BYLAWS OF THE TRIAL LAWYERS SECTION

ARTICLE I
NAME AND PURPOSE

Section 1. Name. The name is "Trial Lawyers Section, The Florida Bar."

Section 2. Purposes. The purposes of this section are to:

(a) provide an organization within The Florida Bar open to all members in good standing of The Florida Bar who have a common interest in trial advocacy before the courts;

~~**(b)** provide a forum for discussion and exchange of ideas leading to the improvement of individual trial abilities;~~

~~**(c)** assist the courts in establishing methods for the more certain and expeditious administration of justice;~~

~~**(d)** advise the various rules committees regarding desirable amendments to improve and standardize judicial procedures;~~

~~**(e)** instill in members of The Florida Bar a desire to increase their effectiveness in the courtroom and in chambers to better serve the interests of their clients and the cause of justice; and~~

~~**(f)** preserve and protect the jury system.~~

(b) provide opportunities for the improvement of trial abilities and skills;

(c) promote the art of trial advocacy;

(d) assist the courts in improving the administration of justice;

(e) promote and protect the independence of the judicial branch;

(f) preserve and protect the constitutional right to a trial by jury guaranteed by the Seventh Amendment to the United States Constitution;

(g) promote civility, professionalism, and ethics in the practice of law;

(h) support adequate court funding and to promote and protect access to courts and equal justice for all;

(i) promote diversity and inclusion within the section and within The Florida Bar;

(k) provide education to increase effectiveness in the courtroom and in chambers in order to better serve the interests of clients and justice; and

(*l*) advise the various rules committees regarding proposed rule amendments that may impact trial practice and procedure, the independence of the judicial branch, or access to courts.

Commented [SKN1]: This revision is necessary because much of what we do is not specifically enumerated in our bylaws. Specifically, we have always indicated in our annual statements, on our website and on our social media platforms that our primary missions include protecting the independence of the judiciary and protecting and preserving access to courts. We also want to include promotion of diversity and inclusion and the promotion of civility, professionalism and ethics in the practice of law.

ARTICLE II
MEMBERSHIP

Section 1. Eligibility.

(a) Members of The Florida Bar. Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership on application and payment of this section's annual dues. Any member who ceases to be a member of The Florida Bar in good standing will no longer be a member of the Trial Lawyers Section.

(b) Florida Legal Assistants - Affiliate Membership. Any Florida legal assistant, as defined below, interested in the purposes of this section is eligible for affiliate membership on application and payment of this section's annual dues for legal assistant affiliate members. For the purpose of this section's bylaws and this paragraph, Florida legal assistant means a person who is employed by and supervised by a member of The Florida Bar or law firm practicing in the state of Florida, and who has satisfied the following minimum requirements:

(1) successful completion of the certified legal assistant (CLA) examination of the National Association of Legal Assistants, Inc.;

(2) graduation from an ABA-approved program of study for legal assistants;

(3) graduation from a course of study for legal assistants which is institutionally accredited and which requires not less than the equivalent of 60 semester hours of classroom study;

(4) graduation from a course of study for legal assistants, other than those set forth in (2) and (3) above, plus not less than 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar, in good standing;

(5) a bachelor degree in any field, plus not less than 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar, in good standing;

(6) a minimum of 3 years of law-related experience under the supervision of ~~an attorney~~a lawyer, including at least 6 months of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing; or

(7) two years of in-house training as a legal assistant in a law firm or legal office under the supervision of a member of The Florida Bar in good standing.

(c) Student Affiliate Membership. Any student enrolled in any law school interested in the purpose of the section is eligible for affiliate membership on application and payment of the section's annual dues for student affiliate membership.

(d) The section must reimburse The Florida Bar for its costs, if any, expended in connection with administration of affiliate membership.

Section 2. Affiliate Membership. Individuals who assist ~~an attorney~~a lawyer as a legal assistant in the delivery of legal services and satisfy other minimum requirements established by the executive council and students who meet the student affiliate qualifications are eligible for affiliate membership on application and payment of this section's annual dues. Affiliate members are non-voting affiliate members of the section and are not eligible to serve as voting members of the executive council or as officers of the section. A representative of the affiliate members, designated by the Florida Legal Assistants, Inc., may serve as a non-voting liaison member of the executive council. Affiliate membership is limited to one-third of the total membership of the section.

Section 3. Administrative Year. The administrative year of the section runs concurrently with the administrative year of The Florida Bar.

Section 4. Annual Dues. The annual dues are in an amount fixed by the executive council and approved by The Florida Bar. There is no proration of annual dues. On becoming a member, dues are payable in advance of each membership year. Any member whose dues are in arrears for a period of 3 months ceases to be a member of the section.

