BY-LAWS

ADMINISTRATIVE LAW SECTION

NORTH CAROLINA BAR ASSOCIATION

ARTICLE 1

NAME AND PURPOSE

Article 1.1. Name. This Section is named the Administrative Law Section of the North Carolina Bar Association.

Article 1.2. Purpose. The purpose of the Administrative Law Section is to further the purposes of the North Carolina Bar Association, as stated in Article 1.2 of the Association's By-Laws, within the area of administrative law. The Section accomplishes its goals by providing a means by which members of the North Carolina Bar Association who have a special interest in administrative law can come together to discuss issues relevant to administrative law, develop continuing education and other programs on administrative law, and develop proposals for changes in the statutes concerning administrative law.

ARTICLE 2

SECTION MEMBERSHIP AND MEETINGS

Article 2.1. Admission To Membership. To be a member of the Administrative Law Section, a person must be a member of the North Carolina Bar Association, must fill out an application form for Section membership, and must pay the Section dues. A non-lawyer who is actively involved in the promulgation, enforcement or execution of administrative rules is eligible for affiliate membership in the Administrative Law Section. A person desiring affiliate membership in the Section shall submit a written application to the Association. The dues for affiliate membership shall be the same as those
charged regular members of the Section. Affiliate members of the Section shall not be eligible to vote as a member of the Section or to hold office in the Section. Affiliate membership in the Section does not constitute and will not be considered as membership in the North Carolina Bar Association. Affiliate members shall be eligible to enjoy all other privileges of Section membership, including service on standing and special committees.

Article 2.2. Dues. Membership dues are payable in advance for each twelve-month period beginning July 1. A person, however, who becomes a member after April 1 of any year and pays the dues for that year is not required to pay the dues that would otherwise be payable on or before July 1 for the upcoming twelve-month period. A person whose dues remain unpaid after October 1 of any year is removed from the membership roll.

The amount of dues payable for a twelve-month period is set each year by the Section at its annual meeting. An amount set at an annual meeting applies to the next twelve-month period following the annual meeting.

Article 2.3. Ex-Officio Members. As stated in Article 7.5 of the By-Laws of the North Carolina Bar Association, the following officers of the Association are ex-officio members of the Administrative Law Section and the Section Council: the President, the President-Elect, and the Executive Director. As stated in Article 5.7 of the By-Laws of the North Carolina Bar Association, the ex-officio members are voting members. The Chief Administrative Law Judge of the Office of Administrative Hearings and the Chair of the Rules Review Commission or a Commission member designated by the Chair, if members of the North Carolina Bar Association, shall also be ex-officio, voting members of the Section and Council.

Article 2.4. Meetings. The Section must meet at least once a year. The annual meeting is held each year at a time and place set by the Council and is not held simultaneously with the annual meeting of the North Carolina Bar Association. The Section meets at other times the Section Council or the Chair
Article 2.5. **Quorum.** A quorum for a Section meeting consists of those members who are present at a meeting called in accordance with these By-Laws.

Article 2.6. **Section Members’ Voting.** Except as provided in Article 4.4, all action taken by the Section shall be by majority vote. Except as provided in Article 4.4, all votes shall be by voice vote, unless a Section member calls for a division, in which case the vote shall be by show of hands.

**ARTICLE 3**

**OFFICERS**

Article 3.1. **Chair and Vice-Chair.** The Section has a Chair and a Vice-Chair appointed by the President of the North Carolina Bar Association from the membership of the Section. The Section Council submits at least two written recommendations for each office no later than March 1 of each year. The President of the Association may accept or reject the recommendations of the Section Council.

The Chair is the chief executive officer of the Section and the Section Council. The Chair presides at meetings of the Section and the Council, supervises the performance of the Section's activities, carries out decisions of the Council, presents an annual report of the Section's activities to the North Carolina Bar Association at its annual meeting, and has other duties as prescribed by the Council.

The Vice-Chair assumes the duties of the Chair in the absence of the Chair and has other duties as prescribed by the Chair or the Council.

