

**BYLAWS OF THE
FAMILY LAW SECTION
OF THE STATE BAR OF MICHIGAN
April 2020**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1.1. This Section shall be known as the Family Law Section of the State Bar of Michigan.

SECTION 1.2. The purpose of this Section shall be to study the laws, court rules and procedures pertaining to the family and all relationships relevant thereto, including but not limited to marriage, divorce, separation, adoption, paternity and the rights of minor children; to study, report upon and recommend proposed and necessary legislation and court rules, and to promote throughout the State of Michigan the legal education of members of the Bar and the public on the problems relating to the family by sponsoring meetings, institutes and conferences devoted to such problems; by the preparation and dissemination of pamphlets and brochures with respect thereto; and by preparing and sponsoring and publishing legal writings in this field.

**ARTICLE II
MEMBERSHIP & DUES**

SECTION 2.1. Except as provided in 2.3, 2.4 and 2.5, each member of the Section shall pay to the State Bar of Michigan dues of \$60.00 and, upon payment of dues for the current year, shall be enrolled as a member of the Section. Dues shall be payable in advance each year. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of the Section. Members so enrolled and whose dues are so paid shall constitute the membership of the Section. Membership shall be limited to any person eligible for section membership under the bylaws of the State Bar of Michigan. Persons who are not eligible for membership shall be entitled to subscribe to Family Law Section publications at the rates established by the Family Law Section council.

SECTION 2.2. Newly admitted members of the State Bar of Michigan, upon written request, in accordance with State Bar of Michigan policies, may become members of the Section, without payment of dues to the Section, for the first year following his or her original admission to practice.

SECTION 2.3. Any student regularly enrolled in an ABA accredited law school may be admitted to student membership in the Section without payment of dues and upon verification of law school enrollment submitted in writing to the Division Director of the Membership Services Division – State Bar of Michigan. Student members shall not be eligible to vote or hold office, but shall have all other rights and privileges of membership.

SECTION 2.4. Any member of this Section in good standing shall not be required to pay Section dues beginning with the fiscal year after attaining the age of seventy (70) years. Such members shall continue to have all rights and privileges held by paid members.

ARTICLE III COUNCIL

SECTION 3.1. There shall be a Council of the Section consisting of twenty-one (21) voting members elected as provided in 3.2 (elected members), the nonvoting Section and Committee representatives selected as provided in 3.3, the nonvoting law student representatives, and all former Chairpersons of the Council who continue their membership in the Family Law Section (who shall be Ex-Officio nonvoting members).

SECTION 3.2. There shall be elected at each annual meeting of the Section seven (7) members to replace those members whose terms are expiring. All members so elected shall serve for a term of three (3) years beginning at the close of the annual meeting at which they were elected.

SECTION 3.3. The following Sections and Committees of the State Bar of Michigan shall select annually, in such manner, as the Section or Committee shall determine, a member to serve on the Council of this Section. Such members shall be selected prior to or coincident with the annual meeting of this Section each year and shall assume that post on the Council of the Family Law Section at the close of the annual meeting each year. Should any such Section or Committee cease to exist, its representative shall cease to be a member of the Council:

Children's Law Section	Law Student Section
Committee on Civil Procedure & Courts	Probate and Estate Planning Section
General Practice Law Section	

SECTION 3.4. No person shall be eligible for election to the Council if he or she has served without interruption for three (3) full consecutive terms immediately preceding the term for which the election is held. This term of office shall not include time served on the Council as a designated representative of any of the Sections or Committees set forth in 3.3.

SECTION 3.5. NOMINATIONS. Prior to each annual meeting of the Section, the Chairperson shall appoint a nominating committee consisting of the Chair and (2) other members of the Council. The committee shall make and report nominations to the Section for those Council positions for which terms expire at the close of the next annual meeting, and to fill vacancies then existing for unexpired Council terms. The Committee should make its report to the Section at the annual meeting. Other nominations for the Council may be made from the floor at the annual meeting.

SECTION 3.6. ELECTIONS. All elections shall be by written ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

SECTION 3.7. PROXY VOTING. Voting by proxy shall not be permitted.

SECTION 3.8 COUNCIL VACANCIES. If a Council seat becomes vacant, after reasonable notice to Section member, the vacancy for that seat shall be filled by a majority vote of Council members at a regularly scheduled monthly meeting, until the next annual meeting. At the annual Council meeting there shall be a single election for all open Council seats. The highest vote recipients, in descending order from highest to lowest, shall be elected first to the open three (3) year seats, and thereafter open two (2) year seats and thereafter the open one (1) year seats. However, a Council member who has resigned or been removed from Council may only be elected to finish out the remaining term of that Council seat, and may not be elected to any other open Council seat at that election.

ARTICLE IV ELECTION OF OFFICERS

SECTION 4.1. Except as provided in 4.3, the officers of the Section shall be elected by the Council from among its elected members in the following order: (1) Recording Secretary (2) Corresponding Secretary (3) Treasurer (4) Chair-person Elect. No officer shall serve in their elected position for more than one full year or longer than the annual meeting.

