

# **NEW YORK STATE BAR ASSOCIATION BYLAWS OF THE SECTION ON DISPUTE RESOLUTION**

## **ARTICLE I Name and Purpose**

**Section 1.** The Section shall be known as the Section on Dispute Resolution of the New York State Bar Association.

**Section 2.** The purposes of the Section shall be: to promote the responsible development and practice of Dispute Resolution in New York State and bring together those members of the New York State Bar Association interested in the various forms of alternative dispute resolution and related issues for the advancement of their mutual interests to assist and compliment the judicial process; to disseminate information and exchange ideas relating to the development and practice in these fields, both substantive and procedural; to advance the interdisciplinary work of the bar with other disciplines involved in dispute resolution; to further the education of the Bar; and to facilitate service to the public with respect to this and related issues. Areas of focus will include, but not be limited to: procedures applicable to alternative dispute resolution, applicable costs, assuring the competence of neutrals, and legal issues relating to arbitration, mediation and other forms of alternative dispute resolution.

## **ARTICLE II Membership**

**Section 1.** Any member of the New York State Bar Association shall be eligible for membership in the Section, and shall be enrolled as a member of the Section upon application and payment of such annual dues as shall be determined by the Executive Committee of the Section.

**Section 2.** From time to time the Executive Committee may invite participation in the work and activities of the Section by individuals who are not members of NYSBA and have demonstrated competence and interest in ADR. Such individuals shall not be members of the association or the section and shall not be entitled to vote, serve as an officer of the Section, or serve as a member of the Executive Committee.

## **ARTICLE III Officers, Section Delegate and Executive Committee**

**Section 1.** The officers of the Section shall be a Chair, Chair-elect, Vice-Chair, Secretary and Treasurer.

**Section 2.** There shall be an Executive Committee of the Section consisting of the officers of the Section, the Chairs of the Section's Standing Committees, two members at-large and district representatives for the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Judicial districts and out of state members. Former section chairs will remain members of the Executive Committee for ten years.

**Section 3.** The Membership Chair shall be responsible for attracting new Section members and maintaining current Section members.

**Section 4.** All officers and all other members of the Executive Committee shall hold office for one-year terms, commencing June 1. Officers are prohibited from serving more than two consecutive one-year terms in one specific office; provided, however, that the Secretary and the Treasurer shall not be subject to this prohibition and may serve more than two consecutive one-year terms. Chairs of Section committees are prohibited from serving more than two consecutive terms as a chair of a specific committee. However, in unusual circumstances, where it is in the best interests of the Section, the Chair of the Section may waive this restriction for a particular committee chair and appoint the specific chair to one or more additional consecutive terms.

**Section 5.** The Chair-elect, Vice Chair, Secretary and Treasurer shall be elected at the Annual Meeting of the Section. The Chair shall appoint such member(s) of the Section as the Chair in the exercise of his or her judgment shall deem qualified to serve as Delegate(s) and alternates for the Delegate(s) to the Association's House of Delegates for a term of one year. In this regard, the Chair shall give substantial consideration to the appointment of either him/herself, the Chair-elect or past Chairs to serve in these roles but shall not be required to appoint such persons to serve in these roles.

**Section 6.** It is the express intention of the Section that, to the greatest extent possible, composition of the Executive Committee shall include members involved in the various practices of alternative dispute resolution and representative of the different geographic areas of New York State. Diversity in its membership shall be goal of the Executive Committee.

#### **ARTICLE IV Nomination of Officers**

**Section 1.** The Chair shall appoint a Nominating Committee, by November 1, as set forth below in Section 2, which shall formulate and report nominations to the Section for the offices of Chair-elect, Vice Chair, Secretary and Treasurer. All candidates for Section office must be a member of the section.

**Section 2.** The Nominating Committee shall be composed of seven members, who shall include the Section Chair, the immediate past Chair, the Chair-Elect, a former Chair (in addition to the immediate past Chair), and three other members of the dispute resolution section who do not wish to be, and are not candidates for elected Section Office.

**Section 3.** The Nominating Committee shall be required to solicit candidates from the membership, and advise the membership of its slate of candidates by December 1st. Within ten business days after the Nominating Committee advises the membership of its slate of candidates, other qualified candidates may be added to the ballot by presenting the Secretary with a petition requesting the inclusion of those other candidates on the ballot endorsed by the signature of at least twenty-five Section members.

#### **ARTICLE V Duties of the Officers and of the Executive Committee**

**Section 1.** The Chair shall preside at all meetings of the Section and of the Executive Committee, implement such policy directives as may be determined by the Section Executive

Committee, serve as an *ex officio* member of all Committees, and perform such other duties and acts as usually pertain to the office of Chair.

**Section 2.** The Chair-elect shall assist in the performance of the Chair's duties when requested to do so, and other duties as usually pertain to the office of Chair-elect. In addition, the Chair-elect shall serve as Chair upon the expiration of the Chair's term. The Chair-elect may, at the selection of the Chair, serve as a Delegate to the Association's House of Delegates. The Chair-elect shall serve as acting Chair in the temporary absence of the Chair.

