

**BY-LAWS  
OF THE  
TENTH JUDICIAL DISTRICT BAR**

**ARTICLE I**

Name

The name of this District Bar shall be THE TENTH JUDICIAL DISTRICT BAR, and shall be hereinafter referred to as the District Bar.

**ARTICLE II**

Authority and Purpose

Section 1: Statutory Authority. The District Bar is formed pursuant to the provisions of Chapter 20, Public Laws, 1933 and amendments thereto (Chapter 84, North Carolina General Statutes) to promote the purposes of said act and to comply with the duties and obligations therein imposed upon the Bar of this District.

Section 2: Mission Statement. The Tenth Judicial District Bar's mission is to advance the administration of justice and to enhance the public's understanding of the role of lawyers and the rule of law.

**ARTICLE III**

Membership

The members of the District Bar shall consist of two classes, active and inactive.

Section 1: Active Members: The active members shall be all persons who, at the time of the adoption of these By-Laws or at any time thereafter

- (a) are active members in good standing with the North Carolina State Bar and
- (b) reside in the judicial district or
- (c) practice in the judicial district and elect to belong to the District Bar as provided in G.S. 84-16.

Section 2: Inactive Members: The inactive members shall be all persons who shall:

- (a) be a resident of the TENTH JUDICIAL DISTRICT; and
- (b) have been granted inactive status by the COUNCIL OF THE NORTH CAROLINA STATE BAR; and

(c) have notified in writing the Secretary of the DISTRICT BAR such person's desire to affiliate with the District Bar.

## **ARTICLE IV**

### Officers

The officers of the District Bar shall be the President, President-Elect, Secretary and Treasurer currently serving and thereafter as shall succeed to office and be elected by the members pursuant to these By-Laws.

Section 1: President: The President serving at the time these By-Laws are adopted shall continue to serve for the remainder of the one year term ending on December 31 of the current year. The President for the following one year term shall be the currently serving President-Elect. Thereafter, the duly elected President-Elect shall automatically succeed to the office of President each year.

Section 2: President-Elect: The President-Elect serving at the time these By-Laws are adopted shall continue to serve as President-Elect for the remainder of the one year term ending December 31 of the current year, at which time said President-Elect shall succeed to the office of President. Thereafter, the President-Elect shall be elected according to the procedures set out in Article IV, Section 4 of these Bylaws.

Section 3: Secretary. The Secretary serving at the time these bylaws are effective shall continue to serve until December 31, 2011. Thereafter, the Secretary shall be elected according to the procedures set out in Article IV, Section 4 of these Bylaws.

Section 4: Treasurer. The Treasurer serving at the time these bylaws are effective shall continue to serve until December 31, 2011. Thereafter, the Treasurer shall be elected according to the procedures set out in Article IV, Section 4 of these Bylaws.

Section 5: Terms of Office: The President-Elect, immediate past president, Secretary and the Treasurer shall serve for a term of one year commencing on January 1 of the year following the date of the annual election. The term of office of the President who succeeds to the office of President by reason of having been the President-Elect shall likewise be for one year commencing on January 1 following the year said President-Elect served as President-Elect.

Section 6: Election: The District Bar shall hold an annual election in December of each year, to select a President-Elect, Secretary and Treasurer for the immediately succeeding year. The President-Elect so elected shall succeed to the office of President for the year following the term as President-Elect. The Nominating Committee shall meet in advance of the election and shall select the nominees. The election may be conducted at a meeting of the District Bar or by mail or by electronic transmission as shall be determined by the Board of Directors.

- Section 7: Duties: The duties of the officers shall be such as are usual and customary for such officers, including such duties as may from time to time be designated by resolution of the DISTRICT BAR, the COUNCIL OF THE NORTH CAROLINA STATE BAR and/or the applicable laws of the State of North Carolina.
- Section 8: Vacancies: In the event of a vacancy in the office of President-Elect, Secretary or Treasurer, any such vacancy shall be filled by the Board of Directors until the next annual meeting of the DISTRICT BAR. In the event of a vacancy in the office of President, the President-Elect shall succeed to the office of President and the Board of Directors shall elect a new President-Elect. A person so elected to fill a vacancy shall serve in said office until a successor to the office is duly elected and qualified.
- Section 9: Notification: Within 10 days following the annual meeting, or the filling of a vacancy in any office, the President shall notify the Executive Director of the North Carolina State Bar of the names, addresses and telephone numbers of all officers of the District Bar.
- Section 10: Record of By-Laws: The President shall ensure that a current copy of these By-Laws is filed with the office of the Senior Resident Superior Court Judge with the Tenth Judicial District and with the Executive Director of the North Carolina State Bar.
- Section 11: Removal from Office: The District Bar, by two-thirds vote of its active members present at a duly called meeting, may, after due notice and an opportunity to be heard, remove from office any officer who has engaged in conduct which renders the officer unfit to serve, or who has become disabled, or for other good cause. The office of any officer who, during his or her term of office ceases to be an active member of the North Carolina State Bar shall immediately be deemed vacant and shall be filled as provided in Section 7 of this Article.

