

The Kentucky Bar Association

2016-17

Section & Division Officer Handbook



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**Compiled and Edited by:
The Kentucky Bar Association
Office of Continuing Legal Education
for
Kentucky Bar Association Section and Division Officers**

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**KENTUCKY BAR ASSOCIATION
SECTION & DIVISION OFFICER HANDBOOK**

I. INTRODUCTION

Thank you for your commitment to serve as an active participant in the Kentucky Bar Association. Just as the effectiveness of your Association depends largely on section/division activities, the success of your section/division depends largely on your leadership. You have been elected to this important Association role because of the expertise you have to offer. To assist you in understanding the operation of the sections and the Young Lawyers Division within the Association, we have prepared this Section & Division Officer Handbook for your use. ***Please review it carefully for guidance in planning and implementing your section/division's activities.***

II. WHAT ARE SECTIONS?

Sections are subdivisions of the Kentucky Bar Association which are based on shared interests or practice characteristics. The basis on which a particular section is established may be an area of practice, an experience level or a general practice management interest. Membership in sections is voluntary and open to all interested KBA members upon payment of section dues, which range from \$10 to \$25 annually.

A. New Sections

A new section of the KBA may be created upon approval by the Board of Governors following the submission of an application and petition by a current KBA member, which must include the following:

1. A description of the area(s) of practice the section will cover;
2. A statement of need and purpose; and
3. Signatures from a minimum of one hundred (100) current KBA members who are interested in seeing the formation of the proposed section.

The section's establishment becomes effective at the start of the fiscal year following the Court's approval.

B. Abolition

The Board of Governors may abolish a section upon notice by mail to all current members of the section. This would take effect at the end of the fiscal year in which notice was given.

III. SECTIONS ARE GOVERNED BY KBA BY-LAWS

Section 11 of the Kentucky Bar Association By-laws provides for the existence and governance of sections. As an officer for your section, it is important for you to be

familiar with these By-laws provisions. For your reference, Section 11 of the KBA By-laws is set forth at Appendix A.

A. Officers and Members of Your Section

1. Required officers.

- a. Chair.
- b. Chair-Elect.
- c. Vice-Chair.

These officers are elected to a term of one or two years at the section's annual meeting. Newly elected officers begin their terms on the July 1st immediately following the annual meeting. **No individual may serve in any one of the required section offices for a period greater than two years.** If a section fails to fill the required offices at its annual meeting, the KBA Board of Governors may appoint interim officers to fill the remainder of the term upon a petition from the section.

2. Optional offices. Examples include:

- a. Secretary for taking minutes of section meetings.
- b. Treasurer for maintaining information regarding section finances.
- c. Committee chairs to assist in carrying out the section's work. Many sections have established a committee system for accomplishing their goals. Examples include CLE, newsletter, by-laws and legislative committees.

3. General membership.

Membership in all sections is open to any interested KBA member in good standing who pays the required annual dues. Keep your members informed and involved, and they will continue to renew their memberships. Officers may request a complete section membership roster or mailing labels for the section membership by submitting a written request to the Section Liaison or the Executive Director.

B. Section Meetings and Other Section Activities

1. Pre-approval is required for all activities.

Per the KBA by-laws, **all section activities must be submitted to the Executive Director for prior approval in writing.** This includes all section meetings, mailings, and use of the section's or KBA's name. **Expenses incurred for unapproved activities cannot be paid or reimbursed.** Undertaking any expenses without prior approval is done at the risk of the individual committing the funds. The Chair of each section

has the authority to direct or request the expenditure of section funds. Please be specific in your request. An agenda or generalized statement does not offer enough information as to the activity or an estimate of expenses that will be incurred. Section activity approval forms may be obtained by contacting the Section Liaison.

2. All sections are required to meet at least annually. The annual section meeting times are currently set during the KBA Annual Convention or as scheduled by a section prior to the end of the current fiscal year ending June 30th pursuant to the KBA by-laws. During the annual meeting sections are to:
 - a. Revise dues amounts if necessary.
 - b. Elect officers.
 - c. Recommend by-laws or amendments to existing by-laws. All sections are required to adopt a mission statement and by-laws for the governance of their section and both must be consistent with Section 11 of the KBA by-laws. All changes must be approved by the KBA Board of Governors.
 - d. Initiate planning for section activities for the fiscal year beginning the July 1st immediately following the annual meeting.
 - i. The section forecast report, an outline of proposed section activities including potential seminars, newsletters or other activities, should be prepared during the annual meeting. The forecast report must be submitted by the incoming Chair to the Section Liaison on or before August 1st following the annual meeting.
 - ii. In addition, each section is required to file an annual report on or before the annual meeting outlining the activities and expenditures for the current fiscal year ending June 30th. Both the forecast report and the annual report must be submitted to the Section Liaison for approval by the Board of Governors.
 - e. Establish a regular schedule of section meetings for the year.
 - f. Section officers should make committee appointments.
3. Minutes.

If your section does not have a secretary, please see that someone is assigned the responsibility of taking minutes for each meeting. **Copies of all section minutes are to be submitted to the Section Liaison and are maintained in the section's file in the CLE office.** Section authorization of expenditures needs to be included in the minutes for documentation to the Director of Accounting of expenditures approved by the section.

