



*Tradition. Integrity. Trust.*

# **GOVERNANCE MANUAL**

**Policies and Procedures of the  
Arkansas Bar Association**

**Last Update June 15, 2021**

## Table of Contents

|   |    |
|---|----|
| Mission and Diversity Statement.....  | 4  |
| POLICIES .....  | 5  |
| 1. Liability Insurance.....   | 5  |
| 2. Limitation of Liability and Indemnification of Association Officers, Governors and Delegates ..... | 5  |
| 3. Whistleblower Policy.....  | 5  |
| 4. Conflict of Interest Policy .....  | 7  |
| 5. Investment Committee Conflict of Interest Policy .....   | 9  |
| 6. Protocol for Selecting CLE Speakers .....  | 10 |
| 7. CLE Registration Policy* .....   | 10 |
| 8. CLE Registration Subsidy Policy .....  | 11 |
| 9. Policy Governing a Balanced Budget .....   | 11 |
| 10. Policy Governing Board Approval of Unbudgeted Expenditures in Excess of \$1,000                   | 12 |
| 11. Membership Dues Policy .....  | 12 |
| 12. Public Funding for the Judiciary.....   | 13 |
| 13. Public Funding for Legal Services .....   | 13 |
| 14. Arkansas Volunteer Lawyers for the Elderly .....  | 14 |
| 15. Policy regarding Teaching of Arkansas History .....   | 14 |
| 16. Policy regarding Red Mass.....  | 14 |
| 17. Policy regarding Term Limits for Judges .....   | 15 |
| 18. Policy regarding Extension of Term Limits for Members of the General Assembly .....               | 15 |
| 19. Policy Regarding the Endorsement of Political Candidates.....                                     | 15 |
| 20. Model “Shrinkwrap” License for Association Membership Directory.....                              | 16 |
| 21. Mailing Label Policy.....   | 16 |
| 22. House Rules for Use of Arkansas Bar Center .....  | 17 |
| 23. Document Retention and Destruction Policy .....   | 18 |
| 24. Media Plan for Arkansas Bar Association.....  | 20 |
| 25. Non-Substantial Change Policy for Governance Committee .....                                      | 22 |
| 26. Advertising Policy .....  | 22 |
| 27. Anti-trust Policy.....  | 24 |
| 28. Privacy Policy .....  | 26 |
| Using Collected Information .....   | 26 |
| Security .....  | 27 |
| External Links.....   | 28 |
| Sharing Member Information.....   | 28 |
| No Attorney-Client Relationship .....   | 28 |
| Disclaimer .....  | 29 |
| 29. Social Media Policy of the Arkansas Bar Association .....   | 29 |
| PROCEDURES.....   | 33 |
| 1. Budget Process .....   | 33 |
| 2. Establishment of Bank Accounts/ Initiating Transfer of Funds.....                                  | 33 |
| 3. Officer Expense Accounts .....   | 34 |

|    |   |    |
|----|---|----|
| 4. | Association-Issued Credit Card Use Policy .....   | 34 |
| 5. | Policy Prohibiting Republication of the Materials, Programs, and Presentations of the Association ..... | 36 |
| 6. | Investment Policy - Arkansas Bar Association.....   | 37 |
| 7. | Arkansas Bar Association Task Force on Dues 2016 Recommendations.....                                   | 39 |
| 8. | Social Media Policy of the Arkansas Bar Association.....  | 43 |

# Mission and Diversity Statement

The purposes of the Arkansas Bar Association include the following:

- Advance the Administration of Justice.
- Foster and maintain on the part of attorneys high ideals of integrity, learning, competence and public service, and high standards of conduct.
- Encourage the legal profession and its individual members to perform more effectively and efficiently their responsibilities in the public interest.
- Conduct a program of continuing legal education for attorneys
- Provide a forum for the discussion of subjects pertaining to the practice of law.
- Improve the judicial and legal process, and advance law and order.
- Encourage practices that improve the honor and dignity of the legal profession.

The Association's Diversity Statement as approved by the Board of Governors in 2014 states:

In order to better implement its stated purposes, the Arkansas Bar Association is committed to fostering diversity among the bar and bench. Diversity is an inclusive concept and encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status. A more diverse bar enables greater innovation and more civility in the legal professions by exposing its member to a wide variety of backgrounds, perspectives, life experiences, and talents. By mirroring the diverse population of Arkansas, a diverse bar and bench would provide greater understanding and access to justice to all its citizens. The Arkansas Bar Association through its leadership directly and by its Commission on Diversity seeks to achieve a greater understanding of diversity issues and greater diversity of the bar itself.

# POLICIES

## 1. *Liability Insurance Policy*

Approved by the House of Delegates January 23, 2010

The Arkansas Bar Association shall maintain liability insurance to cover the Association's officers, members of the Board of Governors, members of the House of Delegates, and management staff in regard to their work on behalf of the Association. The Executive Director shall be responsible for assuring a policy of liability insurance providing protection is in force.

## 2. *Limitation of Liability and Indemnification of Association Officers, Governors and Delegates*

Approved by the House of Delegates January 23, 2010

To the maximum extent Arkansas law permits limitation of liability of officers and directors, no officer, governor, or delegate of the Arkansas Bar Association shall be able to the Association or its members.

To the maximum extent Arkansas law permits the Association shall indemnify its officers, governors, and delegates against any and all liabilities and expenses incurred in connection with their services in such capacities and shall advance with the prior approval of the Board of Governors all or part of the legal fees, costs, and expenses incurred or to be incurred by said officer, governor, or delegate in defense of a claim, lawsuit, or action for which Arkansas law would allow indemnification.

## 3. *Whistleblower Policy*

Approved by the House of Delegates January 23, 2010

### REPORTING OF A VIOLATION OF LAW OR ETHICS

#### **Purpose**

It is of particular importance that every individual working on Arkansas Bar Association business – whether they are members, staff, or contractors – lead by example by adhering to the highest ethical and legal standards. Members of the Association (including without limitation, its Officers; members of the House of Delegates, Board of Governors, Committees, and Task Forces; Section Chairs; and all other members who conduct Association business, including member volunteers working on projects on behalf of the Association and law student members (together “Members”), the staff of the Association, and third parties who conduct business with or for the Association, such as independent contractors, consultants or vendors (“Contractors”) have an obligation to conduct Association business at the highest ethical level, as well as within the law.

#### **Policy**

##### **Seeking Assistance and Making Reports**

Anyone who, while conducting Association business, becomes aware of conduct or contemplated

conduct that raises or appears to raise legal or ethical issues, should make a report to the Arkansas Bar Association Ethics Officer. In addition, anyone conducting Association business who finds him/herself working in circumstances that may be questionable should contact the Arkansas Bar Association Ethics Officer for clarification as to whether the conduct or contemplated conduct is appropriate. If at any time there is doubt about whether the Association Ethics Officer should be contacted, the contact should be made.

### **ABA Ethics Officer and the Ethics Hotline**

The Association has established an Ethics Officer for the confidential reporting of, and for seeking advice on, potential legal and ethical concerns that arise in the course of conducting Association business.

The Association Ethics Officer is the Chair of the Professional Ethics Committee<sup>1</sup>.

### **Investigation of Reports**

Each report will be investigated. Investigations will be overseen by the Ethics Officer and two members of the Professional Ethics Committee, who may utilize members, employees or outside resources to assist them. If the report involves the Ethics Officer, the investigation will be overseen by three members of the Professional Ethics Committee selected by the President. The existence of an investigation will be kept confidential, to the extent practicable, until the investigation is concluded and a decision is made as to any action to be taken.

The Ethics Officer and participating Professional Ethics Committee members will prepare their recommendation of action to be taken. After the investigation, written notification of the recommendation will be sent to the party who made the report (if known), and if the report is found to have merit, the party against whom the report was made.

If an investigation involves, in whole or in part, a Member (including Association Officers and members of the Board of Governors), the recommendation will be presented to the Board of Governors, after recusal of any Officer or Governor for whom the matter presents a conflict of interest. The presentation will be in executive session, at which the Member will be given a reasonable opportunity to be present with counsel and be heard in his/her defense. The Board of Governors will determine what action will be taken which, on a finding of good cause, may include censure or suspension or removal from membership. The decision by the Board is final and not appealable.

If an investigation involves, in whole or in part, an Employee or Contractor, the recommendation will be presented to the Executive Director. After the Employee or Contractor is given a reasonable opportunity to be heard in his/her defense the Executive Director will make the decision as to any action to be taken, which may include discipline up to and including termination of employment for Employees, and up to and including termination of present and future business relations for Contractors. The Executive Director's decision is final and not appealable.

If an investigation involves the Executive Director, the results of the investigation will be presented to the Executive Committee of the Association, which will determine how the matter will proceed. However, if the Executive Committee determines the matter has merit and that the recommended

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<sup>1</sup> This will require a change in the charge of the Professional Ethics Committee and could require the appointment of different members.

action is to terminate the Executive Director, the Executive Committee shall refer the matter to the Board of Governors. The recommendation of the Executive Committee will be presented to the Board of Governors, after recusal of any Officer or Governor for whom the matter presents a conflict of interest. The presentation will be in executive session, at which the Executive Director will be given a reasonable opportunity to be present with counsel and be heard in his/her own defense. The Board of Governors will determine what action will be taken which, on a finding of good cause, may include censure or suspension or termination of employment. The decision by the Board is final and not appealable.

If the Board of Governors or the Executive Director, as applicable, determines that the action should be publicly disclosed, no discipline will occur until after written notification of the decision is received by the Member, Employee, or Contractor, as applicable. Written notification of the action taken will also be sent to the party who made the report (if known).

#### **No Retaliation (Whistleblower Protection)**

The Arkansas Bar Association does not permit retaliation against any Member, Employee, or Contractor who, in good faith, reports a situation or event to the Arkansas Bar Association Ethics Officer. Any Member, Employee, or Contractor who, after the Association's investigation as set out in this policy, is found to have been involved in retaliation is subject to the actions described in this policy.

#### **4. *Conflict of Interest Policy***

Approved by the House of Delegates January 23, 2010

##### Policy on Conflicts of Interest And Disclosure of Certain Interest

As representatives of the Arkansas Bar Association, employees, officers, members of the House of Delegates, members of the Board of Governors and Committee / Section chairs (Responsible Persons) should exercise care to respect the scope of their delegated authority and, at all times, should keep separate the interests of their clients and their own responsibilities to further the public purposes of the Association and the legal profession. This Conflict of Interest policy is designed to help Responsible Persons of the Arkansas Bar Association (hereinafter "Association") identify situations that present potential conflicts of interest and to provide the Association with a procedure which will allow a transaction to be treated as valid and binding even though a Responsible Person has or may have a conflict of interest with respect to the transaction.

