
WASHINGTON STATE BAR ASSOCIATION

Family Law Section

Bylaws

As last amended and approved by the
Washington State Bar Association Board of Governors on September 29, 2017.

ARTICLE I - IDENTIFICATION

1.1 *Creation.* The Family Law Section of the Washington State Bar Association (the "Section") was established pursuant to the Bylaws of the Washington State Bar Association (WSBA).

1.2 *Purpose.* The purpose of the Section shall be to seek the participation of all interested members of the WSBA in cooperation with state and local bar associations in order to benefit its members, their clients, and the general public:

- a. By providing the opportunity and forum for the interchange of ideas in all areas of law affecting families and juveniles;
- b. By initiating and implementing common projects, including but not limited to an annual meeting.
- c. By reviewing pending legislation, providing input and timely responses to pending and proposed legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest and expertise; and
- d. By undertaking such other service as may be of benefit to the members, the legal profession, and the public.

1.3 *Limitations.* These Bylaws have been adopted subject to the applicable Washington statutes and the Bylaws of the WSBA.

1.4 *Principal Office.* The Principal Office of the Section shall be maintained in the offices of the WSBA.

1.5 *Fiscal Year.* The fiscal year of the Section shall coincide with that of the WSBA.

1.6 *Membership Year.* The membership year of the Section shall be the calendar year.

ARTICLE II - MEMBERSHIP

2.1 *Enrollment.* Any Active, Judicial or Emeritus Pro Bono member of the WSBA in good standing may be enrolled as a member of the Section upon request and payment in advance of annual Section dues in the amount and for the purposes approved by the Board of Governors of the WSBA ("BOG").

2.1.1 *Subscriber Memberships.* Law students [and participants in the Law Clerk program] may be enrolled as subscriber members of the Section upon request and payment of dues set by the BOG. Subscriber members are non-voting members of the Section and are entitled to a special tuition rate for attendance at Section programs as may be set by the Family Law Executive Committee ("FLEC").

2.1.2 *Courtesy Memberships.* Any WSBA staff who have been enrolled for administrative convenience of the Bar as members of the Section without the payment in advance of annual Section dues shall be non-voting members of the Section.

2.1.3 *Change in Licensure Status.* A Section member whose Bar licensure status with the WSBA changes from Active or Emeritus Pro Bono in good standing shall become a subscriber member effective on the date of the change in status for the remainder of the year. Such a subscriber member may not renew his or her Section membership in ensuing years unless and until the member is once again Active or Emeritus Pro Bono member in good standing with the WSBA.

2.1.4 *Entity Memberships Not Allowed.* Membership in the Section is for individual persons only. Organizational or firm memberships are not allowed.

2.2 *The Membership.* Members enrolled as provided in Section 2.1 shall constitute the Membership of the Section.

2.3 *Section Dues.* Dues in the amount established by the FLEC of the Section and approved by the BOG shall be paid annually in advance. Any person who shall have failed to pay the annual dues shall be removed from Section membership by the WSBA and shall cease to be a member of the Section, provided that, WSBA staff granted courtesy memberships in the Section for administrative convenience shall not be removed from Section subscriber membership for failure to pay Section dues.

2.3.1 *Refund of Dues.* Section dues shall not be refundable except as approved by FLEC.

ARTICLE III - MEETINGS OF THE MEMBERSHIP

3.1 *Annual Meeting.* The annual meeting of the Section shall be scheduled each year by FLEC in connection with a Family Law CLE program.

3.2 *Quorum.* The voting members of the Section present at any regularly scheduled or specially called meeting shall constitute a quorum for the transaction of business.

3.3 *Controlling Vote.* Action of the membership shall be by majority vote of the voting members present or as otherwise determined by FLEC, *provided that*, Article VIII shall govern amendments to the Section Bylaws.

3.4 *Special Meetings*. Special Meetings of the Section may be called by FLEC at such time, manner (electronic or otherwise) and place as it may determine.

3.5 *Official Meetings*. Official meetings except the annual meeting and any special meetings that may be called by FLEC shall be official only if notice thereof has been mailed to the membership at least two weeks prior thereto either via the U. S. Postal Service or email sent to all voting members, or alternatively posted on the Section website or published in the Section newsletter prior thereto.

ARTICLE IV - EXECUTIVE COMMITTEE

4.1 *Powers and Duties*. The FLEC shall be vested with the powers and duties necessary for the administration of the affairs of the Section and perform duties assigned to it by the BOG.

4.2 *Composition*. The FLEC shall be composed of the following persons:

- a. Fifteen members elected or appointed to FLEC, serving at-large;
- b. The Chair of the Section, if not currently a member of FLEC;
- c. The Chair-Elect, if not currently a member of FLEC;
- d. The Immediate Past Chair, if not currently a member of FLEC;
- e. The Newsletter Editor, if not currently a member, of FLEC, provided there is a Newsletter;
- f. The Legislative Coordinator, if not currently a member of FLEC; and
- g. The Family Law Section Webmaster, if not currently a member of FLEC, provided there is a website and/or listserv.