SECTION 4.2. The officers shall be elected at the first meeting of the Council held immediately following each annual meeting of the Section, to serve until the following annual meeting or until their successors have been elected or appointed.

SECTION 4.3. At the end of his or her term of office, the Chairperson-Elect, if still a member of the Section in good standing, shall automatically succeed to the office of Chairperson without being nominated or elected, and shall have all the rights and privileges of Council membership during that term of office. The rights and privileges held by the Chairperson shall include all voting rights necessary to make or break a tie on any Council vote, irrespective of whether the Chairperson remains one of the twenty-one (21) voting members of Council as defined in Section 3.1.

ARTICLE V DUTIES OF OFFICERS

SECTION 5.1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. S/he shall formulate and present at each Annual Meeting of the State Bar of Michigan a report of the work of the Section for the then past year. S/he shall perform such other duties and acts as usually pertain to the office. S/he shall have the power to appoint and to remove the chairperson and members of all committees of the Section who are to hold office during his or

her term, and shall remove any chairperson or member of any committee when directed to do so by the Council. S/he shall plan and superintend the programming of the Section at the annual meeting of the State Bar of Michigan during his or her term, subject to the directions and approval of the Council. S/he shall perform such other duties and acts as may be designated by the Council.

SECTION 5.2. CHAIRPERSON-ELECT. Upon the death, resignation or during the disability of the Chairperson, or upon the Chairperson's refusal to serve, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term except in the case of the Chairperson's disability and then only during such time as the disability continues. S/he shall preside at all meetings in the absence of the Chairperson. In the event the Chairperson-Elect is required to fill a vacancy in the office of Chairperson, the Chairperson-Elect shall become Chairperson for the period of both the vacancy and the term s/he normally would have served as Chairperson. S/he shall aid and assist the Chairperson in the performance of the Chairperson's responsibilities and in such a manner and to such an extent as the Chairperson may request. S/he shall serve as chairperson of the Meetings and Seminars Committee.

SECTION 5.3. RECORDING-SECRETARY. The Recording-Secretary shall be the custodian of all books, papers, documents and other property of the Section except money and financial records. S/he shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chairperson, s/he shall prepare a summary or digest of the Section's annual meeting proceedings. S/he shall preside at meetings of the Council in the absence of both the Chairperson and Chairperson-Elect. At the conclusion of the term in office, the Secretary shall provide a true copy of the year's minutes and all other significant documents for the year, and present it to the Chairperson for formalizing to the appropriate State Bar office.

SECTION 5.4. CORRESPONDING SECRETARY. To prepare correspondence on behalf of the Section, when directed by the Chairperson; coordinate the location of the monthly Council meetings, at the direction of the Chairperson; make arrangements for payment of expense incidental to Council meetings; and to assume the responsibilities of the Recording Secretary, when the Recording Secretary is unavailable.

SECTION 5.5. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, the Treasurer shall submit a financial report for presentation to the members of the Section. The Treasurer shall, with the assistance of the Chairperson, prepare the proposed budget of the Section for adoption by the Council.

ARTICLE VI

DUTIES AND POWERS OF THE COUNCIL

SECTION 6.1. The Council shall have the general supervision and control of the affairs of the Section subject to the Supreme Court Rules Concerning the State Bar of Michigan, the Bylaws

of the State Bar of Michigan, and the Bylaws of this Section. The Council shall specifically authorize all commitments or contracts which entail the payment of money, including the expenditure of all monies appropriated by the Council for the use or benefit of this section, provided, however, the Council may authorize the Treasurer to expend sums not exceeding \$100.00 for the ongoing operation of this Section without prior approval. All sums so expended shall be specifically reported by the Treasurer at the next Council meeting. The Treasurer shall be authorized to conduct routine business transactions that are necessary to accomplish the purpose of the Section and the Council, as defined in Section 1.2. Any routine and necessary business transactions that are not previously authorized by a vote of the Council shall be reported in the next available Treasurer's report, and approval of the Treasurer's report at any Council meeting shall serve as Council's authorization of the reported expenses.

SECTION 6.2. The Chairperson shall appoint such standing or special committees, as the Council shall authorize.

SECTION 6.3. Any member of a standing or special committee who shall be absent, without having been excused by its chair, from three consecutive meetings of such committee or subcommittee, may be deemed to have resigned and the vacancy thereby created may be filled by appointment by the Section Chairperson for the unexpired term. Any member of the Council who shall have three (3) unexcused absences from Council meetings in a year shall be deemed to have resigned and a vacancy thereby created. A "year" shall commence with the first regular Council meeting held in conjunction with the Family Law Section Annual Meeting and continuing until the last regular meeting of Council for that year, as established under Section 6.10 of these bylaws. Any vacancy of a Council Member created under Section 6.3 shall be filled by the Council, and the person elected to fill the vacancy shall hold that elected position until the vacant term expires.