##### 1) Conflict of Interest Defined.

For purposes of this policy, the following circumstances shall be deemed to create Conflicts of Interest:

###### a) Outside Interests.

- i) A Contract or Transaction between the Association and a Responsible Person or Family member
- ii) A Contract or Transaction between the Association and an entity in which a Responsible Person or Family Member has a Material Financial Interest or of which such a person is a director, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative.

###### b) Outside Activities.

- i) A responsible Person competing with the Association in the rendering of services or in any other Contract or Transaction with a third party.
- ii) Responsible Person's having a Material Financial Interest in; or serving as a director, officer, employee, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator or other legal representative of, or consultant to an entity or individual that competes with the Association in the provision of services or in any other Contractor Transaction with a third party.
- c) Gifts Gratuities and Entertainment.  
A Responsible Person accepting gifts, entertainment, or other favors from any individual or entity that:
  - i) does or is seeking to do business with, or is a competitor of the Association; or
  - ii) has received, is receiving or is seeking to receive a loan or grant, or to secure other financial commitments from the Association; u
  - iii) under circumstances where it might be inferred that such action was intended to influence or possible would influence the Responsible Person in the performance of his or her duties. This does not preclude the acceptance of items of nominal or insignificant value or entertainment of nominal or insignificant value which are not related to any particular transaction or activity of the Association:
- d) Permitted Conflicts shall not be conflicts of interest under this policy.

## 2) Definitions.

- a) "Conflict of Interest" is any circumstance described in Part 1 of this Policy.
- b) "Responsible Person" is any person serving as an employee, officer, member of the House of Delegates, member of the Board of Governors or committee / section chair of the Association who has a duty to disclose the existence of a Material Financial Interest as defined below.
- c) "Family Member" is a spouse, significant other, parent, child, brother, sister of a Responsible Person.
- d) "Material Financial Interest" in an entity is a financial interest of any kind, which, in view of all circumstances, is substantial enough that it would, or reasonably could, affect a Responsible Person's or Family Member's judgment with respect to transactions to which the entity is a party. This includes all forms of compensation.
- e) "Contract or Transaction" is any agreement or relationship involving the sale or purchase of goods, services or rights of any kind, the providing or receipt of a loan or grant, the establishment of any other type of pecuniary relationship by the Association. Making a gift to the Association is not a Contract or Transaction.
- f) "Permitted Conflicts" include a Responsible Person or family member's involvement in other bar associations or bar related groups.

## 3) Procedures.

- a) Prior to Board of Governors' action on a Contract or Transaction involving a Conflict of Interest, a Responsible Person having a Conflict of Interest and who is in attendance at the meeting shall disclose all facts material to the Conflict of Interest. Such disclosure shall be reflected in the minutes of the meeting.
- b) A Responsible Person who plans not to attend a meeting at which he or she has reason to believe that the Board of Governors will act on a matter in which the person has a Conflict of Interest shall disclose to the Chair of the Board of Governors all facts material to the Conflict of Interest. The chair shall report the disclosure at the meeting and the disclosure shall be reflected in the minutes of the meeting.
- c) A person who has a Conflict of Interest shall not participate in or be permitted to hear the board's or committee's discussion of the matter except to disclose material facts and to respond to questions. Such person shall not attempt to exert his or her personal influence

with respect to the matter, either at or outside the meeting.

- d) A person who has a Conflict of Interest with respect to a Contract or Transaction that will be voted on at a meeting shall not be counted in determining the presence of a quorum for purposes of the vote. The person having a conflict of interest may not vote on the Contract or Transaction and shall not be present in the meeting room when the vote is taken, unless the vote is by secret ballot. Such person's ineligibility to vote shall be reflected in the minutes of the meeting.
- e) Responsible Persons who are not members of the Board of Governors of the Association, or who have a Conflict of Interest with respect to a Contract or Transaction that is not the subject of Board or committee action, shall disclose to the Chair of the Board of Governors or the Chair's designee any Conflict of Interest that such Responsible Person has with respect to a Contract or Transaction. Such disclosure shall be made as soon as the Conflict of Interest is known to the Responsible Person. The Responsible Person shall refrain from any action that may affect the Association's participation in such Contract or Transaction. In the event it is not entirely clear that a Conflict of Interest exists, the individual with the potential conflict shall disclose the circumstances to the Chair of the Board of Governors or the Chair's designee, who shall refer it to the Executive Committee to determine whether a Conflict of Interest exists that is subject to this policy.

4) Confidentiality.

Each Responsible Person shall exercise care not to disclose confidential information acquired in connection with such status or information the disclosure of which might be adverse to the interests of the Association. Furthermore, a Responsible Person shall not disclose or use information relating to the business of the Association for the personal profit or advantage of the Responsible Person or a Family Member.

5) 5. Review of Policy.

- a) Each new Responsible Person shall be required to review a copy of this policy and to acknowledge in writing that he or she has done so.
- b) This policy shall be reviewed annually by each member of the Board of Governors. Any changes to the policy shall be communicated immediately to all Responsible Persons.

## **5. *Investment Committee Conflict of Interest Policy***

Approved by the House of Delegates January 23, 2010

If any matter comes before the Investment Committee (the "Committee") for approval, authorization, or ratification, any member of the Committee who has an interest in such transaction shall disclose to the Committee the existence and the extent of such interest. A Committee member shall be deemed to have an interest in a transaction if any entity that such member represents or of which he is an equity owner, director, officer, or employee is a party to the transaction. For purposes of the preceding sentence, the ownership of less than .01% of the outstanding stock of any publicly traded corporation shall be disregarded. Any transaction in which a member of the Committee has an interest shall only be approved, authorized, or ratified by vote of a majority of the members of the Committee present who do not have an interest in the transaction.

If it is subsequently determined that a member of the Committee had an interest in the transaction that was not disclosed prior to the approval of that transaction, the transaction may be ratified by the affirmative vote of a majority of the disinterested members of the committee.

*History: Adopted by the House of Delegates June 12, 1999.*

## **6. Protocol for Selecting CLE Speakers**

Approved by the House of Delegates January 23, 2010

All Association staff, officers, and program planners/chairs are responsible for implementing this protocol in regard to all CLE seminars, including the Annual Meeting and Mid-Year Meeting.

Objectives:

1. Assure high quality CLE presentations
2. Increase the value of Association membership
3. Expand the membership of the Association
4. Improve the diversity of speakers and panelists, including geographical factors

Protocol:

Prior to inviting any speaker or panelist, their names need to be cleared by either the CLE Director or Associate Director. This will enable the Association to verify that the individual, if an Arkansas attorney, is a member of this Association, and to review any evaluations of previous presentations. This prior consultation will help the Association avoid most conflicts with other upcoming Association activities and assist program planners/chairs with the accomplishment of the objectives stated above.

In certain cases, before the speaker is invited, the Executive Director may grant an exception to this protocol for compelling reasons (e.g. sole source speaker).

*History: A very similar policy and protocol was approved by the Executive Council 12/06/97 and was revised and approved by the Board of Governors 04/21/07.*

## **7. CLE Registration Policy\***

Change to CLE Guest Policy Approved by the House of Delegates January 26, 2013

Registration fees must be paid for each guest, speaker and/or planner other than: (1) one in-state attorney speaker per CLE hour; (2) one program planner; and (3) one out-of-state speaker ( which is paid by the Association per policy), and that Association Sections may provide such guest registrations fees from Section funds, including reserve and annual budget funds.

Discounted CLE Admission for Senior Association Members Approved by the House of Delegates January 26, 2013

Only those persons who have attained status as Senior Members of the Association as defined by Association membership guidelines shall have a 20% discount on admission fees to CLE events that are sponsored by the Association.

Approved by the House of Delegates January 23, 2010

1. Fees for non-members who are Arkansas licensed attorneys should be higher than for members.
2. Faculty members of the law schools should pay the same rate as other Association members.
3. Non-attorney attendees pay member rates, except when a section exercises the Registration Subsidy Policy.

*History: This proposal comes from the CLE Committee as a result of a meeting conducted on October 20, 2009 at which the Committee heard reports from staff concerning requests by some Sections to charge a different registration fee for non-lawyer attendees and the economic impact on the Association. A policy was proposed, reviewed by the Governance Committee and sent back to the CLE Committee for further consideration. This draft is the result of the work of Staff, the Governance Committee and the CLE Committee.*

*\* Arkansas Bar Association members who are not required to earn CLE hours will be provided a twenty per cent discount when they attend Association CLE programs.  
- Approved by the Board of Governors, December 2008*

## **8. CLE Registration Subsidy Policy**

Approved by the House of Delegates January 23, 2010

A Section that is sponsoring a seminar may set a registration fee for attendees which differs from the fees required by the CLE Registration Policy provided that the Section subsidize the balance of the registration fee either from Section monies or from sponsors.  
The Governance Committee moves the House of Delegates adopt the Registration Subsidy Policy as published.

*History: This proposal comes from the CLE Committee as a result of a meeting conducted on October 20, 2009 at which the Committee heard reports from staff concerning requests by some Sections to charge a different registration.*

## **9. Policy Governing a Balanced Budget**

Approved by the House of Delegates January 23, 2010  
Amended by the Board of Governors December 1-2, 2017

- I. As a matter of principle, and as has been done for years, each fiscal year of the Arkansas Bar Association should stand on its own. The budget for each year, including depreciation, should be balanced. If a surplus should result, after an allowance for funding depreciation in accordance the investment policy as passed by the Board of Governors, it should be retained.
- II. Because of economic uncertainties and a possible downturn in the economy at some time, or some other event, which may cause decreased dues collection or decreased attendance at continuing legal education programs or decreased sales of handbooks, desk books, and systems, a surplus equal to approximately one year's operating expenses ay be allowed to accumulate to permit continuation of operations during hard

times.

- III. When the unrestricted surplus exceeds approximately one year's operating expenses, the Association, in a deliberate and careful manner, should select special projects to benefit the legal profession or the administration of justice, including public education about the law, and fund these projects until over a period of time the surplus turns to equal approximately one year's operating expenses.

*History: Approved by motion by the Executive Council (now Board of Governors) October 8, 1994.*

### **10. Policy Governing Board Approval of Unbudgeted Expenditures in Excess of \$1,000**

Approved by the House of Delegates January 23, 2010

The Board of Governors may approve expenditures not included within the approved annual budget subject to the following limitation: Any proposal which requires the expenditure of money in excess of \$1,000 not authorized within the approved annual budget, to include pending from unrestricted surplus, must be reviewed by the Finance Committee and a recommendation from the Finance Committee concerning the proposal be made to the Board before the Board acts on the proposal, provided that the Board may waive this requirement by 3/4 vote of the Board members present and voting at the meeting.

*History: Approved by the Board of Governors December 6-7, 2002*

### **11. Membership Dues Policy**

Approved by the House of Delegates January 23, 2010

In January 1998 the House of Delegates instituted the current membership dues system consisting primarily of a standard annual dues amount, with the option for members to pay annual dues based on their law-related income. This system replaced the traditional dues structure based on years of admission to the bar and lower dues rates for special categories such as judges and attorneys on active military duty.\*

A dues increase was enacted in January 24, 2004, with most dues amounts being creased proportionately. See Article II of the By-Laws.

