

BYLAWS OF THE FAMILY LAW SECTION

Article I NAME AND PURPOSES

Section 1. Name. This section shall be known as the Family Law Section of The Florida Bar.

Section 2. Purpose. The purposes of this section are to:

(a) provide an organization within The Florida Bar open to all members having an interest in the field of family law;

(b) provide a forum for discussion and exchange of ideas leading to the improvement of the practice and substance of family law throughout Florida;

(c) assist the courts in establishing methods for the consistent, fair, and expeditious administration of justice in family law proceedings;

(d) encourage and promote a consideration of the interests and the needs of children affected by family law proceedings by all attorneys during their counseling of and advocacy on behalf of clients; as well as by judicial officers as defined in the Florida Certification Plan when called upon to resolve contested actions or approve settlements in uncontested actions within the framework of the family court system;

(e) advise and recommend to the Florida Legislature substantive changes in the law;

(f) advise the Supreme Court of Florida regarding the Florida Family Law Rules of Procedure;

(g) foster a high standard of ethical conduct on the part of all attorneys and judicial officers as defined in the Florida Certification Plan who participate in the family court system;

(h) prepare and organize educational programs relating to family law; and

(i) instill in attorneys who practice family law a desire to increase their effectiveness both inside and outside the courtroom with a goal of better representation for their clients and the professional administration of the cause of justice.

Article II MEMBERSHIP AND DUES

Section 1. Classifications of Membership. The membership of the section shall be the active members and affiliate members:

(a) *Active Members.* Any member of The Florida Bar in good standing by applying for such membership and paying the section's annual dues.

(b) *Affiliate Members.* The executive council may enroll upon request and upon payment of the prescribed dues as affiliate members of the section persons who have shown the dual capacity of interest in and contribution to the section's activities and who meet the following minimum requirements:

(1) law students enrolled in Florida law schools;

(2) graduates of any law school;

(3) legal assistants or paralegals who work with an active member of the section and who have successfully completed the certified legal assistant (CLA) exam of the National Association of Legal Assistants, Inc., or who have graduated from an ABA-approved program of study for legal assistants, or who have graduated from a course of study for legal assistants which is institutionally accredited but not ABA-approved, and which requires no less than the equivalent of 60 hours of classroom study, or who have graduated from a course of study for legal assistants, other than as defined above, plus not less than 6 months of in-house training as a legal assistant, or legal assistants or paralegals who have worked with active members of the section for 5 years or more; or any Florida Registered Paralegal;

(4) any person having a masters degree or doctorate in social work, mental health, behavioral or social sciences, or a physician certified to practice adult or child psychiatry, or a certified public accountant licensed to practice in any United States jurisdiction; or any appraiser, actuary or vocational rehabilitation specialist involved in family law matters who is authorized to do business in the state of Florida or any certified financial planner actively involved in family law cases, provided such individuals have at least 4 years practical experience or

(5) any supreme court certified family mediator.

Affiliate members shall be limited to one-third of the active membership. An affiliate member is a member of this section only. Affiliates shall have all the privileges accorded to members of the section except that affiliates shall not vote in any section election, hold section office or participate in the selection of officers or members of the section executive council. Affiliate members may be appointed as officers of section committees.

Section 2. Annual Dues. The executive council of the section shall fix annual dues payable from time to time by the members and affiliate members of the section. The dues so fixed will be effective when approved by the Board of Governors of The Florida Bar. Annual dues shall not be prorated except as expressly noted for first-year members of The Florida Bar. Dues are payable in advance of each membership year. However, each person who is admitted

to The Florida Bar shall be extended an invitation to become a member of the section, and upon acceptance, such members shall be entitled to a waiver of the dues for the first year of membership in the section according to the following formula:

(a) If a person is admitted to membership in The Florida Bar after June 30, but prior to December 31, of any calendar year, then that member will not be required to pay section dues until the June 30th following such member's admission to The Florida Bar.

(b) If a person is admitted to membership in The Florida Bar after January 1, but prior to June 30, of any calendar year, that member will not be required to pay section dues until June 30th of the calendar year next succeeding the calendar year of the member's admission to The Florida Bar (e.g., if admitted to The Florida Bar on March 1, 2008, no section dues will be payable until the fiscal year beginning July 1, 2009). The Florida Bar shall bill section dues simultaneously with the billings for regular dues of The Florida Bar. Any member of the section whose dues are not paid by the date that Florida Bar dues become delinquent ceases to be a member of the section.

Article III OFFICERS AND EXECUTIVE COUNCIL

Section 1. Officers. The officers of this section shall be chair, chair-elect, secretary, and treasurer.

