

**BY-LAWS OF THE  
FAMILY LAW SECTION OF  
ATLANTA BAR ASSOCIATION, INC.**

**ARTICLE 1**

**NAME, PURPOSE, FISCAL YEAR, LIMITATIONS, DEFINITIONS**

**SECTION 1.01. NAME.**

The name of this Section of the Atlanta Bar Association, Inc. shall be the Family Law Section, and shall be designated hereinafter as “the Section”.

**SECTION 1.02. PURPOSE.**

The general purpose of the Section shall be the promotion of the objectives of the Atlanta Bar Association, Inc. within the particular field designated by the name of this Section. To that end, it shall be the purpose of this Section:

- a) To uphold and defend the Constitution of the United States and of Georgia and maintain representative government; to advance the science of jurisprudence; to promote the administration of justice; to uphold the honor of the profession of law; to apply its knowledge and experience in the field of domestic relations or family law to the promotion of the public good; to encourage cordial intercourse among the members of the Section; to coordinate and promote such activities of the Section as are within these objectives in the interest of the legal profession and of the public; and to engage in the lawful activities related thereto.
- b) To sponsor actively the continuing education of the members of the Atlanta Bar Association in this field; to study and review proposed legislation or administration policy for the improvement of the law and practice in this field and to make appropriate recommendations thereon to the Atlanta Bar Association; and always be subject to the By-Laws of the Atlanta Bar Association and to this end shall more specifically promote but not be limited to the following services:
  - i. To inform of current case law in the Family Law areas;
  - ii. To inform of new proposed or past legislation in the Family Law areas;
  - iii. To provide a basis for interaction within the Family Law areas between the bench and bar;
  - iv. To provide informed speakers on subjects of interest at regular monthly meetings and other continuing legal education meetings or seminars;
  - v. To promote expertise of the members in the Family Law areas.

**SECTION 1.03. FISCAL YEAR.**

The fiscal year of the Section shall be from June 1 through May 31.

**SECTION 1.04. LIMITATIONS.**

These By-Laws have been adopted subject to the Articles of Incorporation and By-Laws of the Atlanta Bar Association, Inc. and, in the event of conflict, the Articles of Incorporation and By-Laws of the Atlanta Bar Association, Inc. shall control.

**SECTION 1.05. DEFINITIONS.**

The terms Membership, Chair, Vice-Chair/Chair Elect, Secretary, Treasurer, Board of Directors and similar terms when used herein shall, unless otherwise designated, refer respectively to the Membership, Chair, Vice-Chair/Chair Elect, Secretary, Treasurer and Board of Directors of this Section.

**ARTICLE II**

**MEMBERSHIP**

**SECTION 2.01. ENROLLMENT.**

Any member of the Atlanta Bar Association, Inc. shall, upon request to Atlanta Bar Association, Inc., be enrolled as a member of the Section by the payment of annual Section dues. Life Members of the Atlanta Bar Association, Inc. may enroll as a member of the Section at any time without payment of Section dues.

**SECTION 2.02. THE MEMBERSHIP**

Members so enrolled and whose dues are paid pursuant to the provisions of this Article shall constitute the Membership of the Section.

**SECTION 2.03 DUES.**

Dues for membership in the Section shall be in an amount set by the Board of Directors in accordance with Sections 5.02 and 8.01 hereof and shall be payable annually at the time of enrollment.

**SECTION 2.04. DELINQUENCY.**

Any member of the Section who has not paid the annual dues by September 1st of each year shall automatically cease to be a member of the Section. Life Members of the Section shall automatically cease to be a member of the Section on May 31 of each year unless re-enrolled pursuant to Section 2.01 of this Article.

## **ARTICLE III**

### **MEETINGS OF THE MEMBERS**

#### **SECTION 3.01 MEETINGS.**

Meetings of the Membership shall be held upon call of the Chair, a majority of the Board of Directors then in office or at the written request of at least 25% of the members of the Section.

