

# WASHINGTON STATE BAR ASSOCIATION

## ELDER LAW SECTION

### Bylaws

As last amended and approved by the  
Washington State Bar Association Board of Governors on Jan. 12, 2024.

#### **1 ESTABLISHMENT OF SECTION AND IDENTIFICATION**

- 1.1 The name of this section is the Elder Law Section (the “Section”).
- 1.2 The Section is established under the Bylaws of the Washington State Bar Association (the “Bar”).

#### **2 PURPOSE AND GENERAL CONSIDERATIONS**

- 2.1 The purpose of the Section shall be to:
  - a. Improve understanding by members of the Bar of the legal needs that are faced by elderly citizens in the State of Washington, which are often different from and in addition to those faced by the population at large;
  - b. Provide a cooperative structure through which members of the Bar who are interested in Elder Law issues can work together to better understand the issues in the field and effective problem-solving approaches;
  - c. Assist the elderly citizens of Washington State, and those who represent the elderly, to better understand how their legal needs can be met;
  - d. Strengthen the ability by members of the Bar to more effectively identify the legal needs of the elderly. Provide information to and facilitate coordination with those agencies of government that provide services to the elderly in the State of Washington;
  - e. Act as a liaison between the Bar, its Board of Governors, and other organizations dedicated to serving the needs of the elderly;
  - f. Provide a cooperative structure through which research and publications in the field of Elder Law can serve the needs of all members of the Section and Bar.
- 2.2 These bylaws are subject to the applicable Washington State statutes, court rules and the Bylaws of the Bar.
- 2.3 The Principal Office of the Section shall be maintained in the offices of the Bar.
- 2.4 The fiscal year of the Section shall coincide with that of the Bar.

#### **3 ARTICLE 3. MEMBERSHIP**

- 3.1 Any of the following people may become a voting member of the Section by paying annual Section dues:
  - a. an Active member of the Bar,
  - b. a Judicial member of the Bar,
  - c. a Pro Bono member of the Bar under WSBA Bylaw Article III.B.4 and APR 3(g)),
  - d. a House Counsel member of the Bar under APR 8(f),

- e. a professor at any Washington law school (whether licensed in Washington or not), or
- f. a lawyer who is a full-time lawyer in any branch of the military who is stationed in Washington, but not licensed in Washington.
- g. As authorized by the executive committee of this Section, law students who have an interest in Elder Law may become non-voting members (“subscribers”) of the Section upon request and payment of annual dues.

3.2 Dues shall be paid annually in advance, in an amount to be established by the executive committee and approved by the Board of Governors. Any person who has failed to pay the annual dues shall cease to be a member of the Section. Changes in dues shall be effective for the fiscal year then immediately following such determination.

3.3 The annual Section dues shall be applied to activities of the Section according to the bylaws of the Section, as authorized by the executive committee and consistent with the Section’s budget and the Bar’s fiscal policies and procedures.

#### **4 MEETINGS OF THE MEMBERSHIP**

4.1 The annual meeting of the Section shall be held at a location determined by the executive committee.

4.2 Special meetings may be held at the time and place as designated by the Chair or a majority of the executive committee.

4.3 In accordance with the Bar Bylaws, notice of the membership meetings shall be sent to all members of the Section. No membership meeting shall be official without prior notice. The notice shall state the business to be transacted at the meeting.

4.4 A majority vote of the members present in person, by telephone, or by videoconference at any annual or special meeting of the Section shall be required to approve any business brought before such meeting.

#### **5 THE EXECUTIVE COMMITTEE**

5.1 Powers and Duties: The executive committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section including, without limitation, the power and duty to act on behalf of the Section in connection with the activities listed in the purpose. The executive committee shall have the authority to approve the adoption of the budget in consultation with the Bar, expenditures consistent with the budget, and all communications from the executive committee, and shall perform duties assigned to it by the Board of Governors. The executive committee shall have the authority to establish and discontinue committees and subcommittees of the Section and shall have the authority to amend these bylaws, as provided herein.

