

# WASHINGTON STATE B A R A S S O C I A T I O N

## ELDER LAW SECTION

### Bylaws

As last amended and approved by the  
Washington State Bar Association Board of Governors on July 27, 2017.

#### **1.0 Establishment of Section**

The Elder Law Section of the Washington State Bar Association (hereinafter referred to as "Section") is hereby established pursuant to Article IX, Section 1 of the Bylaws of the Washington State Bar Association (hereinafter referred to as "Bar").

#### **2.0 Purpose**

The purpose of the Section shall be to:

- 2.1 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;
- 2.2 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;
- 2.3 Assist the elderly citizens of Washington State, and those who represent the elderly, to better understand how their legal needs can be met;
- 2.4 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;

2.5 Act as a liaison between the Bar, its Board of Governors, and other organizations dedicated to serving the needs of the elderly;

2.6 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.

### **3.0 General Considerations**

3.1 These bylaws are subject to the applicable Washington State statutes, court rules and the Bylaws of the Bar.

3.2 The Principal Office of the Section shall be maintained in the offices of the Bar.

3.3 The fiscal year of the Section shall coincide with that of the Bar.

### **4.0 Membership**

4.1 Any Active member in good standing of the Bar may be enrolled as a voting member of the Section upon request and payment of annual Section dues.

4.2 As authorized by the executive committee of this Section, other professionals and law students who have an interest in Elder Law may become non-voting members (“subscribers”) of the section.

4.3 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.

4.4 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.

## **5.0 Meetings of the Membership**

5.1 The annual meeting of the Section shall be held at a location determined by the executive committee. Special meetings may be held at the time and place as designated by the Chair or a majority of the executive committee. Notice of the annual meeting shall be mailed or emailed to all members of the Section at least thirty (30) days prior to the meeting.

5.2 Special meetings of the membership of the Section may be called, upon at least ten (10) days prior written or email notice to the members by the Chair or Chair-elect, at such time and place as such person may determine. The notice shall state the business to be transacted at the special meeting.

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

## **6.0 The Executive Committee**

6.1 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 within Articles 6.6 and 10 hereof.

6.2 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 Three 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.

Any of the committee positions can be co-chaired. In the event there are co-chairs, each co-chair shall have a vote.

- 6.3 The Chair-elect, Secretary, Treasurer, Legislative Committee Chair, Communications Committee Chair, CLE Committee Chair and one to three (1-3) At-Large executive committee members shall be elected each year, utilizing the procedure set forth in Article 8.0 hereof. The term of all positions for the executive committee shall begin October 1.
- 6.4 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.
- 6.5 Special meetings of the executive committee may be called to amend these Bylaws upon ten (10) days written or email notice of such meeting mailed or emailed to the members thereof, said notice to specify the purpose of such special meeting and the proposed amendment, as set forth in Article 10 hereof. All other meetings shall be as set by the Chair of the Section.
- 6.6 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.

6.7 At-Large Member. An At-Large executive committee member shall serve in an advisory capacity to the Section and shall assist the executive committee as follows:

- (a) To promote the practice of Elder Law and in supporting the efforts of Section members to achieve the highest standards of competence, professionalism and ethics in their practices; and
- (b) To assist the efforts of the executive committee as it works with the Legislature to enact and improve laws affecting the practice of elder law and our unique constituency and to assist the Judiciary in the just administration of those laws.

## **7.0 Officers**

7.1 The officers of the Section shall be the Chair, Chair-elect, Immediate Past Chair, Secretary and Treasurer.

7.3 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.

7.4 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 to him or her 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.

7.5 The Immediate Past Chair shall act as the Chair of the nominating committee.

7.6 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.

- 7.7 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.

## **8.0 Elections and Appointments**

- 8.1 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. The Immediate Past Chair 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, not later than July 1 for the purpose of nominating interested qualified persons for the positions of 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 three At-Large executive committee members. All applicants will apply through an electronic application process administered by the Bar.

The nominating committee may nominate more than one candidate for each position. Notice containing the names of nominees selected by the nominating committee shall be emailed to members of the Section not later than February 1 of each year. The notice shall include names of persons nominated, the positions to which they have been nominated, and a statement that members of the Section may nominate persons to serve in any of these elected officer positions by written nomination to the Chair of the nominating committee received not later than February 15.

To be accepted, nominations from members must include the name of the person nominated, the position for which he or she is nominated, and shall contain the written endorsement (by signature or letter) of three members of the Section.

The executive committee will approve a list of nominees for each open position. Nominations and elections for open executive committee positions will be held between March and May each year. 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 the flip of a coin.

- 8.2 Vacancy of any position on the executive committee shall be filled by a majority vote of all members of the executive committee. When a member is appointed to fill a vacancy in an unexpired term, the member will do so until the next annual election when an individual will be elected to serve the remainder of the vacated term.
- 8.3 The executive committee shall determine the number and type of Section committees and sub-committees and shall appoint Chairs for all committees and sub committees.

## **9.0 Amendments**

- 9.1 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; 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.