4. Scheduling.

- a. **Section activities may not be scheduled to conflict with scheduled KBA activities**, including but not limited to the Annual Convention, the Mid-Year Meeting, the Kentucky Law Update seminars and the New Lawyer Program. No activities should be scheduled without checking the proposed dates against the KBA master calendar and the CLE events schedule. Scheduling for all events should be coordinated through the Section Liaison, who is available to make sure that no conflicts occur.
- b. **Section CLE seminars may not be scheduled during May or June** due to conflicts with preparation for the Annual Convention. This does not include seminars conducted in conjunction with a recognized CLE provider that, in writing, assumes all responsibility for planning and presenting all aspects of the seminar. CLE staff is not available to assist with section seminars during May and June.

5. Meeting space.

- a. The Kentucky Bar Center is available for regular section meetings and smaller section CLE seminars. KBA conference and meeting facilities are reserved on the master calendar on a first come, first served basis. Please contact the Section Liaison who will check the master calendar and make appropriate arrangements to accommodate your section's needs. Lunches or other refreshments can also be arranged to meet your needs.
- b. In the event the Bar Center does not have space available for your meeting, the Section Liaison will assist you in finding and arranging for appropriate meeting space.
- c. Extra care should be taken if your section books a public facility without the assistance of the CLE staff. **All contracts with public facilities must be signed by the Executive Director.** Any individual who signs a rental agreement for meeting space without the approval of the Executive Director risks assuming all costs individually without reimbursement from the section.

C. Young Lawyers Division

The Young Lawyers Section was officially renamed the Young Lawyers Division (YLD) by the Supreme Court of Kentucky on April 19, 2012. The Young Lawyers Division requested the change because unlike most other KBA sections, it does not represent a certain practice area or interest. Instead, the Young Lawyers Division is comprised of attorneys at various stages of their professional careers, in all areas of practice across the state. KBA By-laws Section 19 provides for the existence and governance of the Young Lawyers Division.

1. Eligibility.

All KBA members in good standing who are less than forty years of age or who have been a member of the Association for less than ten years are eligible for membership in the Young Lawyers Division.

2. Officers.

Required officers include a Chair, Chair-Elect and Vice Chair, who shall be elected by YLD membership present and voting at the required annual Division meeting. The required annual meeting shall take place during the KBA Annual Convention or as scheduled by the Division prior to the end of the current fiscal year ending June 30th. No individual may serve in any one of the required offices for more than one year. If the YLD fails to fill the required offices at its annual meeting, the Board of Governors, following a request from the outgoing YLD Chair, may appoint an interim officer to fill the remainder of the term.

3. By-laws.

YLD must maintain a set of by-laws, which shall include a mission statement explaining the purpose of the Division's existence. A majority of YLD members present at the Division's annual meeting shall adopt by-laws which are subject to Board of Governors and Supreme Court approval.

4. Annual report and forecast report.

The Division is required to file an annual report with the Board of Governors outlining its activities and expenditures for the current fiscal year ending June 30th. In addition, the Division Chair must file a forecast report with the Board outlining the Division's proposed activities, expenditures and meetings for the ensuing fiscal year on or before August 1st following his/her election as Chair.

5. ***Pre-approval is required for all Division activities and projects.***

All YLD programs, projects and expenditures shall be pre-approved in writing by the Executive Director or the Director of Accounting. In addition, the Division's annual budget must be pre-approved in writing by the Executive Director on or before August 1st for the ensuing fiscal year.

6. Abolition.

The Board of Governors may abolish the Division upon notice by mail to all current YLD members. This would take effect at the end of the fiscal year in which notice was given.

IV. SECTION & DIVISION FINANCES

A. Dues

As provided in the KBA by-laws, dues are paid by all section and YLD members and are maintained by the Treasurer of the KBA. The Executive Director is also the Association's Treasurer; thus ***all disbursements from section or division funds must be pre-approved by the Executive Director.*** Questions regarding purchases, bidding for services, fund balances, requests for payment or any other financial matters may be directed to the Director of Accounting, the Section Liaison, or the Executive Director.

B. Carry-Forward

Under SCR 3.120(1), the Board of Governors may annually approve the carry-forward of section funds to the new fiscal year. This request is made annually during the summer Board meeting. By having the ability to carry forward funds from one year to the next, your section can plan for future projects which may exceed the financial ability of an individual year. Please note this is a great benefit to the sections, one not otherwise enjoyed by any other KBA programs. With this benefit, however, comes the responsibility of providing service and accountability to your members.

C. Transfer to CLE

Twenty-five percent of all dues income from each section/division is transferred annually to the KBA CLE fund for staff services provided on an ongoing basis. In addition, pursuant to Board of Governors policy, 25 percent of gross receipts from all section/division seminars is transferred to the CLE fund for staff support at those programs. Costs associated with Annual Convention CLE programs and meetings may also be charged back to the sections and YLD.

D. Financial Statements

Financial statements are sent by the Accounting Department to each section Chair and the YLD Chair on a monthly basis.

E. Disbursement of Funds

The Chair of each section and YLD has the authority to direct or request the expenditure of section/division funds for all pre-approved activities. For accounting and recordkeeping purposes, all requests must be in writing and accompanied by appropriate documentation such as invoices, itemized receipts and expense reimbursement forms.