Section 2. Executive Council. There shall be an executive council, which shall consist of the chair, immediate past chair, chair-elect, secretary and treasurer, together with 32 other members to be elected by the section as hereinafter provided. In addition, section trustees shall be considered ex officio members of the executive council.

Section 3. Elections. At each annual meeting the chair, chair-elect, secretary, and treasurer in a manner hereinafter provided, shall be elected to hold office for a term beginning on the day of election, and ending at the close of the next annual meeting of the section, and when successors have been elected.

Section 4. Terms. The terms of the executive council members shall be for 4 years, divided into 4 groups of 8 members so that each year the terms of 8 members shall expire. At each annual meeting of the section, 8 members of the executive council shall be nominated and elected to serve for 4 years. ("Year" as herein used, meaning a term beginning on the day of election, and ending at the close of the 4th succeeding annual meeting of this section, respectively.) The unexpired term of any vacancy in the executive council membership shall be filled by an election conducted by the executive council at any meeting of the executive council or during an annual meeting of the section.

Section 5. Eligibility. No person shall be eligible for election as a member of the executive council if that person is then a member of the executive council and has been a member continuously for a period of 3 full terms.

Section 6. Trustees. All past chairs of the section who are members of the section, in good standing, shall be automatically appointed as trustees of the section and shall be ex-officio members of the executive council each year. Trustees shall not be considered council members for the purpose of determining a quorum. At all meetings of the executive council up to 3 trustees may cast votes on any proposal before the council. If more than 3 trustees are in attendance, the 3 trustees who most recently served as section chair shall be permitted to vote.

Article IV

NOMINATION AND ELECTION OF EXECUTIVE COUNCIL AND OFFICERS

Section 1. Nominating Committee. The chair shall appoint the section nominating committee each year. The nominating committee (chaired by the chair-elect and consisting of all current section officers, the immediate past-chair, and at least one section member at-large) shall submit to the section at the annual section business meeting a list of nominees for the offices of chair, chair-elect, treasurer, secretary and all open executive council positions. To be eligible as a nominee, a person must be an active member as defined in section 1(a) of article II. The nominating committee shall publish the names of the nominees to the section no later than 60 days prior to the annual meeting of the section.

Section 2. Balloting. At the annual meeting of the section, the election of officers and executive council members shall be held. All elections shall be by acclamation unless otherwise ordered by resolution duly adopted by the executive council of the section prior to the annual meeting at which the election is held.

Article V

DUTIES OF OFFICERS

Section 1. Chair. The chair shall preside at all meetings of the section, the executive council, and the executive committee. The chair shall formulate and present at each annual meeting of The Florida Bar a report on the work of the section for the then past year. The chair shall perform such other duties and acts as usually pertain to the office.

Section 2. Chair-Elect. Upon the death, resignation or during the disability of the chair, or upon the chair's refusal to act, the chair-elect 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 during so much of the term as the disability continues.

Section 3. Secretary. The secretary shall be 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, the executive council, and the executive committee.

In conjunction with the chair, as authorized by the executive council, the secretary shall attend generally to the business of the section.

Section 4. Treasurer. The treasurer shall keep accurate records of all funds appropriated to and expended for the use of the section. The treasurer shall work with the chair-elect to prepare and submit a projected budget to the executive council and will report from time to time on the section's present and projected financial condition, advising the executive council as to the financial impact of any proposed action that might have a significant impact on the financial condition of the section. The treasurer shall prepare such other recommendations and special reports of financial affairs of the section as may be requested by the chair.

Article VI DUTIES AND POWERS OF THE EXECUTIVE COUNCIL

Section 1. Attendance. Members of the executive council shall attend executive council meetings, all appropriate regularly scheduled section committee meetings and whenever possible each of the section's continuing legal education programs, but no less than two of the section's continuing legal education programs each Florida Bar year. Members shall represent the section membership and promote goals and activities of the section. Members shall participate in and provide leadership for the various section committees. It shall be the duty of the executive council member who is member of a committee to report on the activity of that committee to the executive council if the chair of that committee is not otherwise present. Each member of the executive council shall actively serve on at least one section committee at all times and shall write an article for publication in a section publication, edit an issue of the Family Law Commentator, lecture at a section continuing legal education program or produce a section continuing legal education program during each year of service as a member of the executive council. As a continuing condition of service on the executive council, each council member shall have a current email address, on-going service and access thereto, absent interruption in service caused by natural disaster, a utility or online service provider, physical relocation of the member's office, or other emergent event. Each executive council member shall at all times immediately update his or her email address to facilitate communication and notice for purposes of both physical and electronic meetings.