Article 3.2. **Secretary.** The Section Council may elect from the Section's membership a Secretary to prepare and maintain the membership roll of the Section and other appropriate records and reports of the Section's activity, and to perform other duties as prescribed by the Chair of the Section or the Section
Council. If a Secretary or a Secretary-Treasurer is not elected, the Vice-Chair performs the duties of the Secretary.

Article 3.3. **Treasurer.** The Section Council may elect from the Section's membership a Treasurer to prepare and maintain the financial records of the Section and to perform other duties as prescribed by the Chair of the Section or the Section Council. If a Treasurer or a Secretary-Treasurer is not elected, the Vice-Chair performs the duties of the Treasurer.

Article 3.4. **Secretary-Treasurer.** The office of Secretary and the office of Treasurer may be combined into a single office called Secretary-Treasurer. The Secretary-Treasurer performs the duties listed in Articles 3.2 and 3.3.

Article 3.5. **Term of Office.** The term of office for the offices listed in this Article is one year. The term coincides with the terms of office of the officers of the North Carolina Bar Association. If a successor to an office is not appointed or elected before the term of the office expires, the officer remains in office until the successor is appointed or elected.

Article 3.6. **Successive Terms.** A person may not serve more than two consecutive terms in the same office except upon application to and approval by the Board of Governors of the North Carolina Bar Association.

Article 3.7. **Eligibility for Officer Positions.** Only members in good standing with the Administrative Law Section shall be eligible for consideration as an Officer under Article 3 or as a Council member under Article 4, and such members shall remain in good standing with the Administrative Law Section during their tenure as an Officer or Council member hereunder.

**ARTICLE 4**

**COUNCIL**
Article 4.1. **Power and Composition.** The Administrative Law Section is governed by a Council composed of the officers of the Section, the immediate past Chair of the Section, 15 members elected by the members of the Section, and the ex-officio members. The Council is subject to the control of the Board of Governors of the North Carolina Bar Association. The Board of Governors resolves any jurisdictional disputes between the Section and other Sections of the North Carolina Bar Association or between the Section and any committee of the Association.

Article 4.1.a. **Young Lawyers.** At least one voting member of the Council shall be 36 years of age or younger at the time of election.

Article 4.2. **Council Terms.** Members of the Council serve for staggered three-year terms. To this end, five of the initial members of the Council shall serve one-year terms, five shall serve two-year terms, and five shall serve three-year terms, as designated by the Council Chair.

The term of a Council member begins on July 1 following the annual meeting at which the member is elected. A member who is elected to fill a vacancy serves the remainder of the unexpired term of the vacating member.

Article 4.3. **Nomination.** By February 1 of each year, the Chair of the Section must appoint a nominating committee composed of five members to nominate members to serve on the Council. The nominating committee must nominate members at least equal in number to the number of positions to be filled, and must prepare a report of its nominations that lists the nominees and their qualifications. The nominating committee must present its report at the annual meeting of the Section. Those listed in the report, and any candidates nominated at the annual meeting, are the nominees for the Council.

Article 4.3.a. **Vacancy.** If a vacancy occurs on the Council, the Council shall appoint a member of the Section to fill the vacancy until the next election of Council members. At that time a member shall be elected to serve the remainder of the unexpired term. The nominating committee must nominate a
member to fill the vacancy and must report its nominee and the nominee's qualifications at the Section meeting at which the election to fill the vacancy is held. The committee's nominee, and any candidates nominated at the meeting, are the nominees to fill the vacancy.

Article 4.4. **Council Elections.** Voting for Council members is conducted at a meeting of the Section. Except for an election to fill a vacancy, elections are conducted at the annual meeting of the Section. Votes are cast by voice vote unless a motion is made and seconded to cast votes by ballot, in which case the votes are cast by secret ballot. If votes are cast by secret ballot, the nominating committee counts the votes and reports the results of the election.

Article 4.5. **Meeting.** The Council must meet at least once a year. The Council meets at other times as needed. The Council must meet, however, at the call of the Section Chair, any five members of the Council, or the President of the Board of Governors of the North Carolina Bar Association. Council members may attend any Council meeting by means of a speaker telephone, a conference call, or any other electronic medium that permits all Council members attending to hear and speak with one another. Any meeting in which one or more Council members attend by electronic medium shall continue despite the failure or interruption of the electronic medium, so long as the failure does not deprive the Council of its quorum.

