



UNIFORM SECTION BY-LAWS

Appellate Practice Section

ARTICLE I NAME AND PURPOSE

Section 1 - NAME:

This practice section shall be known as the Appellate Practice Section of the Idaho State Bar (the “Section”).

Section 2 - FIELD:

Section activities shall pertain to the field of state and federal appellate practice.

Section 3 - OBJECTIVES:

The Section is created to advance good appellate practice and professionalism before the state and federal appellate courts, to increase awareness of appellate practice in Idaho, and to enhance the skills of its members. In the furtherance of these objectives, the Section shall:

- (a) increase educational opportunities on appellate practice through continuing legal education offerings, preparing articles for publication in the Advocate, promoting the publication of appropriate practice manuals, handbooks and forms, and meeting to discuss issues that are common to appellate practitioners;
- (b) identify and encourage improvements in appellate practice and procedure;
- (c) collaborate with other practice sections to offer viewpoints and guidance on the impact of appellate practice on their respective practice areas;
- (d) create opportunities for state, federal, civil, and criminal appellate practitioners to connect with each other and the state and federal appellate bench; and
- (e) engage in such other activities which are consistent with the objectives of the Section.

Section 4 - CLE POLICY:

Any educational program conducted by the Section shall be coordinated with and cosponsored by the Idaho State Bar or the Idaho Law Foundation, Inc., for purposes of avoiding conflicts in schedules and duplication of educational programs and for the purposes of receiving assistance from the Idaho State Bar/Idaho Law Foundation staff in preparing program content and pricing. It is specifically recognized that the profits and/or losses from continuing legal education offerings for which the Section is financially responsible shall inure to the Section, subject to the rules of the Idaho State Bar.

ARTICLE II MEMBERSHIP AND DUES

Section 1 - MEMBERSHIP:

- (a) Any lawyer who is a member in good standing of the Idaho State Bar may become a voting member of this Section and shall be eligible to serve as an officer of the Section.
- (b) Any lawyer who is a member in good standing in another jurisdiction and who resides in Idaho may become a voting member of this Section and shall be eligible to serve as an officer of the Section.
- (c) Members of the general public, including lawyers who do not qualify to serve as officers and voting members under subsection (a) or (b) above, may become members of this Section but shall not be eligible to vote or to serve as officers of the Section.
- (d) Application for membership shall be made upon the appropriate form supplied by the Idaho State Bar.
- (e) Membership in the Section shall be for the calendar year.

Section 2 - DUES:

Members of the Section shall pay such annual dues as the Council of the Section may direct, subject to the approval of the Board of Commissioners of the Idaho State Bar. The dues shall be set at a level adequate to cover the expenses of operating the Section, including, but not limited to, administrative expenses of the Idaho State Bar, Section officers' travel and meeting expenses, and publications of the Section. Sections may not charge members annual dues of more than \$50 without prior approval by the Board of Commissioners.

ARTICLE III OFFICERS AND COUNCIL

Section 1 - OFFICERS:

The officers of the Section shall be a chairperson, vice chairperson, and a secretary-treasurer. In addition, the Executive Director of the Idaho State Bar will serve as assistant treasurer without voting rights.

Section 2 – GOVERNING COUNCIL:

There shall be a Governing Council, which shall consist of the immediate past chairperson of the Section, the current officers of the Section, and up to eight additional members to be elected by the Section as hereinafter provided. Governing Council members shall include one (1) appellate court representative (e.g., judicial law clerk, staff attorney, etc.) and up to seven (7) at large members. The Section shall encourage member representation on the Governing Council, to the extent possible, from public, private, civil, criminal, state, and federal appellate practitioners, as well as appellate practitioners from all regions of the State.

Section 3 – ELIGIBILITY:

Any voting member of the Section is eligible to serve as secretary/treasurer or a Governing Council member. Any member of the Governing Council who has served at least one (1) year on the council is eligible to serve as the chairperson or vice-chairperson.

ARTICLE IV POWERS AND DUTIES OF THE COUNCIL

Section 1 - AUTHORITY:

The Governing Council shall manage the affairs of the Section, subject to the provisions of the Idaho Bar Commission Rules, the "Rules and Procedures for Establishing a Section", the duties of the Executive Director enumerated below, these by-laws, and the right of the members to decide any issue at a duly called membership meeting. The Governing Council shall fix the Section dues subject to approval by the Board of Commissioners of the Idaho State Bar and shall authorize all commitments or contracts which entail the expenditures of funds.

Section 2 - DELEGATION:

The Governing Council may authorize the chairperson to make commitments or expend money and to perform such duties and exercise such powers as the Governing Council may from time to time direct, subject to the limitations of Section 1 of this Article. The Governing Council may also establish member committees, provided that such committees shall not exercise any power of the Governing Council.

Section 3 - QUORUM:

A simple majority of the Council present at any meeting shall determine any question. Fifty percent or greater of the members of the Council shall constitute a quorum.

Section 4 - MEETINGS:

Governing Council meetings may be held on a date and time and at a place designated in the notice of meeting or by means of a telephone conference call on a date and at a time designated in the notice of meeting. Governing Council members may vote on any issue by oral or roll call vote, electronic voting (including email or any other electronic method), or by written ballot.

Section 6 - CALL:

The Governing Council shall meet at the call of the chairperson or upon the request of three members thereof. Reasonable notice shall be given for every meeting.

