

**BYLAWS OF THE
ELDER LAW AND DISABILITY RIGHTS SECTION
OF THE STATE BAR OF MICHIGAN
JULY 2021**

**ARTICLE I
PURPOSE**

SECTION 1. SECTION NAME: This Section shall be known as the ELDER LAW AND DISABILITY RIGHTS SECTION (hereinafter the Section) of the State Bar of Michigan.

SECTION 2. PURPOSE: The purpose of this Section shall be to advocate for the rights of elders and persons with disabilities, educate members of the State Bar, as well as the public, so that all elders and persons with disabilities can have access to quality legal services.

SECTION 3. GOALS: The goals of the Section shall be to:

3.1 Serve the elder and disability populations and advocate on behalf of their interests concerning professional practices, legislation, and public policy which affect the practice of elder law, disability law, and related issues; and

3.2 Provide education and pro bono services to elders and persons with disabilities with regard to legal practices, rights and consumer issues; and

3.3 Advocate and serve as an educational resource for members of the State Bar for the purpose of fostering professional development and the advancement of "best practice" elder law and disability law standards; and

3.4 Recognize the diversity and serve the specialized needs of the elder and disabled populations; and

3.5 Establish and maintain viable working relationships with the aging and disability networks and the human services system; and

3.6 Promote awareness and involvement of the State Bar members, human service professionals and the general public regarding the purpose and work of the Elder Law and Disability Rights Section.

ARTICLE II MEMBERSHIP

SECTION 1. CLASSIFICATION OF MEMBERSHIP: The membership of the Section shall be Active Members, Affiliate Members, Law Student Members, and Auxillary Members as described below. Dues shall be payable in advance at the beginning of each fiscal year of the State Bar of Michigan. Any member of the Section whose annual dues shall be more than six months past due shall automatically cease to be a member of this Section. Members enrolled and whose dues are timely paid shall constitute the membership of the Section.

SECTION 2. ACTIVE MEMBERS

2.1 ACTIVE MEMBERS of the State Bar of Michigan may join the Section by paying annual dues to the State Bar of Michigan in an amount as determined by the Section Council. All lawyers admitted to practice in Michigan shall be considered members of the Section until the end of the fiscal year of the State Bar of Michigan following the year of their admission and shall not be required to pay dues until after that time.

2.2 ACTIVE MEMBERS OVER AGE 70 of this Section pay dues equal to 1/2 the current dues rate.

SECTION 3. AFFILIATE MEMBERS of the State Bar may join the Section at the current dues rate for active members.

SECTION 4. LAW STUDENT MEMBERS of the State Bar of Michigan join the Section at no charge. Law Student members shall be entitled to receive Section publications and attend meetings of the Section. Law Student Section members shall not be eligible to vote or hold office.

SECTION 5. AUXILIARY MEMBERS The Council may appoint such Auxiliary members as it shall deem appropriate, and for such term as it determines. Auxiliary members shall be subject to the payment of dues at the current rate for active members. Auxiliary members shall not be eligible to vote or hold office. Auxiliary members must be:

5.1 Attorneys who are not members of the Michigan Bar, but who are Attorneys employed as faculty of an accredited Law School or who are engaged in educating/advocating for elderly and/or rights of persons with disabilities; or

5.2 Non-attorney members of a nonprofit organization that provides legal services to elderly and/or persons with disabilities; or

5.3 A non-attorney intimately involved in the legal system/process who actively advocates for the rights of the elderly and/or persons with disabilities.

ARTICLE III COUNCIL AND OFFICERS

SECTION 1. OFFICERS: The Officers of the Section shall be a Chair, a Chair-Elect, a Secretary, a Treasurer, and the Immediate Past Chair of the Section. All officers must be Active Members of the Section.

SECTION 2. COUNCIL: There shall be a council of the Section consisting of the Chair, Chair-Elect, Secretary and Treasurer, together with fifteen (15) at-large members to be elected as provided within this Article. The Immediate Past Chair shall remain as a member of the Council the year following his/her service as Chair of the Section. The Immediate Past Chair shall be included in determining whether a quorum is present at any meeting and shall have the right to vote on matters brought before the Council. All Council Members must be Active Members of the Section. Other Past Chairpersons shall also automatically remain as members of the Council so long as they maintain membership in the Section. However, other past Chairpersons shall not be included in determining whether a quorum is present at any meeting and they shall have no right to vote on matters brought before the Council, unless otherwise elected as active members of the Council.

SECTION 3. SELECTION OF OFFICERS: The Chair, Chair-Elect, Secretary and Treasurer 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, when their successors shall have been qualified and elected.

