

# Resolution

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**RESOLUTION TO THE LOUISIANA STATE BAR ASSOCIATION  
HOUSE OF DELEGATES  
SUBMITTED BY THE YOUNG LAWYERS DIVISION COUNCIL**

WHEREAS, the Young Lawyers Division Council ("YLD Council") of the Louisiana State Bar Association has revised its Bylaws to incorporate several resolutions passed by the YLD Council; and

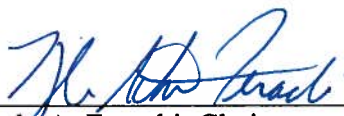
WHEREAS, the YLD Council has revised certain of the provisions already contained in its Bylaws in order to clarify the Bylaws, and

WHEREAS, it is in the best interest of the YLD Council to consolidate into a single restated Bylaws all revisions made to the Bylaws since restatement of the YLD Council Bylaws on June 12, 2008.

NOW THEREFORE, BE IT RESOLVED, that the House of Delegates, as the policy-making body of the Louisiana State Bar Association, approve the request of the YLD Council to adopt the attached Young Lawyers Division Bylaws.

Respectfully submitted by:

Young Lawyers Division Council



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Kyle A. Ferachi, Chair  
April 29, 2014

UNANIMOUSLY APPROVED  
HOUSE OF DELEGATES  
JUNE 5, 2014  
DESTIN, FL

UNANIMOUSLY APPROVED  
BOARD OF GOVERNORS  
JUNE 6, 2014  
DESTIN, FL

**BYLAWS**  
**OF**  
**THE LOUISIANA STATE BAR ASSOCIATION**  
**YOUNG LAWYERS DIVISION**

Including Amendments through June 2011<sup>1</sup>

**ARTICLE I**  
**GENERAL PROVISIONS**

**SECTION 1 - Qualifications of Members**

Every member of the Louisiana State Bar Association (the “Association”) who has not reached the age of thirty-nine (39) years by the end of the Association’s fiscal year or who has been admitted to the practice of law for fewer than five (5) years as of the end of the Division Association’s fiscal year, whichever is later, is by virtue thereof a member (“Member”) of the Young Lawyers Division.

**SECTION 2 - Governing Authority**

The governing authority of the Young Lawyers Division shall be known as the Young Lawyers Division Council (the “Council”) and shall consist of a chair, a chair-elect, a secretary, an immediate past chair, and fourteen representatives (the “Representatives”), as follows:

- |            |  |
|------------|--|
| District 1 | (Composed of Orleans Parish) - two Members;  |
| District 2 | (Composed of the Parishes of Jefferson, St. Bernard, Plaquemines, St. Charles, St. John the Baptist, Ascension, Assumption, and St. James) - two Members;                                |
| District 3 | (Composed of the Parishes of Lafayette, Iberia, Lafourche, Terrebonne, St. Mary, and St. Martin) - one Member;   |
| District 4 | (Composed of the Parishes of Calcasieu, Cameron, Acadia, Evangeline, Jefferson Davis, St. Landry, and Vermilion) - one Member;   |
| District 5 | (Composed of the Parishes of East Baton Rouge, East and West Feliciana, Livingston, St. Helena, Tangipahoa, Washington, and St. Tammany) - two Members                                   |
| District 6 | (Composed of the Parishes of Allen, Avoyelles, Beauregard, Grant, Iberville, LaSalle, Natchitoches, Pointe Coupee, Rapides, Sabine, Vernon, Winn, and West Baton Rouge) - one Member;    |
| District 7 | (Composed of the Parishes of Caldwell, Catahoula, Concordia, East and West Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, and Union) - one Member; |
| District 8 | (Composed of the Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, and Webster) - one Member;   |

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<sup>1</sup> Adoption of Bylaw Revisions approved by LSBA House of Delegates on June 12, 2008.

- At-Large      One ethnic minority Member (in accordance with Article II(B), Section 1, Subsection D).
- ABA/YLD      One Member (in accordance with Article II(B), Section 1, Subsection E).
- ABA/HOD      One Member (in accordance with Article III, Section 1, Subsection D).

