

## REPORT TO THE PRESIDENT ON PROPOSED AMENDMENT TO LIFE MEMBERSHIP

--Beau Hays

At the request of the President, I have undertaken two tasks:

First, to amend the Life Membership to limit new applicants to retired members only.  
Second, to outline the procedure for presenting the amendment for a vote.

(1)

The proposed Amendment would require that Life Members be retired from the practice of law or from full-time employment in the business through which the Member has been qualified for membership in the League.

The existing language of the Constitution is in Article II, Sec. 3, par. A

“WRITTEN REQUEST REQUIRED; AGE 75; MEMBER FOR 25 YEARS:  
Any member who has reached the age of 75 years and who has been a member of the League for a period of 25 years may upon written request, become a life member.”

The new language would replace paragraph A in full:

- A. “WRITTEN REQUEST REQUIRED; AGE 75; MEMBER FOR 25 YEARS:  
Any member who has reached the age of 75 years, who has been a member of the League for a period of 25 years, and who has retired from the full-time practice of law or full-time employment in the business which qualified for Membership in Art. II, Sec. I, par. A above, may upon written request, become a life member.”

(2)

Article XXII of the Constitution governs amendments. The requirements are:

(A) A copy of the proposed amendment shall be filed with the EVP at least 70 days before the first business day of the Convention.

(B) The entire Article of the Constitution must be presented showing the Article as it will read upon adoption on the amendment. I have reproduced Article II below with the amendment in ***bold italics***.

(C) The EVP shall publish the amendment in the last edition of the Official Publication prior to the Convention or by two-thirds vote the Board can authorize submission without publication.

(D) Adoption requires a vote of two-thirds of the eligible members present and voting at any Convention of the League (however, there is no provision in the Constitution for any Convention other than the Annual Convention).

## **Article I**

### **NAME AND OBJECTS**

SECTION 1. NAME AND OBJECTS: This association shall be known as the Commercial Law League of America (League). Its objects shall be: to promote uniformity of legislation in matters affecting commercial law; to elevate the standards and improve the practice of commercial law; to encourage the highest standards of conduct among its members and in the profession at large; and to foster among its members a feeling of fraternity and mutual confidence.

## **Article II MEMBERSHIP**

SECTION 1. ELIGIBILITY: The following shall be eligible for membership in the League:

- A. A person who has not violated standards of proper, moral, ethical or professional conduct residing in accordance with the laws of the state, province and country in which such person

resides, who is (i) a lawyer in the practice of law, (ii) a member of the bench, (iii) a professor or teacher of law or a law student enrolled in an American Bar Association accredited law school or a teacher of commercial, insolvency or business law in an undergraduate school or college, (iv) an officer, manager or representative of a reputable collection agency, bureau or credit insurance company. The collection agency of the applicant applying for membership in the League must be appropriately licensed or registered in the state or states, province or provinces, or, other than in the United States of America, country or countries in which it is located, if such a license or registration of a collection agency is required. (v) any non-attorney personnel employed as an office administrator, collector or paralegal assistant who are engaged primarily in the collection of debts or in the area of bankruptcy, reorganization or insolvency matters in a League member's law office and the manager of the collection department of a law office, trade association, or mercantile agency, (vi) an editor of a law journal which deals with any aspect of commercial law, (vii) a representative of a legal directory or law list, (viii) an individual whose primary occupation is in the field of public accounting, equipment or real property leasing, turnaround management, lending or banking, (ix) a person who is a licensed Trustee in Bankruptcy in Canada, (x) a person who is serving as a United States Trustee, (xi) a person who is serving as a bankruptcy panel trustee or has served as a trustee at any time within the two years preceding that person's application for membership., (xii) a person, not otherwise described above, who is actively engaged in the credit, collection and/or commercial business industries.

- B. LAW STUDENT MEMBERS: A law student, while attending a law school accredited by the American Bar Association, shall be eligible to apply for law student membership in the League. Any law student member shall become a regular member of the League under Article II, Section 1, without further application, upon his/her notice to the League of his/her admission to the bar of any state or United States territory or possession, that he/she falls within one of the classifications in Section A above within one year after graduation from law school, military service excluded, and without further payment of dues until the next regular League membership dues billing period. The rights and privileges of law student membership shall be defined from time to time by the League's Board of Governors. The privileges of law student membership shall not extend to the

right to vote in League elections or to hold elective or appointive office, except within the Law Student Division or as may otherwise be permitted by other Constitution provisions.

