

LOUISIANA STATE BAR ASSOCIATION
BY-LAWS OF THE SECTION OF TRUSTS, ESTATE,
PROBATE AND IMMOVABLE PROPERTY LAW

ARTICLE I.

NAME AND PURPOSE

Section 1. This Section shall be known as the Section on Trusts, Estate, Probate and Immovable Property 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 trusts, estate, probate and immovable property law; (2) continuing education of the practicing attorney with regard to current developments in these fields; (3) study of possible improvements in the statutes and jurisprudence in these fields and recommendations of changes to appropriate committees and sections within the Louisiana State Bar Association; (4) to promote interest, activity and research in these fields, to diffuse knowledge thereof among members of the legal profession and others, to formulate professional opinion thereon.

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 constitute the membership of this Section.

Section 2. Dues shall be \$2.00 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.

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.

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

Section 4. At the 1961 annual meeting of the Section one member of the Council shall be nominated and elected to serve for one year; one to serve for two years; and one to serve for three years. Thereafter, upon the expiration of each of these initial terms one member of the Council shall be elected at each annual meeting of the Section, for a term of three years beginning at the close of the annual meeting at which he shall have been elected and ending at the close of the fourth succeeding annual meeting of the Section.

ARTICLE IV.

NOMINATION AND ELECTION OF OFFICERS

Section 1. Nominations. Each year, 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 the offices of Chairman, Vice-Chairman, Secretary-Treasurer and members of the Council 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 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 during so much of the term as the disability continues.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the 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 of digest of the proceedings of the Section at its annual meeting, for publication in the Annual Report of the Louisiana State Bar Association after approval by the Association's Committee on Publications. He, in conjunction with the Chairman, as authorized by the Council, shall attend generally to the business of the Section. He shall keep an accurate record of all moneys appropriated to and expended for the use 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 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 upon such propositions so 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, 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.

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 meeting 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.

Section 5. So far as practicable, the program of each meeting, and the time allotted, shall be equally divided among the fields represented by the Section.

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 be approved by the Chairman or the Secretary-Treasurer, or, if the Council shall so direct, by both of them, before being forwarded to the Treasurer of the Louisiana State Bar Association for payment.

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

Section 4. No officer or committee chairman shall serve in the same capacity for more than four successive years, beginning with the year this By-Law is adopted.

Section 5. These By-Laws shall become effective upon the approval thereof by the Board of Governors of the Louisiana State Bar Association and by this Section.

ARTICLE IX.

AMENDMENTS

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.

**CERTIFIED COPY OF RESOLUTIONS AMENDING
BY-LAWS OF THE SECTION ON TRUSTS, ESTATE,
PROBATE AND IMMOVABLE PROPERTY LAW**

I HEREBY CERTIFY, That I am Secretary of the Section on Trusts, Estate, Probate and Immovable Property Law of the Louisiana State Bar Association and that the following is a true and correct copy of preambles and resolutions amending the By-Laws of that Section adopted by the members of the Section at the annual meeting of the Section duly called, convened and held at New Orleans, Louisiana, on May 8, 1981:

WHEREAS, the Chairmen of the various Sections of the Louisiana State Bar Association have suggested that uniformity of the term of office of all Section Chairmen and Officers would be of benefit to the coordination of the work of the Sections with the work of the Louisiana State Bar Association; and

WHEREAS, the same Chairmen have also suggested that elections of Section Officers and Council members would be more representative if held by mail, thereby allowing all members to participate therein; and

WHEREAS, the Officers of the Louisiana State Bar Association have concurred in the suggested procedural changes and have requested that the By-Laws of each Section be amended accordingly;

NOW, THEREFORE, BE IT RESOLVED, that Sections 3 and 4 of Article III of the By-Laws of the Section on Trusts, Estate, Probate and Immovable Property Law be amended in order that they shall henceforth read as follows:

Section 3. The Chairman, Vice-Chairman and Secretary-Treasurer shall be nominated and elected at the time and in the manner hereinafter set forth in Article IV hereof, to hold office for a term beginning at the close of the first annual meeting following their election, and ending at the close of the second annual meeting following their election or, in any event, until their successors shall have been elected and have qualified.

Section 4. At the 1961 annual meeting of the Section, one member of the Council shall have been nominated and elected to serve for one year; one to serve for two years; and one to serve for three years. Thereafter, upon the expiration of each of these initial terms one member of the Council shall be elected at the time and in the manner hereinafter set forth in Article IV hereof, for a term of three years beginning at the close of the annual meeting following his election and ending at the close of the fourth succeeding annual meeting following his election.

BE IT FURTHER RESOLVED, that Article IV of the By-Laws of the Section on Trusts, Estate, Probate and Immovable Property Law be amended in order that it shall henceforth read as follows:

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ARTICLE IV

NOMINATION AND ELECTION OF OFFICERS AND COUNCIL

Section 1. Nominations. Each year, ninety (90) days prior to the annual meeting of the Louisiana Bar Association, the Officers and Council shall meet and nominate the Officers and new Council member or members of the Section for the upcoming year. Within seven (7) days thereafter, notice of these nominations shall be mailed to each member of the Section. Any member of the Section who presents a petition for office signed by at least twenty-five (25) members of the Section shall be included on the ballot. Nominations shall close ten (10) days following the date of the mailing to the Section.

Section 2. Elections. If only one person be nominated for any office, and the nominations are closed, that person shall be declared elected to that office. If two or more persons are nominated for any office, the nominee receiving the majority of the votes cast shall be elected to that office. Voting shall be by mail ballot under such procedure and scheduling as set by the Council of the Section; provided that such scheduling shall allow completion of the election no less than thirty (30) days prior to the commencement of the annual meeting of the Louisiana State Bar Association."

BE IT FURTHER RESOLVED, that upon approval of these resolutions by the Board of Governors, they shall be effective as of May 9, 1981.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary on this 8th day of May, 1981.

(original signed by Jerry D. Williamson)
Jerry D. Williamson
Secretary

RESOLUTION NO.

BY:

WHEREAS, the Articles and By-Laws of this Association provide that each Section of the Association shall have the power to adopt and amend its By-Laws, not inconsistent with the Charter and By-Laws of the Association, and

WHEREAS, the Section on Trusts, Estate, Probate and Immovable Property Law has prepared proposed By-Laws of that Section,

NOW, THEREFORE, BE IT RESOLVED that those By-Laws of the Section on Trusts, Estate, Probate and Immovable Property Law as set forth in the attachment hereto be and they are herewith approved by this House and adopted by that Section.

BE IT FURTHER RESOLVED that these By-Laws shall become effective immediately.

LOUISIANA STATE BAR ASSOCIATION
HOUSE OF DELEGATES
DECEMBER 3, 1960