ARTICLE III
OFFICERS

Section 1. The officers of this section are a chair, chair-elect, the immediate past chair, and secretary/treasurer.

Section 2. Executive Council. There will be an executive council composed of 21 elected members of this section. In addition, the chair, chair-elect, secretary/treasurer, and immediate past chair serve as ex-officio members of the executive council during their term of office if they are not an elected member of the executive council.

Section 3. Duties of Officers. The duties of the officers are as follows:

(a) Chair. The chair presides at all meetings of the section and at all meetings of the executive council. The chair appoints all committees and committee chairs with the approval or concurrence of the executive council, is responsible for all reports submitted to The Florida Bar or to the Board of Governors of The Florida Bar, and performs other duties as customary. The chair is an ex-officio member of each committee of the section. The chair is authorized to appoint members of the Trial Lawyers Section not serving on the executive council for special projects as the chair deems necessary for the advancement of the purposes of the section.

(b) Chair-elect. The chair-elect becomes chair in the event of death, resignation or failure of the chair to serve for whatever reason; provided, however, that in case of

temporary disability or absence of the chair, the chair-elect serves as acting chair only for the duration of the chair's disability or absence. The chair-elect is responsible for such other duties as the chair may designate. The chair-elect is an ex-officio member of each committee of the section.

(c) Secretary/Treasurer. The secretary/treasurer is responsible for all permanent files and records of the section, including the minutes of the meetings of the section and the executive council and all committee reports. The secretary/treasurer will keep accurate minutes of the proceedings of all meetings of the section and the executive council and furnish copies of the minutes to the executive director of The Florida Bar. The secretary/treasurer serves as a member of the section's budget committee.

Section 4. Term of Office.

(a) Chair. The chair's term of office begins at the conclusion of each annual meeting of the executive council during which the chair was elected and ends at the conclusion of the next annual meeting of the executive council, at which time the chair is automatically succeeded by the chair-elect.

(b) Chair-elect. The term of office of the chair-elect runs concurrently with that of the chair, beginning at the conclusion of the annual meeting of the executive council during which the chair-elect was elected and ending at the conclusion of the next annual meeting of the executive council when the chair-elect becomes chair.

(c) Secretary/Treasurer. The term of office of the secretary/treasurer begins at the conclusion of the annual meeting of the executive council during which the secretary/treasurer was elected secretary/treasurer and ends at the conclusion of the next annual meeting of the executive council.

(d) Executive Council. All members of the executive council will serve for a term of 3 years, the terms staggered so that 7 members take office at each annual executive council meeting. These terms will commence with the conclusion of the annual meeting of the executive council following their election and end at the conclusion of the annual meeting of the executive council 3 years later.

ARTICLE IV
DUTIES AND POWERS OF EXECUTIVE COUNCIL

Section 1. Governing Body. The executive council is the governing body of the section. It has general supervision and control of the affairs of the section, subject to the Rules Regulating The Florida Bar, Standing Board Policies, and the bylaws of this section. It will authorize all commitments or contracts which entail the payment of money and it will authorize the expenditures of all section funds. The executive council may not authorize commitments, contracts, or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount which has been previously collected from dues and remains unexpended. The executive council authorizes the chair to appoint committees in addition to the standing committees named in these bylaws to perform duties and exercise power as the council directs. The executive council appoints officers as required by these bylaws. As the governing body of

the section, it is vested with the power and authority to formulate, fix, determine, and adopt matters of policy concerning the affairs and purposes of the section which are not inconsistent with the policies of The Florida Bar. All recommendations of the section to The Florida Bar, the Board of Governors of The Florida Bar, any branch of the judiciary, any other group or body to which the recommendations may be directed, must first be approved by the executive council and if made other than to the Board of Governors of The Florida Bar, the section must obtain the prior approval of The Florida Bar.

Section 2. Meetings. The executive council may conduct its business at regular and special meetings as provided for in these bylaws. The business of the executive council between regular or special meetings may be conducted by correspondence to the extent authorized by the chair. Members of the executive council must be present at a meeting in order to vote. The chair of the section may, and at the request of any member of the executive council must, submit in writing, to each of the members of the executive council any proposition on which the executive council may be authorized to act at scheduled regular or special meetings.

A majority of the executive council constitutes a quorum for the transaction of all business. A majority of the executive council members present, and voting as recorded by the secretary, constitutes the binding action of the executive council.

Section 3. Legislative Committee.

(a) Structure. The Legislative Committee of the Trial Lawyers Section will be composed of 7 members, including the officers.

(b) Terms. The chair, chair-elect, secretary/treasurer, and immediate past chair will each serve 1-year terms on the Legislative Committee commencing with the conclusion of the annual meeting of the executive council following their election and ending at the conclusion of the subsequent annual meeting of the executive council. Also, the chair, chair-elect, and immediate past chair will appoint three additional members to serve for 1-year terms. There will be 7 members of the Legislative Committee.

