

**BYLAWS OF THE
APPELLATE PRACTICE SECTION
OF THE STATE BAR OF MICHIGAN
November 2019**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1.1. NAME. The Section shall be known as the Appellate Practice Section (the Section) of the State Bar of Michigan.

SECTION 1.2. PURPOSES. The purpose of the Appellate Practice Section is to promote the skillful, efficient and effective practice of appellate law. The Section, through research and study, will develop, report upon, recommend and distribute: 1) information to aid appellate practitioners in improving advocacy skills; 2) policies and procedures for the efficient and effective operation of an appellate practice; and 3) policies and procedures to advance the productive and competent operation of the appellate courts. The goal of these activities is to advance the administration of justice in the appellate courts so that the Bench and Bar may better serve the public interest.

The Section will promote the legal education of members of the Bar and the public concerning appellate law practice by publishing a newsletter; by sponsoring and conducting seminars, institutes and conferences; by appointing special committees to research and study specific appellate law practice issues and problems confronting the Bench and Bar; and by preparing, sponsoring and publishing legal writings which are devoted to the improvement of the practice of appellate law in this State.

**ARTICLE II
SECTION MEMBERSHIP**

SECTION 2.1. QUALIFICATIONS. Membership shall be limited to members of the State Bar of Michigan who are in good standing, including Law Students and Affiliate Members. The Chief Clerk of the Michigan Court of Appeals may also become a member of the Section.

SECTION 2.2. MEMBERSHIP DUES. Membership dues shall be established by the Council subject to approval by the Board of Commissioners and shall be payable in advance. The Council may set lower annual membership dues for Law Student and Affiliate Members than it sets for the rest of the membership. Any member of the Section whose annual dues shall be more than six (6) months past due shall automatically cease to be a member of the Section.

SECTION 2.3. NEW MEMBERS. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of membership in the State Bar of Michigan.

SECTION 2.4. LAW STUDENTS AND AFFILIATE MEMBERS. Members of the Law Student Section and the Affiliate Member Section of the State Bar of Michigan may become nonvoting members of the Section upon payment of annual dues.

ARTICLE III OFFICERS AND COUNCIL

SECTION 3.1. OFFICERS. The Officers of the Section shall be Chairperson, Chairperson Elect, Secretary and Treasurer. All officers must be members of the Section.

SECTION 3.2. COUNCIL. There shall be a Council of the Section consisting of the Chairperson, Chairperson-Elect, Secretary and Treasurer, together with seventeen (17) at-large members to be elected. All Council members must be members of the Section. In addition, the Council shall include past Chairpersons of the Section who shall remain voting members of the Council for a period of three (3) years after the end of their term of office as Chairperson.

The terms of office of the members of the Council shall be such that 1/3 of the elected members of the Council will have their terms end in each year.

At the first Annual Meeting after the effective date of the amendment of the bylaws to increase the at-large members of the council to seventeen (17), the election of Council members shall be such that the total number of elected at-large members of the Council shall be seventeen (17). The terms of the newly elected members at this meeting shall be set so that a total of six (6) at-large council members will have terms ending the first year, six (6) ending the second year, and five (5) ending the third year. To determine the terms of the newly elected members of the Council at this meeting, three-year terms shall go to the persons receiving the highest number of votes, two-year terms to the persons receiving the next highest number of votes, and one-year terms to the persons elected but receiving the lowest number of votes, computed in such a manner that the terms of the at-large council members will expire as directed in this paragraph.

SECTION 3.3. SELECTION OF OFFICERS. The Officers shall be nominated and elected at each annual meeting of the Section, to hold office for a term beginning at the close of the annual meeting at which they have been elected, and ending at the close of the next succeeding annual meeting of the Section.

SECTION 3.4. SELECTION OF COUNCIL. As the terms of the Council members expire, Section members shall be elected at each annual meeting of the Section to serve on the Council for terms of three (3) years. All terms shall begin at the close of the annual meeting and end at the close of the designated following annual meeting.