#### **SECTION 3.02 NOTICE.**

Notice of any meeting of the Membership shall be mailed or emailed at least 10 days prior thereto, by mailing or emailing notice of the place and purpose of the meeting (including appropriate notice and information regarding nomination and election of officers in accordance with Article IV) to each member of the Section at the address or email address of such member as shown on the records of Atlanta Bar Association, Inc.

#### **SECTION 3.03. QUORUM.**

The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

#### **SECTION 3.04. CONTROLLING VOTE.**

Action of the Section shall be by majority vote of the voting members present.

#### **SECTION 3.05. VOTING ELIGIBILITY.**

Any Active or Life Member of the Atlanta Bar Association, Inc. who is a member of the Section, as reflected on the records of the Atlanta Bar Association, Inc. shall be eligible to vote and each such person shall have one vote.

#### **SECTION 3.06. MAIL VOTING.**

The Board of Directors may direct that a matter be submitted to the membership for vote by mail or email. In that event, binding action of the Section shall be by a majority of the votes received from members in accordance with the rules fixed by the Board of Directors.

## **ARTICLE IV**

### **OFFICERS**

#### **SECTION 4.01. OFFICERS.**

The officers of the Section shall consist of a Chair, a Vice-Chair/Chair Elect, a Secretary, a Treasurer and the Immediate Past Chair (hereinafter "Officers" or "Officer"). The Officers shall assume office on June 1st and shall serve until May 31. Only persons who are Active or Life Members of the Atlanta Bar Association, Inc. and who are members of the Section may be nominated in any manner or serve in any office or position of the Section. Each Officer shall be appointed for a one year term pursuant to the procedures set forth in Article IV, Section 4.02, of these By-Laws.

#### **SECTION 4.02. DUTIES AND AUTHORITY.**

The Officers shall have such duties and authority as generally pertain to their respective offices, as well as such duties and authority as from time to time may be designated by the Board of Directors; provided that such duties and authority are not inconsistent with other provisions of these By-Laws. Without limitation upon any of the foregoing:

a) The Chair shall be the Chief Executive Officer of the Section and shall be responsible for the administration of the Section, including general supervision of the policies, programs and decisions adopted by the Board of Directors. The Chair shall act as spokesperson for the Section; shall have the right to call and shall preside at all meetings of the Board of Directors and the Membership; shall appoint the chair and other members of all committees of the Section who are to hold office during his or her term as Chair; shall plan and superintend the programs of the Section during his or her term, subject to the direction and approval of the Board of Directors; shall keep the Board of Directors duly informed as to the administration and activities of the Section; and shall propose the Member at Large whose term shall begin simultaneously with the Chair's term, as more particularly described in and governed by Article V, Section 5.03, *infra*.

b) The Vice-Chair/Chair Elect shall automatically become Chair of the Section at the expiration of his or her term as Vice-Chair/Chair Elect. The Vice Chair/Chair Elect shall, on consultation with the Chair, arrange for the appointment of the Chair and members of the committees who are to hold office during his or her coming term as Chair. The Vice-Chair/Chair Elect shall aid the Chair in the performance of his or her responsibilities in such manner and to such extent as the Chair may request and shall, in the absence of the Chair, perform the duties of the Chair.

c) The Secretary shall automatically become Vice Chair/Chair Elect at the expiration of his or her term as Secretary; shall consult with and assist all the officers of the Section generally in the manner and to the extent they may request; shall issue, or cause to be issued, notices of all meetings of the Board of Directors and the Membership; shall keep a true

record of the proceedings of all meetings of the Board of Directors and of the Membership, whether assemble or acting under submission; shall have charge and custody of all minute books of the Section; shall serve as a liaison between the Section and the staff of Atlanta Bar Association, Inc. regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of Atlanta Bar Association, Inc.; and shall take and keep record of attendance of the Members of the Board of Directors at various functions, as set forth in Section 5.09, *infra*, but if the Secretary is not in attendance, attendance shall be taken by any Board Member appointed by the Chair.