F. Expense Reimbursement and Travel

Officers may be reimbursed for reasonable expenses associated with their travel to and from section/division activities. Reasonable expenses include mileage, tolls, parking, and in cases that merit it, meal expenses. Alcohol is a non-reimbursable item. When turning in meal receipts which include alcohol, the

alcohol and related sales tax and tip, if applicable, must be omitted prior to requesting reimbursement. **Itemized receipts are required for all items for which reimbursement is sought.** Credit card slips listing only the amount paid are insufficient. Expense reimbursement forms may be obtained from the Section Liaison or the KBA Accounting Department. They are also available on the KBA website at www.kybar.org/?page=expense. **All expense reimbursement forms must be submitted within sixty (60) days from the date of occurrence or within fifteen (15) days after the fiscal year end, June 30th, whichever comes first.**

Costs associated with attending ABA section meetings may also be a reimbursable expense for the Chair or the Chair's designated alternate upon submission of appropriate documentation. **Attendance at ABA section meetings must be pre-approved by the Executive Director prior to travel.**

G. Tax-Exempt Information

Please note that for the purposes of Kentucky sales tax, the KBA is a tax-exempt organization. All purchases made in the name of the KBA are tax-exempt and require the use of the KBA tax-exempt number which must be provided by the Director of Accounting. If you fail to obtain approval or the tax-exempt information before making purchases, your section/division will be charged the additional six percent sales tax at a minimum and may be required to cover expenses from sources other than the section/division's budget (e.g., individual officers, etc.).

H. Miscellaneous Expenses

Your section/division will be billed a nominal fee for mailing labels, rosters and supplies utilized for your projects. These charges are based on the cost to the Association.

I. Sponsorship of Section/Division Events

Sections and the Young Lawyers Division are welcome to seek sponsors to defray the cost of activities or events. Normally, sponsorship involves the inclusion of the sponsor's ad in section/division publications or on signs at an event in return for the sponsor's financial contribution. However, some sponsors may seek greater involvement. Therefore it is required that all sponsorships be approved by the Executive Director after review of a written plan explaining in detail the sponsor's proposed participation.

V. **EDUCATIONAL OPPORTUNITIES FOR SECTIONS**

There are a variety of ways your section/division can participate in providing useful CLE programs for your membership, the KBA membership as a whole, or to the legal profession generally. Some of the options are outlined below. Any questions you may have regarding CLE seminars should be directed to the CLE Director or the Section Liaison.

A. Individual Section/Division CLE Seminars

All scheduling and coordination of section and YLD CLE seminars is handled by the Section Liaison. The CLE Department staff is available to assist in all efforts in support of a section or YLD CLE program if timely and reasonable requests are made. Making arrangements for a seminar can be complex and very time consuming. Let the Section Liaison assist you with these tasks as this is an area in which the Liaison has considerable experience. The Section Liaison can help you avoid costly problems and delays. From booking facilities to printing brochures and program handbooks, to arranging coffee breaks and speaker gifts, registering attendees and paying the bills, the staff is here to help!

1. Planning timeline.

Below is the planning timeline for all KBA section and YLD seminars. Significant lead time, planning and effort are involved in orchestrating a successful CLE seminar. Do not do your membership a disservice by rushing the process. ***Under no circumstances should a seminar be scheduled by a section or the YLD without checking proposed dates against the KBA master calendar and CLE events schedule. Please contact the Section Liaison to begin planning your seminar no later than three months in advance of the seminar date.***

The CLE Department will only schedule three (3) section/division CLE programs per month. In addition, only one (1) CLE program will be scheduled per week each month. If you would like to schedule a CLE seminar, please contact the Section Liaison as soon as possible to confirm your preferred date on the CLE calendar.

One year to four months from seminar date	Contact Section Liaison to set a date and book meeting facilities
Six to four months out	Set agenda and confirm speakers Speaker letters sent Save the date email sent to section Speaker hotel room requests due
Three to two months out	Seminar brochures mailed Registration begins All written materials due to CLE office
One month out	Speaker A/V requests due CLE accreditation application due Break & meal menus due to hotel
One to two weeks out	Speaker gifts purchased Guarantees due to hotel
Day before seminar	CLE staff to hotel/facility for set-up

2. CLE accreditation.

Each seminar must be accredited as a CLE activity by the CLE Commission pursuant to SCR 3.650. Approval of an activity by the Executive Director does not take the place of the required program accreditation pursuant to Supreme Court Rule. A completed application for accreditation (Form 1), the appropriate application fee, biographies for each presenter and a time-specific agenda must be submitted for review by the CLE Commission at least thirty (30) days in advance of the seminar date. If the application is submitted less than thirty days in advance, the application fee doubles. The Section Liaison can complete this process for you if requested.

3. Speakers.

It is normally the responsibility of the section/division to develop the agenda and recruit speakers for its seminars. Once the list of speaker names and contact information is submitted to the Section Liaison, the Liaison will handle contacting the speakers regarding materials requirements, deadlines, and other pertinent information. The Liaison is also responsible for handling A/V equipment requests, hotel reservations and other speaker needs.

4. Written materials.

In order for the seminar to be accredited under the Supreme Court Rules, there must be thorough, high-quality written materials for each session on the agenda. Submission of all materials is required at least two months in advance of the seminar date. Please make sure that your speakers are aware of this requirement before they commit to presenting at your seminar. ***All materials for your seminar must be submitted to the CLE staff, who will compile and edit the materials for the seminar handbook.*** If this requirement is ignored, section/division funds will not be disbursed for expenses incurred in relation to the program.

5. Expenses.

Please take note that when a section/division commits to sponsor an individual CLE seminar, ***it is responsible for all costs associated with the seminar.*** Typical expenditures include, but are not limited to:

- a. Printing and mailing costs for seminar brochures.
- b. Printing of seminar materials.
- c. Reimbursement for CLE staff hotel rooms and meals, depending on the seminar location.
- d. Reimbursement for CLE staff mileage.