SECTION 3.5. NOMINATING COMMITTEE. Prior to each annual meeting of the Section, the Chairperson shall appoint a Nominating Committee consisting of the Chairperson and two (2) other members of the Council. The Committee shall accept, make and report nominations to the Section for the officer and Council positions for which terms expire at the close of the next annual meeting,

and to fill vacancies then existing for then existing unexpired Council terms. The Committee shall notify, in a manner it determines is reasonable, the Section members of the officer and Council positions for which terms will be expiring. The notice shall be made four (4) months prior to the annual meeting. It shall inform members that they may submit nominations for such officer and Council position and indicate the deadline for receiving nominations in order for the nominations to be included in the Nomination Report, which the Committee will be submitting to the Council. The notice shall also state that nominations may be made from the floor at the annual meeting. The Committee shall submit to the Council its Nomination Report two (2) months prior to 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. Members may submit written ballots by mail. Voting by proxy shall not be permitted.

ARTICLE IV DUTIES OF OFFICERS

SECTION 4.1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall provide such reports as required by the State Bar of Michigan. The Chairperson shall perform such other duties and acts as usually pertain to the office.

SECTION 4.2. CHAIRPERSON ELECT. The Chairperson Elect shall aid and assist the Chairperson in the performance of the Chairperson's responsibilities to such an extent as the Chairperson may request. The Chairperson Elect shall be responsible for seminars, institutes and conferences sponsored or conducted by the Section or Committees of the Section and may delegate duties, as he or she deems appropriate to assist in the performance of this responsibility. Upon the death, resignation, or during the disability of the Chairperson, or upon his or her refusal to act, 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 so much of the term as the disability continues. The Chairperson Elect shall accede to the office of Chairperson upon the expiration of the Chairperson's term.

SECTION 4.3. SECRETARY. The Secretary shall be custodian of all books, reports, papers, documents and other property of the Section. He or she shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairperson, he or she shall prepare the Section's Annual Report. The Secretary, in conjunction with the Chairperson, as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4.4. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and shall report thereon to the Council whenever requested. Annually, he or she shall

submit a financial report for presentation to the membership of the Section. Consistent with the Bylaws of the State Bar of Michigan, he or she shall be responsible for forwarding all monies of the Section which come into his or her hands to the bookkeeping department at the State Bar headquarters in Lansing for deposit and credit to the account of the Section. Further, unless waived on a meeting-by-meeting basis by vote of the Council, the Treasurer shall present a current financial report at each meeting of the Council.

ARTICLE V

DUTIES AND POWERS OF THE COUNCIL

SECTION 5.1. PRIMARY DUTIES AND POWERS. The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Bylaws of the Section. It shall specifically authorize all commitments or contracts, which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the total of: (a) the amount received in Section dues for such fiscal year; and (b) any funds remaining in the Section treasury from prior years.

SECTION 5.2. COMMITTEES. The Council may authorize the Chairperson to appoint and discontinue committees consisting of Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and Bylaws of the State Bar of Michigan. The Chairperson shall appoint the Chairperson and members of such Committees and may, or on direction of the Council shall, remove any Chairperson or members from such Committees and fill any vacancies on such Committees created from time to time. Two (2) months prior to the annual meeting, the Chair of each Committee shall submit a written report to the Council of Committee activities during the preceding year.

SECTION 5.3. VACANCIES. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of Secretary and Treasurer. In the event of a vacancy in the office of Chairperson-Elect before the expiration of the term, the Secretary shall succeed to the office of Chairperson-Elect. If the Secretary is unable or declines to serve as Chairperson-Elect, the Treasurer will succeed to the office of Chairperson-Elect. In the event of both a vacancy in the office of Chairperson and the inability to fill the office of Chairperson, members of the Council and officers so appointed shall serve until the close of the next annual meeting of the Section. At that meeting the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections, as provided in Article 3 herein. However, if an elected Chairperson-Elect fills an unexpired term of the Chairperson, the Chairperson-Elect may serve as Chairperson for the succeeding term.

