

CONSTITUTION OF THE MOBILE BAR ASSOCIATION

ARTICLE I

Name

This organization shall be called "The Mobile Bar Association," hereinafter referred to as the "Association."

ARTICLE II

Objects and Purposes

The objects of the Association are to cultivate the advancement of jurisprudence; to promote and encourage reform in the law; to promote the due and complete administration of justice; to foster, encourage and perpetuate our democratic system of government; to elevate the legal profession to the highest possible standard of competence, integrity, morality, dignity and courtesy; to regulate its practice; to advocate on behalf of Association members; to maintain close relationships and cooperation with the Alabama State Bar and with the American Bar Association within the framework of the principles here enunciated; and to promote, preserve and cherish the spirit of camaraderie among its members.

ARTICLE III

Membership

3.1 **Eligibility.** Any member of the legal profession in good standing may become a member of the Association upon application and approval as prescribed in the By-Laws. Membership in this Association shall be a privilege, not a matter of right.

3.2 **Classes.** Classes of membership shall be as stated in the By-Laws.

3.3 **Reinstatement.** A former member who has been expelled may be reinstated pursuant to procedures set forth in the By-Laws of the Association.

ARTICLE IV

Officers and Directors

4.1 **Officers.** The officers of this Association shall be a president, a president-elect, a vice president, a secretary, a treasurer, and an assistant treasurer.

4.2 **Directors.** The members of the Executive Committee shall serve as directors of the Association.

4.3 **Terms.** All officers shall be elected for one-year terms at the November meeting of the Association in the manner provided in the By-Laws. Terms of other members of the Executive Committee shall be as provided in Article V, Section 5.3, (Governance; Terms) of this Constitution.

4.4 **Duties.** The duties of the officers and Directors shall be as provided in the By-Laws of the Association.

ARTICLE V

Governance

5.1 **Executive Committee.** A standing Committee known as the Executive Committee shall be the governing body of the Association and it shall function as a board of directors and, as such, it may exercise all powers over the Association and do all lawful acts and things as are not by statute or by this Constitution or the By-Laws of the Association directed or required to be exercised or done by the members of the Association. The Executive Committee shall administer the affairs of the Association for the common benefit of all members.

5.2 **Composition.** The Executive Committee shall consist of all of the elected officers of the Association; the Immediate Past President of the Association; the President of the Young Lawyers Section of the Association, the incumbent members of the Board of Bar Commissioners whose offices for the practice of law are located in Mobile County, Alabama; and three (3) active members of the Association with staggered three-year terms, with one to be appointed each year by the President. Additionally, the President of the Volunteer Lawyer's Program, the President of the Mobile Bar Association Women Lawyers, and the President of the Bay Area Vernon Z. Crawford Bar Association shall be ex-officio members of the Executive Committee.

5.3 **Terms of Executive Committee.** All members of the Executive Committee who serve by reason of their status as the holder of another office shall serve so long as they remain in such office. The three members of the Executive Committee appointed thereto by the President shall serve for three years, with staggered terms, each such member's term commencing with the beginning of the term of the President who shall have appointed them. The initial appointment of

members pursuant to this Section may be for terms less than three years. If any appointed member of the Executive Committee is unable to complete their term of office, the then President of the Association shall immediately appoint a replacement member to fill the unexpired term of the relinquishing member.

ARTICLE VI

Committees

6.1. **Standing Committees.** In addition to the Executive Committee created pursuant to Article V (Governance) of this Constitution, the By-Laws of the Association shall provide for additional standing committees. Members of the standing committees set forth in the By-Laws shall be appointed by the President, with the advice and approval of the Executive Committee. They shall serve for three years with each such member's term commencing with the beginning of the term of the President who shall have appointed them, except as may be otherwise provided in the By-Laws.

6.2 **Special Committees.** The President, with the approval of the Executive Committee, may establish special committees. A special committee shall exist only for the duration of a specific project or such longer time as the Executive Committee may direct. Members of special committees shall be appointed by the President, with the advice and approval of the Executive Committee. They shall serve for one year commencing with the beginning of the President's term, except as may be otherwise provided in the By-Laws.

ARTICLE VII

Sections

7.1. **Young Lawyers Section.** There shall be a Young Lawyers Section of the Association as provided for in the By-Laws. At least one member of each standing or special committee shall be a member of the Young Lawyers Section of the Association.

7.2 **Practice Sections.** The Association may establish Practice Sections pursuant to the By-Laws. Any member of the Association is eligible for membership in practice sections.