d) The Treasurer shall automatically become Secretary at the expiration of his or her term as Treasurer; shall keep, or cause to be kept, an accurate record of all monies received or expended by the Section; shall monitor all accounts, reports and other documents prepared as to Section funds, revenues and expenditures, and seek to make certain that all such accounts, reports and other documents are accurate and correct, at all times; shall periodically report to the Chair and the Board of Directors about the financial impact of any proposed action by the Officers, Board of Directors or Section which, in his or her judgment, would have a significant impact on the financial condition of the Section; shall, at least once each year, prepare a projected budget to be submitted to the Board of Directors; and shall prepare such other recommendations and reports on the financial affairs of the Section as may be requested by the Chair or the Board of Directors.

e) The Chair shall automatically assume the position of Immediate Past Chair on June 1<sup>st</sup>.

#### **SECTION 4.03. ELIGIBILITY.**

All Active or Life Members of the Atlanta Bar Association, Inc. who are members of the Section shall be eligible to hold office as an Officer or as a Member-at-Large of the Board of Directors, and all Officers and Members-at-Large of the Board of Directors shall maintain their eligibility throughout their term. The Chair may not succeed himself or herself in that office, but, automatically upon the termination of the term in which such person is serving as Chair, such person shall commence serving a one-year term as Immediate Past Chair.

#### **SECTION 4.04. VACANCIES.**

In the event a vacancy occurs in the office of Chair as a result of death, resignation or otherwise, the Vice-Chair/Chair Elect shall perform the duties and functions of that office for the remainder of the term in which such vacancy occurs. The fact that such vacancy is filled by the Vice-Chair/Chair Elect shall not affect such person's succession to the office of the term for which he or she was chosen to serve as Vice-Chair/Chair Elect, any provision in these By-Laws to the contrary notwithstanding. In the event a vacancy occurs in the office of Vice-Chair/Chair Elect, the Secretary shall automatically become the Vice-Chair/Chair Elect, and every other Officer and Member-at-Large shall automatically move up the next post, and the Chair shall propose a new Member-at-Large, and said proposal shall be governed by Article V Section 5.03, *infra*. In the event that the Immediate Past Chair shall be unable to

serve by reason of death, resignation or otherwise, that office shall remain vacant until June 1<sup>st</sup>.

**SECTION 4.05. COMPENSATION.**

Officers of the Section shall not receive any compensation for their services as Officers, but they may be entitled to the reimbursement of reasonable and necessary expenses, as determined by the Board of Directors, if any, incurred by them as Officers, provided that nothing herein contained shall be construed to preclude any such Officer from serving the Section in any other capacity and receiving compensation therefor.

**ARTICLE V**

**BOARD OF DIRECTORS**

**SECTION 5.01. COMPOSITION.**

There shall be a Board of Directors of the Section which shall consist of the officers described in Article IV of these By-Laws and four (4) Members-at-Large. The members of the Board of Directors shall assume office on June 1<sup>st</sup> and shall serve until May 31<sup>st</sup>. All such Officers and Members-at-Large of the Board of Directors of this Section must maintain their eligibility throughout their term of office.

**SECTION 5.02 DUTIES AND AUTHORITY.**

The Board of Directors shall be responsible for the affairs and business of the Section; shall formulate the general policies of the Section subject to these By-Laws and the Articles of Incorporation and Bylaws of the Atlanta Bar Association, Inc.; and shall be empowered to fix and prorate annual Section dues, provided that such dues shall be fixed and determined and an annual proposed budget prepared by no later than April 1<sup>st</sup> each year. It shall be the affirmative duty of the Board of Directors and each member thereof to assure that the Section makes no financial or other commitments during any fiscal year and revenues or other appropriations to be received by the Section during that fiscal year, without prior written approval of the Executive Committee of the Atlanta Bar Association, Inc. Any member of the Board of Directors shall be available for appointment as a project or committee chair.

