fully participate in all Council activities except they shall not have a vote.
- f. **Council Meeting.** A meeting of Council is any properly noticed gathering of the Council members attending in person, by telephone, or by other electronic means for Section business.
- g. **Quorum.** A quorum of Section Council is a simple majority of Council present at a meeting. A quorum must be present in order for the Council to take any binding action.

**Section 2.** **Eligibility for Council.** For any individual to be eligible for election or appointment to the Section Council, (s)he must be: a member of the Bar in good standing; a member of the Section in good standing; and an attorney whose primary practice area is family law. No law firm or public entity (e.g., DSS) may have more than one member on Council simultaneously. The Council shall make a reasonable effort to ensure that Council membership represents the public and private family law sectors as well as solo, small, and larger firms, and that the Council membership is inclusive of the diversity of the Section at-large both geographically and otherwise.

**Section 3.** **Powers and Duties.** Subject to applicable, published procedural rules and requirements of the Bar, the Section Council shall be the primary governing body of the Section. Accordingly, the powers and duties of the Section Council shall be as follows: adopting or amending Section Bylaws; authorizing annual budgets and goals; nominating and electing the Chairperson-Elect and other Section officer(s); upon written petition of any Council member, reinstating by vote of at least a majority of Section Council an individual Section Council officer or representative who has been considered to have resigned as set forth at Article IV, Section 3; authorizing specific Section-sponsored programs and activities; authorizing financial aid initiatives; adopting or amending Section policies and procedures; and otherwise exercising such powers and fulfilling such duties as may normally be expected of such a body.

**Section 4. Fiscal Year.** The fiscal year of the Section shall be the same as the calendar year.

**Section 5.** **Financial Obligations.** All bills properly incurred by or on behalf of the Section shall be forwarded to the Bar for payment.

**Section 6.** **Policy Matters.** To be effective, any action or decision by this Section pertaining to legislation, Bar policy, or public policy must be approved by the Bar's Board of Governors or House of Delegates.

**Section 7.** **Amendments.** These Bylaws may be amended by a vote of three-fourths (75%) of the Section Council (not just three-fourths of those present) at a properly called Council

meeting. Amendments become effective only upon approval and ratification by the House of Delegates of the South Carolina Bar.

**Section 8. Bar Constitution, By-Laws, and Published Rules.** The provisions of these Bylaws shall at all times be subject to then-prevailing provisions of the Bar's Constitution, Bylaws, and other published Bar rules and requirements, as applicable.

### **ARTICLE III** **AT-LARGE MEMBERSHIP AND DUES**

**Section 1. Membership Duration.** At-Large Membership shall be for a calendar year and shall expire at the end of that calendar year unless renewed by timely payment of Section dues in accordance with Section 3 of this Article III.

#### **Section 2. Membership and Privileges**

**Membership Eligibility and Privileges.**

**Eligibility.**

- a. ~~Section 1.~~ Any member of the South Carolina Bar may join the Section. Yearly dues are \$20.00 payable in advance to the attorney admitted to practice in South Carolina Bar by January 1. and in good standing with the Bar may become a member of the Section.
- b. **Privileges.** Any member of the Section in good standing is eligible to receive all benefits and privileges of Section membership then existing, including, but not limited to, voting rights at meetings of the Section-At-Large.

**Section 3. Dues.** Dues are payable annually on Bar members' license fee statements.

- a. **Dues Determined by Council.** The amount and timing of payment of annual Section dues shall be as determined by Section Council. Effective with the 2021 calendar year, annual dues shall be \$25.00 except there shall be no membership fee for public employees. Dues are not prorated; however, ~~new members~~any member joining after November 1 and paying \$20.00 in any calendar year will be credited as paid paying through December 31 of the following calendar year.