## **ARTICLE V**

### Organization

- Section 1: Board of Directors: There shall be a Board of Directors of the District Bar which shall consist of twenty-seven (27) active members of the DISTRICT BAR who shall be the President, the President-Elect, the immediate Past President, the Secretary, the Treasurer, the Young Lawyers Division President or Chair and twenty-one (21) elected members. At the annual meeting in December of each year, seven (7) Directors shall be elected to serve for three (3) year terms. The terms of office of the members of the Board of Directors shall be staggered so that seven (7) members shall be elected by the members of the District Bar at each annual meeting to serve for a term of three (3) years commencing January 1 of the year following their election or until their successors shall have been elected and qualified. Those seven nominees receiving the highest number of votes as Directors shall be elected. Provided, that for

2012 only, there shall be thirty (30) elected directors. For the election held in December, 2011 only, seven (7) Directors shall be elected to serve two year terms and seven (7) Directors shall be elected to serve three year terms.

In the event of a vacancy in the membership of the Board of Directors, the remaining members of the Board may elect an active member of the District Bar to serve as a member of the Board for the balance of the term filled. The Board shall meet on a schedule set annually by the President, and at such meetings shall have full power and authority to take such action on behalf of the members of the District Bar in all matters which may come before the Board from time to time as the Board shall deem proper and appropriate. The President, or in the President's absence, the President-Elect shall preside at each meeting of the Board of Directors.

The Dean of any ABA-affiliated law school with a physical location in the District shall be an Ex Officio member of the Board of Directors, but shall not be entitled to vote on matters coming before the Board of Directors.

Written notice stating the time and place of any regular meeting of the Board shall be provided to each Director at least five (5) days prior to the date of the meeting. A quorum for any meeting shall consist of ten (10) members of the Board present at any duly called meeting.

Emergency meetings of the Board of Directors may be called upon one (1) days prior notice to all Directors at any time by or at the direction of the President, the President-Elect or any four directors.

Section 2: Other Committees: The Board of Directors may from time to time in its discretion, create and abolish such other committees, standing as well as ad hoc, deemed necessary and desirable. The Chairs and members of any such committees shall be appointed by the President after consultation with the Board.

Section 3: Executive Director: The Board of Directors shall employ an Executive Director. The Executive Director reports to the Board. The Executive Director shall have all the powers necessary for the general management and, in conjunction with the President, direction of the business of the District Bar on all powers ordinarily exercised by the Executive Director of an organization, including the authority to hire support staff as authorized by the Board. The Board of Directors, by majority of its members, may terminate the employment of the Executive Director. Pending the call of a special meeting of the Board of Directors, the President, for good cause, may suspend immediately the authority of the Executive Director to act. This period of suspension shall extend no longer than ten days.

## **ARTICLE VI** Committees

Section 1: Standing Committee(s): The standing committees shall be the Nominating Committee, Fee Dispute Committee, Grievance Committee and Professionalism Committee.

Section 2: Nominating Committee:

(a) The Nominating Committee shall be appointed by the President of the District Bar and shall consist of at least three active members of the District Bar who are not officers or directors of the District Bar.

(b) The Nominating Committee shall meet as necessary for the purpose of nominating active members of the District Bar as candidates for officers and councilor(s) and the Board of Directors, if any.

(c) The Nominating Committee members shall serve one-year terms beginning on January 1.

(d) Any active member whose name is submitted for consideration for nomination to any office or as a Councilor must have indicated his or her willingness to serve if selected.

Section 3: Fee Dispute Resolution Committee:

(a) The Fee Dispute Resolution committee shall consist of at least twelve persons appointed by the President to staggered three-year terms as provided in the District Bar's Fee Dispute Resolution Plan.

(b) The Fee Dispute Resolution Committee shall be responsible for implementing a Fee Dispute Plan approved by the Council of the North Carolina State Bar to resolve fee disputes efficiently, economically, and expeditiously without litigation.

(c) The Fee Dispute Resolution Committee shall operate in strict accordance with the rules and policies of the North Carolina State Bar with respect to District Fee Dispute Resolution Committees.