Article 4.6. **Quorum.** A quorum for a Council meeting consists of a majority of the membership of the Council.

Article 4.7. **Notice of Meetings.** The Council must give at least 10 days' notice by mail before each meeting of the Council.

Article 4.8. **Absences.** If an elected member of the Council fails to attend three successive meetings of the Council without good cause, that member's office is vacated and a new member is elected to fill the vacancy.

Article 4.9. **Council Voting.** Except as may be otherwise specified, all action taken by the
Council shall be by majority vote. All action at a meeting may be voice vote, unless a Council member calls for division, in which case the vote shall be by show of hands.

Article 4.10. **Action Without Meeting.** The Chair may submit a matter to the Council for a vote without calling a meeting of the Council. To do so, the Chair must advise all Council members of the matter and obtain their vote on the matter. All votes given orally must be confirmed in writing.

Article 4.11. **Eligibility for Council Positions.** Only members in good standing with the Administrative Law Section shall be eligible for consideration as an Officer under Article 3 or as a Council member under Article 4, and such members shall remain in good standing with the Administrative Law Section during their tenure as an Officer or Council member hereunder.

**ARTICLE 5**

**COMMITTEES**

Article 5.1. **Standing Committees.** The Council may designate whatever standing committees it considers appropriate.

Article 5.2. **Special Committees.** The Council or the Chair of the Council may appoint whatever special committees are considered appropriate.

Article 5.3. **Jurisdiction.** The Council establishes the jurisdiction of each standing or special committee.

Article 5.4. **Executive Committee.** There shall be a standing committee of the Council called the Executive Committee. Its members shall be the Chair, the Immediate Past-Chair, the Vice-Chair, the Secretary, the Treasurer and at least two other members of the Council nominated and elected by majority vote of the Council members at a regular Council meeting. The Executive Committee shall have the power to act in the place of the Council between meetings of the Council. The Chair of the Section may call a meeting of the Executive Committee upon reasonable notice to all the Committee’s members.
Action by the Executive Committee shall be by majority vote of all of its members. The Executive Committee may also act by unanimous written consent without a meeting. All action by the Executive Committee shall be reported at the next meeting of the Council. The Council, by majority vote, may amend, suspend or revoke any action by the Executive Committee, except insofar as the Executive Committee’s action has been implemented.

ARTICLE 6

FISCAL MATTERS

Article 6.1. Budget. The Council must adopt a budget for the Section for each fiscal year beginning July 1. Upon request, the Council must submit a proposed budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Article 6.2. Expenditures. The Section may spend its funds collected through the payment of dues only in furtherance of its purposes. The Section may not spend funds in excess of those on hand, nor may it obligate the North Carolina Bar Association in any way.

Article 6.3. Report. The annual report of the Section's activities, required by Article 7.5, must include the Section's budget.

Article 6.4. Dues. Dues are set by the Section under Article 2.2.

ARTICLE 7

MISCELLANEOUS

Article 7.1. Amendments to By-Laws. These By-Laws may be amended by a motion passed by a majority of the members present at a Section meeting. An amendment must be approved by the Board of Governors before it can become effective. All amendments passed by the Section must therefore be submitted to the Board of Governors for its approval.

Article 7.2. Publications. The Section produces a newsletter that is distributed free of charge to
Section members. The Section may produce other publications in furtherance of its objectives. All publications by the Section must be produced in consultation with the President and Executive Director of the North Carolina Bar Association.

Article 7.3. **CLE Programs.** All continuing legal education programs sponsored by the Section must be offered after consultation with the Continuing Education Committee of the North Carolina Bar Association Foundation.

Article 7.4. **Budget Review.** Upon request, the Section must submit its budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Article 7.5. **Required Report.** The Section must submit an annual report of its activities to the Board of Governors and the President of the North Carolina Bar Association. The Section must submit other reports as requested by the Board of Governors or the President of the Association.