

NEW YORK STATE BAR ASSOCIATION

**RULES OF EXECUTIVE COMMITTEE
OF THE ELDER LAW AND SPECIAL
NEEDS SECTION**

(As Amended October 27, 2022)

These rules are hereby adopted as the rules of procedure for the Executive Committee of the Elder Law and Special Needs Section of the New York State Bar Association.

**ARTICLE I
Definitions**

- (a) As used in these rules, the following words or phrases shall have the following meanings:
- (b) *By-Laws*. The By-Laws of the Section, as they may be amended from time to time.
- (c) *Executive Committee*. The Executive Committee of the Section.
- (d) *Section*. The Elder Law and Special Needs Section of the New York State Bar Association.
- (e) *Association*. The New York State Bar Association.

**ARTICLE II
Executive Committee**

SECTION 1. *Time and Place of Meeting*. The Executive Committee shall meet at such times and places, as it shall fix but not less than three (3) times each year. Such meetings shall include one meeting in conjunction with the Annual Meeting of the Association, one meeting in conjunction with the Summer Program Meeting of the Section and one meeting in conjunction with the Fall Program Meeting of the Section.

SECTION 2. *Notices*. Notices of the time and place for holding regular meetings of the Executive Committee shall be given by mail or email to each member of the Executive Committee entitled to vote at least ten (10) days prior to the time fixed for holding such meeting. Notices of the time and place for holding special meetings of the Executive Committee, as called in compliance with the By-Laws of the Section, shall be given by mail or email to each member of the Executive Committee entitled to vote at least five (5) days prior to the time fixed for holding such meeting.

SECTION 3. *Vote*. Except as may be limited by the Section's By-Laws, each member of the Executive Committee shall have one vote. Each binding action of the Executive Committee shall be taken in conformity with the Section's By-Laws.

SECTION 4. *Unexcused Absences.* The unexcused absence of any member of the Executive Committee from three consecutive regular meetings of the Executive Committee will result in removal of such member subject to waiver of such result by the Section Chair.

ARTICLE III Committees

SECTION 1. *Standing Committees.* The Section shall have Standing Committees as designated below. By vote of the Executive Committee, any Standing Committee of the Section may be disbanded or modified, and a Standing Committee may likewise be added.

- (a) Client and Consumer Issues
- (b) Diversity
- (c) Elder Abuse
- (d) Estates, Trusts and Tax Issues
- (e) Ethics
- (f) Financial Planning and Investments
- (g) Guardianships
- (h) Health Care Issues
- (i) Legal Education
- (j) Legislation
- (k) Liaison to Law School Committee
- (l) Long-Term Care Facility Reform
- (m) Mediation
- (n) Medicaid
- (o) Member Services
- (p) Mental Health
- (q) Mentoring
- (r) Practice Management
- (s) Publications

- (t) Real Estate and Housing
- (u) Special Education
- (v) Special Needs Planning
- (w) Sponsorship
- (x) Technology
- (y) Unauthorized Practice- Medicaid Committee
- (z) Veteran's Benefits

SECTION 2. *Special Committees, Task Forces and Work Groups.* The Chair of the Section may create such additional special committees, task forces, and/or work groups as he/she shall from time to time determine.

Task Force on Challenges to the Medicaid Planning Practice

SECTION 3. *Committee Chairs.* The Chair of the Section shall appoint such committee chair, co-chairs and vice-chairs, as he/she shall determine.

SECTION 4. *Committee Members.* Any member of the Section shall be eligible for membership on any Standing Committee of the Section. Appointments to Section Standing Committees shall be made by the Chair of the Section from time to time as the Chair deems appropriate. The Chair of the Section, in consultation with the Chair of any Standing Committee, shall have the right to ratify or revoke any Section member's membership on any Standing Committee.

SECTION 5. *Nominating Committee.* In compliance with the Section's By-Laws, there shall be a Nominating Committee which shall be called and formed in compliance with the Section's By-Laws. After the Nominating Committee is formed, it shall cause for a call for nominations to go out via email, Section publication or other technology, or mail, to the Section membership identifying the offices, District Delegate positions, and Member-at-Large positions to be filled. Any such nominations received as a result of this general call to the Membership shall be considered by the Nominating Committee in its work. In compliance with the By-Laws, no less than thirty (30) days prior to the Section's Annual Meeting, the Nominating Committee shall provide to the Chair and Secretary a written report containing the nominations for the positions to be filled. No more than thirty (30) days and no less than fifteen (15) days prior to the Annual Meeting, additional nominations for the available positions may be filed in written form with the Secretary to be considered by the Section members provided such additional nominations are made in compliance with the Section By-Laws.

ARTICLE IV Section Meetings

SECTION 1. *Section Member Meetings.* There shall be at least one (1) meeting of the Members of the Section, to be held at the Annual Meeting of the Association and Section, for the purpose of conducting the business of the Section. There may be additional Section Member Meetings called by the Executive Committee in conformity with the Section By-Laws.

