

BYLAWS  
OF THE  
MILITARY LAW SECTION  
STATE BAR OF TEXAS

**ARTICLE 1: Name and Purpose**

**Section 1: Name**

This Section shall be known as the Military Law Section of the State Bar of Texas.

**Section 2: Purpose**

The purpose of this Section is to promote the objects [objectives] of the State Bar of Texas with respect to Military Law and to establish and maintain liaison between the State Bar of Texas and the Armed Forces of the United States in order to better serve the legal needs of the members of the Armed Forces of the United States.

**ARTICLE II: Membership**

**Section 1: Members**

Any member in good standing of the State Bar of Texas is eligible to be member of this section.

**Section 2: Associate Members**

Any member in good standing of the Bar of another State or Territory or the District of Columbia who is on active duty within the State of Texas as a member of the Armed Forces of the United States or is employed as a civilian attorney within the State of Texas in support of the Armed Forces of the United States and who is performing duties as a Judge Advocate, Legal Officer, or civilian attorney, is eligible to be an Associate Member of this Section. An Associate Member of this Section shall have the same privileges as a Member of this Section except those of voting and of holding elective office.

**Section 3: Enrollment**

Any person eligible to be a Member or Associate Member of this Section shall be enrolled as such upon request made to the Secretary-Treasurer of this Section accompanied by payment of the prescribed annual membership dues.

#### **Section 4: Disenrollment**

Any Member or Associate Member of this Section who fails to pay to the Secretary-Treasurer of this Section the prescribed annual membership dues within ninety days after the annual due date thereof shall be disenrolled by the Secretary-Treasurer as a Member or Associate Member of this Section.

### **ARTICLE III: Dues**

#### **Section 1: Amount**

The annual membership dues payable by each Member and Associate Member of this Section shall be \$15.00.

#### **Section 2: Due Date**

The annual due date for payment of the annual membership dues of this Section shall be the first day of the fiscal year of the State Bar of Texas.

#### **[Section 3: Revision of Dues]**

[The establishment or any revision in the dues of this Section requires approval by the State Bar Board of Directors. [Board of Directors Policy Manual §6.02.06(A).]]

#### **[Section 4: Deposit of Dues]**

[Section dues must be deposited into either a branch of the State Bar of Texas banking depository or an alternative banking depository. If an alternative banking depository is used, the banking depository shall be instructed to provide directly to the State Bar a duplicate of the bank statements, canceled checks, and deposit slips, and to state that any expense incurred in providing duplicates to the State Bar shall be borne by this Section.]

### **ARTICLE IV: Meetings**

#### **Section 1: Annual Meeting**

An Annual Meeting of this Section shall be held during the Annual Meeting of the State Bar of Texas, each Annual Meeting of this Section to be at such time and place and with such program as shall be arranged by the Chairman [Chair] of this Section. [The Annual Meeting of this Section shall be held during the Annual Meeting of the State Bar of Texas or such other place and time chosen by the Council, as permitted by applicable State bar rules. [State Bar Rules, Article VIII, § 1(C)].

#### **Section 2: Other Meetings**

Other meetings of this Section may be held at such times and places and with such programs as shall be determined by the Chairman [Chair] or the Council of this Section.

### **Section 3: Quorum**

The Members of this Section who are present at any meeting of this Section shall constitute a quorum for the transaction of business.

### **Section 4: Majority Vote**

Upon any matter calling for a determination or vote by the Members of this Section, the vote of a majority of those Members present and voting at a meeting of this Section shall be binding.

### **Section 5: Notice**

No meeting of this Section other than the Annual Meeting may be held except upon ten days prior written notice to all Members of this Section.

## **ARTICLE V: Officers**

### **Section 1: Designation**

The Officers of this Section shall consist of a Chairman [Chair]; a Chairman-Elect [Chair-Elect]; a Vice Chairman [Vice Chair]; a Secretary -Treasurer; and a Historian.

### **Section 2: Term**

Officers of this Section shall be elected at each Annual Meeting of this Section and shall hold office for a term of one year beginning at the close of the Annual Meeting at which elected and ending at the close of the next Annual Meeting. This provision shall not apply, however, to the office of Historian, who shall be appointed or reappointed annually by the Chairman [Chair] at the Annual Meeting, taking into consideration the desirability of maintaining continuity in said office for purposes of effectively carrying out its duties.

### **Section 3: Succession of Chairman-Elect [Chair-Elect]**

The Chairman-Elect [Chair-Elect] of this Section shall, upon completion of his [his or her] term as such, succeed to the office of Chairman [Chair] of this Section for a term of one year.

### **Section 4: Removal**

Any officer who is disenrolled as a Member of this Section for failure to pay the prescribed annual membership dues or who fails to attend two successive meetings of the

Council shall be removed as an officer.