- e. Westlaw billing for cite-checking seminar materials.
- f. Cost of providing meals/refreshments to seminar attendees if desired by the section.
- g. Reimbursement of speaker hotel rooms and travel expenses if desired by the section.
- h. Costs for scheduling sign language interpreters or making other accommodations as requested by attendees.
- i. Speaker gifts.

Financial arrangements for CLE programs must not be made with any vendor or facility without first contacting the Section Liaison and obtaining approval from the Executive Director. ***Make sure you discuss all proposed expenditures and billing procedures with the Section Liaison BEFORE you commit section/division funds.***

- 6. CLE staff support.

Attendance by at least one CLE staff member is required by the CLE Commission at all individual seminars sponsored by a KBA section/division. Additional staff members may be required depending on registration numbers and other details concerning specific seminars.

- 7. Audio-visual equipment.

All audio-visual equipment needed for section/division seminars is provided by the KBA. Please provide the Section Liaison with your requests, which will be forwarded to the KBA's audio-visual vendor.

- 8. Registration.

Seminar registration is handled by the Section Liaison and the KBA Accounting Department. Take note that section/division seminars usually reach capacity well before the registration deadline. Please keep this in mind when estimating the amount of space and number of attendees expected to attend when making a request for meeting space. While most hotels and convention centers can accommodate a few additional attendees, space is reserved based on the number of people stated in the meeting contract. As such, it is difficult to increase the number of attendees substantially immediately prior to the meeting date because space has typically already been allocated for your program.

In addition, take note that once an estimated number of attendees is provided to a hotel or convention center, that number may only be reduced slightly without incurring attrition charges. For these reasons, it is essential that an appropriate amount of space be reserved at the outset of planning for your seminar. Waiting lists will be established for any seminars in which interest is greater than the available amount of space for attendees.

B. Co-Sponsorship of Seminars with Other Sections or Other Program Sponsors

Feel free to combine expertise and resources with ABA sections, other KBA sections with shared interests, law school CLE programs or other law-related groups. You can get a lot of mileage out of joint efforts. However, make sure that you understand the expectations of the other participant group(s) and what the exact role of your section/division will be. The roles of each participant group should be set forth explicitly and the agreement as to funding, staffing, publications, income and all other aspects of the program must be committed to writing to avoid problems at a later time.

Regardless of whether section/division funds will be used to co-sponsor an event, if the section's or division's name will be associated with an event, approval must be obtained from the Executive Director before the event. In addition, please note that KBA section or division sponsorship of CLE programs sponsored by third-party providers will not be approved until the program has been accredited for CLE credit in Kentucky by the Continuing Legal Education Commission. No use of section or YLD funds, branding or logos is permitted in connection with a third-party CLE provider's program until that program has been accredited for CLE credit in Kentucky.

C. Sponsor or Co-Sponsor a KBA Annual Convention Program

From basic to advanced, use your expertise to present timely and useful topics. Sections and divisions are encouraged to present proposals for consideration by the Annual Convention CLE Committee. All you have to do is submit your ideas to the CLE Director. While not all programs can be included on the final Convention agenda, the Committee encourages submission of strong programming by the sections/divisions. Please note however, there is a strict program planning process and schedule to be followed for the KBA Annual Convention and participating sections/divisions are required to follow the program planning guidelines and meet all required deadlines. Section/division funds may also be utilized to bring nationally prominent speakers to the program or to otherwise underwrite program expenses. For more information regarding CLE programming for the Annual Convention, contact Dianna Moore at dmoore@kybar.org or 502.564.3795 x 236.

D. Participate in Kentucky Law Update

Sections/divisions are asked to make recommendations on topics for the Kentucky Law Update series of programs. As experts in your areas of practice, it is an ongoing responsibility of the sections/divisions to bring important topical issues to the attention of the CLE Director for inclusion in the Kentucky Law Update programs. In addition, officers and members often take responsibility for preparing handbook materials and serving as faculty for the programs in their areas of expertise. This is a great way to assist your professional colleagues and to meet other KBA members from all corners of the Commonwealth. Requests for proposals for the 2017 Kentucky Law Update will be sent to each Section Chair and YLD after December 1, 2016. For more information regarding CLE programming for the Kentucky Law Update, contact Caroline Carter at ccarter@kybar.org or 502.564.3795 x 229.

VI. COMMUNICATION OPPORTUNITIES

Another great service your section/division can provide to its membership and to the KBA membership in general is to provide information. A sample listing of informational activities follows.

A. Mailings

Meeting notices or other information that needs to be transmitted quickly can be handled through section/division mailings. Simply contact the Section Liaison or the CLE Director and a mailing will be arranged. Remember, we need timely requests for all mailings!

Mailings can also be accomplished through group email. The KBA's new website at www.kybar.org allows for KBA staff members to transmit group email to all section and YLD members in a safe and effective manner. This can only be successful, however, if members provide the Association with their correct email addresses. Please note that pursuant to SCR 3.175, effective January 1, 2014, all KBA members are now required to maintain a valid email address on file with the Executive Director.

Meeting notices generally take up to five days to prepare and send, so please submit these items to the CLE office accordingly. For meeting notices, please keep in mind that if you want your busy section/division members to participate, you must give them **advance** notice. Please see that notices for meetings and other activities are scheduled to be sent out at least four weeks in advance. **Six weeks is preferred.**

B. Newsletters

Many sections and the YLD prepare newsletters for their membership and other groups associated with the section/division's activities. These do not need to be sophisticated publications but are great vehicles for keeping your membership informed on a timely basis regarding changes or other important information impacting them and the area of interest the section/division represents. Case law updates, statutory changes, and news about people in the section/division are transmitted quickly and efficiently through a simple newsletter in either print or electronic format. The Section Liaison will assist you with your newsletter upon request.