ARTICLE VIII

By-Laws

The Association shall adopt By-Laws for the conduct of its affairs in harmony with this Constitution.

ARTICLE IX

Amendments

The Constitution and By-Laws may be amended by a vote of two-thirds (2/3) of the active members present at any regular meeting; provided that each proposed amendment shall be plainly stated in a notice to the membership of the meeting at which each such amendment is to be considered, said notice to be provided to the membership by E-mail or regular mail at least seven (7) days prior to the time of such meeting.

BYLAWS OF THE MOBILE BAR ASSOCIATION

Article I. Membership

(a) **Classes of Membership.** There shall be five classes of membership, namely, Active, Associate, Adjunct, Honorary and Sustaining. The qualifications for such memberships shall be as follows:

(1) **Active Members.** Members of the Alabama State Bar in good standing who are actively engaged in the occupation of a lawyer in Mobile County shall be eligible for active membership. Active members may be elected to such membership by the Association as provided in subdivision (b) of this Article I.

(2) **Associate Members.** Members of the legal profession in good standing who have been admitted to practice in any state of the United States and who are ineligible for membership as active members may become associate members. Associate members shall have all the privileges of active members, except that of voting and holding office. Associate members may be elected to such membership by the Association as provided in subdivision (b) of this Article I.

(3) **Adjunct Members.** Persons who are actively engaged in the occupation of a legal assistant in Mobile County shall be eligible for adjunct membership. A legal assistant is a person qualified through education, training or work experience, who is employed or retained by a lawyer, law office, government agency, or other entity by a lawyer, law office, governmental agency, or other entity in a capacity of function which involves the performance, under the ultimate direction and supervision of an attorney, of specifically delegated substantive legal work, which work for the most part requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task. In addition, persons who are actively engaged in the legal industry and whose primary occupation involves providing services (court reporters, videographers, etc.) to lawyers in the Mobile area shall be eligible for adjunct membership. Adjunct members may attain such membership upon recommendation to the Secretary of the Mobile Bar Association for adjunct membership in the Association by a member thereof in good standing and upon payment of dues as provided in Article VI. Adjunct members may attend any meeting of the Association, except such meetings as may be called for active members only. Adjunct members shall not be entitled to the floor for discussions nor shall they be entitled to vote or hold office in the Association.

(4) **Honorary Members.** The active and retired judges of courts of the State of

Alabama who reside or serve in Mobile County, the active and retired judges of the United States District Court for the Southern District of Alabama, and the active and retired judges of the United States Court of Appeals for the Eleventh Circuit with offices in the City of Mobile shall be honorary members of the Association. The active members of the Association shall have the right to elect as honorary members any other members of the judiciary or of the legal profession not otherwise eligible for active membership. Honorary members may attend any meeting of the Association, except such meetings as may be called for active members only. Honorary members shall be exempt from the payment of dues, shall be entitled to the floor for discussions, but shall not be entitled to vote or hold office.

(5) **Sustaining Members.** Any Active or Associate member of the Association who attains the age of sixty-five years shall be eligible for sustaining membership on application to the Executive Committee. Application for sustaining membership may be filed to become effective on the first day of January nearest to the member's sixty-fifth birthday, but there shall be no refund of dues previously paid. The privileges of a sustaining member shall be determined by the type of additional membership which such member holds in the Association.

(6) **Conversion of Class of Membership.** Any member who ceases to be eligible for the class of membership for which the member was elected shall notify the Secretary and, if appropriate, request that the class be converted to the class for which the member has become eligible. Upon approval of the Executive Committee, the class of membership shall be so converted. A member who ceases to be eligible for the class of membership for which the member was elected and who has failed to notify the Secretary may be required by the Executive Committee to convert to a different class of membership or suffer the consequences of a failure to pay dues as set forth in Article VI (c) (Fiscal; Non- Payment of Dues) of these By-Laws, if additional dues are required as a result of the conversion.

(b) **Election of Active and Associate Members**

(1) **Proposal of Candidates.** Candidates for active or associate membership shall send to the Secretary of the Association a completed, signed Mobile Bar Association Membership Application including a current photograph and copy of current license to practice law. By signing the Membership Application the candidate pledges to support the objects and purposes of the Association as set forth in Article II of the Constitution of the Association.