### **Section 5: Vacancies**

If any vacancy shall occur among the Officers of this Section, whether by death, resignation, removal, or otherwise, such vacancy shall be filled as follows:

a. Chairman [Chair]: Upon the occurrence of a vacancy in the Office of Chairman [Chair], the Chairman-Elect [Chair-Elect] shall succeed to such Office for the remainder of the unexpired portion of the term thereof; provided, that such succession shall not affect the right of the Chairman-Elect [Chair-Elect] to serve his [his or her] subsequent term of one year as Chairman [Chair].

b. Chairman-Elect [Chair-Elect]: Upon the occurrence of a vacancy in the Office of Chairman-Elect [Chair-Elect], such office shall remain vacant until the next Annual Meeting of this Section.

c. Vice Chairman [Vice Chair]: Upon the occurrence of a vacancy in the Office of Vice-Chairman [Vice-Chair], such office shall remain vacant until the next Annual Meeting of this Section.

d. Secretary-Treasurer: Upon the occurrence of a vacancy in the office of Secretary-Treasurer, the Council shall fill such vacancy by selection and appointment of a successor to serve until the next Annual Meeting of this Section.

e. Historian: Upon the occurrence of a vacancy in the Office of Historian, the Chairman [Chair] shall immediately fill such vacancy by selection and appointment of a successor to serve until the next Annual Meeting of this Section.

### **Section 6: Duties**

a. Chairman [Chair]: The Chairman [Chair] shall be the Chief Executive Officer of this Section; shall preside over all meetings of this Section or of the Council; shall represent this Section in dealing with the State Bar of Texas and/or any other organizations or persons; shall formulate and present an Annual Report to the State Bar of Texas on the work of this Section; shall perform such other duties as may be authorized or directed by the membership or the Council of this Section; and shall take all other actions and exercise all other prerogatives pertaining to the Office of the Chairman [Chair].

b. Chairman-Elect [Chair-Elect]: The Chairman-Elect [Chair-Elect] shall be the Chairman's [Chair's] deputy; shall preside over all meetings of this Section or of the Council in the absence of the Chairman [Chair]; and shall perform such other duties as may be authorized or directed by the Chairman [Chair] or the Council of this Section.

c. Vice Chairman [Vice Chair]: The Vice Chairman [Vice Chair] shall preside over all

meetings of this Section or of the Council in the absence of both the Chairman [Chair] and the Chairman-Elect [Chair-Elect]; and shall perform such other duties as may be authorized or directed by the Chairman [Chair] or the Council of this Section.

d. Secretary-Treasurer: The Secretary-Treasurer shall be the custodian of all records and monies of this Section; shall be the recorder of the proceedings of all meetings of this Section or of the Council; shall be responsible for the conduct of all financial affairs of this Section and shall render an accounting thereof at each meeting of this Section or of the Council; and shall perform such other duties as may be authorized or directed by the Chairman [Chair] or the Council of this Section. The monies of this Section shall be maintained by the Secretary-Treasurer in a separate bank account in the name of and for the use and benefit of this Section and shall not be disbursed without the prior approval of the Chairman [Chair]. The Secretary-Treasurer will comply with State Bar accounting department reporting requirements.

e. Historian: The Historian shall collect and maintain all historical data pertaining to meetings, seminars, and other activities of this Section which shall include but not be limited to reports, minutes, announcements, pictures, seminar materials, pamphlets, etc. The Historian shall be charged with the responsibility of compiling, assembling and displaying some or all such materials at the Annual Meeting [or other meetings] of this Section and on such other occasions as desired by the Council. The Historian shall perform such other duties as may be authorized or directed by the Chairman [Chair] or the Council of this Section.

### **Section 7: Compensation**

No Officer of this Section shall receive any compensation from this Section for his services.

## **ARTICLE VI: Council**

### **Section 1: Members**

The following persons shall be Members of the Council of this Section: all Officers of this Section; all former Chairmen [Chairs] of this Section; and six other Elected Members who shall be elected as hereinafter provided.

### **Section 2: Term of Elected Members**

Three Elected Members of the Council shall be elected at each Annual Meeting of this Section held during an even-numbered year and three Elected Members of the Council shall be elected at each Annual Meeting of this Section held during an odd-numbered year; each Elected Member of the Council shall hold Office for a term of two years beginning at the close of the Annual Meeting at which elected and ending at the close of the second Annual Meeting thereof.

### **Section 3: Ex-Officio Members**

The following persons shall be Ex-Officio Members of the Council: the President of the State Bar of Texas; the President-Elect of the State Bar of Texas; and the State Bar of Texas Board Advisors for the Military Law Section. An Ex-Officio Member of the Council shall have the same privileges as a Member thereof except that of voting.

#### **Section 4: Associate Members**

The Council may select and appoint, in such numbers as may be determined by the Council, Associate Members of this Section to serve as Associate Members of the Council. An Associate Member of the Council shall serve as such at the pleasure of the Council and shall have the same privileges as a Member thereof except that of voting.

#### **Section 5: Removal**

a. **Officers and Elected Council Members**: Any officer or Elected Council Member who is disenrolled as a Member of this Section for failure to pay the prescribed membership dues or who fails to attend two successive meetings of the Council without just cause shall be removed as a Member of the Council.

b. **Former Chairmen [Chairs]**: Any former Chairman [Chair] who was disenrolled as a Member of this Section for failure to pay the prescribed membership dues shall be removed as a Member of the Council.