SECTION 5.4. REGULAR MEETING. Regular meetings of the Council shall be held at times and locations to be determined by the Chairperson, and the schedule of regular meetings for each fiscal year shall be published in advance at each annual meeting of the Section. The Council shall

hold one (1) regular meeting concurrently with the Annual Meeting of the State Bar of Michigan. Regular meetings may be conducted by conference call.

SECTION 5.5. SPECIAL MEETINGS. Special meetings of the Council may be called by the Chairperson or a majority of the voting members of the Council at such times and places as either may determine. These special meetings may be conducted by conference call or on the Council's listserv. If the Chairperson calls a special meeting to be conducted on the Council's listserv, the Chairperson shall specify the purpose of the special meeting and the hour and date that the special meeting will close. Up until the time that a listserv special meeting closes, a Council member may change his or her vote. If the Chairperson knows that some Council members do not regularly participate on the listserv, the Chairperson shall inform those members of the listserv special meeting. If a special meeting is conducted on the listserv, at the next regular Council meeting, the Chairperson shall report the results of any vote taken, and the result shall be noted in the minutes of the regular meeting.

SECTION 5.6. QUORUM. Twelve (12) voting members of the Council shall constitute a quorum on both regular and special meetings of the Council. Members may attend regular and special meetings in person or by telephonic or electronic means.

SECTION 5.7. CONTROLLING VOTE. The Council shall act pursuant to a majority of those present at regular and special meetings of the Council and the Chairperson, or Chairperson-Elect presiding in the Chairperson's absence, may vote only to break a tie. For action to be adopted pursuant to a special listserv meeting, the action must be supported by the vote of at least 12 council members.

SECTION 5.8. FAILURE TO ATTEND MEETINGS. If any Council or Committee member fails to attend two (2) consecutive Council or Committee meetings without an excused absence, or fails to attend three (3) consecutive Council or Committee meetings for any reason, such failure shall constitute an automatic, irrevocable notice of resignation, which shall be voted on at the next Council meeting. If the Council, by a majority vote, accepts the resignation, the Council may then fill the vacancy in accordance with Section 5.3 of this Article.

ARTICLE VI COMMITTEES

SECTION 6.1. STANDING COMMITTEES. The initial Standing Committees of the Section shall be Michigan Court Practice, Federal Court Practice, Court Liaison/Rules Comment and Publications. The Council of the Section may create or dissolve Standing Committees and may change the stated purpose of Standing Committees.

SECTION 6.2. COMMITTEE APPOINTMENT. The Council will appoint the Chairperson and members of Standing Committees from Section members to perform such duties and exercise such

power as the Council may direct. The Council may remove any Committee Chairperson or member for cause, and fill vacancies created by such removal or by resignation.

SECTION 6.3. COMMITTEE MEETINGS. The Committee meetings will be called as necessary by the Section or Committee Chairpersons. Committee members may attend meetings in person, or by telephonic or electronic means.

SECTION 6.4. REPORTS. The Chairperson of each Committee shall submit a written report of Committee activities during the preceding year of the Council. This annual report is due two months prior to the annual meeting of the Section.

SECTION 6.5. MICHIGAN COURT PRACTICE. The Michigan Court Practice Committee shall monitor and report on developments of law and practice methods relating to all phases of Michigan appellate practice and procedure. This Committee will also coordinate with other Section Committees and may, with the approval of the Council, solicit articles for publication, develop and sponsor seminars and produce publications of interest.

SECTION 6.6. FEDERAL COURT PRACTICE. The Federal Court Practice Committee shall monitor and report on developments of law and practice methods relating to all phases of Federal appellate practice and procedure. This Committee will also coordinate with other Section Committees and may, with the approval of the Council, solicit articles for publication, develop and sponsor seminars, and produce publications of interest.