Section 2. Physical Meetings. The executive council shall physically meet at such times and places as the chair shall from time to time designate. However, the executive council may be called into session (1) by the chair, or (2) by the secretary when requested in writing to do so by 3 members of the executive council. Sixteen members shall constitute a quorum for the transaction of business at meeting of the executive council. Unless otherwise stated in these bylaws, meetings of the section shall be conducted in accordance with Robert's Rules of Order.

Section 3. Electronic Meetings. In addition to regular scheduled physical meetings, executive council meetings may be scheduled and conducted by electronic means at the direction of the chair. Meetings may be conducted using any electronic means including but not limited to

e-mail or other Internet communication system, telephone conference, video conference, or facsimile. However, electronic meetings shall be subject to the following requirements:

(a) A majority of the executive council members shall have access to the appropriate electronic meeting media, as verified by their electronic attendance for any particular meeting or response to an action required by a specific time. This majority shall constitute the quorum for the meeting and, once established, shall be deemed present until the meeting is adjourned.

(b) Technology used for the electronic meetings shall allow members full access to and full participation in all meeting transactions either continuously or intermittently throughout the specified time of the meeting.

(c) Any specific procedural rules related to the conduct of electronic meetings established and promulgated by the executive council.

Section 4. Authorization.

(a) The executive council shall have general supervision and control of the affairs of the section subject to the provisions of the bylaws of the section and the rules established by the Board of Governors of The Florida Bar. It shall especially authorize all commitments or contracts that shall entail the payment of money, for the use or benefit of the section. It shall not, however, authorize commitments or contracts that shall entail the payment of more money during any fiscal year than the section's opening fund balance added to the section's actual revenue for the year.

(b) The executive council may authorize the chair to appoint committees from section members in addition to the standing committees hereinafter named to perform such duties and exercise such powers as the executive council may direct, subject to the limitations of these bylaws.

(c) During the interim between annual meetings the executive council may fill vacancies in its own membership or in the office of the secretary, treasurer, chair, or chair-elect. Members of the executive council and officers so elected shall serve until the close of the next annual meeting of the section.

(d) All binding action of the executive council shall be by majority vote of those present and voting.

(e) In lieu of considering a matter at a meeting, any executive council member may, in writing, request a written poll of the council. In such cases, the chair shall, in writing, submit or cause to be submitted to the members of the executive council any proposition upon which the executive council may be authorized to act, and the members of the executive council may vote upon such proposition so submitted by communicating their votes thereon in writing over their name to the secretary within the time prescribed by the chair. The secretary shall record into the

minutes each proposition so submitted, and the vote of each member of the executive council, and keep on file such written votes. A majority vote of those duly recorded shall constitute the binding action of the executive council. For the purpose of this section the requirement of a "writing" shall include email and faxed communications.

Section 5. Unexcused Absence. Any executive council member who misses 2 consecutive in-state council meetings without good cause shown in advance of the absences may be removed from the council by a majority vote of the executive council members at any regular or special meeting. Written notice of an intent to remove an executive council member shall be furnished 30 days prior to the executive council meeting at which same shall be considered and voted upon. If the council member faced with removal seeks to challenge same, he or she shall be afforded the opportunity of appearing before the executive council for that purpose by placing a request, in writing addressed to the chair and remaining executive committee officers, no later than 15 days prior to the meeting and shall set forth his or her good cause to challenge the removal. The executive council member can either rely on that letter or additionally, appear in person to explain the good cause prior to the removal vote being undertaken at the meeting.

Article VII COMMITTEES

Section 1. Membership. The executive committee shall consist of the officers of the section and the immediate past chair as its standing membership. From time to time, the section chair may designate a member with special expertise, experience or knowledge relevant to a vote on a particular issue or group of issues. Approval of this member by a majority of the remaining executive committee members is required unless the member is the committee chair, program chair or ad hoc committee chair relevant to the issue or group of issues.

Section 2. Responsibilities. The executive committee shall be responsible for the daily operations of the section between the regular and/or special meetings of the executive council and shall conduct its business from time to time by correspondence, electronic meetings and/or telephone meetings to the extent authorized by the chair. All actions of the executive committee shall be considered to have been taken on behalf of the executive council but shall be subject to later ratification by the executive council. Any actions taken by the executive committee are binding and shall be sufficient to represent the position of the section and the executive council to The Florida Bar concerning all issues including but not limited to the establishment of legislative positions.

Section 3. Voting. A majority of standing executive committee members including special members approved by the standing executive committee shall constitute a quorum for voting on any issue. A majority of those present to vote shall be sufficient for the transaction of business.