- C. TERMINATION OF MEMBERSHIP: Any member who shall cease to possess the qualifications for membership hereinbefore prescribed, may, by vote of the Board of Governors, have that membership terminated. Thirty days' notice of the contemplated action of the Board of Governors shall be given to such member and the member so proceeded against shall have an opportunity to be heard, which is more fully set forth in Article XI.

#### SECTION 2. HONORARY MEMBERSHIP

The League, at its conventions, upon the advice of the Executive Vice President and/or on the recommendation of the Board of Governors, may confer honorary membership on persons of distinction, such membership carrying with it none of the privileges of membership save the right to sit in convention and take part in debates; but by vote of the Board of Governors such honorary membership may carry with it the privileges of membership in the League.

#### SECTION 3. LIFE MEMBERSHIP

- B. WRITTEN REQUEST REQUIRED; AGE 75; MEMBER FOR 25 YEARS: Any member who has reached the age of 75 years, ***who has been a member of the League for a period of 25 years, and who has retired from the full-time practice of law or full-time employment in the business which qualified for Membership in Art. II, Sec. I, par. A above,*** may upon written request, become a life member.
- C. EXEMPT FROM PAYMENT OF DUES: Life members shall be exempt from the payment of any further dues.
- D. EXCEPTION FOR CURRENT LIFE MEMBERS: Current life members who do not meet these requirements will be entitled to retain their life member status.

#### SECTION 4. APPLICATION FOR MEMBERSHIP

- A. FORMAT: Every application for membership shall be in writing and signed by the applicant, as well as any other information required by the Board of Governors. The application shall set forth the applicant's profession or occupation and address, upon which his/her eligibility to membership is predicated. It shall be filed with the Executive Vice President, and shall be accompanied by payment in the amount of one full year's dues, regardless of the time at which the application is filed, at the rate then applicable to the applicant's membership status. The Board of Governors may establish, at its discretion, an administrative processing fee for applications withdrawn at the request of an applicant.
- B. NOTICE IN OFFICIAL PUBLICATION: If the applicant appears from the application to be eligible for membership, notice of the application shall be given by publication in the Official Publication of the name, address, and profession or occupation of the applicant, together with the name and address of the sponsor.
- C. DISCRETIONARY REFERRAL: The Executive Vice President may of his/her own volition refer any application for membership to the Committee on Arbitration, Grievances and Objections to Membership for approval or rejection.

- D. **COMPULSORY REFERRAL:** The Executive Vice President shall refer to the Committee on Arbitration, Grievances and Objections to Membership, (i) every re-application for membership by anyone who has been expelled from the League or who has resigned after the filing of any charges or complaints against the applicant; (ii) every re-application for membership and every request for reconsideration of application for membership by any one whose previous application has been rejected or voluntarily withdrawn upon objection being filed thereto; and (iii) every application for membership to which written objection, setting forth in detail the grounds therefore, is filed with the Executive Vice President by any member of the League, before the end of the first calendar month next following the month(s) of publication of notice of the application in the Official Publication.
- E. **NOTICE OF REFERRAL:** The Executive Vice President shall advise the President of the League and the applicant of any reference to the Committee on Arbitration, Grievances and Objections to Membership and, with the permission of the President, must advise the applicant as to the nature of any objection filed.
- F. **OBJECTIONS TO MEMBERSHIP:** All objections to membership shall be referred to the Committee on Arbitration, Grievances and Objections to Membership, and all such objections shall be administered in accordance with Article XI, of this Constitution.
- G. **EFFECTIVE DATE OF MEMBERSHIP:** Unless an application for membership is one, the reference of which to the Committee on Arbitration, Grievances and Objections to Membership is compulsory under the provisions of Subsection D of this Article, or unless, before the end of the first calendar month next following the month(s) of publication of notice of the application in the Official Publication, the Executive Vice President shall have notified the President, that he/she is, of his/her own volition, referring said application to the Committee on Arbitration, Grievances and Objections to Membership for approval or rejection, provisional membership will be granted and approved as of the date of receipt of the application by the Executive Vice President; however, the applicant's name shall not be added to the membership rolls. Barring objection to membership, the provisional membership shall automatically convert to unconditional membership on the first day of the second calendar month next following such publication with the date of membership relating back to the date the application was initially received; whereupon the name of the applicant shall be added to the membership roll. The Board of Governors, at its discretion, may authorize the issuance of a membership card, membership certificate or membership plaque.