(c) Request for Legislative Position. The legislative committee may make recommendations to the executive council regarding requests for the section to adopt a legislative position. Any positions taken must comply with the requirements adopted by the Board of Governors of The Florida Bar.

(d) Legislature in Session. When the Florida Legislature is in session, the chair of the section, on consultation with the chair-elect of the section, the chair of the legislative committee, and the chair-elect of the legislative committee (if possible under the circumstances), may act on pending or proposed legislation in lieu of action by the executive council if it is not feasible for the executive council to act. The chair of the section must notify all members of the executive council of the section of any action taken as soon as it is possible to do so.

Section 4. Executive Committee.

(a) Structure. The executive committee of the Trial Section is composed of the officers plus chairs of the CLE, Legislative, and Budget committees.

(b) Authority. The executive committee has authority to act on behalf of the executive council when it becomes impractical to convene a meeting of the full council. Any action taken by the executive committee must be reported to all members of the executive council as soon as practical following any meeting of the executive committee.

The executive committee may meet by conference call or any similar means of communication.

ARTICLE V
NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

Section 1. Election of Officers. Nominations are made by the executive committee.

The chair-elect and the secretary/treasurer are elected by the executive council at its annual meeting.

Section 2. Election of Executive Council. Of the 7 members of the executive council to be elected each year for 3-year terms, 3 members are elected by the executive council and 4 members are elected by the membership in attendance at the annual meeting of the section. Each year the immediate past chair, the chair, and the chair-elect for that year serve as a nominating committee and must nominate at least 6 section members at the annual section meeting for the 4 vacancies to be filled by the membership by a plurality vote. Nomination for vacancies may also be made from the floor during the annual meeting. All ballots must be marked for 4 nominees.

Section 3. Vacancies. If at any time during a term of office of an officer or a member of the executive council, the office becomes permanently vacant because of death, resignation, ineligibility, or other reason, the office will be filled for the balance of that term by vote of the executive council based on recommendation from the executive committee at the next meeting of the executive council unless otherwise provided in these bylaws. The term of a person who fails to attend 3 of the regular meetings of the executive council held during the administrative year will become automatically vacant and will be filled as provided in this section.

Section 4. Term Limits. No person may serve as an elected member of the executive council for more than 2 consecutive, full 3-year terms. A member is eligible for reappointment after an absence of at least one regularly scheduled meeting of the executive council. The term of a director elected to fill a vacancy expires at the time of the expiration of the office being filled and will not be counted as a full 3-year term, unless the unexpired term exceeds 2 years. A person elected chair, chair-elect, or secretary/treasurer of the section, together with the immediate past chair of the section, serve as ex-officio members of the council during their terms of office if they are not an elected member of the executive council.

ARTICLE VI
COMMITTEES

Section 1. Standing Committees. The standing committees of the section will consist of the following:

(a) Nominating Committee

(b) Executive Committee

(c) Budget Committee

(d) Bylaws Committee

(e) Civil Procedure Rules

(f) Civil Trial Certification

(g) CLE Committee

(h) Discovery Handbook Committee

(i) Evidence Committee

(j) Legislative Committee

(k) Membership Committee

(l) *Mock* Trial Committee

(m) Professionalism Guidelines Committee

(n) Rules of Judicial Administration Committee

(*o*) Web Site Committee

Section 2. Special Committees. Special committees may be designated by the executive council with duties and powers as directed by the executive council.

ARTICLE VII
MEETINGS

Section 1. Annual Section Meeting. The section will hold its annual meeting in conjunction with the annual convention of The Florida Bar. Notice to all members as to the time and place of such annual meeting must be given at least 30 days before the meeting.

Section 2. Annual Executive Council Meeting. An annual meeting of the executive council must be held as soon as practicable after the annual meeting of the section.

Section 3. Other Meetings. Other regular or special meetings of the executive council and membership of the section may be designated by the chair~~, only~~ with 30 days~~'~~ notice to the section membership.

ARTICLE VIII
AMENDMENTS

These bylaws may be amended at any annual meeting of the section by a majority vote of the members of the section present and voting after approval by a majority vote of the executive council. No amendment becomes effective unless approved by the Board of Governors of The Florida Bar.

ARTICLE IX
MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the section is the same as that of The Florida Bar.

Section 2. Payment to Section Members. No salary or compensation may be paid to any member of the section for performance of services to the section, but the executive council may authorize the payment of reasonable out-of-pocket expenses resulting from performance of services to the section.

Section 3. Florida Bar Policies. The section may take no action contrary to the policies of The Florida Bar as established by its Board of Governors.