Newsletters and mailings are handled on an "as requested" basis. Copy for newsletters must be submitted in its corrected and final version to the CLE office **two weeks before you want it to be sent to your membership**. Submission of newsletter copy in electronic format as an email attachment in Word format will result in a more cost- and time-effective newsletter for your section/division. Please discuss formatting issues with the Section Liaison before submitting electronic copy. This can save many hours of reformatting files and can speed up the final production of your newsletter substantially! **Remember** – May and June immediately before the Annual Convention is a particularly busy time for the CLE Department staff. Newsletters and other section/division projects may not be scheduled during this time if staff assistance is required.

C. List Servs

By starting a section list serv, you have the opportunity to reach your entire membership at once with questions and discussion about your practice area. Discuss recent case law, ask questions of your colleagues and network with section/division members around the state and beyond. Contact the Section Liaison to find out if your section has a list serv or to find out how to get started in creating one.

D. Webpage

Make your presence known on the web! Each section/division has its own page on the KBA's website at www.kybar.org. Get information out there quickly and economically by posting it on the web. The new KBA section & YLD webpages include space for posting all meeting minutes, newsletters, and seminar materials, and include a calendar of all scheduled group events. Please note that all online postings must be submitted to the Section Liaison for pre-approval before the information may be posted to your section or division's webpage. Contact the Section Liaison for more information.

E. Articles for the *Bench & Bar* Magazine

Let the membership know about issues of concern to your section/division. Articles may be submitted for publication or entire issues may be devoted to practice areas addressed by your section/division. Contact Communications Director Shannon Roberts for questions regarding submissions to the *Bench & Bar*. She may be reached at sroberts@kybar.org or 502.564.3795 ext. 224.

F. Public Service Announcements and Informational DVDs

Sections and the YLD have participated in efforts to educate and inform the non-lawyer community regarding legal rights, protections under the law, and services from the profession. Efforts such as these go a long way in helping to polish a sometimes tarnished image of the legal community. Give it some thought. We will be happy to assist your section/division with such activities.

VII. LEGISLATIVE AND POLICY ACTIVITIES

Some sections/divisions may have legislative interests to pursue. In such cases the section/division may develop programs and legislative proposals to address those interests and issues. Because the Kentucky Bar Association is a unified (mandatory) bar association, there are restrictions on lobbying and other legislative activities as set forth in Keller v. State Bar of California, 496 U.S. 1 (1990). For this reason, all section/division legislative activities must follow the guidelines set forth in the Legislative Policy and Procedure adopted by the KBA Board of Governors and printed in Appendix C of this handbook. Section activities are specifically addressed by §1.14 of this policy. **Your section must follow the procedure set forth in Appendix C prior to taking any legislative action.** Questions should be directed to the Chair of the KBA Legislative Committee or the KBA Executive Director.

In addition, when a section is interested in taking a policy position on a rule proposal or change or a controversial case through a public position statement or through the filing of an amicus brief, the policy position must be submitted to the Executive Director before any such statement may be made publicly by the section. ***Please contact the Executive Director regarding any proposed legislative or policy-making activity by your section.***

VIII. CONTACT US!

Remember, the KBA staff is here to assist you but section/division support is not the only responsibility the staff is mandated. Please respect the duties of the staff set forth by Supreme Court Rule and understand that sufficient lead time is required to provide the assistance you request. Planning ahead and good communication can resolve potential problems and keep the process working smoothly for all involved.

Do not hesitate to call any officer or KBA staff member to:

- ◆ Brainstorm
- ◆ Ask questions
- ◆ Get staff support
- ◆ Offer suggestions
- ◆ Give constructive criticism
- ◆ And yes, to gripe!

WHOM YOU CAN CONTACT. The KBA's officers and staff are willing to assist you with section/division activities. Below is a list of individuals you may contact by mail, telephone, FAX or email:

KBA PRESIDENT

R. Michael Sullivan
Sullivan Mountjoy Stainback & Miller PSC
100 St. Ann Street
Post Office Box 727
Owensboro, KY 42302-0727
(270) 926-4000
FAX: (270) 683-6694
msullivan@smsmlaw.com

KBA PRESIDENT-ELECT

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IX. THANK YOU

Thank you for assisting the Kentucky Bar Association and for assisting the attorneys of Kentucky. You have been elected to this position of leadership within the KBA because you have demonstrated interest, responsibility, creativity and enthusiasm. You are, in short, considered a KBA leader and, as such, your ideas and your contributions are highly valued. Thanks!