(2) **Admission of Active and Associate Members.** Upon the recommendation of the Secretary and approval by the Executive Committee, such candidate shall be admitted to the Association; provided, however, that the new member's continued membership is conditioned upon the new member attending at least one (1) regular Association meeting within six (6) months of admission to the Association. A new member may be excused from attending a regular Association meeting under this provision, or be granted an extension to attend a regular Association meeting under this provision, only upon approval by the Executive Committee.

(3) **Dues of New Member.** Dues for the first year shall be prorated as of the date the candidate is accepted for membership. If any person elected does not within one month after

notice of election pay annual dues that person shall be deemed to have declined to become a member and that person's name shall not again be considered by the Association except upon a subsequent proposal for membership accompanied by a deposit of one year's dues with the Treasurer.

(c) **Expulsion, Suspension and Censure.**

(1) **Upon Suspension or Disbarment from Practice.** A member will be automatically expelled from the Association upon suspension or disbarment by any tribunal or entity which has previously permitted the member to engage in the practice of law pursuant to Article III, Section 3.3 (Membership; Expulsion, Suspension, Censure) of the Constitution. The Alabama Rules of Disciplinary Procedure permit those local grievance committees which meet with the approval of the Board of Commissioners of the Alabama State Bar to conduct investigations of complaints or allegations of misconduct of a member of the Association who is also a member of the Alabama Bar and to make recommendations to the Disciplinary Commission as to whether the matter warrants dismissal, the imposition of a private or public reprimand, or the filing of formal charges before the Disciplinary Board. The Association has no other basis for jurisdiction over such matters.

(2) **For Conduct Inconsistent with the Objects and Purposes of the Association.** A member may be expelled or suspended from the Association or censured by the Association for conduct inconsistent with the objects and purposes of the Association. Such charge must first be submitted to the Executive Committee at which time the member shall have the opportunity to respond. Such charge along with a ballot permitting a vote on the appropriate action may thereafter be presented to the membership either upon a vote of two-thirds (2/3) of the members of the Executive Committee or, failing that, upon petition of fifty (50) members of the Association. The membership must have thirty (30) days' notice of the charge and the form of ballot. At the meeting of the membership, the charge shall be read and the member shall be given an opportunity to respond. Expulsion, suspension or reprimand shall be by majority secret ballot of the members present and, in the event that alternative actions are set forth on the ballot, the action taken shall be the alternative receiving the greatest number of votes so long as a majority favor taking action.

(3) **For Non-Payment of Dues.** A member may be suspended or expelled for non-payment of dues as provided in Article VI (c) (Fiscal; Non- Payment of Dues) of these By-Laws.

(d) **Reinstatement.** A former member who has been automatically expelled may apply for reinstatement when the former member meets the requirements for membership and the former member's application shall be treated in the same manner as an application for membership of a new member as provided in subdivision (b) of this Article I (Membership; Election of Active and Associate Members) of these By-Laws. A former member who has been expelled by vote of the membership of the Association may apply for reinstatement upon the expiration of five years and the former member's application shall be treated in the same manner as an application for membership of a new member as provided in subdivision (b) of this Article I (Membership; Election of Active and Associate Members) of these By-Laws. A former member who has been expelled for non-payment of dues may be reinstated to membership as provided in Article VI (d)

(Fiscal; Reinstatement) of these By-Laws.

(e) **Resignation.** Any member upon written request to the Association may resign from the Association as a member in good standing, provided said member is not in arrears as to fees and dues at that time.

Article II. Meetings

(a) **Membership.**

(1) **Regular.** Regular meetings of the Association shall be held from time to time throughout the year as determined by the Executive Committee. Where necessary to conduct the business of the Association, the Executive Committee, in its discretion by simple majority vote of the Committee Members, may convene a regular meeting of the Association by telephone, video-conferencing, or other electronic means when traditional in-person meetings are impractical or inadvisable for health or safety reasons.

(2) **Special.** Special meetings of the membership of the Association may be held at the call of the President, or in the President's absence and inability to act, at the call of the President-Elect, or at the call of the Executive Committee, or, on the written request of twenty-five or more members in good standing, or, at the call of the Secretary, provided that notice is given to all members of the time and place of such special meeting and the nature of the business to be taken up at such special meeting. The business at such special meeting shall be limited to that business specified in the notice of the meeting. Where necessary, such special meetings may be conducted by telephone, video-conferencing or other electronic means when in-person meetings are impractical or inadvisable for health or safety reasons.

(3) **Annual.** There shall be an annual meeting of the general membership during the month of January in each year on a date selected by the Executive Committee, which meeting shall count as a regular meeting. At each annual meeting the minutes of the preceding annual meeting, the report of the Treasurer, reports of standing committees, reports of special committees, and reports of sections shall be available for inspection.