ARTICLE V POWERS AND DUTIES OF OFFICERS

Section 1 - CHAIRPERSON:

The chairperson shall preside at all meetings of the Section and the Governing Council. The chairperson shall formulate and present to each annual meeting of the Idaho State Bar a written report of the work of the Section from the preceding year. In addition, the chairperson shall give such periodic written or oral reports to the Board of Commissioners of the Idaho State Bar as they may require. The chairperson shall perform such other acts as usually pertain to such office.

Section 2 - VICE CHAIRPERSON:

Upon the death, resignation or inability for any reason of the chairperson to act, the vice chairperson shall perform the duties of the chairperson. The vice-chairperson is expected, but not required, to succeed the chairperson. The vice chairperson shall perform other duties that may from time to time be assigned by the Governing Council.

Section 3 - SECRETARY/TREASURER:

The secretary/treasurer shall keep an accurate record of the proceedings of all meetings of the Section and the Governing Council and publish all meeting agenda and minutes. The secretary/treasurer shall keep duplicate records of all the dues collected and all expenses of the Section and shall present a report to the membership at each regular meeting of the Section. The secretary/treasurer is expected, but

not required, to succeed the vice-chairperson. The secretary/treasurer shall perform other duties that may from time to time be assigned by the Governing Council.

Section 4 - EXECUTIVE DIRECTOR/ASSISTANT TREASURER:

The Executive Director of the Idaho State Bar shall serve as assistant treasurer, without voting privileges, and shall be responsible for receiving dues money, disbursing funds, keeping the books of the Section, and seeing that the Section operates in accordance with the rules and procedures of the Idaho State Bar, including, but not limited to, the expenditure of funds and the payment of expenses.

ARTICLE VI FINANCIAL MANAGEMENT

Section 1 - ACCOUNTING

All funds of practice sections shall be funds of the Idaho State Bar and shall be administered by the Idaho State Bar. Section funds are subject to the financial rules and procedures of the Idaho State Bar. As with Idaho State Bar funds, section funds will be accounted for by the accrual method of accounting.

Section 2 - EXPENSE POLICY

Section expenditures are subject to the same restrictions as Idaho State Bar funds. The Idaho State Bar is an integrated bar, and as such, is limited in its ability to engage in legislative and political activity. This limitation applies to section activities, programs and the expenditure of section funds. Expenditures must be for activities that are within the scope of the purposes of the Section and the Idaho State Bar.

Section 3 - GRANT REQUESTS

No section shall, without prior authorization of the Board of Commissioners, make a grant request to an outside entity in the name of the section or the Idaho State Bar.

Section 4 - FISCAL YEAR

The fiscal year for section accounts shall be the calendar year.

Section 5 – SECTION FUNDING

Sections are required to comply with the Policy on Funding of Sections and the fund balance limits established by the Board of Commissioners.

ARTICLE VII MEETINGS AND ELECTIONS

Section 1 - ANNUAL MEETING:

The annual membership meeting of the Section shall be held in April of each year at a place set by the Governing Council. Proper notice of the annual membership meeting shall be given to all Section members. Further regular meetings may be established by the Governing Council, and the chairperson or Governing Council may call such special meetings as may be necessary. Reasonable notice of each meeting shall be given.

Section 2 - QUORUM:

Ten members of the Section shall constitute a quorum for the transaction of business. Action of the Section shall be a majority vote of the members present and qualified to vote.

Section 3 - TERMS OF OFFICE:

Officers shall be elected by the Section at the annual meeting a minimum term of one year. Governing Council members shall be elected by the Section at the annual meeting for a minimum term of two years. Three Governing Council members, including the appellate court representative, shall be

elected in even numbered years. The remaining five Governing Council members shall be elected in odd numbered years. In 2014, the first year of the Section, the remaining five Governing Council members shall be elected to terms of one year. Contested elections shall be by ballot and may be conducted electronically.

Section 3.1 – FILLING OF VACANT AT LARGE COUNCIL MEMBER OR OFFICER POSITIONS:

Upon the death, resignation, or inability for any reason of any at large Council member or officer to serve, such position may be declared vacant at any properly noticed meeting of the Governing Council. The Council may designate a person to fill the vacancy for the remainder of the term of such position, subject to the requirements of Article III, Section 3. Such appointment shall be by majority vote of the Governing Council.

Section 4 - POLICIES:

Statements of policy or position may be adopted only by vote of a majority of the members of the Section at a regular meeting or by a majority of members voting by email so as to afford the greatest opportunity for participation of the members of the Section.

**ARTICLE VIII
IMPLEMENTATION, AMENDMENTS AND DISCONTINUANCE**

Section 1 - EFFECTIVE DATE:

These by-laws shall become effective and the Section shall be created upon the execution hereof by ten members of the Idaho State Bar and upon approval by the Board of Commissioners.

Section 2 - AMENDMENT:

These by-laws may be amended by majority vote of the Council or by majority vote of the members at any duly called meeting, but no amendment shall be effective until approved by the Board of Commissioners.

Section 3 - DISCONTINUANCE:

The Executive Director of the Idaho State Bar shall maintain a list of members of the Section. At such time as the membership of the Section shall number less than fifty (50), the Executive Director shall report that fact to the Board of Commissioners for the purpose of determining whether the Section should be continued.