Section 4. Unexcused Absence. Any executive committee member who misses 2 consecutive in-state executive committee meetings without good cause shown in advance of the

absences may be removed as an officer by a majority vote of the executive council members at any regular or special meeting. Written notice of an intent to remove an executive committee member shall be furnished 30 days prior to the executive council meeting at which same shall be considered and voted upon. If the executive committee member faced with removal seeks to challenge same, he or she shall be afforded the opportunity of appearing before the executive council for that purpose by placing a request, in writing addressed to the chair and remaining executive committee officers, no later than 15 days prior to the meeting and shall set forth therein his or her good cause to challenge the removal. The executive committee member can either rely on that letter or additionally, appear, in person to explain the good cause prior to the removal vote being undertaken at the meeting.

Article VIII COMMITTEES

Section 1. Standing Committees. The standing committees of the section shall consist of the following:

- (a) Amicus Curiae
- (b) Membership
- (c) Nominating
- (d) Publications
- (e) Continuing Legal Education
- (f) Legislation
- (g) Rules and Forms
- (h) Sponsorship
- (i) Adoption, Paternity and Dependency (which may be combined with Children's Issues during any specific year if deemed appropriate by the section chair)
- (j) Domestic Violence
- (k) Support Issues
- (l) Mediation and Collaborative Law
- (m) General Magistrates
- (n) Litigation Support
- (o) Children's Issues
- (p) Equitable Distribution

Section 2. Committee Chair Appointments. The chair of the section shall appoint all committee chairs, and in consultation with each committee chair, shall appoint the committee officers. A section member may serve on one or more committees of his or her selection at the discretion of and assignment by the chair, except that the legislation committee voting membership shall be limited as set forth herein. The chair of the section may submit a report to the incoming chair by April 15th of each year commenting on the committee chairs or specific committee members who performed extraordinary services, displayed leadership skills; or alternatively, who failed to substantially complete committee goals or demonstrate appropriate leadership skills. Similarly, each committee chair may submit a report to the incoming chair by

April 15th each year commenting upon committee members' attendance, initiative, efforts and extraordinary services to the committee, or otherwise designating members who may have leadership potential; and alternatively, members who failed to attend committee meetings, complete assignments, and/or otherwise meaningfully participate in committee and subcommittee activities.

Section 3. Legislation Committee. The legislation committee shall consist of not less than 30 members and not more than 50 members, not including committee officers who shall be appointed by the section chair. The attendance of 10 members shall constitute a quorum at any meeting. Four unexcused absences at meetings (including telephonic meetings) shall constitute grounds for removal of a member. The committee chairs and at least 1 of the vice chairs of the legislation committee shall be members of the executive council of the section at the time of his or her appointment.

Section 4. Standing Committees. Standing committees shall meet at least 3 times per year. All committee chairs or co-chairs shall contact members of their committee within a reasonable time of the member joining the committee to provide orientation as to the workings and purpose of the committee. There shall be a secretary of each committee that is selected by the section chair. It shall be the task of the chair, vice chair(s), and the secretary to provide an agenda for each meeting to each member of their committees. The chairs of the committees shall attend the executive council meetings to report on their committees, or designate an executive council member who serves on their committee to report. All committees shall make and maintain written minutes of all meetings and the committee chair and secretary of the committee shall ensure that a copy of the minutes from each meeting are provided to the executive council and each member of the committee.

Article IX MEETINGS OF SECTION

Section 1. Annual Meeting. The annual section business meeting shall be held during the annual meeting of The Florida Bar with such programs and order of business as may be arranged by the executive council.

Section 2. Attendance. The members of the section present at the annual business meeting shall constitute a quorum for the transaction of business.

Section 3. Actions of the Section. All binding action of the section shall be by majority vote of the active members present and voting.

Article X MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year. The fiscal year of the section shall be the same as that of The Florida Bar.

Section 2. Dues. All dues and other money of the section shall be deposited with The Florida Bar, subject to the fiscal arrangements fixed by the board of governors regarding income and disbursements of sections.

Section 3. Expenditures. Expenditures from dues and other funds of the section, whether current or accumulated, shall be made at the recommendation or request of the executive council.

Section 4. Compensation. No salary or compensation shall be paid to any officer, executive council member, or member of a committee, but the executive council may authorize payment of reasonable out-of-pocket expenses resulting from the performance of such services.

Section 5. Policy. No action of this section shall be contrary to the policies of The Florida Bar established by its board of governors.

Article XI AMENDMENTS

Section 1. Bylaw Amendments. These bylaws may be amended at any meeting of the section by a majority vote of the active members of the section present and voting, or by a two-thirds vote of the executive council members at any regular or special meeting of the council, provided that a quorum is present.

Section 2. Notice. Notice of the proposed amendment shall have been provided at least 10 days prior to the meeting. Notice can be posted on the section website or distributed by any means calculated to provide notice to the section membership.

Section 3. Board of Governors Approval. No amendment so adopted shall become effective until approved by the Board of Governors of The Florida Bar.