~~a. **Qualifications.** Any individual may become a member of the Section if (s)he pays the annual Section dues then applicable (including any arrearage(s)) and is an attorney admitted to practice in the State of South Carolina current with respect to payment of dues for Bar membership.~~

~~b. **Dues.** Subject to applicable, published procedural rules and requirements of the Bar. **Exceptions.** The amount and timing of payment of annual Section dues shall be as determined by Section Council.~~

~~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

~~\_\_\_\_\_ may make **Section 1. Quorum.** Ten (10) members of the Section present at any Section meeting shall constitute a quorum sufficient for the conduct of the Section's business at such meeting.~~

~~\_\_\_\_\_ **Section 2. Notice.** Special meetings of the Section may be called by the Chairperson with a minimum of 5 days' notice. Regular meetings of the Section may be called and held upon the giving of no less than 30 days advance written notice (i.e., regular correspondence, e-mail, electronic mailing list, or E-Blast) to Section members.~~

### ~~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 Chairperson, a Section Delegate, and eight (8) "general members."~~

~~**Section 2.** The Section Officers are a Chair, Chair Elect, Vice Chair, Secretary and a Section Delegate. Their terms of office are for one year beginning July 1 and ending June 30, and until their successors have been elected and qualified.~~

### ~~ARTICLE V~~

#### The Council

- b. ~~exceptions to the **Section 1. Authority.** The Council exercises general supervision and control over Section affairs, subject to provisions of this section of Article III as it may determine to be appropriate.~~

**Section 4. Revocation of Membership.** Any member who ceases to be a member in good standing of the South Carolina Bar shall automatically be removed as a member of this Section. Upon showing that the member meets the qualifications of Section 2 a., the member may be reinstated in the Section.

**ARTICLE IV**  
**COUNCIL REPRESENTATIVES**

**Section 1.** Terms. Except for an appointment necessary to fill an unexpired term, the terms of all Section Council representatives shall be for three (3) years and shall begin and end with the new calendar year. At the conclusion of a three (3) year term, the Council representative may elect to remain for one additional three (3) year term. All Council representatives beginning their first term in 2020 shall continue through 2021 as the first year of their term.

**Section 2.** Appointment of Council Representative. If any Section Council representative shall resign or otherwise become unavailable for service during his or her term or be removed, the Section Chairperson may appoint a member of the Section-at-large to fill the balance of such unexpired term. If the vacancy occurs within three (3) months preceding the regular election, the position shall be held vacant until filled by regular election means. Any period served of less than one year shall not count towards the term limit.

**Section 3.** Removal. If any Council member (including a Council Officer) misses more than three regularly scheduled meetings in a row, that Council member will be considered to have resigned his or her position on the Council.

**ARTICLE V**

~~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 may also authorize the Chairperson to appoint such committees from Section members.~~

~~**Section 3. Quorum.** A majority of the Council is required for a quorum to transact business.~~

~~**Section 4. Meetings.** In addition to its regular meetings, the Council may also transact business and vote by telephone, teleconferencing, mail, etc., provided a majority of the Council files its consent with the Section Secretary. Any business so conducted will be announced at the next regular council meeting.~~

~~**Section 5. Vacancies.** The Council may fill interim vacancies within its membership.~~

**ARTICLE VI**  
**COUNCIL OFFICERS**

**Section 1.** Composition. There shall be five (5) officers of the Section as follows: a Past Chairperson, a Chairperson, a Chairperson-Elect, a Secretary, and a Section Delegate.

## Section 2.

### Officers

~~-Eligibility. For any individual to be eligible for election or appointment as an~~

~~Section 1. Chair. The chief executive officer of the Section, (s)he must be a representative currently serving on the Section Council.~~

Section 3. Terms. The Secretary and Section Delegate shall serve one (1) year in each capacity, but they may stand for re-election at the end of their term and there is no limit on the number of terms as long as the person is re-elected. The Chairperson-Elect, Chairperson, and Past Chairperson shall each serve one (1) year in each capacity. Except for an appointment necessary to fill an unexpired term, the terms of all officers shall begin and end on the same date(s) as applicable to the new calendar year.

Section 4. ~~who makes appointments to committees, presides at all~~ Powers and Duties. Subject to the Constitution and Bylaws of the Bar and these Bylaws, the powers and duties of each officer of the Section shall be as follows:

a. **Past Chairperson:** The Past Chairperson shall furnish such support and assistance to the Chairperson as may be necessary.

b. **Chairperson.**

1. **Powers and Duties.** The Chairperson shall be the Chief Executive Officer of the Section and, as such, (s)he shall be empowered to and responsible for appointing standing and special committees and committee chairpersons, as applicable; scheduling and presiding at Section and Council ~~Meetings and presents a report on the state of the Section at its annual meeting.~~ meetings; preparing or causing to be prepared the Section's annual budget and goals; appointing one or more Section liaisons to Bar entities, programs, and activities; approving specific expenditures; removal of any Section Council officer or representative who has been absent without good cause from three (3) Council meetings in one calendar year; appointing interim representatives of the Section Council and/or interim officers to fill the balance of any unexpired term(s); and otherwise exercising such powers and fulfilling such duties as may normally be associated with such office.

