

BY-LAWS  
OF  
28<sup>th</sup> JUDICIAL DISTRICT BAR

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**ARTICLE I**  
**NAME AND IDENTITY**

The name of this organization is THE 28<sup>th</sup> JUDICIAL DISTRICT BAR, hereinafter referred to as the "District Bar".

**ARTICLE II**  
**AUTHORITY AND PURPOSE**

The District Bar is formed as a part of The North Carolina State Bar, pursuant to the provisions of Chapter 84 of the North Carolina General Statutes to promote the purposes of said Act and to comply with the duties and obligations therein imposed upon the District Bar.

**ARTICLE III**  
**MEMBERSHIP**

The Members of the District Bar shall consist of three classes: active, inactive, and associate.

Section 1. Active Members: The active members shall be all persons who, at the time of the adoption of these Bylaws or any time thereafter:

- (A) have been issued a license to practice law in the State of North Carolina, and are residents of or maintain a principal office for the practice of law in the 28<sup>th</sup> Judicial District or practice in the 28<sup>th</sup> Judicial District and elect to belong to the District Bar as provided by G.S. 84-16 (or successor statute); and
- (B) are active members in good standing of The North Carolina Bar and who have paid the District Bar dues.

Section 2. Inactive Members: The inactive members shall be all persons who:

- (A) have been granted inactive status by The North Carolina State Bar and are residents of the 28<sup>th</sup> Judicial District; and
- (B) have notified in writing the Secretary and/or the Treasurer of the District Bar of their desire to affiliate with the District Bar.

Section 3. Associate Members: The associate members shall be all persons who reside or work in the 28<sup>th</sup> Judicial District, who are members of the District of Columbia Bar or the Bar of a state other than North Carolina, and who pay an annual assessment to the District Bar in an amount equal to the annual dues paid by active members. Associate members shall have all of the rights and privileges of active and inactive members, except that they shall have no right to vote on any matter placed before this organization.

**ARTICLE IV**  
**OFFICERS AND COUNCILOR(S)**

The officers of the District Bar shall be a President, President-Elect, Vice-President, Secretary and Treasurer, all of whom shall be active members of the District Bar at the time of their election and at all times during their tenure in office.

Section 1. Election of Officers: All officers shall be elected by a majority vote of the active members present at the annual meeting of the District Bar. All votes in such elections shall be cast by written ballot, except that where only one candidate is nominated for an office, the election for that office may be by acclamation.

Section 2. President-Elect: The President Elect shall be elected to a one (1) year term commencing July 1 of the year in which he or she is elected until June 30 of the next year. The President-Elect, by virtue of election to the office of President Elect, shall automatically succeed to the office of the President on July 1 immediately following the annual meeting of the District Bar which next follows the meeting at which the President-Elect was elected to the office. If, for any reason, the President-Elect shall not be serving at the time of the next annual meeting, a President shall be elected at such annual meeting to serve for the ensuing year term.

Section 3. President: The President shall exercise the office and duties of the President for one (1) year, commencing July 1 of the year in which he or she succeeds to the office until June 30 of the next year, and shall exercise the powers and duties generally prescribed to the President of a district bar. The President may conduct periodic meetings and authorize the Treasurer to pay ordinary, usual, or nonrecurring expenses up to \$500 of operating the District Bar without prior approval of the Executive Committee.

Section 4. Vice-President: The Vice-President shall be elected at the annual meeting. No person shall serve as Vice-President for more than three (3) consecutive terms.

Section 5. Secretary: The Secretary shall exercise the office and duties of the Secretary for one year, commencing with July 1 of the year in which he or she is elected to the office of Secretary at the annual meeting until June 30 of the next year.

The Secretary shall keep the membership rolls, records, and minutes, and give notices pursuant to instructions from the President and Executive Committee and The North Carolina State Bar, and perform any other functions of the office of Secretary usually accustomed to that position for a district bar. No person shall serve as Secretary for more than three (3) consecutive terms.

Section 6. Treasurer: The Treasurer shall exercise the office and duties of the Treasurer for one year, commencing July 1 of the year in which he or she is elected to the office of Treasurer at the annual meeting until June 30 of the next year.

The Treasurer shall maintain the funds of the District Bar on deposit, initiate any necessary disbursements and keep appropriate financial records, and perform any other functions of the office of Treasurer usually accustomed to that position for a district bar. Each year before the annual meeting, the Treasurer shall prepare the District Bar's annual financial report for review by the Executive Committee, and submission to the District Bar's Annual Meeting and the North Carolina State Bar. No person shall serve as Treasurer for more than three (3) consecutive terms. Upon authorization of the President, the Treasurer shall disburse monies for ordinary, usual, or nonrecurring expenditures of up to \$500.00 each; and no prior Executive Committee approval is required for these expenditures. All checks written on the District Bar accounts that exceed \$500.00 must be signed by two of the following: (1) the Treasurer; (2) any other Officer of the District Bar; (3) another member of the Executive Committee.

