

# BYLAWS OF THE LGBT LAW SECTION OF THE STATE BAR OF TEXAS

## ARTICLE I

### Name and Purpose

Section 1.1. This section shall be known as the LGBT Law Section of the State Bar of Texas.

Section 1.2. The purpose of the section is to:

- (1) promote the study of gay, lesbian, bisexual, transgendered, and HIV law;
- (2) study and report on laws, decisions, and governmental regulations as they may affect the rights, responsibilities, and needs of gay, lesbian, bisexual, or transgendered identified people, as well as persons who are living with HIV;
- (3) provide a common meeting ground and forum for members of the profession interested in the legal problems of people who identify as gay, lesbian, bisexual, or transgendered, as well as people who are living with HIV; and
- (4) take action regarding these matters, subject to these bylaws and the laws, rules, and regulations of the State of Texas.

## ARTICLE II

### Membership

Section 2.1. Each member must pay annual dues of \$20.00. Each associate member who is also a member of the Law School Division of the State Bar of Texas must pay annual dues of \$5.00. Each associate member who is not also a member of the Law Student Division of the State Bar of Texas must pay annual dues of \$10.00. The council may authorize a waiver of the first year's dues for newly inducted members of the State Bar of Texas.

Section 2.2. Any member of the State Bar of Texas, on payment of the current year's dues, shall be enrolled as a member of this section; thereafter, dues must be paid in advance each year.

Section 2.3 Any member of the Law Student Division of the State Bar of Texas or other person interested in the work of the section, on payment of the current year's dues, shall be enrolled as an associate member; thereafter, dues must be paid in advance each year. The words "member" and "membership," as used in these bylaws, do not include associate members unless otherwise specified. An associate member may not vote or serve as an officer, member of the council, or committee member.

Section 2.4. Any member or associate member whose annual dues are more than six

months past due ceases to be a member or associate member. Enrolled members whose dues have been paid pursuant to section 2.2 constitute the membership of the section.

### ARTICLE III

#### Officers

Section 3.1. The officers are the chair, vice-chair, secretary, and treasurer.

Section 3.2. There shall be a council which shall consist of the chair, vice-chair, secretary, treasurer, and the three most recent past chairs, all of whom are ex officio members, together with four other members to be elected by the section as provided in these bylaws.

Section 3.3. The chair, vice-chair, secretary, and treasurer shall be 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 were elected and ending at the close of the next annual meeting, or until their successors have been elected and qualified.

Section 3.4. Two members of the council shall be elected at each annual meeting for terms of two years beginning at the close of the annual meeting at which they were elected and ending at the close of the second succeeding annual meeting, or until their successors have been elected and qualified.

Section 3.5. If any officer or member of the council fails to attend three successive meetings of the council, the position held by that officer or member of the council is automatically vacated unless the council determines by a record vote that good cause exists for one or more of the absences. The council shall fill the vacancy for the unexpired term pursuant to section 6.3, except that a vacancy in the position of one of the three most recent past chairs shall remain vacant.

### ARTICLE IV

#### Nomination and Election of Officers and Members of the Council

Section 4.1. Nominations. Before each annual meeting, the chair shall appoint a nominating committee of three members. That nominating committee shall make and report nominations to the section for the offices of the chair, vice-chair, secretary, treasurer, and members of the council. Other nominations for the same positions may be made from the floor.

Section 4.2. Elections. All elections must be by written ballot unless otherwise ordered by a resolution duly adopted by the section at the annual meeting at which the election is held. Elections for members of the council shall not be held for specific positions, *i.e.*, places one through four, but instead shall be held generally.

Section 4.3. Whenever a vacancy occurs in the first year of the two-year term of a member of the council, there shall be an election to fill the unexpired term at the next annual meeting, regardless of whether the council acts to fill the vacancy pursuant to section 6.3. When it is necessary to hold an election to fill an unexpired term, all newly elected members of the council shall draw straws to determine who will fill the unexpired term.