APPENDIX A
KENTUCKY BAR ASSOCIATION
SECTION 11. SECTIONS

- (a) **Sections.** There shall be created sections within the Kentucky Bar Association as deemed appropriate by the Board of Governors.
- (b) **Eligibility.** All members in good standing of the Kentucky Bar Association shall be eligible for membership in any one or more of the Sections of the Kentucky Bar Association, subject to that Section's membership criteria, and may become members by paying the respective dues as designated by each Section.
- (c) **Officers.** Officers for each Section shall include, but need not be limited to, a Chair, a Chair-Elect, and a Vice-Chair, who shall be elected for a term of one or two years, from and by its own membership present and voting at the required annual Section meeting, which shall take place during the annual meeting of the Association or as scheduled by the Section prior to the end of the current fiscal year ending on June 30th. Each section shall specify the term of office in the Section by-laws which term may be of either one year or two years in duration. No individual may serve in any one of the required offices of the Section for a period of greater than two years. If a Section fails to fill the required offices at their annual meeting, the Board of Governors, following a petition from the Section, may appoint an interim officer to fill the remainder of the term.
- (d) **Dues.** A majority of the members of the Section in attendance at the annual meeting of the Section may fix dues for the Section. The dues shall be paid to the Treasurer (of the KBA) and disbursed by the Treasurer for programs of each Section as approved by the Executive Director.
- (e) **By-Laws.** Every Section shall have a set of by-laws, which shall include a Section mission statement, describing the purpose of their existence. A majority of the members of the Section in attendance of the annual meeting of the Section shall adopt the by-laws which shall be subject to the approval of the Board of Governors.
- (f) **Annual Report.** Each section shall annually file with the Board, on or before the annual meeting, a report which shall outline the activities and expenditures of the Section for the current fiscal year ending June 30th.
- (g) **Forecast Report.** Every Section's incoming chair shall submit to the Board on or before the August 1st following their election as chair, an outline of the Section's proposed activities, expenditures and meetings for the ensuing fiscal year.
- (h) **Approval of Activities and Projects.** All Section programs, projects, expenditures (excluding routine in-state travel in support of Section activities, programs or projects) and meetings shall be pre-approved in writing by the Executive Director or the Director of Accounting. Dues paid pursuant to Supreme Court Order are to be used by the KBA for those activities and purposes that are necessary or reasonably incurred for the purpose of fulfilling the mission established by the Court; regulating the legal profession, and improving the quality of legal services. Such dues should not be used for political or ideological activities that could reasonably be construed to impinge on the First Amendment rights of free speech of members who disagree with such political or ideological activities.

(i) New Sections. A new Section of the Kentucky Bar Association may be created upon the Board's approval following the submission of an application and petition by a current Kentucky Bar Association member, which shall include the following:

- (1) a description of the area(s) of practice the Section will cover;
- (2) statement of need and purpose;
- (3) signatures of a minimum of one hundred (100) current Kentucky Bar Association members who are interested in seeing the formation of the proposed Section.

Establishment of the Section shall become effective at the start of the following fiscal year following the Board's approval.

(j) Abolition. Upon notice by mail to all current members of a Section, the Board of Governors may abolish a Section, which would take effect at the end of the fiscal year in which notice was given.

HISTORY: Amended by Order, eff. 3-1-15; Amended by Order, eff. 4-19-12; Amended eff. 10-14-10; Amended eff. 9-1-07; prior amendments eff. 1-1-06 (Order 2005-10); 1-1-02 (Order 2001-2); 4-16-97, 1-1-97, 2-26-96, 4-19-93, 9-8-92, 9-25-91, 5-18-90, 8-25-89, 6-23-87, 2-15-84, 1-14-83, 10-6-82, 6-8-81, 10-6-80; approved eff. 11-11-69.

APPENDIX B
KENTUCKY BAR ASSOCIATION
SECTION 19. YOUNG LAWYERS DIVISION

- (a) There is created a Young Lawyers Division within the Kentucky Bar Association.
- (b) **Eligibility.** All members in good standing of the Kentucky Bar Association who are less than forty years old or who have been a member of the Kentucky Bar Association for less than ten years shall be eligible for membership in the Young Lawyers Division and may become a member by paying the respective dues as designated.
- (c) **Officers.** Officers for the Young Lawyers Division shall include, but need not be limited to, a Chair, Chair-Elect, and a Vice-Chair, who shall be elected for a term of one year, from and by its own membership present and voting at the required annual Division meeting, which shall take place during the annual meeting of the Association or as scheduled by the Division prior to the end of the current fiscal year ending on June 30th. No individual may serve in any one of the required offices of the Division for a period of greater than one year. If the Division fails to fill the required offices at their annual meeting, the Board of Governors, following a request from the outgoing Chair, may appoint an interim officer to fill the remainder of the term.
- (d) **Dues.** A majority of the members of the Division in attendance at the annual meeting of the Division may fix dues for the Division. The dues shall be paid to the Treasurer (of the KBA) and disbursed by the Treasurer for programs of the Division, except that any expenditure that has not been pre-approved in the Division's annual budget pursuant to subsection (h) shall be subject to the approval of the Executive Director.
- (e) **By-Laws.** The Division shall have a set of by-laws, which shall include a Division mission statement, describing the purpose of the Division's existence. A majority of the members of the Division in attendance of the annual meeting of the Division shall adopt the by-laws which shall be subject to the approval of the Board of Governors.
- (f) **Annual Report.** The Division shall annually file with the Board, on or before the annual meeting, a report which shall outline the activities and expenditures of the Division for the current fiscal year ending June 30th.
- (g) **Forecast Report.** The Division's incoming chair shall submit to the Board on or before August 1st following their election as chair, an outline of the Division's proposed activities, expenditures and meetings for the ensuing fiscal year.
- (h) **Approval of Budget, Activities and Projects.** All Division programs, projects and expenditures shall be pre-approved in writing by the Executive Director or the Director of Accounting. In addition, the Division's annual budget shall be pre-approved in writing by the Executive Director on or before August 1st for the ensuing fiscal year. Dues paid pursuant to Supreme Court Order are to be used by the KBA for those activities and purposes that are necessary or reasonably incurred for the purpose of fulfilling the mission established by the Court; regulating the legal profession, and improving the quality of legal services. Such dues should not be used for political or ideological activities that could reasonably be construed to impinge on the First Amendment rights of free speech of members who disagree with such political or ideological activities.