Section 4: Grievance Committee:

(a) The Grievance Committee shall consist of at least five but not more than twenty-one persons appointed by the President to staggered three year terms as provided by the Rules and Regulations of the North Carolina State Bar governing Judicial District Grievance Committees. In addition to the attorney members, each district grievance committee may also include one to five public members who have never been licensed to practice law in any jurisdiction. Public members shall not perform investigative functions regarding grievances but in all other respects shall have the same authority as the attorney members of the district grievance committee.

(b) The Grievance Committee shall assist the Grievance Committee of the North Carolina State Bar by receiving grievances, investigating grievances, evaluating

grievances, informally mediating disputes, facilitating communication between lawyers and clients and referring members of the public to other appropriate committees or agencies for assistance.

(c) The Grievance Committee shall operate in strict accordance with the rules and policies of the North Carolina State Bar with respect to District Bar Grievance Committees.

Section 5: Special Committees: Special Committees may be created and appointed by the President.

## **ARTICLE VII**

### Election and Appointment of State Bar Councilors

Section 1: Purpose: The purpose of this Article is to promulgate fair, open, and uniform procedures to elect and appoint North Carolina State Bar Councilors.

Section 2: The District Bar, shall fill any vacancy created by the expiration of the term of one or more of the councilors by an election conducted as follows:

(a) The officers of the District Bar shall fix the time and method of such election consistent with these Bylaws and shall give to each active member (as defined in G.S. 84-16) of the District Bar a written notice, described in support (d) below at the address on file with the North Carolina State Bar. The notice may be given by mail or by electronic transmission

(b) The District Bar shall submit the written notice of the election to the North Carolina State Bar, at least six weeks before the date of the election.

(c) The North Carolina State Bar will, at its expense, mail these notices if mail notice is requested by the District Bar.

(d) The notice shall state the date, and method of election, consistent with Article IV, Section 5, hereof, give the number of vacancies to be filled, provide the name of the chair of the Nominating Committee to whom suggestions for nominations may be made and the date by which such suggestions must be made, and advise that all elections must be by a majority of the votes cast by those present and voting.

Section 3: Following selection of the nominees by the Nominating Committee, the District Bar shall vote using the method selected by the Board of Directors. Write in votes shall be allowed. Cumulative voting shall not be permitted. Nominees receiving a majority of the votes cast shall be declared elected.

Section 4: The unexpired term of any vacancy occurring in the office Councilor because of

resignation, death or any cause other than the expiration of a term, shall be filled within ninety days of the occurrence of the vacancy by an election conducted in the same manner as above provided.

### **ARTICLE VIII** Annual Membership Fee

Each active member of the District Bar shall:

- (a) pay such annual membership fee as may be prescribed from time to time by a majority vote of its membership as a service charge in order to promote and maintain the administration, activities and programs of the District Bar; which fee shall not exceed the then current State Bar fee;
- (b) keep the Secretary and Treasurer notified of such member's correct mailing address; and
- (c) pay the prescribed fee at the time and place set forth in the demand for payment mailed or delivered by electronic transmission to said member by the Secretary or Treasurer.

A person licensed to practice law in North Carolina for the first time by examination is not liable for membership fees during the year in which the person is admitted.

(1) A person licensed to practice law in North Carolina serving in the United States Armed Forces, whether in a legal or nonlegal capacity, is exempt from judicial district bar dues for any year in which the member serves some portion thereof on full-time activity duty in the military service.

(2) A lawyer who joins a judicial district bar after the beginning of its fiscal year is exempt from the obligation to pay the annual membership fee for that fiscal year only if the lawyer can demonstrate that he or she previously paid an annual membership fee to another judicial district bar with a fiscal year that runs coterminously, for a period of three (3) months or more, with the fiscal year of the lawyer's new judicial district bar.

Any active member present may vote on any proposal to prescribe such a fee, which proposal may be presented at any annual meeting or any special meeting called for the purpose of considering such proposal; provided that at least thirty (30) days notice of such meeting must be provided to each active member.

### **ARTICLE IX** Meetings - Membership

- Section 1: Regular Meeting: There shall be a meeting of the District Bar's membership on such days and at such places as shall be designated by the Board.
- Section 2: Annual Meeting: The annual meeting of the membership shall be held in December of each year or at such other time as shall be selected by the Board.
- Section 3: Special Meetings: Special meetings of the membership may be called at any time by the President or by the Board of Directors.
- Section 4: Notice: Notice of any meeting of the membership shall be mailed or delivered by electronic transmission to the last known address of each member not less than five (5) days prior to each meeting, or at least 30 days before the date of any meeting at which the members will vote on whether to impose or increase an annual membership fee.
- Section 5: Quorum: A quorum shall be those present at any membership meeting for which proper notice was given.