4.3 *Terms*. Each of the fifteen elected positions on FLEC shall be for a three-year term, with five positions expiring each year. No person shall be nominated to succeed him or herself to serve more than two full terms consecutively.

4.4 *Removal*. Any member of FLEC having two successive absences from FLEC meetings unexcused by FLEC shall be deemed to have resigned from FLEC. Written notification/acceptance of the resignation shall be given to said absent member by the Chair. In addition, any member of FLEC may be removed for cause by a two-thirds majority vote of FLEC. For purpose of calculating a two-thirds majority, the vote of the member whose removal is being considered shall not be counted. Grounds for removal shall include without limitation failure to perform duties, unprofessional or discourteous conduct or whenever, in the judgment of FLEC, the member is not acting in the best interests of the Section and its members.

4.5 *Controlling Vote*. Action of FLEC shall be by majority vote of FLEC. A member of FLEC may vote *in absentia* or by proxy in accordance with policies established by FLEC and by instructing the Chair and the Secretary in writing, by electronic means or otherwise, of the person designated as proxy or the manner in which such vote is to be cast. A vote by 75% of FLEC shall be required in support of a motion before an official position on proposed or pending legislation is taken.

4.6 *Meetings*. The annual meeting of FLEC shall be held in conjunction with the annual meeting of the Section. Regular meetings of FLEC shall be held at such time and place as it shall

designate. Special meetings of the FLEC may be called by the Chair, or her/his designee, on an expedited basis via any reasonable means approved by the FLEC. Notice of meetings may be published in any official Section publication, Section webpage or listserv or the official publication of the WSBA. A meeting is not essential to action by FLEC, provided a response is elicited from all members of FLEC. Other than Executive Sessions, the meetings are open to the public.

4.7 *Executive Sessions.* FLEC may meet in executive session as determined by the Chair or a two-thirds majority of FLEC to discuss legislative strategy or to evaluate the qualifications of an applicant for any FLEC position, or such other issues as determined by the Chair according to the criteria used by BOG in its meetings. Bar staff and the BOG liaison may not be excluded from an executive session. All other FLEC meetings shall be conducted in keeping with WSBA's Open Meetings Policy.

4.8 *Non-Voting Members.* Any members holding appointed or non-elected positions, except for Chair-Elect, Chair, and Immediate Past Chair, shall be non-voting members of FLEC.

4.9 *Change in Status:* Notwithstanding Section 2.1.3 supra, once elected as a member or an officer of FLEC, a member shall be entitled to remain on FLEC for the remainder of the applicable term unless the member has been suspended, disbarred or resigned from the WSBA, or the member is placed on inactive status, in which case the member's term on FLEC shall immediately terminate.

ARTICLE V - OFFICERS

5.1 *Officers.* The officers of the Section shall be the Chair, the Chair-Elect, the Immediate Past Chair, the Secretary, and the Treasurer.

5.2 *Chair.*

- a. The Chair shall preside at all meetings of the Section and of FLEC and shall appoint committee members as needed. The Chair shall have such other powers and perform such duties as usually pertain to this office or as may be delegated by FLEC consistent with WSBA and Section Bylaws.
- b. In the event the Chair anticipates a temporary inability to carry out the Chair's duties, the Chair may designate the Chair-Elect (or another member of the FLEC if the Chair-Elect is not available), to temporarily act as Chair in the Chair's absence.

5.3 *Chair-Elect.*

- a. Upon the death, resignation, refusal to act or disability of the Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term, except in case of the Chair's disability, and then only during so much of the term as the disability continues.

The Chair-Elect shall automatically succeed to the office of the Chair. In the event the office of the Chair-Elect shall be vacant, then a Chair shall be elected in the same manner as set forth in Section 5.7 and Article VI below.

- b. The Chair-Elect shall perform such other duties as may be delegated by FLEC.

5.4 *Secretary*. The Secretary shall be the custodian of all books, papers, documents and other property of the Section and shall take minutes at each meeting of the Section and of FLEC. A true record of all accounts and of the proceedings of all meetings of the Section and of FLEC shall be kept and shall be provided to the WSBA for publication and record retention. In conjunction with the Chair and as authorized by the FLEC, the Secretary shall attend generally to the business of the Section and shall perform such other duties as may be delegated by the FLEC.

5.5 *Treasurer*. The Treasurer shall be responsible for maintaining financial records for the Section, communicating with the WSBA and other organizations on financial matters, reporting to FLEC and the Section on its financial position, shall draft a proposed budget each year for FLEC approval and submission to the WSBA for approval, shall review the financial statements to the extent provided by the WSBA for accuracy and provide any corrections to the WSBA, and shall perform such other duties as may be delegated by FLEC. The Treasurer shall work with the WSBA to ensure compliance with fiscal policies and procedures.