**SECTION 5.03. APPOINTMENT AND TERM OF MEMBERS-AT-LARGE.**

Each year before March 1<sup>st</sup>, the Vice Chair/Chair Elect shall propose to the existing Board of Directors one Member-at-Large, who shall have experience of at least four (4) consecutive years of a practice devoted one hundred percent to divorce and family law; and who shall not be a member, associate, partner or otherwise employed by the same law firm as the Vice Chair/Chair Elect, or closely related to the same law firm as the Vice Chair/Chair Elect so as to give the appearance of nepotism, including but not limited to "Of Counsel" and office sharing. The proposed Member-at-Large shall be appointed only upon majority vote from the existing Board of Directors. If there is a tie in said vote, then the Vice Chair/Chair

Elect shall break the tie. If there is no majority vote affirming the proposed Member-at-Large, the Vice Chair/Chair Elect shall propose to the existing Board of Directors another Member(s)-at-Large, who shall meet the foregoing requirements, until one is appointed by majority vote of the existing Board of Directors. This provision shall be effective beginning with the new Member-at-Large position for the June 1, 2014 through May 31, 2015 year. For June 1, 2013 through May 31, 2014 year, the current Vice Chair/Chair Elect, Eileen Thomas, shall appoint the incoming Member-at-Large. Members of the Board of Directors may vote for future Member(s)-at-Large by being physically present at the meeting or via telephone or video conference during the meeting, but there shall be no proxies for voting on future Member(s)-at-Large. Each Member-at-Large shall be appointed for a one year term. The existing Members-at-Large shall remain on the Board of Directors and rotate closer to an officer's position each year. No person shall be eligible for appointment as a Member-at-Large of the Board of Directors who has served in such capacity for the four preceding consecutive years. The Vice-Chair/Chair Elect shall notify the Secretary of the Atlanta Bar Association, Inc. of the appointment by May 1<sup>st</sup> each year. The longest tenured Member-at-Large shall become the Treasurer beginning June 1<sup>st</sup>. Any Active or Life Member of Atlanta Bar Association, Inc. who is a member of the Section may be appointed by the Vice-Chair/Chair Elect to serve as a Member-at-Large of the Board of Directors.

#### **SECTION 5.04. MEETINGS.**

The Board of Directors shall meet as frequently as necessary for the conducting of Section Business at such place as may from time to time be fixed by resolution of the Board of Directors or as may be specified in the notice of the meeting. Regular meetings of the Board of Directors shall be held at such times as may be fixed by resolution of the Board of Directors and special meetings may be held at any time upon call of the Chair or a majority of the voting members of the Board of Directors upon 24-hour notice to each Director, either personally or by mail, email or telephone. Notice need not be given of regular meetings held at times fixed by resolution of the Board of Directors. No notice of any meeting need be given any member of the Board of Directors who at any time before or after the meeting waives notice of the meeting in writing or who attends such meeting; he or she states an objection to the place or time of the meeting, or to the manner in which it has been called.

#### **SECTION 5.05 QUORUM AND CONTROLLING VOTE.**

At all meetings of the Board of Directors, a majority of the entire Board of Directors shall be necessary to constitute a quorum for the transaction of business, and a vote of a majority of the members of the Board of Directors present and voting shall be the act of the Board of Directors.

#### **SECTION 5.06. ACTION WITHOUT MEETING.**

Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if written consent setting forth the action so taken shall be signed by all members of the Board of Directors and such written consent is filed with the minutes of the proceedings of the Board of Directors.

### **SECTION 5.07. MEMBERS-AT-LARGE VACANCIES.**

Any vacancy in a Member-at-Large position on the Board of Directors shall be filled by the procedure set forth in Section 5.03. The appointee shall serve until June 1<sup>st</sup>.