The dues amount paid by an individual member is confidential, provided that the Association Membership Director and Executive Director have access to such information.

There were a number of reasons for the change to the dues income option and the elimination of certain special categories:

- a) attorney income did not track years in practice to the extent it had in past years;
- b) there was an increasing trend of more attorneys employed in government agencies and corporations, whether or not such employment involved legal work;
- c) the income and benefits of an increasing number of solo practitioners and government attorneys were lower than the income and benefits of judges;
- d) the new system would likely eliminate efforts to enact dues reductions for special categories of attorneys.

The new dues system was a key component in the net increase, annually, in the number of Association members, especially attorneys not in the private practice of law. Additionally, the new dues system was structured to be income neutral, which did occur. (The amount of annual dues income paid by the same number of members did not vary appreciably between the two dues systems.)

\* The faculty group membership at both law schools in Arkansas was retained and is based on an American Bar Association formula.

## **12. *Public Funding for the Judiciary***

Approved by the House of Delegates January 23, 2010

Traditionally lawyers have recognized and answered the need to serve our profession and state. While recognizing a lawyer's responsibility to serve for the public good, the Arkansas Bar Association calls for public funding of the judiciary at levels sufficient to provide salaries and benefits competitive with those available to lawyers practicing law in the private sector. Competitive salaries and benefits are essential to retaining a strong and dependent judiciary.

The Arkansas Bar Association supports periodic review of the salaries and benefits of members of the judiciary and public funding to allow the State of Arkansas to pay salaries and benefits to members of the judiciary at a level competitive with those offered in the private sector.

## **13. *Public Funding for Legal Services***

Approved by the House of Delegates January 23, 2010

Traditionally the Arkansas Bar Association has supported fair, affordable, and equal access to the justice system by all persons. Many persons do not have the means to employ legal presentation necessary to the fair and just adjudication of claims, rights, and grievances. Legal Services provides access for many persons who otherwise would have limited or no access.

The Arkansas Bar Association supports, at the federal and state levels, public funding for legal services at a level adequate to guarantee every person has fair and equal access to the justice system.

**14. *Arkansas Volunteer Lawyers for the Elderly***

Approved by the House of Delegates January 18, 1986

Arkansas Volunteer Lawyers for the Elderly shall be a permanent project supported by the Association.

**15. *Policy regarding Teaching of Arkansas History***

Approved by the House of Delegates January 23, 2010

It has been said in order to plan for the future one must have a strong knowledge and sense of the past. Arkansas has a rich and proud history. A history of strong traditions past down from generation to generation and culture to culture from a community of many nationalities who blended to make our state the State of Arkansas. The Arkansas Bar Association is proud of our Arkansas heritage; therefore, the Association encourages the legislature to require and mandate and the Governor and State Board of Education to support, encourage, and monitor the teaching of Arkansas History, including the history of e many contributions made by all people and cultures, in all Arkansas schools.

**16. *Policy regarding Red Mass***

Approved by the House of Delegates January 23, 2010

Background: The Red Mass is a ceremony dating back many centuries. Originating in England during medieval times, the Red Mass, also known as the Mass of the Holy Spirit, was first celebrated in the United States at the Church of St. Andrew in New York City in 1928. At the direction of Arkansas Bar Association President Robert L. Jones, III and under the committee leadership of Fort Smith lawyer Gary Udouj, the first Arkansas Red Mass, co-sponsored by the Arkansas Bar Association and Catholic Dioceses of Little, was celebrated at the Cathedral of St. Andrew in Little Rock, Arkansas n May 1, 1995. Concerns that the Red Mass celebration was non-ecumenical were raised t the Executive Council meeting held December 5, 1998. A committee was established to study a future ecumenical service or continuing Association support of the Red Mass.

On August 21, 1999, the Executive Council voted to discontinue Association sponsorship of the Arkansas Red Mass, approving the following position for the Association which position shall be the policy of the Arkansas Bar Association:

The Arkansas Bar Association will no longer sponsor the Arkansas Red Mass; however, if a group of Arkansas lawyers organize for the purpose of continuing the Arkansas Red Mass, the Association shall give such organization the kind of support it gives to other local and special Bar Associations. Such support may include, at the discretion of the President of the Association, providing publicity of the Red Mass in Association publications and mail-outs.

If invited to attend or participate in an Arkansas Red Mass, Association officers are free to accept or reject such invitation, and, at their option, may authorize the organization sponsoring the Red Mass to publicize their name and Association office in Red Mass notices or programs.

**17. Policy regarding Term Limits for Judges**

Approved by the House of Delegates January 23, 2010

Having an experienced judiciary normally results in consistent outcomes and the more efficient use of the judicial resources available to the public. The Arkansas Bar Association believes if judicial offices were term limited by legislative mandate, lawyers, rightly so, would be less inclined to offer themselves for service on the bench knowing such absence from their practice or the private sector would result in having to basically start new in the development of a practice once forced from the bench by term limits. Thus the Arkansas Bar Association opposes mandating term limits for judicial offices.

**18. Policy regarding Extension of Term Limits for Members of the General Assembly**

Approved by the House of Delegates January 23, 2010

The State has experienced the benefits and deficiencies of placing term limits on the legislative bodies of the State of Arkansas. The vast reservoir of knowledge and experience resulting from members of the legislative bodies having served for many years has been eroded by term limits. The current term limits forces a legislator out of office at a time when the legislator has just become experienced enough to be most effective and efficient in dealing with the issues that come before the legislative bodies.

The Arkansas Bar Association supports the extension of term limits for members of the General Assembly.

**19. Policy Regarding the Endorsement of Political Candidates**

Approved by the House of Delegates January 23, 2010

WHEREAS, Article I of the Constitution of the Arkansas Bar Association sets forth the purposes of the Association, and;

WHEREAS, absent from those purposes are any references to the endorsement of political candidates, and;

WHEREAS, from time to time the officers and the Executive Director of the Association are called upon with requests to endorse candidates for political office, and;

WHEREAS, the public endorsement of political candidates may be deemed by some members to be contrary to the purposes of the Association;

NOW, THEREFORE, be it RESOLVED that the President, President-Elect, Chair of the Board of Governors and Secretary/Treasurer of the Arkansas Bar Association and the Executive Director

should not publicly endorse a political candidate when such an endorsement in any way refers to or reflects any connection between the proposed endorsement and the Arkansas Bar Association.

Dated January, 2007  
James D. Sprott  
President  
Arkansas Bar Association

*History: Recommended by the Board of Governors December 2006*

## **20. Model "Shrinkwrap" License for Association Membership Directory**

Approved by the House of Delegates January 23, 2010

All Contents © 2009 Arkansas Bar Association, Inc. All Rights Reserved.

Arkansas Bar Association will license to you the contents of this Directory only if you accept all of the terms and conditions contained in this non-exclusive, non-transferable, limited license agreement. Please read this license agreement carefully and accept its terms before using this Member Directory. By opening this Directory, you hereby accept and agree to be bound by the following terms and conditions:

This Directory shall be used for individual, personal and confidential reference purposes only, and may be used only pursuant to the terms of this license agreement. This Directory and the contents hereof are proprietary products of Arkansas Bar Association. The contents of this Directory may not, in whole or in part, be reproduced, copied, disseminated, entered into a computer database, used as part of or in connection with a mailing list, or otherwise utilized, in any form or manner or by any means, except for the user's individual, personal and confidential reference. Contained herein are the names, addresses, telephone numbers, fax numbers, and email addresses of Arkansas Bar Association members as of the printing of this Directory. Their presence in this Directory represents only that these individuals are members in good standing of Arkansas Bar Association. Arkansas Bar Association does not endorse these members and makes no representations, warranties or guarantees as to, and assumes no responsibility for, the products or services provided by these members. Arkansas Bar Association expressly disclaims all liability for damages of any kind arising out of the use or performance of the products or services provided by these members.

## **21. Mailing Label Policy**

Approved by the House of Delegates January 23, 2010

Association mailing lists in the form of either labels or paper lists are made available to users for communication by mail for firm announcements of new members or changes of address, announcements of continuing legal education programs, for mailing the Arkansas Law Review and UALR Law Journal, for internal Association elections (E.G. House of Delegates member or President-Elect) or other purposes approved by the House of Delegates.

*History: Approved by the House of Delegates in 1992; Modified by the Board of Governors 12/8/2007*

## **22. House Rules for Use of Arkansas Bar Center**

Approved by the House of Delegates January 23, 2010

1. Professional and Business Events Sponsored by Members of Association or Foundation
  - a. Use of facility subject to prior approval from Association Executive Director
  - b. No charge for use during regular business hours.
  - c. Flat fee of \$200 if stay past 5:00 p.m., no later than 8:30 p.m.
  - d. No charge for cancellation.
  - e. Saturday use \$400 per half day; \$700 full day.
2. Professional and Business Events Sponsored by Bar Related Group - Examples include ATLA, ABOTA, AADC, bar associations, judicial entities or law schools. If there is a question as to whether it is a bar related group, the Executive Director will confer with the Chair of the House Committee
  - a. Same rules as above, no Saturday use.
3. Professional and Business Events Sponsored by Foundation/Association Partners - Examples include CNA, Lexis, Versus Law, Regions Insurance, and Information Network of Arkansas (INA). If there is a question as to whether it is a partner the Executive Director will confer with the Chair of the House Committee
  - a. Same rules as above, no Saturday use.
4. Professional and Business Events Sponsored by Other Groups.
  - a. The committee decided to put this on hold for now to determine if the Association wanted to incur unrelated business income and after the committee evaluates usage by members.
  - b. If allowed later, reservation can be penciled in, but not final until 30 days before event.
  - c. A non-member cannot reserve space without becoming a member, which was the policy at 400 West Markham. A non-member wanting space for his practice event does not come within I, II or III.
5. Professional and Business Events Sponsored by Any Group
  - a. No competitive (e.g. CLE) or commercial events unless the group is partnering with the Association or Foundation on the event.
6. Social Events
  - a. Must be sponsored by an Association Member or a Foundation Fellow
  - b. Life-cycle events---that is, wedding receptions, anniversary celebrations, law school graduation parties, birthdays and similar family functions---may be approved by the Association Executive Director. All other social events---such as tailgate parties---are discouraged and must be approved by the House Committee.

- c. Sponsoring Member or Fellow shall submit the written application for use of the Arkansas Bar Center and execute the Association's Agreement, which are set out as Exhibit A to these rules.