(4) **Notice of Meetings.** Notice of the Annual Meeting and any Special Meeting shall be given to each member not less than seven days prior to said meeting and shall include the time, place and purpose of any Special Meeting. Where practicable, notice may be published in the Mobile Bar Association publications. Notice may also be given by E-Mail or regular mail to the Membership. Where a regular or special meeting is to be convened by some manner other than in-person, the notice shall specifically state the method of conducting such meeting.

(5) **Quorum.** At all meetings of the Association a quorum shall consist of not less than twenty-five active members of the Association.

(6) **Voting.** Voting at any meeting of the Association shall be conducted in a manner consistent with the format of the meeting, including by electronic means.

(b) Executive Committee.

(1) **Regular.** The Executive Committee shall meet not less than ten times per year at a time and place to be determined by the Committee. Where necessary, the Executive Committee may meet via telephone, video-conferencing, or other electronic means when in-person meetings are impractical or inadvisable for health or safety reasons.

(2) **Special.** A special meeting of the Executive Committee may be called at any time by the President, or, in the President's absence, by the President-Elect, or by any three members of the Executive Committee, provided that each notice shall be sent to each member of the Executive Committee by e-mail or other means at least three hours prior to such meeting.

(3) **Quorum.** At all meetings of the Executive Committee a quorum shall consist of not less than six voting members of the then membership of the Executive Committee.

(4) **Emergency Powers:** In times of global, national, regional, state or local emergencies or disasters; war; pandemic(s); riots; hurricanes; or other extraordinary events which disrupt the ability of the Executive Committee to conduct ordinary and customary business on behalf of the Association for a period of time during or following such event(s), the Executive Committee, in regular or special meeting, as described in these By-Laws, upon motion duly made and seconded and approved by vote of three-fourths of the Executive Committee Members, may suspend the application and operation of a provision of these By-Laws for a period of time not exceeding 30 days as is necessary and proper based on the circumstance. Any extension of the initial suspension time period decided upon by the Executive Committee shall be approved by the Executive Committee by vote of three-fourths of the Executive Committee members at a regular or special meeting for a period of time not to exceed 30 days. Notice of the intent to vote on suspension of any or all part(s) of the By-Laws due to any such emergency or disaster shall be made in accordance with the Notice requirements for Special Meetings set forth in Art. II, Section (b)(2), above.

Article III. Elections

(a) **Time for and Taking of Office.** Regular elections of officers, as required, shall be held at the regular meeting of the Association held during the month of November of each year. Those elected shall take office on the first day of January of the year following the election.

(b) **Vacancies in Office.** For vacancies in all offices other than the office of the President, a special election for the remainder of the term shall be held at the first regular meeting following ten days after the occurrence of such vacancy. A vacancy in the office of the

President shall automatically be filled by the President-Elect who shall also remain in the office of President for the following calendar year if such vacancy in the office of President occurs after June 30th. If such vacancy occurs before June 30th, the President-Elect who fills such vacancy shall go out of office at the end of the calendar year. If a President-Elect fills a vacancy in the office of President after June 30th, the President-Elect who shall be elected in the resulting special election for such office shall also remain in the office of President-Elect for the following calendar year.

(c) **Nominations and Ballot.** The Nominating Committee shall nominate not less than one active member for each office to be filled and shall present its report to the Executive Committee not less than seven days prior to the regular meeting of the Association to be held during the month of October of each year. A copy of the Nominating Committee's Report shall be sent to each member of the Association as soon as practicable after same is made at the Executive Committee. Additional nominations may be made from the floor at the regular meeting of the Association held during the month of November of each year.

(d) **Voting.** In the election of officers and in the decisions on all other matters, a majority vote of those active members present and voting shall be necessary, except as otherwise specified herein.

(e) **Ballot.** Voting at all contested elections shall be by written ballot.

Article IV. Powers and Duties

(a) **President.** The President shall be the chief executive officer of the Association and shall preside at all meetings at which said officer is present and shall perform such other duties as are by general usage performed by the chief executive officer of such an association.

(b) **President-Elect.** The President-Elect shall automatically assume the office of the President the year after having served as such President-Elect and shall assume the office of President during tenure as President-Elect if a vacancy occurs in the office of the President; and the President-Elect shall, in the absence of the President, perform the duties otherwise incumbent upon the President.

(c) **Vice President.** The Vice President shall, in the absence of the President and the President Elect, perform the duties otherwise incumbent upon the President.