## ARTICLE V

### Duties of Officers

Section 5.1. Chair. The chair shall: (1) preside at all meetings of the section and of the council; (2) formulate and present at the annual meeting of the State Bar of Texas a report of the work of the section for the past year; and (3) perform other duties customary for the chair.

Section 5.2. Vice-chair. On the death, resignation, or during the disability of the chair, or on the chair's refusal to act, the vice-chair shall perform the duties of the chair for the remainder of the chair's term except in case of the chair's disability and then only so long as the disability continues.

Section 5.3. Secretary. The secretary is the custodian of all books, papers, documents, and other property of the section. The secretary shall keep a true record of the proceedings of all meetings of the section and the council, whether assembled or acting under submission. The chair, vice-chair, and secretary shall prepare a summary or digest of the proceedings of the section at its annual meeting. In conjunction with the chair and the vice-chair, the secretary, as authorized by the council, shall attend generally to the business of the section.

Section 5.4. Treasurer. The treasurer is the custodian of all financial documents and funds of the section. The treasurer shall deposit the funds of the section in a separate account in any bank to be selected by the council, generally in the city where the treasurer resides, and shall make disbursements from funds as directed and authorized by the council on checks signed by the treasurer or either the chair or vice-chair. The treasurer shall keep an accurate record of all funds appropriated to and expended for the use of the section. The treasurer shall submit to the State Bar of Texas accounting department on a monthly basis all documents the State Bar of Texas requires to be submitted.

## ARTICLE VI

### Duties and Powers of the Council

Section 6.1. The council shall have general supervision and control of the affairs of the section subject to the rules governing the State Bar of Texas and these bylaws. The council shall authorize all commitments or contracts which require the payment of money and shall authorize the expenditure of all funds.

Section 6.2. The chair may appoint committees composed of members to perform duties and exercise various tasks as the chair may direct, subject to the limitations of these bylaws and rules governing the State Bar of Texas.

Section 6.3. The council, during the interim between annual meetings, may fill vacancies in its own membership or in the offices of vice-chair, secretary, and treasurer, or, in the event of a vacancy in both the office of chair and vice-chair, then in the office of chair. Members of the council and officers so selected serve until the close of the next annual meeting, or until their successors have been elected and qualified.

Section 6.4. Members of the council, when physically present or participating by telephone at meetings of the council, shall vote in person, but when absent may communicate their vote regarding any proposition to the secretary in writing and have the vote counted with the same effect as if cast personally at the meeting.

Section 6.5. The chair may, and on the request of any member of the council shall, submit or cause to be submitted in writing to each of the members of the council any proposition on which the council may be authorized to act. The members of the council may vote regarding that proposition by communicating their vote to the secretary in writing over their respective signatures. The secretary shall record the vote of each member of the council and keep on file the written and signed votes. A vote conducted under this section constitutes the vote of the council the same as if the vote was conducted under section 6.4.

Section 6.6. Meetings of the council may be called by the chair at a time and place determined by the chair.

Section 6.7. A majority of the members of the council, excluding the three most recent past chairs, constitutes a quorum for the transaction of business. A binding action of the council requires a majority vote of the members of the council, including the three most recent past chairs, present and voting.

## ARTICLE VII

### Section Meetings

Section 7.1. The annual meeting of the section must be held during the annual meeting of the State Bar of Texas, in the same city as the annual meeting of the State Bar of Texas, with the program and order of business as may be arranged by the chair.

Section 7.2. Special meetings of the section may be called by the chair at a time and place determined by the chair.

Section 7.3. The members present at any meeting constitute a quorum for the transaction

of business.

Section 7.4. A binding action of the section requires a majority vote of the members present and voting.

Section 7.5. Any recommendation or declaration of the section regarding existing or proposed legislation, or regarding proposed governmental regulations or administration, in order to constitute the action of the section, must first be approved by two-thirds of the members of the council and then be approved by a majority of the members of the section present and voting; provided that the action must be submitted for approval to the board of directors of the State Bar of Texas.