## **23. Document Retention and Destruction Policy**

Approved by the House of Delegates January 23, 2010

### I. Purpose

In accordance with the Sarbanes-Oxley Act, which makes it a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding, this policy provides for the systematic, review, retention and destruction of documents received or created by Arkansas Bar Association (hereinafter ABA) in connection with the transaction of association business. This policy covers all records and documents, regardless of physical form, contains guidelines for how long certain documents should be kept and how records should be destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or eliminate accidental or innocent destruction of records and to facilitate ABA's operations by promoting efficiency and freeing up valuable storage space.

### II. Document Retention

Arkansas Bar Association follows the document retention procedures outlined below. Documents that are not listed, but are substantially similar to those listed in the schedule ill be retained for the appropriate length of time.

### III. Records

|   |           |
|---|-----------|
| <u>Association Records</u>                            | Permanent |
| Annual Reports to Secretary of State/Attorney General | Permanent |
| Articles of Incorporation/Association                 | Permanent |
| Board Meeting and Board Committee Minutes             | Permanent |
| Board Policies/Resolutions                            | Permanent |
| By-laws   | Permanent |
| Construction Documents                                | Permanent |
| Fixed Asset Records                                   | Permanent |
| IRS Application for Tax-Exempt Status (Form 1023)     | Permanent |
| IRS Determination Letter                              | Permanent |
| State Sales Tax Exemption Letter                      | Permanent |
| Contracts (after expiration)                          | 7 years   |
| Correspondence (general)                              | 3 years   |
| <u>Accounting and Tax Records</u>                     |           |
| Annual Audits and Financial Statements                | Permanent |

|  |                           |
|--|---------------------------|
| Depreciation Schedules                               | Permanent                 |
| General Ledgers                                      | Permanent                 |
| IRS 990 Tax Returns                                  | Permanent                 |
| Business Expense Records                             | 7 years                   |
| IRS 1099s  | 7 year                    |
| Journal Entries                                      | 7 years                   |
| Invoices   | 7 years                   |
| Sales Records (Seminars, handbooks, products)        | 5 years                   |
| Petty Cash Vouchers                                  | 3 years                   |
| Cash Receipts  | 3 years                   |
| Credit Card Receipts                                 | 3 years                   |
| <br><u>Bank Records</u>                              |                           |
| Check Registers                                      | Permanent                 |
| Bank Deposit Slips                                   | 7 year                    |
| Bank Statements and Reconciliation                   | 7 years                   |
| Electronic Fund Transfer Documents                   | 7 years                   |
| <br><u>Payroll and Employment Tax Records</u>        |                           |
| Payroll Registers                                    | Permanent                 |
| State Unemployment Tax Records                       | Permanent                 |
| Earnings Records                                     | 7 years                   |
| Garnishment Records                                  | 7 years                   |
| Payroll Tax returns                                  | 7 years                   |
| W-2 Statements                                       | 7 years                   |
| <u>Employee Records</u>                              |                           |
| Employment and Termination Agreements                | Permanent                 |
| Retirement and Pension Plan Documents                | Permanent                 |
| Records Relating to Promotion, Demotion or Discharge | 7 years after Termination |
| Accident Reports and Worker's Compensations Records  | 5 years                   |
| Salary Schedules                                     | 5 years                   |
| Employment applications                              | 3 years                   |
| 1-9 Forms  | 3 years after termination |
| Time Cards   | 2 years                   |
| Donor Records and Acknowledgements Letters           | 7 years                   |
| Grant Applications and Contracts                     | 5 years                   |
| <br><u>Legal, Insurance and Safety Records</u>       |                           |
| Appraisals   | Permanent                 |
| Copyright Registrations                              | Permanent                 |
| Environmental Studies                                | Permanent                 |
| Insurance Policies                                   | Permanent                 |
| Real Estate Documents                                | Permanent                 |
| Stock and Bond Records                               | Permanent                 |

|                         |                           |
|-------------------------|---------------------------|
| Trademark Registrations | Permanent                 |
| Leases                  | 6 years after expiration  |
| OSHA                    | 5 years                   |
| General Contracts       | 7 years after termination |

*History: Approved by Board of Governors August 2009*

## **24. Media Plan for Arkansas Bar Association**

Adopted October 1998

### 1) Statement of Purpose

- a) The Arkansas Bar Association must work to enhance the image of the profession, educate the public about how to gain access to the justice system, and inform individuals about the impact of the justice system on American life.

To achieve these important goals, the Association hereby establishes a media plan that will encourage media contact; establish internal procedures for communicating with the media and for distributing information; develop long-standing relationships with media representatives statewide; address crisis communication strategy; and develop special projects designed to disseminate information.

The Arkansas Bar Association will take a pro-active approach in communicating information to the public so that it may, whenever possible, present information in a positive and controlled environment.

#### Media Directory

This directory is a basic but essential tool in establishing and maintaining media contact. The Association will have available an updated Media Directory that lists reporters covering legal matters and decision makers for every major media outlet in the state. This directory should include trade journals. Because of high turnover rate and frequent movement within the communications industry, quarterly updates are crucial.

Information in the directory will include names, addresses, telephone and fax numbers, and e-mail addresses. The directory will identify contact people for each outlet. Copies will be placed with key Association personnel who will be responsible for disseminating press releases or other printed material or who will be dealing directly with media contacts.

### 2) Communicating with the Media

- a) Distribution of Routine Press Releases

- i) Press Release Format and System

Attached is an example of an Arkansas Bar Association press release. The attached one page release can be modified to inform interested media about committee assignments and other repetitive events.

In order to create interest and to get as much copy as possible, the formatted press release will be personalized when appropriate with a sentence about the event or person involved that may prompt a reporter to ask further questions or write a story,

rather than merely printing the release.

ii) Announcement Policy

The Association will continually evaluate how much routine information will be distributed through the formatted release.

iii) Responsibility

The Association staff will be responsible for distribution of routine releases.

b) Press Releases for Special Issues

i) All press releases announcing issues other than routine matters will be authorized by the President and will be approved in a form by either the Executive Director, Associate Executive Director, or Media Consultant. No printed information will be disseminated without the express approval of one of these people. Press releases announcing issues or events of a non-routine nature will be individually devised with the express purpose of announcing information calculated to prompt a reporter to follow up rather than merely reprinting the release.

c) Designated Spokespersons

The President will be the designated spokesperson for media unless the President determines that another member should respond. The Executive Director and Associate Executive Director may interact with the media about routine matters at their discretion; however, neither committee chairs, members, nor staff should represent themselves to the media as speaking in an official Association capacity without first obtaining approval from the President. Committee appointees and Association leadership will be made aware of the Association policy about communicating with the media.

d) Press Clipping Service

A press clipping service is essential to determine what publicity about lawyers is being disseminated throughout the state. A press clipping service will be properly managed, updated and maintained. Association leadership will determine the clippings that should be included.

e) Special Events and Press Conferences

i) Special Events

Several special events will be publicized to maximize positive information. Annual Meeting and Mock Trial are events that require forethought in media coverage planning. The Public Information Committee will be available to work with the Media Consultant and staff to plan publicity surrounding special events.

ii) Press Conferences

In publicizing non-routine events such as disaster relief, Association leadership will meet with the Media Consultant and appropriate staff to determine strategy for disseminating information. Press conferences may be beneficial but will be called only as determined necessary and should be used sparingly.

f) Press Kits

The Arkansas Bar Association will develop a Press Kit to be mailed to media representatives annually. The Press Kit will consist of a one-page information sheet

containing vital information about the Association, and any other materials that are determined to be of interest to the media.

3) Crisis Communication Strategy and Media Advisory Committee

a) Crisis Communication

A crisis is defined as some immediate event that is receiving an extreme amount of media attention and is causing damage to lawyers as a group, the judiciary, the Association or a significant number of its members.

b) Media Advisory Committee

A three-person Media Advisory Committee is hereby established. This Committee will work with the Media Consultant and advise the President on important matters. The initial Committee members will be appointed by the President. One shall be appointed for a three-year term, one for a two-year term, and one for a one-year term. Thereafter, each President shall appoint one member for a three-year term. Members may be reappointed.

c) Crisis Situations

When a crisis occurs, the Association must be prepared to release accurate and appropriate information. During a crisis one person only should communicate with the media. The release of all information should be cleared through the President, Media Consultant, and the Executive Director, who will be advised by the Media Advisory Committee when time permits. The President will decide whether to deal with the press pro-actively or wait to be asked for comment. The President will also decide whether to call a press conference or issue press releases. The Association's message must be clear, and media should receive information from one source.

*History: Adopted October 1998*

**25. *Non-Substantial Change Policy for Governance Committee***

Approved by the House of Delegates January 23, 2010

The Governance Committee moves the House of Delegates authorizes the Governance Committee leeway to make editorial, typographical, grammatical, punctuation changes and changes in the title under which the policy is published so long as the substance of the policy is not changed.

**26. *Advertising Policy***

Approved by the House of Delegates June 13, 2014

Amended by the Board of Governors December 1-2, 2017

This policy governs advertising in the publications of the Arkansas Bar Association (ArkBar) and on the ArkBar website. ArkBar publications include *The Arkansas Lawyer*, *The Bar*, and the CLE Catalog, as well as any other of its publications that the ArkBar determines will accept advertising, including [www.arkansasfindalawyer.com](http://www.arkansasfindalawyer.com).

1. The Arkansas Bar Association reserves the right for the Executive Director to reject any advertisement submitted for publication determined to be inconsistent with the purposes,

policies, or agreements of the ArkBar or with the advertising standards and professional character of ArkBar publications.

2. No endorsement of any product or service offered by any advertisement is intended or implied by publication in ArkBar publications (electronic or print) or on the ArkBar website.
3. Advertising must be consistent with the Arkansas Rules of Professional Conduct and the Arkansas Code of Judicial Conduct; however, publication of an advertisement does not constitute a determination that it complies. The ArkBar reserves the right to require language in advertisements which it deems necessary to help ensure compliance with the Rules of Professional Conduct and Rules of Judicial Conduct.
4. Advertising in which the subject matter, content, material, or design jeopardize the mailing status of the publication for which it is submitted shall not be accepted. The ArkBar reserves the right to obtain assurance from the U.S. Postal Service that the advertising will not affect its mailing status.
5. Any advertiser shall protect and indemnify the ArkBar against any and all liability, loss, or expense arising from the publication of the advertiser's advertisement.
6. Pre-payment is required for all advertisers.
7. The ArkBar will not accept the following types of ads:
  - Religious;
  - Political candidate;
  - Political issue (except for advertising which agrees with the ArkBar position on those issues upon which the House of Delegates or Board of Governors have taken a position);
  - Tobacco and alcohol;
  - Lotteries, contests, or the offering of prizes based on chance, unless prizes or contest offered through ArkBar or its partners;
  - Pornographic material;
  - Firearms;
  - Illegal products/services or whose movement in interstate commerce is illegal;
  - Offensive, distasteful, obscene;
  - Ads deemed not to be appropriate for publishing by the ArkBar; and
  - Ads promoting programs, services, and products in competition with those ArkBar provides to its members including but not limited to Continuing Legal Education (CLE)
8. The Arkansas Bar Association reserves the right for the Executive Director to accept any advertisement from the list above determined to be consistent with the purposes, policies, or agreements of the ArkBar or with the advertising standards and professional character of ArkBar publications.