(d) **Secretary.** The Secretary shall keep a record of the proceedings of all meetings of the Association, and of all other matters of which a record shall be ordered by the Association. The Secretary shall keep a complete roll of the members and a complete roll of the sections of practice at all times. The Secretary shall notify the officers and members of committees of their election or appointment, and members of the Association of their election, shall issue notices of all meetings, and in case of special meetings shall state in such notices the object of the call. The Secretary shall

receive all applications for admission to the Association as provided in Article I (b) (Members; Election of Active and Associate Members) of these By-Laws. The Secretary shall be the keeper of the seal of the Association, and shall report to the Treasurer the names of all persons newly elected as members.

(e) **Treasurer.** The Treasurer shall collect, and under the direction of the Executive Committee, disburse all funds of the Association. The Treasurer shall keep regular and neat accounts in books owned by the Association, which shall be open to the inspection of any member of the Association at all reasonable times. The Treasurer shall also keep a complete roll of the members at all times. At the annual meeting and at such other times as requested by the Executive Committee, the Treasurer shall make available a full report of the receipts and disbursements of the past year, properly classified, and of all outstanding obligations of the Association, with an estimate of the resources and probable expenses of the coming year, and any suggestions which the Treasurer may deem proper to make. The Treasurer's accounts shall be audited by the Executive Committee, who shall make available a report thereon at the first meeting succeeding each annual meeting.

(f) **Assistant Treasurer.** The Assistant Treasurer shall automatically assume the Office of the Treasurer the year after having served as such Assistant Treasurer and shall assume the Office of the Treasurer during the tenure as Assistant Treasurer if a vacancy occurs in the Office of the Treasurer. The Assistant Treasurer shall work with the Treasurer and shall learn the duties of the Office of Treasurer during his term as Assistant Treasurer; and the Assistant Treasurer shall, in the absence of the Treasurer, perform the duties otherwise incumbent upon the Treasurer.

(g) **Executive Committee.** The Executive Committee shall make and implement policies for the Association. It will take such action as it considers necessary to provide for the general welfare of the Association. The powers of the Executive Committee shall include, but are not limited to, the following: (a) fill vacancies on the Committee or in any office of the Association; (b) meet not less than ten times per year; (c) take such action as it considers appropriate to establish and implement the policies of the Association; (d) conduct Judicial Candidate Qualification Polls as set out in Article X (c) of these By-Laws; (e) employ an Executive Director, counsel, or other employees as it may deem necessary; (f) assign to the various committees of the Association, which it will have the authority to establish, within its sole discretion, certain duties and responsibilities which may be in addition to those which are specifically mentioned in these by-laws.

Article V. Standing Committees, Additional Committees and Sections of Practice

(a) **Standing Committees.** The President shall appoint the Chair and other members of the following standing committees, the powers and duties of which shall be as set out herein.

(1) **Archives and History Committee.** The Archives and History Committee shall

actively seek items of memorabilia, articles and materials related to the history and traditions of the Association, its Bench and Bar, to be retained under its supervision for preservation, reference or display, at such place or places and pursuant to the policies set forth in Article IX (Historical Items) of these By- Laws.

(2) **Bar Relations Committee.** The Bar Relations Committee is charged with ensuring that the interests of our members are adequately represented in other bar organizations on a local, state and national level. Its members shall be appointed by the President annually.

(3) **Communications Committee.** The Bulletin and Publication Committee shall be responsible for editing and publishing a bulletin of the Association for distribution to the membership. The bulletin shall contain notices required by this Constitution and by-Laws and other matters of general interest to the membership.

(4) **Community Relations Committee.** The Community Relations Committee shall consider, investigate, initiate and make recommendations with respect to all matters affecting the relations of the Association with the public generally and with other organizations having a mutual interest in the subject matter under consideration. A speaker's bureau through which members of the Association may be made available as speakers for public education about the judicial system may function as a sub-committee of this Committee.

(5) **Continuing Legal Education Committee.** The Continuing Legal Education Committee shall consider, promote and administer all activities of the Association relating to matters of professional information, knowledge and studies which it considers to be of general interest to the members of the Association, and make all arrangements for and conduct any and all legal institutes, clinics, lectures, forums or other meetings or means that may be adopted with the approval of the Executive Committee to accomplish such purposes.

