

## **RESOLUTION TO DIVIDE THE SECTION OF CONSUMER PROTECTION AND BANKRUPTCY LAW**

**WHEREAS**, the House of Delegates of the Louisiana State Bar Association has the authority to create and modify sections of the Louisiana State Bar Association as it deems proper;

**WHEREAS**, the members of the Section of Consumer Protection and Bankruptcy Law have voted to divide the Section into two (2) separate Sections respectively entitled the Section of Bankruptcy Law and the Section of Consumer Protection Law;

**WHEREAS**, the Council of the Section of Consumer Protection and Bankruptcy Law has approved the separation of the Section and the members of the Section believe that the creation of separate Bankruptcy Law and Consumer Protection Law Sections will provide for a better focus of the practice needs of the individual Section members;

**NOW, THEREFORE, BE IT RESOLVED** that the current Section of Consumer Protection and Bankruptcy Law of the Louisiana State Bar Association be divided into two (2) separate Sections to respectively be entitled the "Section of Bankruptcy Law" and the "Section of Consumer Protection Law."

**FURTHER, BE IT RESOLVED** that the Section of Bankruptcy Law of the Louisiana State Bar Association shall provide a forum for study and discussion of bankruptcy issues, to contribute to the continuing education of attorneys who practice in this field; to disseminate information regarding recent legal decisions of the State and Federal Courts and agencies with regard to this area of law; to encourage publication of legal writings on this area of law and to take such actions in respect thereto as may be desirable and consistent with the articles of incorporation and by-laws of this association.

**FURTHER, BE IT RESOLVED** that the Section of Consumer Protection Law of the Louisiana State Bar Association shall provide a forum for study and discussion of consumer protection issues arising under the laws of the State of Louisiana and of the United States, to contribute to the continuing education of attorneys who practice in this field; to disseminate information regarding recent legal decisions of the State and Federal Courts and agencies with regard to this area of law; to encourage publication of legal writings on this area of law and to take such actions in respect thereto as may be desirable and consistent with the articles of incorporation and by-laws of this association.

**FURTHER, BE IT RESOLVED** that the proposed By-laws of the Section of Bankruptcy Law and the Section of Consumer Protection Law, as set forth in the attachments hereto, be approved by this House and adopted by the respective Sections.

### **LOUISIANA STATE BAR ASSOCIATION**

#### **SECTION OF CONSUMER PROTECTION AND BANKRUPTCY LAW**

By: \_\_\_\_\_  
Kevin R. Molloy, Chairman

**LOUISIANA STATE BAR ASSOCIATION  
BY-LAWS OF THE SECTION OF CONSUMER PROTECTION LAW**

**ARTICLE I**

**NAME AND PURPOSE**

Section 1. This Section shall be known as the Section of Consumer Protection Law.

Section 2. The purpose of this Section shall be to encourage and foster discussions and studies and the dissemination of information relative to the (1) statutes and jurisprudence relating to consumer protection law; (2) continuing education of the practicing attorney with regard to current developments in this field; (3) study of possible improvements in the statutes and jurisprudence in this field and recommendations of changes to appropriate committees and sections within the Louisiana State Bar Association; (4) to promote interest, activity and research in this field, to diffuse knowledge thereof among members of the legal profession and others, to formulate professional opinion thereon, and (5) to cooperate with those Sections of the American Bar Association which have Consumer Protection Law Committees whenever possible and not otherwise inconsistent with these By-Laws.

**ARTICLE II**

**MEMBERSHIP AND DUES**

Section 1. Any member of the Association shall be enrolled as a member of this Section upon request to the Secretary of the Section. Members so enrolled shall continue the membership of this Section.

Section 2. Dues shall be \$10.00 a year, payable upon the same fiscal year basis as Louisiana State Bar Association dues. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member. Only Section members in good standing, with dues paid currently, shall be eligible to vote, hold any Section office, or receive Section publications. Members of the judiciary shall not be obligated to pay dues. Special assessments are hereby prohibited.

**ARTICLE III**

**OFFICERS**

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman and a Secretary-Treasurer.

Section 2. There shall be a Council, which shall consist of the Chairman, the Vice-Chairman and the Secretary-Treasurer, who shall be members ex-officio, together with three other members to be elected by the Section. The retiring Chairman shall be a non-voting member of the Council for two (2) year(s) following his retirement.

Section 3. The Chairman, Vice-Chairman and Secretary-Treasurer shall be nominated and elected at the annual meeting of this Section to hold office for a term of two (2) years beginning at the close of the annual meeting at which they shall have been elected, and ending at the close of the second succeeding annual meeting of the Section; or, in any event, until their successors shall have been elected and qualified.

Section 4. One member of the Council shall be elected at each annual meeting of the Section for a term of two (2) years beginning at the close of the annual meeting at which he shall have been elected and ending at the close of the second succeeding annual meeting of the Section.

Section 5. An officer or member of the Council shall not serve more than two (2) consecutive terms in the same position except that, if he or she is elected to fill an unexpired term then he or she may serve for both the remainder of the unexpired term and for up

to two (2) consecutive terms thereafter.

## **ARTICLE IV**

### **NOMINATION AND ELECTION OF OFFICERS**

Section 1. Nominations. Each year, not less than 30 days prior to the annual meeting, the Chairman shall appoint a Nominating Committee of three members of the Section, not members of the Council. This Committee shall report its nominations for those offices of the Section for which an election is to be held at the annual meeting of the Section. Other nominations for the same offices may be made from the floor at the annual meeting.