### SECTION 3 - Place of Meeting

The annual meeting of the Young Lawyers Division shall be held during the Louisiana State Bar Association's Annual Meeting at the time and place designated on the official agenda. The Council shall hold at least four (4) other regularly scheduled meetings during each year.

### SECTION 4 - Attendance at Meetings

Young Lawyers Division Council Members shall attend all meetings, including the Annual Meeting, the four regularly scheduled meetings, and the Council Orientation (if applicable), in person. Any Council Member who shall miss two (2) consecutive meetings, without cause deemed adequate by the Council, shall be subject to removal by the Council, pursuant to Article II(C), Section 4 of these Bylaws. However, should exigent circumstances so require, the chair may allow a Council Member to attend by telephone at the Member's own expense.

### SECTION 5 - Voting

There shall be no vote by proxy allowed at Council meetings.

## **ARTICLE II** **OFFICERS AND REPRESENTATIVES**

### **ARTICLE II(A) - OFFICERS**

#### SECTION 1 - Titles

The officers of the Young Lawyers Division shall be a chair, a chair-elect, a secretary, and an immediate past chair.

#### SECTION 2 - Chair

The chair shall, when present, preside at all meetings of the Young Lawyers Division and the Young Lawyers Division Council, and shall see that all orders, motions and resolutions of the Young Lawyers Division Council are carried into effect. The chair shall direct the other officers and Council Members in the performance of their duties and shall generally perform all acts incidents to the office of the chair.

#### SECTION 3 - Chair-elect

The chair-elect shall have such powers and shall perform such duties as shall be assigned to the chair-elect by the chair or by the Council Members. In the absence or disability of the chair, the chair-elect shall perform the duties and exercises the powers of the chair.

#### SECTION 4 - Secretary

The secretary shall give or cause to be given written notice of all meetings of the Council and shall attach an agenda of the meeting with said notice. The secretary shall record all the proceedings of the meetings

of the Council, and shall further have such other duties as may be delegated by the chair, the chair-elect, or the Council Members.

## SECTION 5 - Election of Officers

A. No voting shall be required to select the chair, as the chair-elect shall automatically succeed to this office after having served as chair-elect for a period of one year.

B. No voting shall be required to select the immediate past chair, as the chair shall automatically succeed to this office after having served as chair for a period of one year.

C. No voting shall be required to select the chair-elect, as the secretary shall automatically succeed to this office after having served as secretary for a period of one year.

D. In the event the chair-elect is unable to assume the chair, a chair for the coming year shall be elected by the Council. In the event a vacancy occurs in the office of secretary, a secretary shall be elected by the Council.

~~D.E.~~ The ~~chair-elect and~~ secretary of the Council shall be elected by a ballot vote of all Members of the Young Lawyers Division.

~~E.F.~~ The Young Lawyers Division Council shall act as the nominating committee for the Young Lawyers Division for the office of secretary. The Council shall submit one and only one name to the secretary of the Louisiana State Bar Association as the nominee for the position of secretary. The Young Lawyers Division Council shall act as the nominating committee for the Young Lawyers Division for the offices of chair-elect and secretary. The Council shall submit at least one name per office to the secretary of the Louisiana State Bar Association as the nominee for the positions of chair-elect and secretary. The Council may submit as many other names for each position as it deems appropriate.

~~F.G.~~ When the name of the nominees are sent to the secretary of the Louisiana State Bar Association, the secretary of the Council shall communicate the names and a brief biographical sketch of each nominee to the Members of the Young Lawyers Division. At the same time, the secretary of the Council shall solicit nominations from the membership of the Young Lawyers Division. The nominations shall close in conjunction with the dates adopted by the Board of Governors of the Louisiana State Bar Association in connection with the Louisiana State Bar Association general elections.

~~G.H.~~ Any person who presents a petition for office signed by at least fifteen (15) Members of the Young Lawyers Division shall be included on the ballot.