(6) **Diversity and Inclusion Committee.** To embrace the dignity of all human beings, to advance the principles of diversity, and to promote inclusion. The objectives of this committee include 1) To identify and assess the needs and concerns of the members of the bar as it relates to diversity; 2) To recognize and celebrate our diversity; 3) To educate and facilitate training on diversity and inclusion for the members of the bar; and 4) To promote opportunity for diversity in the legal profession.

(7) **Entertainment Committee.** The Entertainment Committee shall plan and coordinate the social functions of the Association.

(8) **Fee Dispute Committee.** The Fee Dispute Committee shall attempt to assist clients, lawyers and other parties having disputes pertaining to lawyers' fees with a view toward resolving or minimizing the disputes.

(9) **Grievance Committee.** At such times as a committee of this Association has been approved by the Board of Commissioners of the Alabama State Bar for investigating and making recommendations concerning an allegation or complaint of misconduct of a member or the

Association, there shall be a Grievance Committee composed of a chair and not more than fourteen (14) additional members, all appointed by the President. Each member shall serve for three (3) years. The President shall name one member of the Committee to serve as Chair thereof for one (1) year. Files of the Committee shall be maintained on a permanent basis. The duties of such Committee shall be as set forth in the Alabama Rules of Disciplinary Procedure and, in addition thereto, the Chair shall have the authority to create a subcommittee for the purpose of intervening to assist members of the Association whose conduct gives rise to an immediate concern that without intervention, such member may well become the object of an allegation or complaint of misconduct.

(10) **Law Day Committee.** The Law Day Committee shall be responsible for a suitable celebration of Law Day USA in early May of each year. The Committee shall disseminate information in the community about Law Day USA, make arrangements for an annual luncheon in honor of Law Day USA and, where appropriate, recognize an individual whose accomplishments are consistent with the goals and objectives of the celebration of Law Day USA.

(11) **Law Library Committee.** The Law Library Committee shall serve as an advisory committee for the presiding judge of the Circuit Court of Mobile County, who is *ex officio* manager of the Mobile County Public Law Library, in order to promote the efficient operation of the library pursuant to the objects and purposes provided by the law creating the same. The Committee shall also consider and recommend to the Association any matter that it may deem advisable in order to improve or extend the law library facilities that may be available to the courts, the legal profession, and the public generally in Mobile County.

(12) **Lawyer Assistance Committee.** The Lawyer Assistance Committee provides assistance for lawyers and judges who may be in need of support due to mental health or suffer from addictions. The program is completely confidential.

(13) **Memorials and Resolutions Committee.** The Committee on Memorials and Resolutions shall consider, initiate, prepare and present resolutions of condolence, memorials, and resolutions of commendation on events affecting the Association or its members. All such resolutions shall be referred to the Committee and, within four weeks of said reference, the Committee shall report on any resolution so referred and no resolution shall be voted on at a meeting of the Association until the same has been referred to the Committee. Resolutions affecting public issues are beyond the jurisdiction of the Committee although the Committee may be called upon for assistance in preparation of such resolutions to be presented to the Association pursuant to Article X (b) (Policy; Public Issues) of these By-Laws.

(14) **Mentoring Committee.** The Mentoring Committee is responsible for connecting with lawyers with 12 years or less experience by providing practice development courses and mentoring opportunities with more experienced lawyers.

(15) **Nominating Committee.** There shall be a Nominating Committee composed of a chair and not more than 14 additional members. Each member shall serve for three years. The President shall appoint members of the Committee to fill the vacancies for that year. The President

shall not appoint to the Committee a lawyer belonging to a firm which already has a lawyer on the Committee. The immediate past president of the Mobile Bar Association shall be the chair of the Committee in the year following his or her presidency. Members of the Nominating Committee shall not be eligible to be nominated for any office. The duties of the Nominating Committee are specifically set out in Article III (c) (Elections) of these By-Laws.

(16) **Professional Relations Committee.** The Professional Relations Committee shall serve as a liaison between the Association and members of other professions such as medical, accounting, banking, and others. The Committee shall attempt to mediate any differences that may from time to time arise and be otherwise available to assist in fostering a climate of good will between the professions.

(b) **Additional Committees.** The President, with the approval of the Executive Committee, may from time to time establish or eliminate additional committees. The powers and duties of each additional committee shall appear in the minutes of the Executive Committee meeting at which its establishment is approved. The President shall appoint the Chair and other members of any committee so established.