SECTION 6.4. The Council may request the representatives of each of the committees and sections designated in 3.3 to present to the members of this Section prior to the Annual Meeting and the midyear meeting of the State Bar of Michigan, a complete report of each Committee's and Section's activities to the extent that such activities pertain to this Section.

SECTION 6.5. Between annual meetings of this Section, the Council may fill vacancies in its own membership or in the offices of Secretary and Treasurer, or, in the event of a vacancy in both the office of Chairperson and Chairperson-Elect, then in the office of Chairperson. Members of the Council so elected shall serve until the close of the next annual meeting of this Section, at which meeting the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections. Vacancies in an appointed membership will be filled by the Committee or Section whose representation is affected.

SECTION 6.6. A majority of the voting members of the Council shall constitute a quorum for the transaction of business. In the event that less than a majority of the Council attend a meeting, those present shall have the right to adjourn the meeting to a later time, and if a majority is present at the adjourned time, the Council may proceed with action at such time without call or notice.

SECTION 6.7. Except as provided by the rules of the State Bar of Michigan, all Council action shall be by majority vote of those members present and voting.

SECTION 6.8. When an issue arises which must be determined within a limited period of time so that the calling of a formal meeting of the Council is not practical, the Chairperson of this Section may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing or electronically to each of the members of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition or propositions so submitted by communicating their vote thereon by email to the entire Council using the Council only list serve, by facsimile or in writing over their respective signatures to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such e-mails, facsimiles and written and signed votes. If a majority of the members of the Council shall be in favor of such proposition or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council.

SECTION 6.9. The Council of this Section, during the interim between meetings of this Section, shall have full power to do and perform all acts and functions, which the Section itself might do or perform, not inconsistent with any action taken by the Section. Any such action taken by the Council shall be reported to the Section at its next annual meeting.

SECTION 6.10. The Council shall designate the time and place of its regular meetings. Special meetings shall be called by the Chairperson or upon written request to the Secretary by any six (6) members of the Council. Seven (7) days notice of special meetings shall be given.

SECTION 6.11. The Council shall formulate the policy of the Section, advise and aid the Chairperson in any matters which may arise, and perform other acts as provided in the Bylaws. Each Council member shall submit one article for publication in the Family Law Journal during each elected term. Failure to submit an article shall make the member ineligible to run for reelection to Council for one year. Each member will be an active member of one committee.

ARTICLE VII

SECTION MEETINGS

SECTION 7.1. The annual meeting of this Section shall be at the time and in the place approved at a regular meeting of the Council, with such program and order of business as may be arranged by the Council.

SECTION 7.2. Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine.

SECTION 7.3. Twenty-five members of this Section present at any meeting shall constitute a quorum for the transaction of business.

SECTION 7.4. All action of this Section shall be by majority vote of the members present provided there is a quorum, except as otherwise specified in these Bylaws. Voting by proxy shall not be permitted.

SECTION 7.5. Any action of this Section must be approved by the Representative Assembly or the Board of Commissioners of the State Bar of Michigan before the same becomes effective as the action of the State Bar of Michigan. Reports or recommendations of this Section or its Council may be released, announced or published only as provided in the Bylaws of the State Bar of Michigan.

ARTICLE VIII MISCELLANEOUS PROVISIONS

SECTION 8.1. The fiscal year of this Section shall be the same as that of the State Bar of Michigan.

SECTION 8.2. All bills incurred by this Section, before being forwarded to the State Bar of Michigan for payment, shall be approved by the Chairperson or the Treasurer or, if the Council shall direct, by both of them.

SECTION 8.3. No salary or compensation shall be paid to any officer or member of the Council or committee.

ARTICLE IX AMENDMENTS

SECTION 9.1. These Bylaws may be amended at any annual meeting of this Section by a twothirds (2/3) vote of the members present, provided there is a quorum. Voting by proxy shall not be permitted. Any such proposed amendment must first have been submitted to the Council for its recommendation, and no amendment so adopted shall become effective until approved by the Board of Commissioners of the State Bar of Michigan.

SECTION 9.2. Any proposed amendment shall be submitted in writing to the Council in the form of a Petition signed by at least ten (10) members of this Section at least sixty (60) days before the annual meeting of this Section at which it is to be voted upon. The Council shall consider the proposed amendment and shall prepare the recommendations thereon, which recommendations, together with a complete and accurate text of said proposed amendments, shall be published in the Michigan Bar Journal or the Family Law Journal, or by such written communication as the Council shall direct at least fifteen (15) days prior to the annual meeting of this Section at which it is to be voted upon.

Created 1980

Amended 9/96

Amended 9/14/01

Amended 9/27/02

Amended 9/15/03

Amended 11/14/08

Amended 11/2/10

Amended 11/20/15

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