### **SECTION 5.08. COMPENSATION.**

Members of the Board of Directors of the Section shall not receive any compensation for their services as Directors, but they may be entitled to the reimbursement of reasonable and necessary expenses, if any, incurred by them as members of the Board of Directors, provided that nothing herein contained shall be construed to preclude any such member from serving the Section in any other capacity and receiving compensation therefor. The compensation of employees, agents and consultants of the Section shall be fixed by the Board of Directors.

### **SECTION 5.09. ATTENDANCE REQUIREMENTS.**

Each Member of the Board of Directors shall aspire to attend 100% of all Atlanta Bar Association Family Law Section Board Meetings, Breakfast Meetings, Luncheons, CLE's sponsored by the Family Law Section, and any special project so designated a special project by the Chair (hereinafter "Scheduled Events"). However, Members of the Board of Directors understand that not all Members of the Board of Directors will be able to attend all such Scheduled Events. Therefore, each Member of the Board of Directors shall be afforded five (5) unexcused absences each year, and immediately upon the sixth (6<sup>th</sup>) unexcused absence by a particular Member of the Board of Directors, that Member shall immediately be dismissed from the Board of Directors. Unexcused absences shall not include a conflict as defined by Uniform Superior Court Rule 17, mediation or arbitration, deposition, family emergency, or any other excuse approved by the majority of the Board. If a Member misses a Scheduled Event, then that Member shall have until the end of the next Board Meeting to provide proof of a conflict or seek an excused absence from the Board for any Scheduled Events missed since the immediate last Board Meeting. Any Member removed from the Board of Directors for six (6) unexcused absences from Scheduled Events shall be replaced by the next Member of the Board of the Directors in line for the removed person's position. The Chair shall then appoint a new Member-at-Large to serve at the entry level, as set forth in and governed by Section 5.03 herein. For the 2011-12 year, this attendance requirement shall begin November 1, 2011 and shall continue through May 31, 2012, and the attendance requirement shall allow for four (4) unexcused absences from Scheduled Events through May 31, 2012. Thereafter, the annual attendance requirement shall be defined as beginning June 1 and ending May 31 of the following year.



## **ARTICLE VI**

### **PROJECTS AND COMMITTEES**

#### **SECTION 6.01. ESTABLISHMENT BY MEMBERS.**

At any meeting of the Membership, any voting member may move for the establishment of a project or committee for a specific purpose, and upon establishment of such project or committee by majority vote of those voting members present, the Chair shall appoint a Chair thereof, the Chair and members of any such projects and committees to serve until June 1st unless appointed for a shorter period.

#### **SECTION 6.02. ESTABLISHMENT BY CHAIR OR BOARD OF DIRECTORS.**

The Chair or the Board of Directors of the Section may establish such projects and committees as may from time to time be deemed necessary or appropriate, and the Chair shall appoint a chair and members of any such projects and committees to serve until the June 1st unless appointed for a shorter period.

## **ARTICLE VII**

### **COORDINATION WITH ATLANTA BAR ASSOCIATION, INC. SECTION**

#### **7.01. FINANCIAL MATTERS OF SECTION.**

The Board of Directors shall send a copy of its proposed budget to the Board of Directors, the Executive Committee, the President, the Vice-President/President Elect and the Executive Director of the Atlanta Bar Association, Inc. at least 90-days prior to June 1st The Board of Directors shall be authorized to collect dues from its members and otherwise collect and disburse monies subject to such rules and regulations as may be set forth by the Board of Directors of the Atlanta Bar Association, Inc.

#### **SECTION 7.02. DEPOSIT AND HANDLING OF SECTION MONIES.**

Funds of the Section shall be deposited in the treasury of the Atlanta Bar Association, Inc. and shall be disbursed in accordance with the Atlanta Bar Association, Inc. By-Laws to pay bills of the Section which have been approved for payment by the Board of Directors.