9. The ArkBar shall not be liable for failure to furnish advertising space or to publish any advertisement due to strikes, labor disputes, government action, act of God, war, fire, breakdown of equipment, space limitations in the publications in which the advertising is to appear, or any other circumstances beyond the control of the ArkBar.

## **27. *Anti-trust Policy***

Approved and adopted by the House of Delegates February 20, 2015

The Arkansas Bar Association (the “Association”) is a not-for-profit association. The Association is not organized to and may not play any role in the competitive decisions of its members or their employees, nor in any way restrict competition among members or potential members. Rather it serves as a forum for a free and open discussion of diverse opinions without in any way attempting to encourage or sanction any particular business practice.

The Association provides a forum for exchange of ideas in a variety of settings including, without limitation, its annual and semi-annual meetings, educational programs, committee meetings, and Board of Governors meetings. The Board of Governors recognizes the possibility that the Association and its activities could be viewed by some as an opportunity for anti- competitive conduct. Therefore, this policy statement clearly and unequivocally supports the policy of competition served by the antitrust laws and to communicate the Association’s uncompromising policy to comply strictly in all respects with those laws.

A conviction can carry stiff criminal and civil penalties for the Association and its offending leaders, and a court order dissolving the association or seriously curtailing its activities. The antitrust laws can be enforced against the Associations, the Association’s members, and the Association’s employees by both government agencies and private parties.

The antitrust laws prohibit competitors from engaging in actions that could result in an unreasonable restraint of trade. Above all else, the Association and its members should be free to make business decisions based on the dictates of the market – not the dictates of the Association.

Some activities by competitors are deemed so pernicious and harmful that they are considered per se violations – it does not matter whether or not the activities actually have a harmful effect on competition; the effect is presumed. These generally include price fixing, allocation of customers, markets or territories, bid-rigging, and some forms of boycotts. In addition, there are many features that factor into price; agreements as to warranty duration, or other factors that can directly impact price also are proscribed.

Given the severity of penalties for violating the antitrust laws, the Board of Governors intends to take proper measures to ensure that violations of the antitrust laws do not occur.

It shall be the policy of the Arkansas Bar Association (the “Association”) to be in strict compliance with all federal and state antitrust laws, rules and regulations. Therefore:

- I. This policy applies to all membership, committee, Board of Governors and other meetings of the Association, and all meetings attended by representatives of the Association.
- II. Discussions of prices or price levels are prohibited. In addition, no discussion with actual or potential competitors is permitted regarding any elements of operations which might influence price, such as:
  - Individual prices, price changes, price differentials, mark-ups, discounts, warranties, allowances, credit terms, costs, production levels, capacity, sales, etc;
  - Plans concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;

- Division or limitation of sales to particular territories, customers or classes of customers;
- Refusal to sell to or purchase from, or termination or modification of sales or purchase arrangements with representatives, distributors, or other third parties, or prices or terms of sale or resale by customers;
- Industry pricing policies, price levels, price changes or differentials and/or changes in industry production;
- Matters relating to actual or potential individual customers that might exclude them from any market or of influencing the business conduct of firms toward such customers;
- Limiting or eliminating competition in any way, or efforts to create a monopoly; and Association membership, denial of membership, or expulsion of members other than in formal meetings with the participation of counsel.

Do not discuss or exchange information regarding the above matters during Association events or communications through Association sponsored message platforms or at Association sponsored meetings.

- III. It is a violation of antitrust laws to agree not to compete, therefore, discussions of territories or customers or limitations on the nature of business carried on or products offer/sold are not permitted.
- IV. Boycotts in any form are unlawful. Discussion relating to boycotts is prohibited, including discussions about blacklisting or unfavorable reports about particular companies including their financial situation.
- V. It is the Association's policy that all meetings attended by representatives of the Association where discussion can border on an area of antitrust sensitivity, the Association's representative requests that the discussion be stopped and asks that the request be made a part of the minutes of the meeting being attended. If others continue such discussion, the Association's representative should excuse himself from the meeting and request that the minutes show that he left the meeting at that point and

why he left. Any such instances should be reported immediately to the President and staff of the Association.

- VI. It is the Association's policy that a copy of this Antitrust Policy be given to each officer, director, committee member, and the Association's employees annually and that the same be understood at all meetings of the membership of the Association.

## **28. Privacy Policy**

Approved and adopted by the House of Delegates February 20, 2015

Welcome to the Arkansas Bar Association website. The Arkansas Bar Association (the "Association") has created this privacy statement in order to demonstrate our firm commitment to privacy for our website users and our membership. The following paragraphs disclose our information gathering and dissemination practices. The privacy statement may change at any time; any changes will be posted on this page. Should you have additional questions, comments or concerns please contact us at:

**Postal Address:** Arkansas  
Bar Association 2224  
Cottondale Lane Little Rock,  
AR 72202  
E-mail: [mglasgow@arkbar.com](mailto:mglasgow@arkbar.com)

**Phone:** 501-375-4606 or 800-609-5668

**Fax:** 501-375-4901

### **Using Collected Information**

The Association (including its affiliates, agents, contractors, and others with whom it has business relationships) uses collected information for a variety of purposes which may include facilitating the proper functioning of the website and tracking information.

In addition to the uses identified above, the Association uses member information, which may include information collected on the website, for a variety of purposes including:

- **E-mails:** The Association sends e-mails to its members for various purposes, including but not limited to, CLE opportunities, practice information, member benefit information, and more. If you do not wish to receive e-mail communications from the Association, please contact [mglasgow@arkbar.com](mailto:mglasgow@arkbar.com).
- **Surveys:** From time to time, the Association may ask members to complete membership or other surveys either on-line or in print format. These surveys may ask

for contact information or demographic information. The specific use of these surveys is identified with the survey.

- **Discussion Groups:** The Association makes listserv discussion groups available to its members and participation in those discussions are governed by this privacy policy.
- **E-Commerce:** We contract with third party companies to facilitate payment processing for products and services offered on the Association website. These third parties have access to your personal information only for purposes of performing these tasks on our behalf. The Bar Association does not collect or retain source of payment information.
- **Use of Cookies:** In order to better serve our members, we use cookies for certain types of online transactions. “Cookies” are small pieces of information that are stored by your browser on your computer’s hard drive. We do use cookies in order to track your visit to our website. However, cookies allow you to take full advantage of many of the association’s services, and we recommend that you set your web browser to accept cookies. A unique number called an IP address identifies every computer on the Internet. Each time you connect to the Internet your machine is assigned an IP address. An IP address is a number that identifies each sender or receiver of information that is sent in packets across the Internet. Information gathered through the use of cookies is not sold or provided to vendors, direct mail concerns, email list services, etc. The Association cannot control the use of cookies by sites linked to our site or to vendor(s) sites. The Association is not responsible for the privacy practices or the content of such sites. We do use cookies, but not for commercial purposes. We don’t resell the data and we don’t use it for advertising. The cookies are used to track engagement (who’s logging in, how active are they on the site, what community activities are they participating in). The cookies are also used so members can remain logged in and not have to re-enter their email address/password.
- **Use of domain names/IP addresses:** We use your IP address (i.e., execpc.com, aol.com or yourfirmname.com) to help diagnose problems with our server, and to administer various features of our site. Your IP address is also used to gather broad demographic information such as the name of your Internet service provider and its geographic location. Your browser type and version information may be tracked for internal uses as well.
- **Registration Forms:** Our site’s registration forms require users to give us contact information (like name and email address) and demographic information. We use member contact information from the registration forms to send the user information about our association. The member’s contact information is also used to contact the member when necessary.

## Security

The Association takes reasonable security measures to protect against the loss or misuse of information under its control. We do not guarantee that our safeguards will always work.

## External Links

The Association website contains links to other external websites that do not fall under the arkbar.com or the arkbar.org domain. The Association is not responsible for the privacy practices or the content of such external web sites.

### Sharing Member Information

From time to time and as necessary to provide and facilitate the provision of member services, the Association shares member information with third party vendors with whom the Association has a contract to provide member benefits. Such member information may include: name, address, phone number, fax, membership status, membership identification number, and member email. The Association is not responsible for a vendor's improper use of member information. The Association is also not responsible for the use of information the member shares directly with third party vendors (for example, an e-mail address, phone number, or other personal information a member supplies to any Association vendor as part of its registration process. The Association may share certain aggregated, non-personal member information, such as the number of users who clicked on a particular website feature, advertisement, or icon with affiliated entities, entities that are otherwise related to the Association by contract, agreement or other legal or business arrangement, or third parties in the normal course of carrying out the Association's activities.

The Association does periodically rent its mailing list (including the names and physical addresses of members) on a selective basis to qualified users as a non-dues source of revenue. All such rentals of mailing lists are done pursuant to the Association's strict guidelines regarding the use of such mailing lists. Members may choose not to be included in this mailing list by contacting [mglasgow@arkbar.com](mailto:mglasgow@arkbar.com).

Member information is available to other members of the Association via the Member Directory. The amount of information available through the directory is largely determined by the information provided by the individual member. The [Shrinkwrap Policy](#) of the Association, regarding use of the website, strictly prohibits harvesting email addresses.

### No Attorney-Client Relationship

The Association does not create an attorney-client relationship by maintaining this website or by allowing you access to it. Also, some parts of the Association web site may allow you to subscribe to electronic publications (such as "e-Newsletters"). Your subscription to these publications does not create an attorney-client relationship either. While we hope to keep material on this website current and accurate, any legal information on this site or in Electronic Publications may be inaccurate, incomplete, outdated or not applicable to your legal needs.

## **Disclaimer**

The Association makes every effort to ensure that published information is accurate and current. Neither the Association nor any of its employees warrant the accuracy, reliability or timeliness of any information published on the arkbar.com or arkbar.org website, nor endorses any products or services linked from this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of the information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk.

## ***29. Social Media Policy of the Arkansas Bar Association***

Approved by the Board of Governors August 25 - 26, 2017

These are the official policies for social media use on behalf of The Arkansas Bar Association. These policies apply to ArkBar staff and ArkBar volunteers including, but not limited to, sections, committees, and governing bodies who use a social media platform that is affiliated with The Arkansas Bar Association. We expect all who participate in social media on behalf of the ArkBar to understand and follow these guidelines, and to be aware that they will continually evolve as social media evolves.

### **Purpose**

The Arkansas Bar Association's use of social media platforms is designed to increase member engagement, to provide information and resources to members and to the public, and to raise awareness of bar services, benefits and programs, with the goal of providing greater value to our members and the public.

