

**BYLAWS OF THE  
NEGLIGENCE LAW SECTION  
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I  
NAME AND PURPOSES**

**SECTION 1. Name.** This Section shall be known as the Negligence Law Section of the State Bar of Michigan.

**SECTION 2. Purpose.** It shall be the purpose of this organization:

- To preserve the jury system.
- To promote the fair and just administration of negligence law.
- To advance professional and ethical standards on the part of negligence law practitioners.
- To preserve and promote trial advocacy skills in the practice of negligence law.
- To encourage attorneys to enter the field of negligence law.
- To recognize by way of awards and scholarships excellence in tort law and outstanding contribution to the practice of the profession.

**ARTICLE II  
MEMBERSHIP**

**SECTION 1. Dues.** Dues for Section membership shall be established by the Negligence Law Section Council. Each member of the Section, upon payment of dues, shall be enrolled as a member of the Section. Thereafter, dues shall be payable in advance each year beginning on the first day of October. Any member of the Section whose annual dues shall be more than six months past due shall cease to be a member of the Section. The membership of the Section shall consist of all members in good standing in accordance with these Bylaws. Membership is limited to active members of the State Bar of Michigan, subject to the provisions of Section 2 below.

**SECTION 2. Associate members.** Upon payment of dues for the current year, said amount to be determined by the Negligence Council, any member of the Law Student Section may be enrolled as an associate member of the Negligence Law Section. Thereafter, dues shall be payable in advance beginning with the first day of October of each calendar year. Associate membership confers no voting rights.

**ARTICLE III  
COUNCIL AND OFFICERS**

**SECTION 1. Voting Members.** There shall be a Council of fourteen (14) elected voting members. The voting membership shall be composed of equal numbers of plaintiff and defense attorneys.

**SECTION 2. Non-Voting Members.** The Immediate Past Chairperson shall serve as a non-voting member of the Council. The Council may include additional non-voting committee members appointed by the Chairperson with the advice and consent of the Council.

**SECTION 3. Executive Committee.** The Chairperson, Vice Chairperson, Secretary and Treasurer shall constitute an Executive Committee. The members of the Executive Committee shall be composed of equal numbers of plaintiff and defense attorneys. The office of Chairperson shall be held alternately by plaintiff and defense attorneys.

**SECTION 4. Vacancies.** Any Council member, Vice Chairperson, Secretary or Treasurer who becomes unable or ineligible to continue to serve (i.e. resignation, death, change in practice as a plaintiff or defense attorney, three consecutive unexcused absences from Council meetings, etc.), shall be deemed to have resigned and the vacancy thereby created shall be filled by the Chairperson, with the advice and consent of the Council.

In the event that the Chairperson, or both the Chairperson and the Vice Chairperson, become unable or ineligible to continue to serve, then the Nominating Committee referred to in Article IV shall make and report nominations to the Section Council, who shall vote to fill those vacancies.

In the event that the Chairperson, Vice Chairperson, Secretary or Treasurer becomes unable or ineligible to continue to serve, the appointment must be filled by a member of the Council.

All vacancies shall be filled for the remainder of the term left vacant. By way of example, if a member of the council becomes unable to continue to serve and has 2 years remaining in their terms, then the appointee shall serve for those remaining 2 years.

If the vacancy was created by a plaintiff attorney, then the vacancy shall be filled by a plaintiff attorney. If the vacancy was created by a defense attorney, then the vacancy shall be filled by a defense attorney.

## **ARTICLE IV NOMINATIONS AND ELECTIONS**

**SECTION 1. Nominations.** A Nominating Committee chaired by the Vice Chairperson and comprised of three (3) immediate past Chairpersons of the Section and the Executive Committee shall make and report nominations to the Section Council for the offices of the Chairperson, Vice Chairperson, Secretary, Treasurer and members of the Council, to succeed those whose terms will expire, and to fill vacancies then existing for unexpired terms. Other nominations for the same offices may be made from the floor.

**SECTION 2. Elections.** All elections shall be by voice vote unless otherwise determined by resolution duly adopted by the Section at the Annual Meeting at which the election is held.

**SECTION 3. Term.** Terms shall begin on October 1 and end on September 30. The Chairperson, Vice Chairperson, Secretary and Treasurer shall be nominated and elected by the Section to hold office for one (1) term of one (1) year. Council voting members nominated and elected to the Council shall be elected by the Section to serve one (1) term of three (3) years. Council non-voting members appointed by the Chairperson with the advice and consent of the Council shall serve for one (1) year concurrently with the Council Chairperson.

Elected and appointed members may be re-elected or reappointed for subsequent terms. No person shall be eligible for election or appointment to the Council as a voting member once he or she has served as a voting member for a period of six (6) years, except nothing herein shall prevent such a person from being nominated to serve as an officer after serving as a voting Council member for a period of six (6) years.

Nothing herein shall prevent a person from serving on the Council as a non-voting member of a Committee after having served the maximum time allowed on the Council, nor shall any time spent serving on the Council as a non-voting member prevent a person from serving the maximum time allowed on the Council as voting member.

## **ARTICLE V DUTIES OF OFFICERS**

**SECTION 1. Chairperson.** The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at each Annual Meeting of the Section a report of the work of the Section for the past year. The Chairperson shall also appoint, as he or she shall see fit, additional voting and non-voting members in accordance with the provisions of these Bylaws.