#### **SECTION 7.03. EXPENDITURE OF SECTION MONIES.**

Funds of the Section shall be expended for such purposes related to the activities of the Section in such manner as may be determined by the Board of Directors. Further, the Chair or Treasurer is authorized and empowered to pay to the Atlanta Bar Association, Inc. any fees or charges for services rendered by the Atlanta Bar Association, Inc. for any expenses incurred by the Atlanta Bar Association, Inc. for or on behalf of the Section.

**SECTION 7.04. SECTION CONTINUING LEGAL EDUCATION.**

The Section shall from time to time conduct programs for the continuing education of its members, but shall coordinate its efforts in this regard with the Atlanta Bar Association, Inc.

**SECTION 7.05. LEGISLATION.**

The Section is authorized and empowered to study and review proposed legislation, provided, however, that neither the Section nor any member thereof shall be authorized to make any public statements, to sponsor or to express approval or disapproval of any legislation, or to take any other action in the name of the Atlanta Bar Association, Inc. or the Section without the prior written approval of the Executive Committee of the Atlanta Bar Association, Inc.

**SECTION 7.06. REVIEW OF SECTION ACTIVITIES.**

Prior to May 1st each year, the Board of Directors shall submit to the Board of Directors of Atlanta Bar Association, Inc. a report of the activities of the Section for the immediately preceding year and projected goals for the next ensuing fiscal year.

**SECTION 7.07 NOTICE OF AMENDMENT TO BY-LAWS.**

Written notice of any proposed amendment to these By-Laws, including a copy of the proposed amendment, shall be delivered to the President, Vice-President/President Elect and Executive Director of the Atlanta Bar Association, Inc. at least ten (10) days prior to the date it is presented to the membership or Board of Directors for action thereon.

**SECTION 7.08. FILING OF BY-LAWS AND AMENDMENTS.**

These By-Laws and any amendments thereto shall be filed with the Secretary of the Atlanta Bar Association, Inc. within 10 days following the effective date thereof and a copy thereof shall be delivered to the President and Executive Director of Atlanta Bar Association, Inc. at the time that the By-Laws or any amendments thereto are filed with the Secretary of the Atlanta Bar Association, Inc.

**ARTICLE VII**

**EFFECTIVE DATE AND TRANSITION PROVISIONS; AMENDMENTS**

**SECTION 8.01. EFFECTIVE DATE AND TRANSITION PROVISIONS.**

These By-Laws shall become effective on January 15, 1980; provided, however, (a) that the offices and positions of directors in existence prior to the adoption of these By-Laws shall continue until the next Annual Meeting of the Atlanta Bar Association, Inc. and the persons holding such offices and positions shall continue in their office or position until the

next Annual Meeting of the Atlanta Bar Association, Inc.; and (b) that any person holding the office of Vice-Chair on January 15<sup>th</sup> shall automatically succeed to the office of Chair of the Section at the next Annual Meeting of the Atlanta Bar Association, Inc.

#### **SECTION 8.02. AMENDMENTS.**

Subject to the provisions of Section 7.07 hereof, the By-Laws of the Section shall be subject to alteration, amendment or repeal, and new By-Laws not inconsistent with the Articles of Incorporation and By-Laws of the Atlanta Bar Association, Inc. may be either: (a) by the affirmative vote of at least a majority of the voting members of the Section at any meeting of the Membership at which a quorum is present, provided that notice of the proposal to make, alter, amend or repeal such By-Laws be included in the notice of any such meeting of the members; or (b) by the affirmative vote of a majority of all voting members of the Board of Directors then holding office at any regular or special meeting of the Board of Directors. Provided, however, the members of the Board of Directors shall not be entitled to alter, amend, or repeal any By-Laws adopted by the members, which the members prescribe shall not be altered, amended or repealed by the Board of Directors.