### **ArkBar Staff & Social Media Presence**

In order to maintain a consistent and official message, staff, other than those designated as an administrator or editor, will refrain from posting directly to any Arkansas Bar Association social media platform. Additionally, staff members, with the exception of the Executive and Associate Director, should not seek to "connect" with ArkBar members on personal social media platforms unless related to or they have a personal relationship with the member that was established apart from the staff member's employment at ArkBar. If a member seeks out the social media connection, staff members should use their best judgement on accepting. Staff should not seek recommendations from or post a recommendation for any bar member or staff member.

### **One Official Presence**

The state bar's official presence on social media platforms include:

Facebook: Arkansas Bar Association, Arkansas Bar Association YLS, Arkansas Bar Association Mock Trial

Twitter: @ArkBar, @ArkBar\_Prez, @ArkBarCLE, and @ArkBarMT

LinkedIn: The Arkansas Bar Association Group

YouTube: Arkansas Bar Association

The Executive or Associate Director must give approval for new accounts.

## Guidelines

When posting from an ArkBar social media account or "tagging" the ArkBar in a personal social media account, at all times, be professional and respectful in your online dialogue. Represent The Arkansas Bar Association and our profession well. Exercise good judgment.

In addition, be mindful that in some circumstances, inappropriate use of social media may result in discipline for failure to adhere to applicable Rules of Professional Conduct, as well as civil or criminal penalties, as deemed necessary by the Arkansas Supreme Court.

1. **Be responsible.** You are personally responsible for the material you post on behalf of or tag the Association in. All statements must be true and not misleading. Carefully consider content; what you publish will be widely accessible for a long time and, in some cases, indefinitely.

Protect your privacy and the privacy of others and adhere to all legal proscriptions governing the privacy of individuals and confidential information of The Arkansas Bar Association.

2. **Be relevant and add value.** Comments should be related to and in response to the topic of the original post. Posts also should be relevant to The Arkansas Bar Association's mission and/or goals. Write about what you know. Contribute knowledge, not self-promotion. Information adds value if it contributes to the legal community's knowledge or skills, improves the legal system or public understanding of the legal system, or builds a sense of community.
3. **Be upfront; identify yourself.** Use your real name and, if relevant, your role or interest in the topic discussed. Make it clear that your views are your own and not those of the ArkBar. Only the President is authorized to speak for The ArkBar.
4. **Be civil and respectful.** It is all right to disagree with others' views, but do not use defamatory, libelous, or damaging innuendo; abusive, threatening, offensive, obscene, explicit, racist or illegal material. Avoid sensitive and/or potentially

objectionable or inflammatory topics.

5. **Be quick to correct an error.** Be the first to respond to your own mistakes and quickly provide the correct information. If appropriate, modify an earlier post to make it clear you have corrected an error.
6. **Follow copyright and fair use laws.** Always give credit for the work of others. Make sure you have the right to use the material with attribution before publishing. In general, it is a good practice to link to others' work rather than reproducing it on the site.
7. **Protect confidential, proprietary or other privileged information.** Do not discuss or misuse proprietary or confidential information. Protect the personal information of yourself and others.
8. **Refrain from making uninformed or unsubstantiated claims.** Comments should not be misleading or unsubstantiated.
9. **Comply with Arkansas rules governing lawyer conduct.** Comply with all legal restrictions and obligations governing professional conduct, particularly those regulating communication and advertising.
10. **Do not violate antitrust laws.**
11. **Abide by the social network's rules.** By joining a particular social network, you agree to abide by that community's terms of use, so review those items carefully.

## **Disclaimer**

The Arkansas Bar Association does not agree with or endorse every comment that individuals post on our social media platforms. Our goal is to share ideas and information that contribute to The Arkansas Bar Association's mission, improving the administration of justice, the law, and the legal profession. Our policy is to accept comments that contribute to this mission.

Posted comments and images do not necessarily represent the views of The Arkansas Bar Association. External, non-ArkBar links on social media platforms do not constitute official endorsement on behalf of The Arkansas Bar Association. All links posted as comments on official ArkBar posts may be reviewed and may be deleted.

Personally shared or Association tagged thoughts and opinions on the Arkansas Bar Association social media platforms will be done in a respectful manner. A comment will be deleted if it contains:

- Hate speech;

- Profane, obscene, explicit or vulgar language; Nudity in profile pictures;
- Defamatory, libelous or threatening language toward an individual or group; Name calling and/or personal attacks;
- Objectionable or inflammatory language;
- Comments whose main purpose are blatant marketing or advertising; Comments that infringe on copyrights or other intellectual property; Misuse of proprietary, privileged or confidential information;
- Spam comments, such as the same comment posted repeatedly on a profile; Comments in violation of social media platform guidelines; or
- Any other comments that The Arkansas Bar Association deems inappropriate.

Repeated violations of The Arkansas Bar Association social media guidelines may cause the author to be blocked from official Arkansas Bar Association social media accounts.

We understand [that] social media is a 24/7 medium; however, our monitoring capabilities are not. We may not see every inappropriate comment right away, and we are trusting members of our community to ignore personal attacks and negative speech or respond politely.

Please contact Executive or Associate Director if you have any questions.

# PROCEDURES

## **1. *Budget Process***

The Governance Committee moves the House of Delegates delete Rule VII. 5. of its Rules of Procedure and modify the Association's budget process as follows:

Beginning with the budget for the fiscal year July 1, 2010 through June 30, 2011 the Finance Committee will develop the proposed budget in the spring of each year and submit it to the Board of Governors at the April meeting. The Board of Governors will adopt the budget in April of each year. Financial Reports will continue to be given at each meeting of the House of Delegates and the Board of Governors and continue to be sent monthly to the Finance Committee.

## **2. *Establishment of Bank Accounts/ Initiating Transfer of Funds***

Approved by the Board of Governors December 2009

### Establishment of Bank Accounts

In order to comply with the Investment Policy while maintaining appropriate internal controls, the Executive Committee shall be authorized to open bank accounts and appoint appropriate persons to execute all documents as may be required by the financial institutions including establishing signature authority.

Accounts are to be opened in the name of the Arkansas Bar Association. The Association's Executive Director, Director of Government Relations, President, President Elect, Board of Governors Chair, Secretary, and Treasurer shall be the authorized signers on all accounts.

The signers are authorized to endorse checks and orders for the payment of money and withdrawal of funds on deposit as well as enter into a written lease for the purpose of renting and maintaining a safe deposit box.

### Initiating Transfer of Funds

Transfer of funds from one financial institution to another financial institution in any manner (check, wire transfer, or otherwise) of an amount of \$25,000 or more shall require two signatures. One signature shall be of a staff member, either the Executive Director or Director of Government Relations and the other signature shall be that of an officer, the President, President Elect, Secretary or Treasurer. Written documentation shall be required (fax is acceptable) to make any transfer. Transfers shall not be made based on a telephone call or other oral instruction.

Transfers of amounts of \$100,000 or less from an Association deposit account into an Association checking account within the same financial institution shall be exempt from the two signature requirement.

The Association's Executive Director and Accountant are authorized to obtain information about the Association's accounts by telephone, mail, electronic means, or in person.

(HISTORY IN SUPPORT- In 1999 the House of Delegates passed a Resolution on Financial Transactions in part granting the same authority as given in this motion, except the resolution referred to the Executive Council. In August 2007 the Board of Governors granted the authority to the Executive Committee in a general motion without limitations on amounts or reference to number of signatures required and on what amounts. The purpose of the Motion by the Board of Governors was to override the action taken by the House in 1999.)

### **3. *Officer Expense Accounts***

Approved by the House of Delegates February 2018

The Association shall include in the annual budget funding to pay for the expenses, up to the amount specified for each expense account, for the President, President Elect, Immediate Past President, and President-Elect Designee. Expense accounts will also be provided for the Executive Director and other staff as specified.

Reimbursement of expenses shall only be made upon adequate documentation and shall be limited to the expenses of performing the duties of the office or staff position. For the above four officers and the Executive Director, said expenses may include the costs of a spouse or significant other attending Association events with them. The Association shall provide the necessary IRS tax report annually for reimbursed expenses subject to taxation.

### **4. *Association-Issued Credit Card Use Policy***

Approved by the Board of Governors August 21, 2010

The Executive Director and Associate Director will be provided Association Credit Cards which credit cards shall only be used for business expenses incurred on behalf of the Association.

This policy sets out the acceptable and unacceptable uses of such credit cards. Any violation of this policy is a serious matter which will be dealt with accordingly.

Use of Association-issued credit cards is a privilege, which the Association may withdraw in the event of serious or repeated abuse.

Any credit card the Association issues to an employee must be used for business purposes only, in conjunction with the employee's job duties. Employees with such credit cards shall not use them for any non-business, non-essential purpose, i.e., for any personal purchase or any other transaction that is not authorized or needed to carry out their duties. The Association will not regard expenses for one's own business-related use, such as lodging and meals while on Association-approved business trips, as personal purchases, as long as such expenses are consistent with the Association's travel and expense reimbursement policy. Any personal incidentals incurred during a business trip and charged to the Association credit card must be reimbursed immediately upon return.

Any employee authorized to make charges on the Association's credit cards shall obtain, maintain, and provide the Association's Accountant with copies of all vouchers, invoices and receipts which will be maintained on file with the Association. Copies of the vouchers, invoices, and receipts will be provided the Accountant within five (5) business days of the charges being incurred unless an employee is using the credit card while travelling on Association business in which case copies of the vouchers, invoices, and receipts will be provided within five (5) business days of the employee returning from the business trip.

Use of an Association credit card for personal purchases, other than personal incidentals an employee may incur while travelling or conducting Association business and authorized by this policy, shall be deemed a violation of this policy. However the Association recognizes an employee may have use the credit card for person purchases due to accidental use or incidental use.

Occasional accidental use and incidental use related to Association business will not be considered a violation of this policy.

**Accidental Use Exception:** Should an employee mistakenly or accidentally use the Association Credit Card for personal purchases, the employee shall notify the Executive Director on the first business day following the date on which the employee discovers the accidental or mistaken use. If the accidental or mistaken use is discovered by the Association's Accountant or another staff member, the person discovering the use shall report the use to the Executive Director. Upon becoming aware of the accidental or mistaken use the Executive Director will notify the employee. At the time of the discovery, the Executive Director will set a timeframe, not to exceed fifteen (15) days, for the employee to reimburse the Association.

**Incidental Use Exception:** While conducting the business or travelling on the business of the Association, an employee may use the Association's credit card to pay for incidental charges which are personal charges but incidental to charges being made on behalf of the Association for business purposes. The incidental charges will normally be intentional

charges made by an employee. Upon return to the Association's Offices, the employee will report the incidental charges to the Executive Director and make arrangements to reimburse the Association within fifteen (15) business days.