Section 7. Councilor(s): The District Bar shall be represented in the State Bar Council by one or more duly elected councilors, the number of councilors being determined pursuant to G.S. 84-17. Any councilor serving at the time of the adoption of these bylaws shall complete the term of office to which he or she was previously elected. Thereafter, elections shall be held as necessary. Nominations shall be made and the election held as provided in G.S. 84-18 and Section .0800 et seq. of Subchapter 1A of the Rules of the North Carolina State Bar (27 N.C.A.C. 1A, .0800 et seq.). If more than one council seat is to be filled, separate elections shall be held for each vacant seat. A vacancy in the office of councilor shall be filled as provided in 27 N.C.A.C. 1A .0804.

Section 8. Vacancies: In the event of a vacancy in any office other than Councilor, such vacancy shall be filled by the Executive Committee upon nomination submitted by the Nominating Committee, to serve until the next annual meeting of the District Bar. In the event of a vacancy in the office of the President, the President-Elect shall succeed to the office of the President and serve the remainder of the unexpired term and thereafter serve his or her own term as President. Other vacancies shall only be filled for the remaining term of office.

## **ARTICLE V** **COMMITTEES**

Section 1. Standing Committees: The standing committees shall be the Executive Committee, Nominating Committee and Pro Bono Committee.

Section 2. Special Committees: Special committees, including but not limited to any special committee to consider matters relating to grievances filed against members of the 28<sup>th</sup> Judicial District Bar, shall be created by the President, subject to the approval of the Executive Committee.

Section 3. Duties: The duties of the standing committees shall be as follows:

(A) Executive Committee:

(1) Effective July 1, 2007, the Executive Committee of the District Bar shall be increased to consist of nine (9) "at large" members, who must be active members of the District Bar. The terms of office of the members of this Committee shall be staggered so that three (3) members, one of whom shall not have attained the age of thirty-six (36) years at the time of his or her election, shall be elected by the active members of the District Bar at each annual meeting, to serve for a term of three (3) years or until his or her successor shall have been elected and qualified. In the event of a vacancy in the membership of the Executive Committee, the remaining members of the Executive Committee, after notice to the District Bar, shall elect an active member of the District Bar to serve as a member of the Executive Committee for the unexpired term of the member creating such a vacancy. Whenever additional "at large" positions are added to the Executive Committee, such positions may be initially selected by the Executive Committee and the term of office of such additional members shall be adjusted to provide for staggered elections of "at large" members as described above.

(2) In addition to the duly elected members of the Executive Committee, the President, President-Elect, Vice-President, Secretary, Treasurer and the immediate past President shall each be members of the Executive Committee, with full rights and privileges, including the right to vote. The Councilor shall be a non-voting ex-officio member of the Executive Committee. The President, or in the President's absence, the President-Elect, shall preside at each meeting of the Executive Committee or, if both the President and President-Elect are absent, the Vice-President shall serve as Chairman.

(3) The President-Elect shall automatically become the Chairman of the Executive Committee in case of death, resignation or other disability of the President.

(4) Members elected to the Executive Committee shall be required to attend the Executive Committee meetings. Any Executive Committee member who fails to attend one-half (1/2) of the scheduled meetings in any one fiscal year shall, at the discretion of the Executive Committee, lose his or her membership and shall be replaced by the Executive Committee. The replacement shall be affirmed or replaced by the District Bar at the annual meeting. The replacement shall serve the remainder of the term to which he or she succeeds subject to affirmation of the District Bar.

(5) Meetings: The Executive Committee shall meet regularly at least once each quarter, as called by the President, or at special meetings called by an officer.

(6) Voting: Each voting member of the Executive Committee shall have one vote on each matter submitted to a vote at the meeting of the Executive Committee. All decisions shall be made by a majority vote of the Executive Committee members present at any duly called meeting at which a quorum is present.

(7) Action Without Meeting: Action may be taken by a majority of voting members of the Executive Committee without meeting if all of the said majority consents to such action.

(8) Minutes: The Secretary shall keep and maintain regular minutes of all meetings and proceedings of the Executive Committee of the District Bar.

(9) Quorum: Six (6) voting members of the Executive Committee at any duly called meeting shall constitute a quorum.

(10) Duties: The Executive Committee shall be responsible for conducting the operation of the District Bar consistent with these bylaws and shall carry out such duties as may be from time to time designated by resolution of the District Bar, the North Carolina State Bar Council or the laws of the State of North Carolina.