(c) **Sections of Practice.** Any member of the Association shall be eligible for enrollment in one or more sections of practice. After a member has enrolled in a section, the Executive Committee may from time to time cause members to be polled as to continued interest in membership in a section and thereafter the Secretary shall restate the membership roll for a section based on the results of such polling. The President shall appoint the Chair of the section who shall serve for one year commencing with the beginning of the President's term. The following sections of practice for the study and improvement of techniques and skills in specific areas of the practice of law are established.

- (1) Admiralty
- (2) Alternative Dispute Resolution
- (3) Appellate
- (4) Bankruptcy
- (5) Civil Practice (Federal)
- (6) Civil Practice (Supreme Court of Alabama and Circuit Court of Mobile County)
- (7) Criminal Practice (Federal and State)
- (8) District Court of Mobile County
- (9) Domestic Relations
- (10) Juvenile Justice
- (11) Probate Court
- (12) Social Security
- (13) Solo/Small firms
- (14) Workers Compensation

The President, subject to the approval of the Executive Committee, shall designate additional sections of practice as may be needed from time to time.

(d) **Reports.** Before each regular annual meeting of the Association in January, each committee or section chair shall submit to the Association a written report of the activities of that committee or section for the preceding year, together with any recommendation a that the committee or section may wish to make to the Association, or to the succeeding members of the committee or section. All such written reports shall be kept in appropriate files for the Association by the Secretary.

Article VI. Fiscal

(a) **Fiscal Year.** The fiscal year of the Association shall be from January 1 to December 31 of each year.

(b) **Dues.** The annual dues of the following classes of members shall be set by The Executive Committee and shall be published to the membership annually:

- (1) Active and in practice for two years or less;
- (2) Active and in practice from two to five years;
- (3) Active and in practice for more than five years;
- (4) Associate Members;
- (5) Government Employees;
- (6) Sustaining Members; and
- (7) Adjunct.

All dues shall be payable in advance and shall be due not later than sixty (60) days after the start of the fiscal year.

(c) **Non-Payment of Dues.** Upon failure to pay dues within thirty (30) days after written demand therefor, a member is thereby suspended from membership until said dues are paid and if any member has failed after demand to pay dues by the end of the fiscal year, said member is expelled.

(d) **Reinstatement.** Any member suspended or expelled from membership under the provisions of subparagraph (c), above may be reinstated to membership upon the payment of all dues due the Association from such member at the time of the member's suspension of or expulsion from membership plus one (1) year's dues in advance.

(e) **Exemption from Dues for Absent Members.** Any member who is not delinquent in the payment of any past dues, and who may be absent from the County of Mobile for the period of one (1) year, continuously, shall be exempt from the payment of annual dues during the period of such member's absence.

(f) **Waiver of Dues.** For good cause and with the approval of the Executive Committee the dues of any member may be waived.

Article VII. Young Lawyers Section

(a) **Membership.** All members of the Association (1) who are thirty-five (35) years or under, or (2) who have graduated from law school within the past ten (10) years, or (3) whose time since graduation from law school, less military service since graduation, is ten (10) years or less shall be automatically members of the Young Lawyers Section of the Mobile Bar Association.

(b) **Officers.** The officers of the Young Lawyers Section of the Mobile Bar Association shall be a President, Vice-President, Secretary, and Treasurer. The terms of office of the officers of the Young Lawyers Section shall be concurrent with the terms of office of the officers of the Mobile Bar Association. There shall be an Executive Committee of the Young Lawyers Section which shall consist of the elected officers of the Young Lawyers Section, the immediate Past President of the Young Lawyers Section, and members to be appointed by the President of the Young Lawyers Section, and its duties shall be to advise with and assist the President in the management of the affairs of the Young Lawyers Section, and such other duties as may be specified herein.

(c) **Elections.** Regular election of officers shall be held at the meeting of the Executive Committee of the Young Lawyers Section held during the month of November of each year. The officers elected shall take office immediately following their election, and shall hold office until their successors are elected or appointed. When vacancies occur in any of the offices they shall be filled by appointment of the Executive Committee of the Young Lawyers Section until the next annual election, except in case of a vacancy in the office of President which shall be filled by election of the Young Lawyers Section at, its first meeting occurring more than ten (10) days after the happening of the vacancy.

(d) **Committees.** There may be a committee corresponding to each committee appointed by the Mobile Bar Association and corresponding to each committee appointed by the Young Lawyers Section of the American Bar Association and such other special committees as the President may deem necessary. All such committees shall consist of at least three (3) members and all such committees shall be appointed by the President.