**Section 3.** The Vice Chair shall assist and support the Chair and the Chair-elect as directed by the Chair and shall assist in the performance of the Chair's duties in the event that neither the Chair nor the Chair-elect is able to do.

**Section 4.** The Secretary shall maintain all books, papers, documents and other property of the Section, except money, shall keep a record of the proceedings of all meetings of the Section, and of the Executive Committee, shall prepare and forward notices of all meetings to the Executive Committee, receive correspondence, and perform other duties as usually pertain to the office of Secretary.

**Section 5.** The Treasurer shall maintain the financial records of the Section, prepare the Section's annual budget, maintain liaison with the appropriate fiscal officers of the Association, and report upon the Section's finances at each meeting of the Section Executive Committee, the Annual Meeting, and other times as requested to do so by the Section Chair and Executive Committee, the Association President, House of Delegates, Association Finance Committee or Executive Committee. In addition, the Treasurer shall perform other duties as usually pertain to the office of Treasurer. Immediately upon completing service as Treasurer, he/she shall deliver all Section records, correspondence and other property of this office to his/her successor.

**Section 6.** The Executive Committee shall have general supervision and control of the affairs and activities of the Section, subject to these Bylaws and the Bylaws of the New York State Bar Association. It shall be responsible for the authorization of all commitments and contracts which entail the expenditure of money, and for the expenditure of all monies collected by the Section or appropriated for the use and benefit of the Section. The Executive Committee also shall have overall responsibility for fostering the membership development of the Section. The Executive Committee may adopt its own rules of procedure, including rules as to the number of its members who shall constitute a quorum, the time and place of meetings, notices of meetings to be given to its members, and rules declaring vacancies to exist in Committees upon failure of elected or appointed members to attend meetings.

**Section 7.** The Executive Committee may fill any vacancy arising among the officers, members-at-large and Section Delegate to the Association's House of Delegates during the interim between Annual Meetings of the Section. Officers or Delegates so appointed shall serve the balance of the terms in accordance with Article III.

## **ARTICLE VI**

### **Committees**

**Section 1.** The Executive Committee of the Section shall create such Standing Committees of the Section as the Executive Committee shall determine from time to time. The Chair of the Section may, from time to time, create such Special Committees, as the Chair shall deem necessary to carry out the work of the Section. The Executive Committee shall adopt policies, rules and guidelines for Committees and Special Committees.

**Section 2.** The Chair of the Section shall appoint the Chairs and members of the Standing Committees and Special Committees. The Chair of the Section shall fill any vacancy or make additional appointments, in consultation with the Chair of the relevant Committee to his/her Committee. The terms of office shall be one year commencing June 1.

**Section 3.** The Committees, from time to time, shall refer recommendations to the Chair or the Executive Committee for such actions as they may deem appropriate but shall never take action, nor present their views or recommendations outside the Section without approval by the Executive Committee.

**Section 4.** The Standing Committees of the Section shall include committees on Membership, Diversity and Inclusion, Arbitration, Mediation, Negotiation, ADR in the Courts, Ethics, Publications, Legislation and CLE.

## **Article VII Liaisons**

**Section 1.** There shall be such Liaisons from this Section to other sections, divisions, or committees of the Association as may be appropriate from time to time, provided however, there shall be no more than one (1) Liaison from this Section per other section, division or committee of the Association, unless such other section, division or committee shall desire a greater number. No person shall be elected as a liaison to more than one section, division or committee of the Association, but may fill such additional position on an acting basis until another qualified person is elected Liaison

## **ARTICLE VIII Meetings**

**Section 1.** The Annual Meeting of the Section shall be held during the week in which the Annual Meeting of the New York State Bar Association is held, at a time and place designated by the Executive Committee upon reasonable notice. Other meetings may be held from time to time at such times and places as designated by the Executive Committee. The Executive Committee also may meet upon the call of the Chair or any four members of the Executive Committee.

**Section 2.** The members of the Section present at any meeting called by the Executive Committee shall constitute a quorum for the transaction of business.

**Section 3.** All binding action of the Section shall be by a majority vote of the members present.

**Section 4.** Any one or more members of the Executive Committee or any committee of the Section may participate in a meeting of such committee by means of a conference telephone or

similar equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

## **ARTICLE IX**

### **Miscellaneous Provisions**

**Section 1.** These Bylaws become effective upon the approval by the House of Delegates of the New York State Bar Association.

**Section 2.** The Executive Committee shall fix the dues for membership in the Section, with the approval of the Finance Committee of the New York State Bar Association, and make payment of such amount a condition for membership in the Section. Section funds shall be expended only by approval of the Executive Committee of the Section in accordance with the rules of the Association Finance Committee.

**Section 3.** Any action taken by this section must be approved by the Association before the same is given publicity as or becomes effective as the action of the Association.

**Section 4.** Upon two weeks written notice to all section members these Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present, provided that no amendment shall be effective until approved by the Executive Committee of the New York State Bar Association.