SECTION 4. TERMS OF OFFICE: In addition to officers, the Council consists of fifteen (15) members nominated and elected to this position. Council members serve for three (3) year terms. One-third of the terms expire each year. In order to reach this size, additional members shall be nominated and elected to serve shorter terms to bring the Council up to full-size. Members of the Council shall be elected to fulfill expired terms at each subsequent annual meeting of the Section following the expiration of any term. All subsequent terms shall be for a period of three (3) years. ("Years" defined as a term beginning at the close of the annual meeting at which the Council members shall have been elected and ending at the close of the succeeding annual meeting of the Section.)

SECTION 5. TERM LIMITATIONS

5.1 No Council member shall be eligible for re-election to the Council (other than as an officer) if she/he has served without interruption for two (2) consecutive terms preceding the term for which the election is held.

5.2 No person who has served in the same office without interruption for two (2) consecutive terms shall be eligible for re-election to that office.

SECTION 6. VACANCIES: The Council may appoint any member of the Section as an officer or council member to act until the next election in the event of death, disability, removal or resignation or other vacancy of any officer or council member.

ARTICLE IV ELECTIONS

SECTION 1. NOMINATIONS: At the second to last scheduled meeting of the Council prior to the annual meeting, or at such other time as shall be convenient, the Chair shall appoint a Nominating Committee consisting of three (3) members of the Section, at least two (2) of whom are members of the Council.

SECTION 2. ELECTIONS: The Nominating Committee shall annually prepare nominations for officers and at-large members of the Council in accord with these bylaws. The Nominating Committee shall report its slate of nominees to the Council at the last scheduled meeting of the Council prior to the annual meeting. Nominations shall also be accepted from the floor at the last scheduled meeting of the Council prior to the annual meeting if the nominee is willing to serve. Unless otherwise ordered by resolution duly adopted by the Section at the Annual Meeting at which the election is held, the Chair may conduct all elections for officers and/or at-large member of the Council by voice vote, or may direct another method of conducting the election, such as a show of hands, paper ballot or other method. If any election is contested, the Chair shall announce the method of voting two (2) weeks in advance of the election.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIR: The Chair shall preside at all meetings of the Section and of the Council. The Chair shall formulate and present at each annual meeting of the State Bar of Michigan a report of the work of the Section for the current year. The Chair shall perform such other duties and acts that pertain to the office.

SECTION 2. CHAIR-ELECT: In the absence of the Chair, the Chair-Elect shall perform the duties of the Chair. The Chair-Elect shall automatically succeed to the office of the Chair the year following his/her election to Chair-Elect. The Chair-Elect shall be responsible for such duties as the Chair may designate. **SECTION 3. SECRETARY:** The Secretary shall cause to be kept all books, papers, documents, and other property of the Section except money. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of the Section at its annual meeting, for publication in the Annual Report of the State Bar of Michigan. The Secretary shall publicize all public policy positions taken by the Section - transmitting each, as required, to the appropriate personnel at the State Bar of Michigan. In conjunction with the Chair, the Secretary as authorized by the Council, shall attend generally to the business of the Section.

SECTION 4. TREASURER: The Treasurer of the Elder Law and Disability Rights Section shall:

4.1 Cause to be kept a record of all monies received and disbursed; and

4.2 Submit a financial report to the Council regularly; and

4.3 Annually prepare a financial report for presentation to the membership of the Section and to the Board of Commissioners of the State Bar of Michigan; and

4.4 Sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond shall be an expense of the Section and paid from the funds of the Section; and

4.5 Annually prepare a Section budget to assist the Council in financial decisions in the upcoming fiscal year,

SECTION 5. OTHER DUTIES. The council may assign other duties to officers or other section members.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. GENERAL: The Council shall have general supervision and control of the affairs of the Section, subject to the Supreme Court Rules Concerning the State Bar of Michigan and the bylaws of the State Bar of Michigan and the bylaws of the Section. It shall especially authorize all commitments or contracts, which entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. **SECTION 2. COMMITTEE APPOINTMENT:** The Chair will appoint committees and their Chairs from Section members, to perform such duties and exercise such powers as the Council may direct. The Council shall remove any committee chair or committee member for cause, and fill vacancies created by such removal or resignation.

SECTION 3. VACANCIES: The Council shall, between annual meetings of the Section, fill vacancies in its own membership or in the offices of the Secretary or Treasurer. In the event of a vacancy in both the office of Chair and Chair-Elect, the Council shall fill the office of Chair. Officers and members of the Council so selected shall serve until the close of the next annual meeting of the Section, at which time 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 IV.

SECTION 4. QUORUM: A quorum of the Council shall consist of a majority of the officers and elected members of the Council. A quorum being present, the Council shall act on the affirmative vote of a majority of those present at any meeting.

SECTION 5. MEETINGS:

5.1 The Council shall designate the time and place of its regular meetings, but shall schedule no fewer than four (4) meetings per fiscal year.