5.2 Membership: The members of the executive committee and the length of their terms shall be:

- a. Chair (one year);
- b. Chair-elect (one year);
- c. Immediate Past Chair (one year);
- d. Secretary (one year);
- e. Treasurer (one year);
- f. Two Legislative Committee Co-Chairs (each serving two-year staggered terms);
- g. Communications Committee Chair (one year);
- h. Two CLE Committee Co-Chairs (each serving two-year staggered terms);
- i. One to Four At-Large Members (one year);

- j. Any other committee chairs appointed by the executive committee, provided however that such committee chairs shall, unless otherwise elected to one of the above positions, be non-voting members of the executive committee.
- 5.3 Any of the committee positions can be co-chaired. In the event there are co-chairs, each co-chair shall have a vote.
- 5.4 The Chair-elect, Secretary, Treasurer, Legislative Committee Chair, Communications Committee Chair, CLE Committee Chair and one to four (1-4) At-Large executive committee members shall be elected each year, utilizing the procedure set forth herein.
- 5.5 The term of all positions for the executive committee shall begin October 1, if elected or immediately on appointment if appointed to fill a vacancy
- 5.6 A majority of the executive committee present in person, by telephone or by videoconference shall constitute a quorum. Action of the executive committee shall be determined by a majority vote after a quorum has been established. Executive committee members may vote by email in accordance with the Bar's Bylaws.
- 5.7 Any executive committee member may be removed by a two-thirds majority vote of all members of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings and events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the Section membership.

## **6 OFFICERS**

- 6.1 The officers of the Section shall be the Chair, Chair-elect, Immediate Past Chair, Secretary and Treasurer.
- 6.2 The Chair shall be the principal executive officer of the Section and, subject to the executive committee's control, shall supervise the affairs of the Section. The Chair shall preside at all meetings of the Section and the executive committee.
- 6.3 On expiration of the Chair's term, the Chair-elect shall automatically become the Chair. The Chair-elect shall perform such duties as shall be assigned by the Chair or by the executive committee. The Chair-elect shall perform all of the duties of the Chair in the absence or inability to act of the Chair.
- 6.4 The Secretary shall maintain minutes and records of all meetings of the Section and executive committee and provide approved minutes to the Bar for publication and record retention, and shall perform other duties as assigned by the Chair or executive committee.
- 6.5 The Treasurer shall maintain financial records of all income and expenditures for the Section, work with the Bar to ensure that the Section complies with Bar fiscal policies and procedures, work with the Bar to prepare the Section's annual budget, review the Section's monthly financial statements for accuracy and comparison to budget, and perform other duties as assigned by the Chair. Additionally, the Treasurer shall have the authority to approve expenditures of the Section for Section business and consistent with the budget in an amount not exceeding \$350.00 per expenditure. Any expenditure of Section funds as authorized by the Treasurer here under shall be immediately reported to the Chair and Chair-elect.

## **7 ELECTIONS AND APPOINTMENTS**

- 7.1 Annual elections shall be for the Chair-elect, Secretary, Treasurer, Legislative Committee Co-Chairs, CLE Committee Co-Chairs, Communication Chair, At-Large executive committee members, and any other Committee Chairs established by the executive committee.
- 7.2 The Chair shall act as the Chair of the nominating committee and shall appoint a nominating committee consisting of no less than three (3) Section members, at least one (1) of whom

should not be a current member of the executive committee. The nominating committee shall seek interested individuals to fill open positions on the executive committee, with a balance of nature of practice or employment, geography, and other bases of diversity. All applicants will apply through an electronic application process administered by the Bar.

- 7.3 The nominating committee shall make nominations for Chair-elect, Secretary, Treasurer, Legislative Committee Co-Chairs, Communications Committee Chair, CLE Committee Co-Chairs, any other Committee Chairs established by the executive committee, and one to four At-Large executive committee members. The executive committee will approve a list of nominees for each open position.
- 7.4 All individuals nominated for positions by the nominating committee shall complete the electronic application process.
- 7.5 All individuals who complete the electronic application process administered by the Bar who are not selected by the nominating committee will be given the opportunity to self-nominate to be included on the final list of approved nominees.
- 7.6 The Bar will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by drawing from a standard deck of cards. The candidate with the highest value card in bridge will be the winner.
- 7.7 If there is a vacancy on the executive committee between elections, the voting members of the executive committee, by majority vote, shall appoint a section member to fill the vacancy until the next annual election, when an individual will be elected to serve the remainder of the vacated term.

## **8 AMENDMENTS**

- 8.1 These bylaws may be amended by the following means: (1) At any annual meeting of the Section by a majority vote of the members of the Section present, in which case prior notice of the proposed changes shall be given to all members before the meeting ; or (2) At any regular or special meeting of the executive committee of the Section called for the purpose of amending the bylaws upon at least ten (10) days email notice to the members thereof, by a majority vote of the voting executive committee members once a quorum is established. No amendment of these bylaws will be effective until approved by the Board of Governors of the Bar.

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Amended July 27, 2017.

Approved as amended by the Bar Board of Governors on Jan. 12, 2024, subsequent to approval by members of the executive committee of Section in attendance at the Section's executive committee meeting held on Nov. 21, 2023.