

RESOLUTION
GOVERNMENT AND PUBLIC LAW SECTION
LOUISIANA STATE BAR ASSOCIATION

WHEREAS, in accordance with the By-laws of the Section, the Council has proposed amending the By-laws of the Section to facilitate decision-making procedures and member participation at meetings; and

WHEREAS, Article V of the By-laws provides for a Council composed of the officers, three members of the Section and the retiring Chairman, to control and administer the affairs of the Section, and it is often difficult to obtain a quorum of this group to conduct business between Annual Meetings of the Section; and

WHEREAS, to facilitate performance of the duties of the Section, the membership desires to empower the officers of the Section to serve as an executive committee for the Section and assume duties and functions currently performed by the Council and amend the By-laws accordingly; and

WHEREAS, Article VII, Section 1 of the By-laws provides that the Annual Meeting of the Section shall be held during the Annual Meeting of the Louisiana State Bar Association, and many members of the Section cannot attend the Association's Annual Meeting; and

WHEREAS, the membership prefers to amend the By-laws to permit the Section to hold its Annual Meeting at a different time of year and a location different from where the Association holds its Annual Meeting; and

WHEREAS, Article VI of the By-laws provides that the officers shall be elected pursuant to a ballot mailing, with a ballot count at the Association's Annual Meeting; and

WHEREAS, the membership of the Section prefers to amend the By-laws to permit election of officers by voice vote at the Section's Annual Meeting; and

WHEREAS, the next Semi-Annual Meeting of the Association will be on January 11-12, 2008, and the Section wishes to put before the House of Delegates of the Association proposed amended and restated Section By-laws for the Association's approval.

NOW THEREFORE BE IT RESOLVED, that subject to approval of the House of Delegates of the Association, the Amended and Restated By-laws of the Section as proposed by the officers and council of the Section be and are hereby approved by the members of the Section.

Respectfully Submitted by:

Regina Hamilton, 2007-2008 Section Chair

**AMENDED AND RESTATED BY-LAWS
OF
THE GOVERNMENT AND PUBLIC LAW SECTION
OF
THE LOUISIANA STATE BAR ASSOCIATION**

**ARTICLE I
NAME AND PURPOSE**

Section 1. This Section shall be known as the Government and Public Law Section.

Section 2. The purpose of this Section is to provide a forum for study and discussion of public law questions arising under the laws of the State of Louisiana and the United States Constitution; to contribute to the continuing education of the attorney who practices in this field; to disseminate information regarding recent public law decisions of state and federal courts, to encourage publication of legal writings on public law questions among the members of the Association; to establish liaison with the Louisiana State Bar Association, the American Bar Association, and the legal academic community to achieve these purposes; and to take such actions in respect thereto as may be desirable, consistent with the Articles of Incorporation and By-Laws of this Association, to the end that the blessings of liberty may be preserved to ourselves and transmitted unimpaired to our posterity.

**ARTICLE II
MEMBERSHIP AND DUES**

Section 1. Any member of good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section.

Section 2. Dues for membership in this Section shall be \$15.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the Judiciary are especially encouraged to join the Section and shall not be obligated to pay dues.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only Section members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

**ARTICLE III
OFFICERS**

Section 1. The general officers of this Section shall be a Chairman, Vice-Chairman, a Secretary-Treasurer and an Assistant Secretary. The officers shall comprise the Executive Committee of the Section.

Section 2. Each officer shall hold office for a term of two years, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the second succeeding annual meeting of the Section; or until such time as a successor shall have been elected.

ARTICLE IV **DUTIES OF OFFICERS**

Section 1. Chairman. The Chairman, or the Vice-Chairman in the absence of the Chairman, shall preside at all meetings of the Section and the Executive Committee. On consultation with the Executive Committee, the Chairman shall establish such committees as are deemed necessary and appoint the chairman and members thereof who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairman shall keep the Executive Committee informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year at each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman, performing such tasks as shall be assigned by the Chairman. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Vice-Chairman shall act only during the pendency of the disability.