5.2 Special Meetings of the Council may be called upon notice by the Chair or upon written request to the Secretary of any five (5) members of the Council. Council members shall receive at least 24 hours' notice of a Special Meeting of the Council. Notice of Special Meetings shall include the topic for which the meeting was called.

5.3 Members of the Council may participate in any meeting in person, by telephone or by other conferencing method.

SECTION 6. EMERGENCY VOTES.

6.1 When the Chair deems there is insufficient time for a needed decision to be made at a regular meeting or special meeting, the Chair may, upon notice to all Council members, conduct a vote on proposed action via telephone, e-mail or other communications means.

6.2 There must be forty-eight (48) hours between the presentation of the proposal including announcement of the vote and the closing of the vote to allow time for consideration of the proposal and discussion of the matter upon which the emergency vote will be taken. The 48 hour waiting period may be shortened if all of those eligible to vote have voted prior to the expiration of the 48 hour time period.

6.3 The Secretary shall prepare a written record of the emergency vote on the proposed action and record the outcome of the vote in the meeting minutes of the next Regular Meeting of the Section.

SECTION 7. UNEXCUSED ABSENCES: Any member of the Council who shall be absent from three (3) consecutive regular meetings of the Council, unless excused by the Chair, shall be deemed to have resigned and the vacancy created shall be filled by the Council as specified in Article III, Section 6.

ARTICLE VII COMMITTEES

SECTION 1. STANDING COMMITTEES: Every year a Nominating Committee shall be appointed. The Council may create other standing committees as it sees fit.

SECTION 2. NOMINATING: The Nominating Committee shall recommend nominees to the Section for the offices of Chair, Chair-Elect, Secretary, Treasurer, and members of the Council on an annual basis. This report shall be submitted in writing to the Chair no later than two months prior to the annual meeting of the Section. Nominations shall be published to Section members no later than 30 days prior to the annual meeting of the Section. Other nominations may be made from the floor. The Nominating Committee shall seek to have the diversity of our Section's membership reflected in its nominations to fill Officer and Council positions.

SECTION 3. COMMITTEE MEETINGS: The Committee meetings will be called as necessary by the Section or Committee Chairs.

SECTION 4. REPORTS: The Chair of each committee shall submit a written report of Committee activities during the preceding year to the Council. This annual report is due fourteen (14) days prior to the annual meeting of the Section.

ARTICLE VIII SECTION MEETINGS

SECTION 1. ANNUAL MEETING: The annual meeting of the Section shall be held at such time and place as determined by the Council.

SECTION 2. SPECIAL MEETINGS: Special meetings of the Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. QUORUM: Fifteen (15) members of the Section present at any meeting shall constitute a quorum for the transaction of business.

**ARTICLE IX
MISCELLANEOUS PROVISIONS**

SECTION 1. FISCAL YEAR: The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. DISBURSEMENTS: Any bills incurred by the Section to be forwarded to the State Bar Fiscal Officer for payment shall first be approved by the Chair or the Treasurer, or otherwise, as the Council shall direct. Disbursements shall then be made by an officer of the State Bar of Michigan, or someone designated by the State Bar Commissioners.

SECTION 3. COMPENSATION: No salary or compensation shall be paid to any Officer, Council Member, or Committee Member; however, Officer, Council and Committee members may be reimbursed for actual expenses for Section business.

SECTION 4. DEFINITIONS. Attendance includes participation via any electronic means that allows one to participate in discussions before decisions are made. A meeting may be held entirely by electronic means. In such instances, the date of the meeting for purposes of notice shall be the date by which decisions are made. Writing includes all fixed, tangible means of expression, including e-mails and faxes.

SECTION 5. EFFECTIVE DATE: These bylaws shall become effective upon the approval by the Commissioners of the State Bar of Michigan.

**ARTICLE X
AMENDMENTS**

SECTION 1. VOTE: These bylaws may be amended at any meeting of the Section at which a quorum is present, by a two-thirds (2/3) vote of the members of the Section present and voting, provided such proposed amendment shall first have been submitted to the Council for its recommendation in accordance with Section 2. No amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

SECTION 2. AMENDMENT FORM: Any proposed amendment shall be submitted in writing to the Council in the form of a petition by at least ten (10) members of the Section. The Council shall consider the proposed amendment, prepare recommendations, and publish a complete and accurate text of the proposed amendment in the section newsletter, the Section list-serve e-mail list, or any acceptable and regularly used means of mass communication to Section members at least thirty (30) days prior to the meeting of the Section at which it is to be considered.

Created 1993

Amended as of 9/26/96

Current as of 12/15/99

Amended 9/27/02

Amended 11/17/06

Amended 7/20/07

Amended 7/24/15

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