SECTION 6.7. COURT LIAISON/RULES COMMENT. The Court Liaison/Rules Comment Committee shall foster liaison and cooperation between this Section and the appellate courts to ensure consistent improvement in appellate practice and in the administration of justice. This Committee shall also monitor and review statutes and court rules as well as proposed changes to statutes and court rules. The Committee shall make periodic recommendations to the Council that the Section either request statutory/court rule changes or adopt a position regarding proposed changes to statutes/court rules which affect members of the Section. This Committee will also coordinate with other Section Committees and may, with the approval of the Council, disseminate news and opinions regarding the appellate courts, legislation, court rules or related matters.

SECTION 6.8. PUBLICATIONS. The Publications Committee shall arrange for publication of a Section newsletter, which shall be published no less than once per year, for the purpose of providing information about Section activities, disseminating articles and other information of interest to Section members and providing a public forum for Section members. The Publications Committee will also coordinate with other Section Committees and with the Council and may, with the approval of the Council, solicit articles for publication, develop and sponsor seminars, develop and sponsor education programs for lawyers or law students and produce publications of interest.

ARTICLE VII MEETINGS

SECTION 7.1. ANNUAL MEETING. The annual meeting of the Section shall be held at a time and venue to be determined by the Council and shall include such programs and business as determined and arranged by the Council.

SECTION 7.2. SPECIAL MEETING. Special meetings of the Section may be called by the Chairperson or by a majority of the voting members of the Council at such times and locations as either may determine.

SECTION 7.3. CONTROLLING VOTE. All actions of the Section, other than the amendment of the Bylaws, shall be taken pursuant to a majority vote of the members present at a meeting of the Section.

ARTICLE VIII AMENDMENTS

SECTION 8.1. PROCEDURES. Amendments to these bylaws may be submitted as follows:

- (A) By a vote of the majority of the Council, at a regular or special meeting prior to the annual meeting of the Section at which it is to be addressed. If the Council proposes such an amendment, the complete and accurate text of the amendment, and a statement of the basis of the proposal, shall be published in the Michigan Bar Journal or Section newsletter at least 30 days prior to the annual meeting of the Section at which the amendment is to be considered.
- (B) By a petition signed by at least ten (10) members of the Section. Such a petition shall be considered by the Council at a regular or special meeting prior to the annual meeting of the Section at which it is to be addressed. The Council shall prepare recommendations on the amendment, and those recommendations, together with the complete and accurate text of the amendment, shall be published in the Michigan Bar Journal or Section newsletter at least 30 days prior to the annual meeting of the Section at which the amendment is to be considered.

SECTION 8.2. AMENDMENTS. These Bylaws may be amended at any annual meeting of the Section by a two-thirds (2/3) vote of the members of the Section physically present and voting, provided that any such proposed amendment shall first have been submitted for its recommendation to the Council; and provided further that no amendment so adopted shall become effective until approved by the Board of Commissioners of the State Bar of Michigan.

ARTICLE IX
MISCELLANEOUS PROVISIONS

SECTION 9.1. FISCAL YEAR. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 9.2. DEBTS. All debts incurred by the Section, before being forwarded to the Treasurer or to the Executive Director of the State Bar of Michigan for payment, shall first be approved by the Chairperson or the Treasurer of the Section, or if the Council so directs, by both of them.

SECTION 9.3. COMPENSATION. No salary or compensation of any kind shall be paid to any officer, Council or Committee member.

SECTION 9.4. APPROVAL. Public statements of a Section or Council position shall be governed by Article IX of the Bylaws of the State Bar of Michigan.

SECTION 9.5. EFFECTIVE DATE. These Bylaws shall become effective immediately upon their adoption by the Section and approval by the Board of Commissioners of the State Bar of Michigan.

Created 1995
Approved 6/95
Revised 11/98
Revised 9/14/01
Revised 07/27/12
Revised 11/22/2019