## **ARTICLE X**

### Amendment of the By-Laws

- Section 1: By the Board: The Board of Directors may amend these By-laws by a two-thirds (2/3) vote of the Directors present and voting at any Directors' meeting. Any amendment so adopted shall become effective upon its ratification by a majority vote of the membership of the District Bar present and voting at any subsequent meeting.
- Section 2: By the Membership: Any member may propose amendments to these By-Laws at any membership meeting, with or without notice. If a majority of the members present and voting at such meeting favor the submission of said proposed amendment to the membership for adoption, the Secretary shall cause notice to be given of the proposed amendment to the membership, who may at any subsequent membership meeting adopt the same by a two-thirds (2/3) vote of the membership there present and voting.
- Section 3: Notice Required to Amend By-Laws: The amendment or ratification of an amendment to these By-Laws at any meeting of the Board of Directors or membership of the District Bar shall be effective only if the call for said meeting(s) gives notice of the proposed By-Law amendment.

## **ARTICLE XI**

### District Judge Nominations

Unless otherwise required by law, the following procedures shall be used to determine the nominees to be recommended to the Governor pursuant to N.C. Gen. Stat. ' 7A-142 for vacancies in



district court judgeships in the Tenth Judicial District.

**Section 1.** Nominations: The nominees shall be selected by secret, written ballot of those members of the District Bar present at a meeting called for the purpose. Fifteen (15) days notice of the meeting shall be given, by mail, to the last known address of each District Bar member.

**Section 2.** Submission of Names and Elections. Persons desiring to place their names on the ballot shall notify the President in writing five (5) days prior to the meeting at which the election will be conducted.

**Section 3.** Number of Nominees: Each District Bar member eligible to vote pursuant to N.C. Gen. Stat. § 7A-142 may vote for up to five (5) candidates. Cumulative voting is prohibited. Proxy voting is prohibited.

**Section 4.** Submission to Governor. The five candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court and their names, and vote totals, shall be transmitted to the Governor. In event of a tie for fifth place, the names of those candidates involved in the tie shall be transmitted to the Governor together with the names of the four candidates receiving the highest number of votes.

## **ARTICLE XII**

### **ABA Delegate**

The Nominating Committee shall select the person or persons to serve as delegate to the American Bar Association from nominations submitted by the President and, if desired, from applications submitted by any member interested in serving.

## **ARTICLE XIII**

### **District Bar Finances**

**Section 1:** Fiscal Year: The District Bar's fiscal year shall begin on October 1 and shall end on September 30.

**Section 2:** Duties of Treasurer: The Treasurer shall maintain the funds of the District Bar on deposit, initiate any necessary disbursements and keep appropriate financial records.

**Section 3:** Annual Financial Report: Each year following the auditor's preparation of the annual report, the Treasurer shall prepare the report for review by the Board of Directors, and the Board shall submit a copy to the North Carolina State Bar and make copies available for members upon request.

**Section 4:** District Bar Checks: All checks written on District Bar accounts (arising from the collection of mandatory dues) that exceed \$2000.00 (or such larger amount as may be approved, in writing, by the Staff Auditor of the North Carolina State Bar) must be

signed by two (2) of the following: the Treasurer, any other officer of the District Bar, or the Executive Director of the District Bar.

Section 5: Fidelity Bond: If it is anticipated that receipts from membership fees will exceed \$20,000.00 for any fiscal year, the District Bar shall purchase a fidelity bond at least equal in amount to the anticipated annual receipts to indemnify the District Bar for losses attributable to the malfeasance of the Treasurer or any other member having access to District Bar funds.

Section 6: Taxpayer Identification Number: The Treasurer shall be responsible for obtaining a federal taxpayer identification number for the District Bar.

#### **ARTICLE XIV** Prohibited Activities

Section 1: Prohibited Expenditures: Mandatory District Bar dues, if any, shall not be used for the purchase of alcoholic beverages, gifts to public officials, including judges, charitable contributions, recreational activities or expenses of spouses of District Bar members or officers.

Section 2: Political Expenditures: The District Bar shall not make any expenditures to fund political and ideological activities.

Section 3: Political Activities: The District Bar shall not engage in any political or ideological conduct or activity, including the endorsement of candidates and the taking or advocacy of positions on political issues, referendums, bond elections, and the like, however, the District Bar, and persons speaking on its behalf, may take positions on, or comment upon, issues relating to the regulation of the legal profession and issues or matters relating to the improvement of the quality and availability of legal services to the general public.