- (i) **Abolition.** Upon notice by mail to all current members of Division, the Board of Governors may abolish the Division, which would take effect at the end of the fiscal year in which notice was given.

HISTORY: Amended by Order, eff. 3-1-15; Order eff. 4-19-12

APPENDIX C
KENTUCKY BAR ASSOCIATION
LEGISLATIVE POLICY AND PROCEDURES

1.10 General Legislative Policy

The KBA, its committees and sections may not take a position on legislation either as proponent or opponent unless it is determined by the Board of Governors that the legislation is related to the purposes of the KBA as set forth in SCR 3.025, which provides as follows:

"The mission and purpose of the association is to maintain a proper discipline of the members of the Bar in accordance with these rules and with the principles of the legal profession as a public calling, to initiate and supervise, with the approval of the court, appropriate means to insure a continuing high standard of professional competence on the part of the members of the Bar, and to bear a substantial and continuing responsibility for promoting the efficiency and improvement of judicial system."

In addition, the KBA will not expend funds to take positions unless such positions are necessarily or reasonably taken for the purpose of regulating the legal profession or improving the quality of the legal services available to the people of the Commonwealth.

1.11 Purpose

The Legislative Committee will meet for the purpose of developing its recommendations for the Board of Governors with regard to requests for the Board to adopt a legislative position submitted in accordance with policy 1.12.

- A. In each case involving a proposed legislative position, the Legislative Committee shall make a recommendation to the Board on the following:
 - (1) Whether the proposed legislative action is within the scope of the authority of the KBA under the Supreme Court Rules.
 - (2) The legislative position the Board should adopt, if any
- B. In addition to the above, the Legislative Committee shall also have authority to draft and submit to the Board of Governors legislative concepts which may or should be the subject of legislation and recommend positions with respect thereto.

1.12 Board of Governors

- A. Procedure for obtaining approval of Board of Governors for legislative action.
 - (1) Proposals for legislative action shall be submitted to the Executive Director in the form and with the information specified in Section 1.12(C) of this policy at least twenty (20) days before the beginning of any regular meeting of the Board of Governors.

- (2) The Executive Director shall circulate copies of all legislative proposals to all members of the Board of Governors and the Legislative Committee for review and action in accordance with this policy.
 - (3) Legislative proposals not submitted by the deadline will not be considered until the next succeeding meeting of the Board of Governors unless:
 - a. The proposal is presented in writing to the Legislative Committee at its meeting preceding the Board of Governors' meeting; and
 - b. Sufficient copies of the proposal for each member of the Board of Governors are delivered to the Executive Director prior to the commencement of the Board meeting; and
 - c. The Board of Governors by majority vote agrees to place the proposed legislative matter on its agenda.
 - (4) The Board of Governors may be called upon to adopt a legislative position either by:
 - a. A recommendation of the Legislative Committee made in the form of a motion by its chair or one of its members.
 - b. Motion of a member of the Board of Governors addressed to matters previously considered by the Legislative Committee.
 - (5) Consideration of any legislative proposal by the Board of Governors shall proceed in the following order:
 - a. An affirmative vote by a two-thirds majority of those present that the proposed legislative action is within the scope of the authority of the KBA under the rules set forth above.
 - b. If the vote is affirmative, then a second vote will be taken to determine the specific legislative position to be adopted. Action to support, oppose, or take a neutral position on the legislation shall require a two-thirds vote of the Board members present.
 - c. The fact that proposed legislation is not considered by the Board of Governors or that the legislative proposal did not receive the required two-thirds vote shall not be considered "action" of the Board of Governors.
- B. The Legislative Committee, the Board of Governors, or the Executive Committee may allow any interested person to appear before it in support of or in opposition to any legislative proposal being considered, subject to reasonable limitations on available time.
- C. Requests that the KBA take a legislative position shall be accompanied in all cases by a copy of the legislation proposed or opposed together with the following information:

- (1) Identification of, reference to, to copies of similar legislation being considered by the legislature.
 - (2) A statement concerning the principal known proponents and opponents to the legislation including, if possible, a brief statement of the reasons for opposition or support by the other interests.
 - (3) A statement of the known position on the proposed legislative policy taken by any section or committee of the KBA which has considered the matter including the principal reasons for support or opposition to the proposal.
 - (4) The proposal should be circulated to all sections and committees which may be interested in the proposal. The proposal shall identify all committees or sections to which the proposal has been submitted for comment, and the comments reviewed.
- D. A position with regard to legislation, once adopted by the Board of Governors, shall remain a KBA position for the full legislative session during which the Board adopted the position unless reversed or rescinded. Upon request of any member of the Board, the Executive Director shall notify the Board at a regular meeting of the KBA's legislative positions.
- E. Legislative positions shall be stated in the affirmative to support, oppose or take a neutral position on legislation. Failure to receive a necessary two-thirds vote to favor legislation shall not be considered adoption of a position to oppose such legislation.
- F. Review of a previous legislative position may be proposed by any member of the Board of Governors or the Executive Committee by notice of at least 20 days prior to the meeting at which such review is requested, and required by a two-thirds majority vote of those present. A legislative position may be altered, amended or withdrawn by a two-thirds vote for the Board of Governors present at the meeting and those who have expressed their vote in writing prior to commencement of such meeting.
- G. Categories of Legislative policy. The Board of Governors or the Executive Committee may provide for different categories designating the extent of the KBA's activity in support of or in opposition to legislation. Such categories may include the following:
- (1) Active support or opposition means the KBA, through its agents, will actively support or oppose a bill or concept before either the Kentucky General Assembly or the United States Congress.
 - (2) Approved or disapproved legislation means the KBA either approves or disapproves the bill or concept.