If an employee uses an Association credit card for any unauthorized transaction in violation of this policy, i.e., incurs financial liability on the Association's part that is not within the scope of the employee's duties or the employee's authorization to make business-related purchases, the cost of such purchase(s) or transaction will be the financial responsibility of that employee, and the employee will be expected to reimburse the Association. The Association may collect all funds owned by the employee via deductions from pay until the unauthorized amount is fully repaid. Such deductions will be in the amount of the unauthorized purchase(s). In addition to financial responsibility and liability for wage deductions, any purchases an employee makes with an Association credit card in violation of this policy may result in disciplinary action.

If an individual who has been assigned a credit card leaves their position or role with the Association, he or she must immediately return the card to the Association's Accountant for cancellation. An employee with an Association credit card shall not be delivered his or her final pay until the employee delivers the Association credit card to the Association's Accountant and signs a written statement that he or she has not made any charges to the Association credit card since his or her employment terminated.

The Executive Director has the authority to select which credit cards are used by the Association under this policy. Failure by an employee to comply with the requirements of this policy may result in cancellation of the Association credit card issued to said employee.

## **5. *Policy Prohibiting Republication of the Materials, Programs, and Presentations of the Association***

Adopted by the Board of Governors on April 30, 2011 and the House of Delegates on June 11, 2011

The Arkansas Bar Association considers its Continuing Legal Education and all other programs; materials; media and data developed for presentations; publications; forms; handbooks; catalogs; pamphlets; videos; electronic and digital files; photographs; booklets; and materials in any format, the Association's Protected Property. The Arkansas Bar Association does not allow its protected property to be copied, filmed, taped, photographed, or recorded by any means or republished by any entity, except as provided hereinafter.

An individual or entity may submit to the Executive Director a written request to duplicate and republish specifically identified Protected Property. Upon receipt of the

written request, the Executive Director, may grant an exception to this policy to similar associations having reciprocal arrangements or joint undertakings with the Association and to individuals and entities in cases where duplicating and republication is determined to be in interest of the Association.

Consent to duplicate or republish the Association's Protected Property shall always be in writing which writing shall specifically identify the Protected Property to be duplicated or republished.

## **6. *Investment Policy -Arkansas Bar Association***

Approved by the Board of Governors August 2014

Amended by the Board of Governors December 2017

### **I. Purpose**

This Investment Policy provides the framework for the management of the funds of the Arkansas Bar Association (the "Association"). The purpose of the Investment Policy is to support current operations of the Association through maintenance of cash reserves equal to approximately one year's operating expenses and through the funding of depreciation of the capital assets of the Association.

### **II. Policy**

1. Operating Funds. Operating Funds are the amount of funds projected to be necessary to conduct the ordinary annual activities of the Association. All receipts and disbursements in the ordinary course of business throughout any fiscal year shall be additions to or reductions in the Operating Funds.

Following the end of each fiscal year but prior to each calendar yearend, the Finance Committee shall recommend to the Board of Governors (1) an amount of Operating Funds with which the Association shall begin the next calendar year and the amount of any transfer from Operating Reserves necessary to attain that amount; and (2) in the event of excess Operating Funds, (i) an amount to be transferred to Operating Reserves that shall be designated for funding depreciation up to one hundred percent (100%) of budgeted depreciation for the preceding fiscal year; and (ii) an amount to be transferred to general Operating Reserves.

Funds held in Operating Reserves designated for funding depreciation shall be used for repairing or replacing the Association's capital assets, but may be used for other purposes as recommended by the Finance Committee and approved by the Executive Committee.

2. Operating Reserves. Funds of the Association in excess of the Operating Funds shall be the Operating Reserves of the Association. If at any time the general Operating Reserves, excluding those designated for funding depreciation, exceed, and are expected to continue to exceed for an extended period of time, an amount equal to approximately 50% of the total receipts of the Association for the immediately preceding

fiscal year, it is anticipated that the Board of Governors will adopt a separate policy for the investment of such excess funds, but until such policy is adopted, such excess funds shall continue to be Operating Reserves and subject to this policy. Such funds shall be retained or expended in accordance with the Balanced Budget policy adopted by the Board of Governors.

3. Investment Committee. The Investment Committee shall be composed of three members, appointed by the President of the Association, each of whom shall serve a staggered 3 year term. The Committee chair shall be selected annually by the President of the Association. The Association's Treasurer and Executive Director shall serve as ex-officio members without vote.

### III. Responsibilities

1. Board of Governors. Responsibility for the investment of Association assets is vested in the Board of Governors. Pursuant to the terms of this Investment Policy, the Board of Governors hereby delegates such responsibility as set forth below. The Board of Governors retains the authority to amend this Investment Policy from time to time as it deems necessary or appropriate.

2. Executive Director. Both the Operating Funds and Operating Reserves shall be managed by the Executive Director of the Association. The Operating Funds and Operating Reserves shall at all times be segregated and separately accounted for. In addition to the annual meeting of the Investment Committee, the Executive Director may, but shall not be required to, consult with the Investment Committee from time to time regarding the management and investment of the Operating Funds and Operating Reserves.

3. Investment Committee. The Investment Committee shall consult with the Executive Director from time to time as may be requested by either party with respect to the investment of the Operating Funds and Operating Reserves. The Investment Committee shall meet annually to (i) review the investment of the Operating Funds and Operating Reserves, (ii) review this Investment Policy, and (iii) to the extent that the Investment Committee thinks that the same is necessary or desirable, recommend changes with respect to this Investment Policy to the Finance Committee/Board of Governors.

### IV. Investment Objectives and Guidelines.

The principal objectives with respect to both the Operating Funds and Operating Reserves are the preservation of capital and liquidity. Permissible investments shall include (i) federally insured checking accounts, (ii) money market funds and other commingled vehicles designed to reflect short term yields and principal protection, (iii) certificates of deposit with maturities of not more than one year which (a) are issued by institutions which are insured by the FDIC or (b) are secured by a pledge of U.S. Government or agency bonds, (iv) debt instruments of the U.S. Government and its agencies with maturities of not more than one year, and (v) corporate bonds of investment grade or higher, or mutual funds comprised of similar securities, such securities having a maturity of not more than one year. The Executive Director shall

monitor funds placed in federally insured institutions to insure that the amounts on deposit either do not exceed any applicable insurance limitations or are collateralized. The investment securities held shall reflect prudent levels of diversification, but there shall not be any limit on the amount of securities held which have been issued by the U.S. government.

## **7. *Arkansas Bar Association Task Force on Dues 2016 Recommendations***

### *Members:*

Cliff McKinney – Chair  
Kandice Bell  
Cory Childs

Niki Cung  
Jim Julian  
William Martin

Laura Partlow  
Shaneen Sloan  
Tom Womack

### **Overview**

Arkansas Bar Association President Eddie Walker convened the Task Force on Dues to consider possible revisions to the Association's dues structure. The previous Task Force on Dues recommended that a new Task Force review the dues structure at least once every five years. This Task Force met to fulfill the recommendation of the previous Task Force and to address a projected \$200,000 annual shortfall in the Association's budgeted revenue resulting primarily from a decline in participation in continuing legal education ("CLE") seminars provided by the Association.

The Task Force met on numerous occasions and considered issues through the ACE online community. The Task Force was charged with considering all levels of Association dues and to consider whether any new dues categories would be appropriate.

As a precursor to discussing the Task Force's recommendations, one idea considered by the Task Force but not included in the recommendation deserves a moment of discussion. The Task Force considered the idea of offering a "bundled" or "premium" membership level that would include free CLE or possibly other benefits such as admission to the Mid-Year Meeting or Annual Meeting. The Task Force ultimately concluded that the timing is not currently right for a bundled or premium membership level. First, the Task Force feared that including CLE in membership might detract from attendance at the Mid-Year and Annual Meetings. Second, the Task Force felt that the abundance of free or discounted CLE programs competing with the Association's offerings made such a program less valuable to members. Though not an official recommendation of the Task Force, there was considerable discussion regarding the Association's future provision of CLE programs and the ability of the Association to

continue relying on CLE revenue for a significant portion of the Association's budget in the future.

## **Recommendations**

1. **No dues increase for the 2016-2017 Bar Year.** While the Task Force recognized the need to address the budget shortfall sooner rather than later, the Task Force felt it was more important to give adequate warning to members prior to a dues increase and did not feel it was necessary to take any drastic action such as recommending a special session of the House of Delegates.
2. **Increase the standard dues category and associate membership category by \$20 for the 2017-2018 Bar Year from \$275 to \$295.** The Task Force considered a variety of levels for this increase with the goal of balancing the Association's revenue needs with the appropriate cost per member. The Task Force noted that the actual cost per member of all benefits provided by the Association is over \$400, so members are still enjoying a very good cost-to-benefit ratio. The Task Force also noted that most similarly sized voluntary bar associations currently have dues under \$300 per year. The Task Force recognized, though, the need for additional revenue and selected a \$20 increase as a compromise amount designed to balance all considerations. Historically, the associate membership category, which is available to attorneys working in Arkansas but licensed in another state, is the same as the standard dues category, so the Task Force is recommending the same increase for the associate membership category as the standard dues category.
3. **Maintain the current income-based dues categories at \$0-\$50,000 and \$50,001-\$100,000.** The Task Force considered whether it would be appropriate to add an additional income-based category or adjust the levels of the existing categories. The Task Force concluded that the current categories and levels are still appropriate and should remain unmodified for the time being.
4. **Increase the \$0-\$50,000 income-based dues category by \$10 for the 2017-2018 Bar Year from \$125 to \$135.** The Task Force felt that the income-based dues categories should increase proportionate to the standard dues level. The \$20 standard dues increase represents a 7.3% increase in dues. Applying a 7.3% increase to \$125 would mean a \$9.13 increase. The Task Force believed that it is best that all dues categories remain divisible by \$5, so the Task Force rounded up to \$10.
5. **Increase the \$50,001-\$100,000 income-based dues category by \$15 for the 2017-2018 Bar Year from \$210 to \$225.** The Task Force felt that the income-based dues categories should increase proportionate to the standard dues level. The \$20 standard dues increase represents a 7.3% increase in dues. Applying a 7.3% increase to \$210 would mean a \$15.33 increase. The Task Force believed

that it is best that all dues categories remain divisible by \$5, so the Task Force rounded down to \$15.

6. **Eliminate the Out-of-State Residents dues category beginning 2017-2018.** The Task Force debated this issue heavily before concluding that it is in the best interest of the Association to eliminate this dues category, which is currently \$100 per year. Out-of-state residents wishing to be a member of the Association must join either at the standard level or the appropriate income-based level after elimination of this category. The Task Force discussed this issue at length with staff and learned that there are approximately 400 out-of-state residents currently using this program, many, apparently, for the Fastcase benefit. This dues category is supposed to exclude attorneys who have no regular law practice in Arkansas, but the staff does not have a method for policing this, which could result in abuse. The chance for abuse is particularly high with out-of-state residents in border areas such as Memphis and Texarkana, Texas. The majority of surrounding states do not have a reciprocal level available to Arkansas resident attorneys. The Task Force recommends elimination of this category based on the weight of these various factors.
  