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

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

~~Section 4. Secretary. Custodian of all records and property of the Section except money. Maintains a record of all Section and Council meetings. Prepares a digest of Section proceedings for the Chairperson's annual report of the state of the Section. Maintains a record of all appropriations and expenditures.~~

~~Section 5.~~

2. **Appointments.** In the event that any officer shall resign or otherwise become unavailable for service during his or her term, the Section Chairperson may appoint a Section Council representative, or other individual Section member if no Council representative will serve, to fill the balance of such unexpired term. If the vacancy occurs within three (3) months preceding the regular election, the position shall be held vacant until filled by regular election means. If the person resigning is the Chair of the Section, the Chair-Elect will assume the remainder of the exiting Chair's term, and afterward serve their own regularly elected term.
- c. **Chairperson-Elect.** The Chairperson-Elect shall furnish such support and assistance to the Chairperson as may be necessary or assigned, including, but not necessarily limited to, presiding at meetings in the absence of the Chairperson; exercising the powers and fulfilling the duties of the Chairperson in the event of his or her unavailability (*i.e.*, by reason of death, disability, illness, resignation, extended absence, or similar condition or circumstance); and otherwise exercising such powers and fulfilling such duties as may normally be associated with such office.
- d. **Secretary:** The Secretary shall assist the Bar's Section Liaison with keeping minutes. The Secretary shall also monitor attendance of Council members at meetings and notify the Chairperson when a Council member has excessive absences. The Secretary shall also chair the newsletter committee. The Secretary shall also furnish such support and assistance to the Chairperson as may be necessary or assigned.
- e. **Section Delegate.-** The Section Delegate shall represent the Section's interests with respect to, and shall attend meetings as a member *ex officio* of, the Bar's House of Delegates and shall keep the Chairperson and Council informed in a timely manner of agendas, issues, actions, and activities of the Bar's House of Delegates as they relate to the Section and its membership.

**Section 5. Section Liaison.** In addition to the above-listed Section officers, if and as the Bar assigns a liaison to the Section, (s)he shall perform such duties as may be reasonably assigned by the Section Chairperson, including, but not necessarily limited to, keeping financial and non-financial records associated with Section activities and programs; taking and keeping minutes of Section Council and annual meetings; engaging in routine communications with Section members, Bar entities, and outside organizations; preparing routine documentation associated with Section programs and activities (*e.g.*, giving notice of meetings), securing and/or compiling Bar or Section related information; and performing such other duties as may be normally be associated with such capacity.

**ARTICLE VI**  
**SUCCESSION AND ELECTION**

**Section 1. Succession.** In the normal course of events, at the conclusion of each annual term of office (or such longer period of time if and as may be required by then existing

circumstances), the Section Chairperson shall succeed to the official position of Past Chairperson for the year to follow, and the Section Chairperson-Elect shall succeed to the official position of Chairperson for the year to follow.

**Section 2.** **Nomination of Officers.** Representatives of Council who have served at least two (2) years shall be eligible to run for Chairperson-Elect, Secretary, and Section Delegate. Nominations for Section Chairperson-Elect may be made by any person currently serving on Section Council commencing the Monday after Labor Day for a period of five (5) business days. Nominations shall be made in writing to the Section Liaison. During this period, Council representatives not running for Chair-Elect and whose terms are otherwise ending as required herein shall give notice to the Section liaison of their intention to remain on Council or resign.

**Section 3. Election.** Election of the Section Chairperson-Elect shall be by a majority of the Section Council present and voting at a Section Council meeting or by email to the Section Liaison no later than September 30.

**Section 4.**

**Nominations of Council Representatives.** Once the number of vacancies on Council has been ascertained through the officer election process, nominations for elected representatives of Section Council shall be opened to the Section at-large beginning the first Monday in October for a period of ten (10) working days. Notice of intention to run for Council may be made to any Council officer or the Bar staff liaison.