#### **Section 6: Vacancies**

If any vacancy shall occur among the Elected Members of the Council, whether by death, resignation, removal, or otherwise, the Council shall fill such vacancy by selection and appointment of a successor to serve until the next Annual meeting of this Section. At such next Annual Meeting, a successor shall be selected to fill any unexpired portion of the term of the vacated Council position.

#### **Section 7: Meetings**

a. **Annual Meeting**: The Council shall hold an Annual Meeting immediately prior to the Annual Meeting of this Section.

b. **Other Meetings**: The Council shall hold not less than two other meetings per year, in addition to its Annual Meeting, such other meetings to be held at such times and places as shall be determined by the Chairman [Chair] of this Section.

#### **Section 8: Quorum**

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

### **Section 9: Majority Vote**

Upon any matter calling for a determination or vote by the Council, the vote of a majority of those Members of the Council present and voting at a meeting of the Council shall be binding.

### **Section 10: Notice**

No meeting of the Council may be held except upon ten days prior written notice to all members of the Council.

### **Section 11: Action Without Meeting**

Any action calling for a determination or vote by the Council may be taken without a meeting of the Council if a majority of the Members of the Council shall consent in writing to such action being taken.

### **Section 12: Duties**

The Council shall have the general authority and responsibility for the conduct of the affairs of this Section, subject to the provisions of these Bylaws and the Constitution and Bylaws of the State Bar of Texas.

### **Section 13: Compensation**

No Member, Ex-Officio Member, or Associate Member of the Council shall receive any compensation from this Section for [his] his or her services.

## **ARTICLE VII: ELECTIONS**

### **Section 1: Nomination**

a. **Nominating Committee**: At the meeting of the Council immediately preceding each Annual Meeting of the Council, the Chairman [Chair] of this Section shall appoint a Nominating Committee consisting of not less than three former Chairmen [Chairs] or former Elected Council Members of this Section; prior to each Annual Meeting of this Section, such Nominating Committee shall make itself available to Members of this Section to receive recommendations as to nominees for election to all Officer or Elected Council Members positions of this Section to be filled by election at such Annual Meeting; and, at each Annual Meeting of this Section such Nominating Committee shall report to the Members of this Section its recommendation as to nominees for election to all Officer and Elected Council Member positions to be filled by election at such Annual Meeting of this Section.

b. **Nominations from Floor**: After receipt of the recommendation of the Nominating Committee, other nominations may be made from the floor of each Annual Meeting of this

Section for election of any Member of this Section to any Officer or Elected Council Member position to be filled by election at such Annual Meeting of this Section.

### **Section 2: Election**

Election of Officers and Elected Council Members shall be by secret written ballot of the Members of this Section present at each Annual Meeting of this Section, provided, that such requirement of secret written ballot may be dispensed with in case of any person elected by acclamation upon the unanimous vote of all Members of the Section present and voting at an Annual Meeting of this Section.

### **Section 3: Re-Election**

No officer or Elected Council Member who has served a full elective term may be re-elected to succeed himself, except for the Secretary -Treasurer who may serve no more than three (3) consecutive terms.

### **Section 4: Dual Office Holding**

No person may hold more than one elective position at the same time in this Section.

## **ARTICLE VIII: MISCELLANEOUS**

### **Section 1: Effective Date of Bylaws**

These Bylaws shall become effective after adoption by a vote of the Members of this Section at an Annual Meeting of this Section and upon approval by the Board of Directors of the State Bar of Texas.

### **Section 2: Amendment of Bylaws**

These Bylaws may be amended by a vote of the Members of this Section at an Annual Meeting of this Section. No amendment approved by the Members of this Section shall become effective until also approved by the Board of Directors of the State Bar of Texas.

### **Section 3: Imputation to State Bar**

No recommendation or action of this Section or of the Council of this Section shall be deemed as or referred to as a recommendation of or action of the State Bar of Texas and until such has been submitted to and approved by the Board of Directors of the State Bar of Texas, the General Assembly of the State Bar of Texas in annual convention, or a duly authorized referendum of the State Bar of Texas.

### **[Section 4: Social and Political Advocacy]**

[No positions may be taken by this Section or its members in the name of this Section that advocates or advances a political or social policy position. [Board of Directors Policy Manual § 6.02.02(a).]

**[Section 5: Financial Report]**

[The Secretary-Treasurer, in coordination with the Chair, will submit to the Executive Director of the State Bar of Texas by July 15th of each year a complete financial report for the preceding fiscal year ending May 31st and a Section budget for the current fiscal year. [Board of Directors Policy Manual §6.02.06(A).]

**[Section 6: Investments]**

[The provisions of § 10.05, Investments, of the State Bar of Texas Board of Directors Policy Manual are adopted by reference and attached hereto as Appendix I.]

\* \* \* \* \*

I certify that the foregoing constitutes a true and correct copy of the Bylaws of the Military Law Section of the State Bar of Texas, as amended by vote of the members of this Section at the Annual Meeting in San Antonio, Texas, on June 23, 2000.

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Michael R. Ford  
Secretary-Treasurer, 1999-2000

  
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Philip F. O'Neill  
Chair, 1999-2000