~~H.I.~~ The first election for officers of the Young Lawyers Division will be held in conjunction with the first general election for the Louisiana State Bar Association. The secretary of the Council shall submit to each Member with the ballots a brief biographical sketch of each candidate for the office of chair-elect and secretary. If any candidate receives more than fifty percent of the votes cast, the candidate will be declared elected. If no candidate receives more than fifty percent of the votes cast, a runoff election between the two candidates receiving the greatest percentage of the votes will be held in conjunction with any runoff of the Louisiana State Bar Association.

~~I.J.~~ If the Young Lawyers Division Council submits only one name for any position, and if no other person qualifies for that position by the time the nominations close, the person submitted by the Council shall be declared elected to that position.

## ARTICLE II(B) – REPRESENTATIVES

### SECTION 1 – Selection of Representatives

A. The Representative of Districts 1 - 8 of the Young Lawyers Division Council shall be elected from each of the districts delineated in Article I, Section 2 by a ballot vote of all Members of the Young Lawyers Division of the respective districts. Nominations shall be solicited by the secretary of the Council from the membership of the Young Lawyers Division in each representative district in which elections are to be held. Nominations shall close in conjunction with the dates adopted by the Board of Governors of the Louisiana State Bar Association in connection with the Louisiana State Bar Association general elections. Any qualified person requesting to be included on the ballot shall be included on the ballot. The election procedure for the Representatives of Districts 1 - 8 shall be as set forth in this Article II(B). If only one person qualifies for any position by the time the nominations close, that person shall be declared elected to that position.

B. Each Representative of Districts 1 - 8 shall maintain his or her preferred mailing address in a parish within the Representative's respective district.

C. If no person qualifies for one of the Representative positions, then the chair assuming office in the year in which the term begins will appoint a Representative from the district's membership.

D. After consultation with the Council, the At-Large Representative shall be appointed from among the ethnic minority Members of the Young Lawyers Division by the chair assuming office in the year in which a vacancy in the office occurs.

E. After consultation with the Council, the ABA/YLD Representative shall be appointed from American Bar Association Members of the Young Lawyers Division by the chair assuming office in the year in which a vacancy in the office occurs, unless the ABA/YLD mandates another method of selection for the ABA/YLD Representative, in which event the ABA/YLD Representative shall be selected according to the method prescribed by the ABA/YLD.

F. Elections for the Representatives from the odd numbered districts, with the exceptions of Districts 1, 2, and 5 shall be held on even years, and elections for the Representatives from even numbered districts shall be held on odd numbered years. One Representative from Districts 1, 2, and 5 shall be elected each year. The appointment of the At-Large Representative shall begin with the Annual Meeting of 1992 and shall continue without expiration, unless such expiration is passed by a two-thirds vote of the Council.

G. The ABA/HOD Representative shall be selected according to the rules promulgated by the Louisiana State Bar Association and shall be a *de facto* Member of the Council.

## **ARTICLE II(C) – QUALIFICATIONS FOR OFFICE, TERMS OF OFFICE, VACANCIES, AND REMOVAL**

### **SECTION 1 – Qualifications for Office**

Subject to the other requirements contained in these Bylaws, any individual who is a Member of the Young Lawyers Division when the term of office begins is eligible for election to the Council. For purposes of qualifying for office under Article II(A) and Article II(B), the preferred mailing address of the Member, as carried in the Association's membership database, shall control.

### **SECTION 2 – Terms of Office**

A. The term of office for the chair, chair-elect, secretary and immediate past chair shall be for a period of one year running from Annual Meeting to Annual Meeting of the Division.

B. ~~Every third year the chair-elect shall maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines, and in the other two years the chair-elect shall not maintain~~



~~his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines. For the year beginning at the Annual Meeting of 1978, the chair elect shall be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines.~~

~~B. Beginning with the nomination for secretary in 2016-17, the nominee shall maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard, or Plaquemines. The following year 2017-18, the secretary may maintain his or her preferred mailing address anywhere in the state, and in 2018-19, the secretary shall not maintain his or her preferred mailing address in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines. This three year rotation shall continue until amended. As set forth in the rotation, if in any years the area from which a nominee is specified but there is no nominee qualified or willing then the nominee may come from anywhere in the state.~~