1.13 Executive Committee

- A. It is the policy of the Board of Governors that the Executive Committee shall take no legislative action during a legislative session unless the Executive Committee determines by majority vote of those voting that:
 - (1) The requested legislative action could not reasonably have been submitted for consideration by the Board of Governors in accordance with existing policies, or,
 - (2) There has been a significant material change in circumstances since the last meeting of the Board of Governors making it necessary that legislative action be taken by the KBA.
- B. When considering legislation previously acted upon by the Board of Governors, the Executive Committee shall be subject to the following:
 - (1) The Executive Committee shall take no action inconsistent with previous action of the Board of Governors on the same legislation unless there has been a significant material change in circumstances since the last meeting of the Board of Governors. The failure to receive the required two-thirds vote of the Board of Governors shall not be considered "previous action" by the Board.
 - (2) In making recommendations or in determining legislative policy, all votes taken by the Executive Committee on legislative matters shall proceed as follows:
 - a. The Executive Committee must affirmatively establish by majority vote of those voting that the legislation or legislative action being considered is on a subject matter falling within the purposes of the KBA as set forth in the SCR 3.025.
 - b. If the vote required in the previous subparagraph is affirmative, a second vote will be taken to determine the specific legislative position to adopt. This vote requires at least four affirmative votes to adopt a position.
- C. During the time when the legislature is in session, if an emergency exists and it is not feasible for the Executive Committee to act, then the President, upon consultation with the President-Elect and the Chair of the Legislative Committee (if possible under the circumstances), may act upon pending or proposed legislation.
- D. Any action taken by the Executive Committee or President shall be reported to the Board of Governors at its next meeting.

1.14 Legislative Activities of Sections and Committees of the KBA.

- A. No section or committee of the KBA may engage in any legislative activity except as follows:

- (1) The Board of Governors, by a two-thirds vote, finds that the proposed legislative position is within the scope of the authority of the KBA, its missions, and its purposes as a unified, mandatory-membership association and, an agency of the Supreme Court of Kentucky.
 - (2) If the vote is in the affirmative, the Board of Governors, by a two-thirds vote, authorizes a section or committee to communicate its own legislative position with regard to any specific legislation.
 - (3) During a legislative session, the Executive Committee may authorize a section or committee to adopt a legislative position, subject to the same requirements as Policy 1.14 (a) (1) and (2) and Policy 1.13. The Executive Committee shall use whatever means are available to vote on a section's or committee's request within three working days after receipt by the Executive Director of the request.
 - (4) A position with regard to legislation, once approved by the Board of Governors, shall remain a position of that section or committee for the full legislative session during which the Board approved the position, unless reversed or rescinded.
 - (5) Annually, each section or committee shall notify the Executive Director of that section's or committee's approved legislative positions.
 - (6) Any legislative action taken by a section or committee pursuant to this provision shall be clearly identified as the position of the section or committee and not that of the KBA.
- B. No section or committee of the KBA may advocate a legislative position unless the position was adopted in the following manner:
- (1) Upon a two-thirds affirmative vote of the section or committee members present that proposed legislative action is within the scope of the authority of the KBA and its missions and purposes, as an integrated bar.
 - (2) If the vote required in the previous subparagraph is affirmative, then a second vote will be taken to determine the specific legislative position to be adopted. Action to support or oppose the legislation shall require a two-thirds vote of the section or committee members present.
- C. Section Legislative Committees
- (1) A section involved in legislative matters may establish a section legislative committee which will make recommendations to the KBA Executive Committee regarding requests for that section to adopt a legislative position.
 - (2) The section legislative committee shall be composed of not less than three nor more than nine members.

D. Section Lobbyists

- (1) No section of KBA may retain a lobbyist without the consent of the Board of Governors.
- (2) A section desiring to retain a lobbyist shall submit to the Board of Governors a request for approval containing the following:
 - a. Name and address of the proposed lobbyist;
 - b. Proposed contractual terms;
 - c. Statement of needs;
 - d. A list of the lobbyist clients the lobbyist or members of his or her firm represents at the time the Board considers that individual for approval;
 - e. An agreement that during the term of the contract any subsequent lobbying clients retained by that lobbyist or firm will be disclosed to the KBA at least five days prior to that individual's or firm's retention;
 - f. A provision that the contract may be terminated by the KBA if it decides that the section lobbyist or a member of his firm does not act in, or that association with that lobbyist or firm is not in, the best interests of the KBA.
- (3) The Legislative Committee and the Executive Director shall review section lobbyist requests and make recommendations to the Board of Governors with respect thereto.
- (4) A section lobbyist shall agree to communicate all proposed legislative committee developments to the Executive Director of the KBA.
- (5) No section shall budget or expend for legislative activities any amount greater than the amount budgeted or received as voluntary dues from section members.

1.15 Procedure for Hiring Legislative Advisor and Consultants

The Board will determine whether a legislative advisor or consultant will be employed in a particular matter.

1.16 Advice and Consultation with General Assembly by Kentucky Bar Members

Nothing herein shall preclude lawyers from presenting their individual personal views to the Kentucky General Assembly or the United States Congress on any legislative matter.

History: Adopted 9/17/10