SECTION 2. *Section Program Meetings.* There shall be three (3) Section Program Meetings held in each calendar year. One shall be during the Annual Meeting of the Association, one during the fall months which shall be located north of New York City, and one during the summer months. The precise location of all Section Program Meetings, except the Annual Meeting, shall be selected by the individual who will be serving as Chair of the Section at the time scheduled for such meeting, upon consultation with Association staff and the Officers of the Section.

SECTION 3. *Section Program Meeting Fees.* The Section shall charge such fees for attendance at each Section Program Meeting as the Chair of the Section shall determine, which shall be set with the advice of the Executive Committee if the fee is to be raised significantly above the customary level for that meeting.

ARTICLE V

Reimbursement of Expenses

SECTION 1. *Executive Committee.*

- (a) Summer Executive Committee Meeting. No reimbursement of any expense is allowed for Executive Committee members who are not program speakers traveling to the summer meeting.
- (b) Other Meetings. Reimbursement of travel and lodging expenses up to \$750 each to the other meetings of the Executive Committee will be paid for Executive Committee members

SECTION 2. *Section Program Meeting Speakers and Co-Chairs.*

- (a) The Chairs of all Section Program Meetings and all speakers at Section Program Meetings shall be entitled to waiver of registration charges. With the exception of the Annual Meeting, such waiver shall include one companion for all non-CLE program events.
- (b) All registration fees for the meeting are waived. With the exception of the Annual meeting, such waiver would also apply to one companion for all non-CLE Program events. Speakers at the meetings who are not members of the Section may receive additional reimbursement under unusual circumstances, but only upon the written approval of the Section Chair.

(c) A Section Program Meeting speaker will also be entitled to all reasonable travel costs up to a maximum of \$750.00 and to cover all lodging costs in full duration of the meeting. Speakers at such Section Program Meetings who are not members of the Section may receive additional reimbursement in unusual circumstances, but only upon the written approval of the Section Chair. Honorariums are only to be paid in compliance with the Association guidelines.

SECTION 3. *Chair's Expenses.* The Chair of the Section is expected to incur more than ordinary expenses for telephone, fax, express mail, extraordinary postage and copying costs, in order to serve the Section's needs for expeditious action and response and to communicate with the large numbers of addressees involved. Accordingly, the Chair shall be reimbursed for such expenses. The Chair shall also be entitled to a waiver of registration charges for all Section Program Meetings. The Section Chair is also to receive 100% reimbursement on all travel and lodging expenses for Section Program Meetings and Executive Committee Meetings.

SECTION 4. *Representative to NYSBA House of Delegates.* The representative of the Section to the NYSBA House of Delegates shall be entitled to reimbursement for travel and lodging expenses for each House meeting attended, other than at the annual meeting of NYSBA. Such reimbursement shall be for the actual cost of travel and a maximum of one (1) night's hotel charge. In no event shall the total amount reimbursable exceed \$750 for each meeting.

SECTION 5. *Newsletter Editors.* The Section members who act as editors of the Elder and Special Needs Law Journal publication of the Section shall be entitled to a maximum total payment of \$2,000 per calendar year, regardless of the number of Editors serving, toward the expense of his or her office secretarial and overhead expense. All expenses shall be included, including postage costs, telephone expense, delivery charges and any other amounts which would otherwise be expenses of the editor in the production of the newsletter. Such amount shall be paid \$500 at the time each issue of the newsletter is distributed, upon request of the editor. If an editor ceases to act, then the next installment shall be paid to the new editor, up to the annual maximum.

SECTION 6. *Attendance at Non-Section Meetings and Events.* Reimbursement requests for attendance at non-Section events, meetings, and/or programs relevant to Section projects and of a policy-oriented nature or other Section business shall be considered on a case-by-case basis and shall be limited to members of the Executive Committee. Such requests shall be made to the Chair and Treasurer of the Section in advance of the event, meeting or program, and such request must be approved by the Officers.

SECTION 7. *Limitations on Reimbursements.* All expenses reimbursable under these rules shall be subject to such limitations as may be specified by guidelines established from time to time by the Association, and the amount reimbursed shall not exceed the lesser of the actual expenses incurred or the fixed dollar amount determined by the Association's Finance Committee.

ARTICLE VI
Miscellaneous

SECTION 1. *Effective Date of Rules.* These rules shall become effective upon adoption by the Executive Committee. Amendments of the rules shall be effective as of October 27th preceding adoption of the amendment, unless otherwise provided by vote of the Executive Committee.

SECTION 2. *Amendment.* These rules may be amended at any meeting of the Executive Committee by a majority vote of the members of the Executive Committee present or voting, provided notice of such proposed amendment was given in the notice of the meeting.