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

(b) The Secretary-Treasurer shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Executive Committee 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 the officer, but shall be an expense of the Section and paid from the funds of the Section.

Section 4. Assistant Secretary-Treasurer. The Assistant Secretary-Treasurer shall assist the Secretary-Treasurer performing such tasks as shall be assigned with the Secretary-Treasurer. In the absence of the Secretary-Treasurer, or upon his death, resignation or disability, the Assistant Secretary-Treasurer shall perform the duties the Secretary-Treasurer for the remainder of the term of office; provided that, in the case of disability, the Assistant-Secretary-Treasurer shall act only during the pendency of the disability.

ARTICLE V
THE EXECUTIVE COMMITTEE

Section 1. The Executive Committee of the Section shall be composed of the officers and the retiring Chairman, who shall be a voting member for two years following retirement.

Section 2. The Executive Committee shall have general duties and control as necessary for the administration 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 3. The Executive Committee of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding action of the Executive Committee shall be by majority vote of the members of the Executive Committee present at such meeting.

Section 4. The Executive Committee, during the interim between annual meetings of the Section may, with the concurrence of the Chairman, fill vacancies in its own membership or in the offices of the Vice-Chairman, Secretary-Treasurer, or the Assistant 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 Executive Committee and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Executive Committee may vote in person when physically present at a meeting of the Executive Committee or when participating by telephone, video conferencing or other electronic means. When members contemplate absence, they may communicate their vote on 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 submit or cause to be submitted in writing to each of the members of the Executive Committee any proposition upon which the Executive Committee may be authorized to act, and the members of the Executive Committee 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 the minutes each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Executive Committee thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Executive Committee 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 Executive Committee. The Executive Committee of the Section may take action in the name of the Section whenever proposals are brought before the Executive Committee for an expression of views and recommendations to the Board of Governors of the Association.

ARTICLE VI

ELECTION OF OFFICERS

Section 1. Annually, the Chairman shall appoint a Nominating Committee of two members of the Executive Committee. This Committee shall make and report one nomination for each office that is to be filled by election in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee in the Section and in the law profession. The Chairman of the Section shall announce the results of the nominating committee's report to Section members at the Annual Meeting. Added nominations may be made at to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Election of officers may be by voice vote at the Annual Meeting of the Section or by mail. Ballots in such form as determined by the Executive Committee may be placed in the mail to all members of the Section. Each mailing may contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each mailing shall include an envelope addressed to the Secretary-Treasurer of the Section and identified on the outside as containing a member's ballot. The Executive Committee, in cooperation with the Chairman, shall prescribe the method and timing of mailing and return of these ballots to insure the receipt of all valid votes timely prior to the commencement of the Annual Meeting. Election may be by plurality of the votes cast by mail, or plurality of voice votes at the Annual Meetings.

ARTICLE VII

MEETINGS

Section 1. The Annual Meeting of the Section shall be held during the annual Section CLE program, the Annual Meeting of the Louisiana State Bar Association, or such other time as may be determined by the Executive Committee to be in the best interest of the Section, provided that if the meeting shall not be conducted at the Annual Section CLE program, the Secretary-Treasurer or Assistant Secretary-Treasurer shall provide written or electronic notice to all Section members at least one month prior to the alternate meeting date, with such program and order of business as may be arranged by the Executive Committee.

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

Section 3. The members of the Section present at any meetings shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meetings.

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 Executive Committee may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Executive Committee may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Executive Committee 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 Executive Committee.

Section 3. No salary or compensation shall be paid to any officer or committee member.

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

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

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 Executive Committee, 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 Executive Committee may propose amendments by majority vote of the Executive Committee. Amendments also may be proposed by submission in writing to the Executive Committee in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Executive Committee at its last meeting before the Annual Meeting of the Section at which it is to be voted upon. The Executive Committee shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary-Treasurer or Assistant Secretary-Treasurer prior to the Annual Meeting of the Section at which they will be voted upon.

Effective this ____ day of
March, ____ 2008.