**Section 5. Election of Council Representatives.** The Section Liaison shall notify Council of all nominees by October 31. Election of new representatives of Council shall be held no later than December 1 by a simple majority of Section Council present and voting at a Section Council meeting. The provisions of Article 2, Section 2 shall be taken into consideration in electing Council members.

**Section 6. Re-election to Council.** If a Council representative has previously served two (2) successive terms, they will be eligible to run for Council again after a period of three (3) years has passed since their day in office, as long as they meet all other criteria. However, any election or succession to an Officer position will nullify this three-year period before a person may be re-elected provided the person is re-elected immediately at the end of the officer term. By way of example, if a Council representative has served two terms (six years) and at the end of the sixth year that person is elected Secretary, that person may run for re-election as a Council representative at the end of the term as Secretary.

**Section 7. Dates.** If any of the dates in Article VI shall fall on a Saturday or Sunday or a Bar holiday, the following Monday or next Bar business day shall be applicable. All Officer and Representative terms run from January 1 through December 31 (unless filling an unexpired term).

**ARTICLE VII**

## Nominations and Elections

### ~~-~~MEETINGS AND VOTING REQUIREMENTS

~~Section 1. **Nomination(s).** Nominations for **Section Officers** may be made by any Section Council member no later than February 1.~~**at-Large Member Meeting.**

#### Quorum.

~~— **Ten (10)** ~~Section 2. **Notice.**~~ Notice of nominations shall be given in writing to all Section Council members no later than February 15.~~

~~— **Section 3. **Elections.****~~ Election of the Section Officers shall be by a plurality of Section Council members present and voting at a Section Council **at-large present at any Section meeting held for that purpose no later than March 1.**

**shall constitute a quorum**

~~**Section 4. **Nomination of Council Members.****~~ Nominations for elected members of Section Council shall be made by any Section member no later than February 1 each year through notice to any officer or the Bar staff liaison. Notice of all nominations shall be given in writing to all Section Council members no later than February 15.

~~**Section 5. **Election of Council Members.****~~ Election of new members of Council shall be held no later than March 1 by a simple majority of Council members present and voting at a Section Council meeting held for that purpose. Council shall endeavor to provide geographical diversity.

~~**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 Chairperson or the Council, the Chairperson will by letter to all Council members declare such member to have automatically resigned.~~

~~**Section 7.** At the end of his/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. General members of the Council shall serve four year terms.~~

## ARTICLE VIII

### Miscellaneous

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

- a. ~~**Section 2.**~~ At any duly constituted Section or Council meeting a majority vote of members present and voting is sufficient to approve **for the conduct of the Section's business of any nature at such meeting.**



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

~~Section 4.~~ The Section and the 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.

- b. ~~Section 5.~~ Except for officially invited speakers, no member Notice. Special meetings of the Section ~~may speak at any large~~ may be called by the Chairperson with a minimum of five (5) business days' written notice. Regular meetings of the Section may be called and held upon the giving of no less than 30 days written notice. "Notice" includes regular correspondence, e-mail, electronic mailing list, or E-Blast to all Section members.

## Section 2. - Council Meetings.

- a. Notice. The Section Council shall meet to conduct the business of the Section at such times and places as shall be appointed by the Section Chairperson, provided that there shall be at least one such meeting ~~more than five (5) minutes at a time, nor more~~ each year to elect officers, adopt any necessary budget(s), and adopt any goals for the following year. Meetings of the Section Council may be called and held upon the giving of no less than ~~twice on one motion~~ ten (10) days advance written notice (*i.e.*, regular correspondence, e-mail, or ~~resolution~~ equivalent) to the Section Council. This notice requirement may be waived by consent of a majority of the Section Council.

## ARTICLE X

### 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.~~

*Approved by the House of Delegates on May 3, 2012.*

- b. Binding Action. Unless otherwise required by these Bylaws or the Bar's Constitution or Bylaws, a simple majority of those present and voting shall be sufficient to take any action(s) or make any decision(s) binding upon the Section.
- c. Binding Action without a Meeting. Unless otherwise required by these Bylaws, any action that may be taken at any Section Council meeting may be taken without such a meeting upon approval of a majority of all Section Council.