**SECTION 2. Vice Chairperson.** Upon the death, resignation or during the disability of the Chairperson, or upon his/her refusal to serve, the Vice Chairperson shall perform the duties of the Chairperson for the remainder of the Chairperson's term except in the case of the Chairperson's disability and then only during so much of the term as the disability continues. The Vice Chairperson shall preside over any meeting of the section and of the Council in the event of the Chairperson's absence, inability, or refusal to serve at a meeting.

**SECTION 3. Secretary.** The Secretary shall be the custodian of all books, papers, documents and other property of the Section except money. The Secretary shall keep a true record of proceedings of all meetings of the Section and of the Council. The Secretary shall assist the Chairperson in preparing any reports required by these Bylaws. The Secretary shall preside over any meeting of the section and of the Council in the event of the Chairperson's and the Vice Chairperson's absence, inability, or refusal to serve at a meeting.

**SECTION 4. Treasurer.** The Treasurer shall have custodial authority and supervisory responsibility for all funds; he/she shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. The Treasurer shall submit a financial

report for presentation to the membership of the Section and the Board of Commissioners of the State Bar of Michigan annually. The Treasurer shall preside over any meeting of the section and of the Council in the event of the Chairperson's and the Vice Chairperson's and the Secretary's absence, inability, or refusal to serve at a meeting.

## **ARTICLE VI DUTIES AND POWERS OF THE COUNCIL**

**SECTION 1. Authority.** The Council shall have general supervision and control of the affairs of the Section subject to the Supreme Court Rules Concerning the State Bar of Michigan and the Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall specially authorize all commitments or contracts which shall entail the payment of money and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to the Section for such fiscal year.

**SECTION 2. Committees.** The Council may authorize the Chairperson and the Vice Chairperson to establish committees and appoint committee members from among Section members, and designate committee leadership from among Section Council members to perform such duties and exercise such powers as the Council may direct. The Council Chairperson, on direction from the Council, shall remove any committee Chairperson or member from such committees and fill vacancies on such committees created by removal or resignation.

**SECTION 3. Majority rules.** Subject to the provisions of Section 4 below, the Council shall act by a majority vote present and constituted at the time.

**SECTION 4. Absentee Voting.** If absent, a Council Member may communicate their vote, in writing, upon any proposition, to the Secretary and have it counted, with the same effect as if cast personally at such meetings.

**SECTION 5. Meetings.** The Council shall designate the time and place of its regular meetings. Special meetings may be called upon notice by the Chairperson or upon written request to the Secretary by any five members of the Council.

## **ARTICLE VII SECTION MEETINGS**

**SECTION 1. Annual Meeting.** There shall be at least one Annual Section Membership Meeting during which elections shall take place in accordance with these Bylaws, along with the transaction of any other business deemed to require membership approval.

**SECTION 2. Notice.** No Annual or Special Meeting of the membership shall take place without at least fifteen (15) days of notice to the Section's members together with a description of proposed business to conduct and/or nominees to be elected to the Council. Notice may be provided in any way reasonably calculated to reach the membership in sufficient time to enable members to make arrangements for attendance, should they desire to do so. More specifically,

notice may be given in any one or more of the following ways: (1) publication on the Section website; (2) direct mail; (3) facsimile; (4) e-mail; and (5) by publication in Negligence Law Section publications and/or the *Michigan Bar Journal*.

**SECTION 3. Special meetings.** Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine. Meetings of the Section may be conducted in person, telephonically or virtually. Such special meetings may be called for any purpose, including amendment of these Bylaws, and/or for the purpose of conducting elections, so long as the notice and nominating procedures designated herein are followed.

**SECTION 4. Quorum.** The presence of more than fifty percent (50%) of the voting members of the Council at any meeting shall constitute a quorum for the transaction of business by the Section or the Council. Council members may attend telephonically and/or virtually.

**SECTION 5. Robert's Rules of Order.** The meetings of the Section or the Council shall be operated under Robert's Rules of Order, to the extent that they are not inconsistent with these Bylaws or the Bylaws of the State Bar of Michigan.

## **ARTICLE VIII MISCELLANEOUS PROVISIONS**

**SECTION 1. Fiscal year.** The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

**SECTION 2. Invoices.** All bills incurred by the Section before being paid shall be approved by the Treasurer, or otherwise as the Council shall direct, and checks for all disbursements shall be signed by the Treasurer or such other officer as the Council may authorize, and by an officer of the State Bar of Michigan.

**SECTION 3. Compensation.** No salary or compensation shall be paid to any Section officer, Council member, member of a committee, or section member.

**SECTION 4. Effective date.** These Bylaws shall become effective upon the approval thereof by the Commissioners of the State Bar of Michigan and the Section in the same manner provided in Article IX, Section 1, for their amendment.

## **ARTICLE IX AMENDMENTS**

**SECTION 1. Majority required.** These Bylaws may be amended at any Annual Meeting or Special 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 submitted to the Council for its recommendation; further, that no amendment so adopted shall become effective until approved by the Commissioners of the State Bar of Michigan.

**SECTION 2. Petition by Section Member.** Any amendment proposed by a section member shall be submitted in writing to the Council in the form of a petition signed by at least ten (10)

members of the Section in time for it to be considered by the Council before the Annual Meeting or Special Meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meetings and shall prepare recommendations thereon, which recommendations, together with a complete and accurate text of said proposed amendment, shall be published prior to the Annual Meeting or special meeting either in the Section's Newsletter or in the *Michigan Bar Journal* at least fifteen (15) days prior to the Annual Meeting of the Section at which it is to be voted upon. Publication may also be accomplished by direct mail or email.

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Amended 11/17/09

Amended 9/21/22 – Council Meeting / Donna MacKenzie