## ARTICLE VIII

### Miscellaneous Provisions

Section 8.1. The fiscal and membership year of the section is the same as that of the State Bar of Texas.

Section 8.2. No salary or compensation may be paid to any officer or member of the council. The council may approve a request for reimbursement for actual expenses submitted by any member or associate member, including an officer or member of the council.

Section 8.3. No positions may be taken by the section or its membership in the name of the section that advocates or advances a political or social policy position.

Section 8.4. As required by Part VI, subsection 6.02.08 D of the State Bar of Texas Board policy manual, the provisions of Part VI, subsections 6.02.08 A, B, and C, and any future amendments, are adopted and attached to these bylaws as an appendix.

## ARTICLE IX

### Amendments

Section 9.1. These bylaws may be amended at any annual or special meeting by a majority vote of the members present and voting, provided each proposed amendment must have been approved by two-thirds of the members of the council. No amendment may become effective until approved by the board of directors of the State Bar of Texas.

Adopted on June 12, 1998, by a vote of 8 to 0.

/s/ Anne M. Pike  
Vice-Chair

June 17, 1998  
Date

/s/ Charles Spain  
Secretary

16 June 98  
Date

Bylaws previously approved by the State Bar board of directors on April 17, 1998.

Amended on June 11, 1999, by a unanimous vote.

/s/ Charles Spain  
Chair

17 June 99  
Date

/s/ John Adcock  
Secretary

June 17, 1999  
Date

Amendments approved by the State Bar board of directors on September 24, 1999.

Amended on June 23, 2000, by a unanimous vote.

/s/ Charles Spain  
Chair

23 June 00  
Date

/s/ John Adcock  
Secretary

June 23, 2000  
Date

Amendments approved by the State Bar board of directors for approval on September 22, 2000.

Amended on June 14, 2002, by a unanimous vote.

/s/ John Nechman  
Vice-Chair

June 14 2002  
Date

/s/ Charles Spain  
Acting Secretary

14 June 2002  
Date

Amendments approved by the State Bar board of directors on September 20, 2002.

Amended on June 13, 2003, by a unanimous vote.

/s/ John Nechman  
Chair

June 13 2003  
Date

/s/ Kent Rutter  
Acting Secretary

13 June 2003  
Date

Amendments approved by the State Bar board of directors on January 23, 2004.

Amended on June 25, 2004, by a unanimous vote.

/s/ Rick Thompson  
Chair

June 25, 2004  
Date

Amendments approved by the State Bar board of directors on April 8, 2005.

Amended on June 11, 2010, by a unanimous vote.

/s/ Christopher Walter  
Chair

June 11, 2010  
Date

/s/ Karen Langsley  
Acting Secretary

June 11, 2010  
Date

Amendments previously approved by the State Bar board of directors on April 16, 2010.



## APPENDIX

### 6.02.08 Finances

**A.** Each section is authorized to collect membership dues and govern expenditures of dues income. The establishment of or any revision in the section dues requires approval by the State Bar Board of Directors. Each section shall submit to the Executive Director by July 15 each year a complete financial report for the preceding fiscal year ending May 31 and a section budget for the current fiscal year.

**B.** Section funds can only be invested within the parameters outlined in the State Bar of Texas Investment Policy as set forth in section 10.05 of the State Bar Board policy manual.

**C.** Each section shall deposit dues income into either a branch of the State Bar of Texas banking depository, or an alternative banking depository meeting the requirements of subsection B above. In the event a selects the alternative depository, it shall instruct the depository to provide directly to the State Bar a duplicate of the bank statements, canceled checks, and deposit slips. Any expense incurred in providing duplicates to the State Bar shall be borne by the section. Upon request by the section treasurer, the accounting department of the State Bar shall prepare a monthly and year-to-date section financial report. Any section may opt to have the State Bar manage section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets. This optional latter service will be provided by the State Bar at no charge to sections having less than 250 members. Larger sections electing this service may be charged a *per capita* fee per member not to exceed \$1.