~~C. — Every third year the secretary shall be a resident of or actively practicing law in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines, and in the other two years, the secretary shall not be resident of or practicing law in the parishes of Orleans, Jefferson, St. Bernard and Plaquemines.~~

**DC.** With the exception of the ABA/YLD and ABA/HOD Representatives, the term of office for the Representatives shall be for a period of two years running from Annual Meeting to Annual Meeting of the Division. No Representative shall be elected or appointed to any specific Representative position on the Council to serve in excess of two complete consecutive terms. Notwithstanding the foregoing, an appointment made to fill a vacancy in a position on the Council for a period less than a complete term shall not be considered a complete term.

**ED.** The term of office and term limit of the ABA/YLD Representative and the ABA/HOD Representative are governed by the Bylaws of the American Bar Association Young Lawyers Division and the Bylaws of the American Bar Association respectively.

### **SECTION 3 - Vacancies in Office**

Whenever, for any reason, a Council Member's seat is vacated, except as provided in Article II(A), Section 5(C), the chairperson, after consultation with the Council, shall appoint a replacement from the Section's membership for that District.

### **SECTION 4 – Removal for Cause**

Any Council Member may be removed from office for cause, as hereinafter defined, on the two-thirds affirmative vote of a quorum of the Council Members. For the purposes of this Section, the term "cause" shall mean any of the following: (i) the Council Member's physical or mental illness rendering him/her incapable of performing duties to the Young Lawyers Division for a period of more than three consecutive months; (ii) the Council Member's absence at two (2) consecutive meetings, without cause deemed adequate by the Council; (iii) the Council Member's continued neglect or failure, after written demand, to discharge his/her duties or to obey a specific written direction from the Council; (iv) conflicts which render the Council Member incapable of fulfilling his or her duties to the Young Lawyers Division; (v) the Council Member's engaging in misconduct which is injurious to the Association; (vi) the Council Member's conviction of any felony or any crime involving moral turpitude; (vii) conduct which would seriously impair the Council Member's ability to perform his/her duties to the Young Lawyers Division or would impair the reputation of the Young Lawyers Division.

In the event of removal, such position shall be filled pursuant to Article II(C), Section 3 of these Bylaws.

## **ARTICLE III** **FUNCTIONS**

## SECTION 1 - Perennial Functions

A. The “Outstanding Young Lawyer” will be selected from the membership of the ~~Section~~ by a majority vote of the Council Members. Criteria for selection of “Outstanding Young Lawyer” shall be determined by the Council and published at least three (3) months prior to the nomination deadline each year. Present or former Council Members are ineligible.

B. The “Bridging the Gap” Institute shall be conducted for the purpose of aiding the new members of the Association in making the transition from the academic atmosphere of the law school to the actual practicing of law.

C. The chair, after consultation with the Council, shall make annual appointments from the membership of the Young Lawyers Division to the Louisiana Law Institute.

D. One Member of the Young Lawyers Division shall be included in the Louisiana delegation to the House of Delegates of the American Bar Association.

E. The Young Lawyers Division shall sponsor such other programs as may be determined advisable.

## SECTION 2 - Miscellaneous Functions

The Council shall engage in all other progressive activity beneficial to all inhabitants of our state in general, and in particular, to the members of the Louisiana State Bar Association.

## ARTICLE IV VOTING BY MEMBERS OF THE YOUNG LAWYERS DIVISION

### SECTION 1 – Eligibility To Vote

Each Member of the Young Lawyers Division shall be eligible to vote in any Young Lawyers Division election or other balloted matter. For purposes of voting, the preferred mailing address of the Member, as carried in the Association’s membership database, shall control.

## ARTICLE V MODIFICATION OF BYLAWS

### SECTION 1

The Bylaws of the Young Lawyers Division may be amended by a two-thirds vote of the Council Members at any regular or specially called meeting held by the Council.

### SECTION 2

The Bylaws of the Young Lawyers Division may also be amended during the annual business meeting by a three-fourths vote of the membership of the Young Lawyers Division attending such meeting.