(e) **Meetings.** An annual meeting of the Young Lawyers Section of the Association will be held at the time and place specified by the members of the Young Lawyers Section. Special meetings may be held at the call of the President or any five members of the Young Lawyers Section. At these meetings, or at any regular adjournment thereof, all the powers and the business of the Young Lawyers Section may be exercised and executed. The presence of twenty (20) members of the Young Lawyers Section of the Association shall be necessary at all meetings of the Section to constitute a quorum of that organization.

(f) **Status.** The Young Lawyers Section is a part of the Association and can take no independent action without prior approval of the Association but the Young Lawyers Section

may take recommendations and present resolutions to the Association.

Article VIII. Historical Items

(a) **Duties of Archives and History Committee.** The Archives and History Committee of the Association shall have authority to seek items of general interest to lawyers, judges, and others interested in our legal system. Said Committee shall assist in arranging to have such archives, letters, documents and artifacts preserved and properly displayed. While the Committee has sole authority to accept on behalf of the Association items of interest relating to the practice of law or to the courts any member may recommend that the Committee contact persons or organizations in possession of such items.

(b) **Acceptance of Items.** The Archives and History Committee shall have the authority to accept or reject any or all historical items in the name of the Association on the following terms and conditions:

(1) Historical items can ordinarily be accepted only as outright gifts to the Association with right of disposal but, under extraordinary circumstances with prior written approval of the Association, such items may be accepted on temporary or permanent loan for exhibit.

(2) Whether as gifts or loans, the donor or lender must be advised that such articles can be accepted as a gift or loan only with the understanding and agreement that, while the Association will exercise reasonable precautions for the preservation, display and safety of such items, there shall be no liability on the Association nor on its members, guests, or employees for any loss or damage to any of such items, nor shall there be any legal obligation on the part of the Association nor its members, agents, or employees to keep such items insured.

(3) While suggestions will be welcomed as to where and in what manner such archives will be displayed, the final decision shall be that of the Archives and History Committee or such other committee as the Executive Committee may, from time to time, designate.

Article IX. Policy

(a) **Political Candidates.** The Association as such will neither support nor oppose a candidate for a public or political office.

(b) **Public Issues.** The Association, by a vote of its members as hereinafter prescribed, may take a stand on any public issue or question not directly involving personalities, provided the nature of such issues or questions is within the scope of the objects enumerated in Article II of the Constitution of the Association and is not prejudicial to the best interests of the Association. Before any resolution on a public issue can be presented to the membership it must first be presented to the Secretary of the Association accompanied by the signatures of at least fifty members of the

Association in good standing or the signatures of a vote of two-thirds (2/3) of the members of the Executive Committee. A resolution setting forth a stand on a public issue or question, to be binding and valid, must thereafter be approved in the following manner:

- (1) When no prior notice has been given, upon vote of three-fourths (3/4) of the members present and voting at a regular meeting of the membership; or
- (2) When seven days' notice has been given to the membership, upon a majority vote of the members present at a regular or special meeting of the membership.

In no case will a stand by the Association on any public issue or question be considered or construed as binding on any individual member who may disagree with such stand.

(c) **Judicial Candidate Qualification Polls.** The Association may, prior to primary or general elections in which judgeship positions are contested, conduct a poll of its membership in which the members are asked only the following question with respect to each contested position;

"Whom do you consider best qualified to serve?"

The number of votes cast responsive to the question and the number of best qualified ratings received by each candidate shall be publicized in a suitable manner.

Article X. General

(a) **Parliamentary Procedure.** All questions of parliamentary procedure will be governed by the most recent edition of Robert's Rules of Order, except as otherwise provided in the Constitution or By-Laws of the Association.

(b) **Amendments.** The Constitution and By-Laws may be amended by a vote of two-thirds (2/3) of the active members present at any regular meeting; provided that each proposed amendment shall be plainly stated in a notice to the membership of the meeting at which each such amendment is to be considered, said notice to be provided to the membership by E-mail or regular mail at least seven (7) days prior to the time of such meeting.

(c) **Notice.** Unless otherwise provided all notices of meetings required to be given in this Constitution shall be given by the Secretary or in the Secretary's absence by the President said notices to be provided by E-mail or regular mail not less than seven (7) days before the meeting of which notice is being given.

Article XI. Effective Date of Constitution and By-Laws

This Constitution and By-Laws of the Mobile Bar Association, as amended, became effective October 23, 2019, pursuant to a two-thirds majority vote of the membership at a meeting of the Association after proper notice, and shall supersede any and all previous

provisions of any Constitution and By-Laws of the Association.