7. **Amend the Association's bylaws to authorize the Board of Governors, without approval of the House of Delegates, to raise standard dues by no more than \$5 per year, with income-based dues levels to increase by the same amount every other time the Board raises standard dues at a 2 to 1 ratio.** The Task Force generally agreed that regular small dues increases are preferable to occasional large dues increases. The Task Force also recognized the difficulty of raising dues and felt the Board of Governors, which is already responsible for the Association's budget, should have some control over dues. The Task Force is not recommending that the Board raise dues using this method, but the Task Force felt it was appropriate to give the Board some flexibility to mitigate revenue shortfalls. Exercising this power equates to an increase of roughly 1.7% per year if the Board elects to implement the increase every year. The first increase could not occur until 2018-2019. Even assuming the Board exercises this power every year, it would take 59 years for the Board to double the present dues. This rate of increase, however, is below a normal rate of inflation even acknowledging that inflation has been relatively stagnant in recent years. The Task Force, therefore, believes that there will still be a need in the future for larger increases or other changes to the dues structures that would require the approval of the House of Delegates, so the House would not be entirely removed from the process of determining dues. Future Tasks Forces should continue to meet every five years or so to reevaluate all dues amounts.

Consider this example to avoid confusion regarding the Board's proposed authority to raise the income-based dues in tandem with the standard dues. If the Board raises standard dues by \$5 for 2018-2019, the Board cannot raise income-based dues. If the Board elects to raise standard dues again by \$5 in 2019-2020 or 2020-2021, the Board could also raise income-based dues by \$5.

In other words, the Board can increase income-based dues by \$5 for every \$10 that the Board raises standard dues.

8. **Maintain the \$100 Patron and \$250 Benefactor sustaining contributions level but explore ways to increase participation.** The Task Force is very grateful to those members who have volunteered to support the Association through Patron and Benefactor donations. The Task Force did not feel that a change is necessary to these levels. The Task Force recommends, however, that efforts be explored to increase participation by members in these sustaining categories.
9. **Maintain the First Paid Year, Senior Membership and Law Students dues with no change.** The Task Force did not believe the benefit of raising any of these categories outweighed the cost to these particular groups.
10. **Empower the Association President to discuss an increase in the amount that both law schools pay to the Association.** The Task Force reviewed the current \$5,000 contribution made by both law schools that allows all members of the faculties to be members of the Association. At the Task Force's request, the staff determined that there are no known instances of adjunct faculty members utilizing this program to avoid paying regular dues. The Task Force recognizes the tremendous contribution made by the law schools to our legal community. The Task Force, though, believes the President, in conjunction with the Law School Committee, should be empowered to discuss the appropriateness of the \$5,000 currently charged and should determine if an adjustment is appropriate. The Task Force elected to make no specific recommendation regarding what the law schools should pay.
11. **Raise the Mandatory Contribution of Sections.** The Task Force recommends raising dues for all sections by adding a \$5 surcharge to compensate the Association for the administrative burden associated with the section. This is in addition to the existing 25% of dues currently contributed by the sections, which is inadequate. The Task Force also recommends requiring all sections to have minimum \$20 dues, which would equal \$25 with the \$5 surcharge. For sections that are currently under \$20, the Task Force recommends raising the dues by \$5 per year until the \$25 level is reached, beginning in the 2016-2017 bar year. The purpose of this minimum amount is to be sure that all sections are adequately compensating the Association for the overhead expenses. Currently, there are some sections that charge \$10 dues while others charge \$30, meaning that some sections pay the Association only \$2.50 per member while others pay the Association \$7.50 per member. Increasing the minimum dues to \$20 helps to minimize this discrepancy.
12. **Address the Income of Inactive Sections.** Sections are charged in the bylaws with conducting continuing legal education programs, which can generate revenue for the Association. Inactive sections are not fulfilling this obligation.

The Task Force recommends asking the Governance Committee to develop a definition of "Inactive." For Sections deemed "Inactive," the Task Force recommends directing all section revenue for the year to purchase an Annual Sponsorship. The Inactive section will be recognized as an Annual Sponsor at the appropriate financial level based on the automatic contribution. Further, the Inactive section should automatically contribute 25% of the section's reserves to the Association's general operating account. This structure will repeat annually for Inactive sections until the section elects to become active again.

- 13.<sup>2</sup>**Definition of an Inactive Section.** A Section will be deemed inactive if it fails to achieve each of the first set of requirements and at least one of the second set of requirements:
- a. Mandatory Requirements: (1) Have an elected chair; (2) Vote to approve a budget; and (3) Hold a meeting with at least three (3) participants at some time during the year.
  - b. Optional Requirements (one must be satisfied): (1) Hold or sponsor an Arkansas Bar Association CLE event; or (2) Submit a report on section activities to the Board of Governors at least twice a year.

## **8. *Social Media Policy of the Arkansas Bar Association***

Approved by the Board of Governors August 25 - 26, 2017 – To be considered by the House of Delegates 6/18

These are the official policies for social media use on behalf of The Arkansas Bar Association. These policies apply to ArkBar staff and ArkBar volunteers including, but not limited to, sections, committees, and governing bodies who use a social media platform that is affiliated with The Arkansas Bar Association. We expect all who participate in social media on behalf of the ArkBar to understand and follow these guidelines, and to be aware that they will continually evolve as social media evolves.

### **Purpose**

The Arkansas Bar Association's use of social media platforms is designed to increase member engagement, to provide information and resources to members and to the public, and to raise awareness of bar services, benefits and programs, with the goal of providing greater value to our members and the public.

### **ArkBar Staff & Social Media Presence**

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<sup>2</sup> Definition of Inactive Section authored by the Governance Committee at the request of the Board of Governors and approved by the House of Delegates as an addition to the Task Force's original report. 2/17/2017

In order to maintain a consistent and official message, staff, other than those designated as an administrator or editor, will refrain from posting directly to any Arkansas Bar Association social media platform. Additionally, staff members, with the exception of the Executive and Associate Director, should not seek to “connect” with ArkBar members on personal social media platforms unless related to or they have a personal relationship with the member that was established apart from the staff member's employment at ArkBar. If a member seeks out the social media connection, staff members should use their best judgement on accepting. Staff should not seek recommendations from or post a recommendation for any bar member or staff member.

### **One Official Presence**

The state bar's official presence on social media platforms include:

Facebook: Arkansas Bar Association, Arkansas Bar Association YLS, Arkansas Bar Association Mock Trial

Twitter: @ArkBar, @ArkBar\_Prez, @ArkBarCLE, and @ArkBarMT

LinkedIn: The Arkansas Bar Association Group

YouTube: Arkansas Bar Association

The Executive or Associate Director must give approval for new accounts.

### **Guidelines**

When posting from an ArkBar social media account or “tagging” the ArkBar in a personal social media account, at all times, be professional and respectful in your online dialogue. Represent The Arkansas Bar Association and our profession well. Exercise good judgment.

In addition, be mindful that in some circumstances, inappropriate use of social media may result in discipline for failure to adhere to applicable Rules of Professional Conduct, as well as civil or criminal penalties, as deemed necessary by the Arkansas Supreme Court.

12. **Be responsible.** You are personally responsible for the material you post on behalf of or tag the Association in. All statements must be true and not misleading. Carefully consider content; what you publish will be widely accessible for a long time and, in some cases, indefinitely.

Protect your privacy and the privacy of others and adhere to all legal proscriptions governing the privacy of individuals and confidential information of The Arkansas Bar Association.

13. **Be relevant and add value.** Comments should be related to and in response to the

topic of the original post. Posts also should be relevant to The Arkansas Bar Association's mission and/or goals. Write about what you know. Contribute knowledge, not self-promotion. Information adds value if it contributes to the legal community's knowledge or skills, improves the legal system or public understanding of the legal system, or builds a sense of community.

14. **Be upfront; identify yourself.** Use your real name and, if relevant, your role or interest in the topic discussed. Make it clear that your views are your own and not those of the ArkBar. Only the President is authorized to speak for The ArkBar.
15. **Be civil and respectful.** It is all right to disagree with others' views, but do not use defamatory, libelous, or damaging innuendo; abusive, threatening, offensive, obscene, explicit, racist or illegal material. Avoid sensitive and/or potentially objectionable or inflammatory topics.
16. **Be quick to correct an error.** Be the first to respond to your own mistakes and quickly provide the correct information. If appropriate, modify an earlier post to make it clear you have corrected an error.
17. **Follow copyright and fair use laws.** Always give credit for the work of others. Make sure you have the right to use the material with attribution before publishing. In general, it is a good practice to link to others' work rather than reproducing it on the site.
18. **Protect confidential, proprietary or other privileged information.** Do not discuss or misuse proprietary or confidential information. Protect the personal information of yourself and others.
19. **Refrain from making uninformed or unsubstantiated claims.** Comments should not be misleading or unsubstantiated.
20. **Comply with Arkansas rules governing lawyer conduct.** Comply with all legal restrictions and obligations governing professional conduct, particularly those regulating communication and advertising.
21. **Do not violate antitrust laws.**
22. **Abide by the social network's rules.** By joining a particular social network, you agree to abide by that community's terms of use, so review those items carefully.

### **Disclaimer**

The Arkansas Bar Association does not agree with or endorse every comment that individuals post on our social media platforms. Our goal is to share ideas and information that contribute to The Arkansas Bar Association's mission, improving the

administration of justice, the law, and the legal profession. Our policy is to accept comments that contribute to this mission.

Posted comments and images do not necessarily represent the views of The Arkansas Bar Association. External, non-ArkBar links on social media platforms do not constitute official endorsement on behalf of The Arkansas Bar Association. All links posted as comments on official ArkBar posts may be reviewed and may be deleted.

Personally shared or Association tagged thoughts and opinions on the Arkansas Bar Association social media platforms will be done in a respectful manner. A comment will be deleted if it contains:

- Hate speech;
- Profane, obscene, explicit or vulgar language; Nudity in profile pictures;
- Defamatory, libelous or threatening language toward an individual or group; Name calling and/or personal attacks;
- Objectionable or inflammatory language;
- Comments whose main purpose are blatant marketing or advertising; Comments that infringe on copyrights or other intellectual property; Misuse of proprietary, privileged or confidential information;
- Spam comments, such as the same comment posted repeatedly on a profile; Comments in violation of social media platform guidelines; or
- Any other comments that The Arkansas Bar Association deems inappropriate.

Repeated violations of The Arkansas Bar Association social media guidelines may cause the author to be blocked from official Arkansas Bar Association social media accounts.

We understand [that] social media is a 24/7 medium; however, our monitoring capabilities are not. We may not see every inappropriate comment right away, and we are trusting members of our community to ignore personal attacks and negative speech or respond politely.

Please contact Executive or Associate Director if you have any questions.