5.6 *Newsletter Editor*. If there is a Newsletter, the Newsletter Editor shall be appointed by the FLEC Chair and confirmed by the FLEC to edit and publish the Section Newsletter.

5.7 *Election of Officers*. FLEC shall elect a Chair-Elect, a Secretary, and a Treasurer, for a one-year term.

5.8 *Legislative Coordinator*. The Legislative Coordinator shall be appointed by the FLEC Chair and confirmed by FLEC to support the Section's legislative activities. Such support to the Section shall include, without limitation, coordinating testimony, gathering and distributing information regarding legislative issues, reviewing proposed and pending legislation, and communicating with the legislative lobbyist of the WSBA and other organizations and individuals.

5.9 *Webmaster*. The Webmaster shall be appointed by the FLEC Chair and confirmed by FLEC to support, monitor, and maintain the Section websites and listservs in accordance with policies established by FLEC.

5.10 *Appointment of Legislative Coordinator and Webmaster*. The Legislative Coordinator and Webmaster shall be selected at the first FLEC meeting following the Section annual meeting, by appointment of the Chair with the advice and consent of FLEC, provided that if a vacancy occurs mid-term, the Chair may make another appointment.

ARTICLE VI – NOMINATIONS AND ELECTIONS

6.1 *Eligibility*. Only persons who qualify as voting and dues-paying members of the Section as of March 1 are eligible to run for election to FLEC.

6.2 *Nominating Committee*. The Chair shall annually appoint a nominating committee consisting of three Section members to recruit FLEC nominees. At least one member of the nominating committee shall not be a current member of FLEC. The nominating committee shall actively take factors of diversity into account when recruiting nominees.

6.3 *Alternative Nomination Process*. In addition to recruiting nominees by means of the nominating committee, FLEC shall annually provide notice in January, by means of posting to the

Section listservs and by email to all Section members, of all members' ability to self-nominate for election to FLEC.

6.4 Application by Nominees. All applicants for FLEC positions shall submit their applications electronically through the WSBA. The application form shall elicit, but shall not require, the disclosure of information regarding the applicant's ethnicity, sex, gender, sexual orientation, disabilities, areas of practice, number of years in practice, age, employer, size of employer, previous involvement in the activities of this Section or any other section, and skills or knowledge relevant to Section leadership.

6.5 FLEC Approval. After receiving from the Bar the applications submitted by all nominees, FLEC shall verify all nominees' eligibility for election and approve the list of nominees to be presented to the membership.

6.6 Voting. The Nominating Committee shall cause to be distributed to the Section membership notice of the election to be conducted by an appropriate electronic balloting process approved by FLEC, containing the name of at least one Section member for each position on FLEC to be voted on, with a mechanism additionally provided on the electronic ballot for write-in candidates, with instructions for marking and returning ballots, and the deadline for returning ballots.

The ballot shall contain the names of all members placed in nomination and approved by the Nominating Committee, who have met the qualifications to run for election and who have consented to have their names placed on the ballot.

All ballots received by the deadline shall be sent to the Nominating Committee for counting and recording the votes received.

Where there exists a vacancy in an unexpired position, the persons seeking election for that position will be listed on the ballot and counted as a separate category from persons seeking election to full term positions.

The persons receiving the highest number of votes in each category shall be elected to fill the associated position or positions. In the event of a tie, FLEC shall implement a random tie-breaker of its choice, such as a coin toss or drawing of lots, to determine the winner. FLEC shall certify the results of the election to the Bar, including the total number of votes cast and the number of votes cast for each nominee immediately following the close of the election.

6.7 Term of Office. All FLEC positions shall begin on October 1.

6.8 Interim Appointments. In the event of a vacancy during the interim between elections, the Chair of FLEC shall appoint, with the advice and consent of FLEC, a successor to serve until the next regular election, when a newly elected individual shall serve the remainder of the vacated term.

ARTICLE VII - SUBSTANTIVE RESPONSIBILITIES

7.1 Budget. FLEC shall submit an annual budget request for each WSBA fiscal year to the BOG for review. The BOG shall approve the final Section budget as a part of the WSBA's annual budget. FLEC expenditures for the WSBA fiscal year shall be consistent with the approved Section budget and consistent with WSBA fiscal policies and procedures.

7.2 Committees. The FLEC Chair may create other committees and appoint members to committees as necessary to perform such duties and exercise such powers as FLEC may direct in furtherance of the purposes of the Section. Section committees, their chairs, and their members serve at the discretion of FLEC.

ARTICLE VIII - AMENDMENTS

These Bylaws may be amended by a majority vote of the voting FLEC members or at any meeting of the Section by a majority vote of the members of the Section present and voting, provided that no amendment to these Bylaws shall become effective until approved by the BOG. Additionally these Bylaws may be amended by a majority vote of members casting written ballots, by mail or electronically, as determined by FLEC, pursuant to a written motion to amend the Bylaws. Said motion to be initiated only by FLEC upon such notice as shall be deemed reasonable.