Section 2. Elections. All elections shall be by voice vote at the annual meeting of the Section unless the presiding officer is in doubt of the result, a division is requested or a written ballot is ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

## **ARTICLE V**

### **DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman shall preside at all meetings of the Section and of the Council. He shall formulate and present at each annual meeting of the Louisiana State Bar Association a report of the work of the Section for the then past year. He shall perform such other duties and acts as usually pertain to his office.

Section 2. Vice-Chairman. The Vice-Chairman shall be charged with the duty of supervising the activities of the General Committees of the Section and such other activities as shall be assigned to him by the Chairman. Upon the death, resignation or during the disability of the Chairman, or upon his refusal to act, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the Chairman's term, provided that, in the case of disability the Vice-Chairman shall act only so much of the term as the disability continues.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be custodian of all books, papers, documents and other property of the Section. He shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairman, he shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Committee of Publications. He, in conjunction with the Chairman as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Secretary-Treasurer shall sign any application for, and execute any bond as may be requested by an officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by him, but shall be an expense of the Section and paid from the funds of the Section.

## **ARTICLE VI**

### **DUTIES AND POWERS OF THE COUNCIL**

Section 1. The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Louisiana State Bar Association and the By-laws of this Section.

Section 2. The Council may authorize the Chairman to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct.

Section 3. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of the Vice-Chairman or Secretary-Treasurer, and in the event of vacancies in the offices of both Chairman and Vice-Chairman, then also in the office of Chairman. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 4. All binding action of the Council shall be by a majority vote of the whole Council.

Section 5. Members of the Council when personally present at a meeting of the Council, shall vote in person, but when absent may communicate their vote, in writing, upon any proposition to the Secretary-Treasurer and have it counted with the same effect as

if cast personally at such meeting.

Section 6. The Chairman of the Section may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary-Treasurer, who shall record upon his minutes each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council.

Section 7. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section whenever proposals are brought before the Council for an expression of views and recommendations to the Board of Governors of the Association.

Section 8. (a). There shall be a standing Committee of Programs and Budget which shall consist of four Council members appointed at the commencement of each fiscal year by the Chairman with the Section Chairman, Vice-Chairman and Secretary as ex-officio members thereof. The Section Chairman shall be Chairman thereof. At the commencement of each fiscal year, the Committee shall estimate the program activities of the Section for the ensuing year, including such regional meetings as it shall propose for authorization by the Council, the program for the next annual meeting, the cost thereof including notifications, the cost of preparation and distribution of such publications as the Council may authorize, and all other costs and expenses expected to be incurred by or on behalf of the Section. Thereupon the Committee shall prepare and submit promptly to the Council for its action thereon the Section's budget for the fiscal year. Such budget shall include therein Section dues and the amount of appropriation to be requested of the Board of Governors of the Louisiana Bar Association. It shall be the duty of the Section Chairman to transmit such budget to the Board of Governors for action on the annual appropriation pursuant to the rules of the Louisiana State Bar Association. The Chairman shall transmit to the Treasurer of the Louisiana State Bar Association vouchers prepared by the Section Secretary for payment of items from appropriate funds.

(b). There shall be a standing Committee on Publications consisting of five Council members to be appointed at the beginning of each fiscal year by the Section Chairman of whom one shall be a member also of the Committee on Programs and Budget who shall be Chairman of the Committee. The duties of the Committee shall be the preparation and distribution to the members of the Section of such newsletters, notices, education matter, or otherwise, whether to be published regularly or specially, as the Council may direct from time to time. The Committee shall select an editor and such other personnel as it may need for such work, under its supervision from among the members of the Section. It shall report its activities to the Council before the close of each fiscal year for inclusion in the Section's annual report.

## **ARTICLE VII**

### **MEETINGS**

Section 1. The annual meeting of the Section shall be held during the annual meeting of the Louisiana State Bar Association with such program and order of business as may be arranged by the Council.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council may determine.

Section 3. The members of the Section present at any meetings shall constitute a quorum for the transaction of business.

Section 4. All binding action of the Section shall be by a majority vote of the members present.

## **ARTICLE VIII**

### **MISCELLANEOUS PROVISIONS**

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chairman or Vice-Chairman and the Secretary-Treasurer, or otherwise as the Council may direct, and checks for all disbursements shall be signed by the Secretary or such other officer as the Council may authorize, except as to funds appropriated by the Board of Governors which shall be disbursed

only by the proper officers of the Louisiana State Bar Association on bills approved by the Council.

Section 3. No salary or compensation shall be paid to any officers, councilor or member of a committee.

Section 4. These By-laws shall become effective immediately upon approval thereof required by the Articles and By-laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Director of the Louisiana State Bar Association.

Section 6. No officer or committee chairman shall serve in the same capacity for more than three successive years, beginning with the year this By-law is adopted.

## **ARTICLE IX**

### **AMENDMENTS**

Section 1. These By-laws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments also may be proposed by submission in writing to the Council in the form of a petition signed by at least five members of the Section in time for it to be considered by the Council at its last regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon, which recommendations, together with a complete and accurate text of said proposed amendment, shall be notified to the members of the Section by the Secretary-Treasurer at least fifteen days prior to the annual meeting of the Section at which they are voted upon.