(B) Nominating Committee:

(1) The Nominating Committee of the District Bar shall consist of six (6) active members of the District Bar, at least two (2) of whom shall not have attained the age of thirty-six (36) years and none of whom are members of the Executive Committee, who shall be elected by the Executive Committee at the first meeting of the Executive Committee following the annual meeting of the District Bar. The immediate past President shall be an ex officio member of the nominating committee and shall serve as Chairman without the right to vote except in case of a tie.

(2) The Nominating Committee shall meet at such times as necessary for the purpose of nominating an active member of the District Bar as candidate for officers and Executive Committee members. Consistent with the provisions of Article IV, Section 7, the Nominating Committee may also nominate candidates for Councilor as provided in Sections (4) (a) through (d) below.

(3) The terms of office of the members of the Nominating Committee shall be for the fiscal year of the District Bar, July 1 through June 30.

(4) Any member whose name is submitted for consideration for nomination to any office must have indicated his or her willingness to serve in such office if elected.

The Nominating Committee shall consider for nomination to each office each name submitted for consideration and any other member it deems should be considered.

(a) A notice of the open meeting of the Nominating Committee shall be sent by mail, e-mail or facsimile transmission to each active member of the District Bar not less than ten (10) days prior to the open meeting, setting forth the date, time and place of the meeting and inviting suggestions for the vacancies to be filled.

(b) The notice shall contain an address to which members can mail nominations, an e-mail address to which members can e-mail nominations and a telefacsimile number to which members can fax nominations, and a deadline for submitting nominations.

(c) The notice shall also state that additional nominations may be made from the floor at the open meeting of the District Bar, and that brief oral statements on

behalf of the nominees will be permitted, subject to reasonable time limitations as set by the presiding officer.

(d) A written notice of the meeting at which the election is to be held shall be mailed, emailed, or sent by facsimile to the office or last known address of each active member of the District Bar not less than (10) days prior to the meeting, setting forth the date, time and place of the meeting. It shall also include a list of the persons nominated by the Nominating Committee.

(e) Nominations for regular terms of officers and Executive Committee members made by the Nominating Committee shall be presented at the annual meeting, at which time other nominations may be made from the floor.

(f) Neither the nomination process nor the election process for officers and Executive Committee members shall be invalid due to the failure of the District Bar, the Executive Committee or the Nominating Committee to comply with the time limitations or time requirements set out in this section.

(C) Pro Bono Committee

- (1) The President shall appoint a Chair and at least four additional members of the Pro Bono Committee, all of whom shall be active members of the District Bar. The Chair of the Pro Bono Committee shall be an ex-officio, non-voting member of the Executive Committee.
- (2) Pro Bono Committee shall meet at least once each quarter and shall have the duty to develop volunteer legal service programs and activities for the district bar membership, and to otherwise encourage members of the district bar to provide pro bono legal services.
- (3) The Chair and other members of the Pro Bono Committee shall serve one (1) year term commencing July 1 of the year they are appointed until June 30 of the next year.

**ARTICLE VI**  
**VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE**

Unless otherwise required by law, the following procedures shall be used to determine the nominees to be recommended to the Governor pursuant to G.S. 7A-142 for vacant district court judgeships in the 28<sup>th</sup> Judicial District. Except as otherwise provided, the manner and process of conducting the vote provided in this Article shall be determined by the President or presiding officer.

**Meeting for Nominations:** The nominees shall be selected by secret, written ballot of those members present at a meeting of the District Bar called for this purpose. Fifteen (15) days notice of the meeting shall be given, by mail, to the last known address of each district bar member.

**Candidates:** Persons who want to be considered for the vacancy shall notify the President in writing five (5) days prior to the meeting at which the election will be conducted.

**Voting:** Each district bar member may vote for three candidates. Cumulative and proxy voting are prohibited.

**Submission to Governor:** The three candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court and their names, and vote totals, shall be transmitted to the Governor. In the event of a tie for third place, the names of those candidates involved in the tie shall be transmitted to the Governor together with the names of the two (2) candidates receiving the highest number of votes.

**ARTICLE VII**  
**NOMINATIONS OF CANDIDATES FOR OFFICE OF THE PUBLIC DEFENDER**

In the event of the expiration of the regular four (4) year term of the Public Defender of the 28<sup>th</sup> Judicial District or a vacancy in that position prior to the expiration of a regular term, the provisions of G.S. 7A-498 and regulations of the Office of indigent Defender Services applicable to the 28<sup>th</sup> Judicial District Bar pursuant to said statute shall govern the procedure of the 28<sup>th</sup> Judicial District Bar in making nominations for the position of Public Defender.

**ARTICLE VIII**  
**ANNUAL MEMBERSHIP FEE**

Each active or associate member of the District Bar shall:

- (1) pay such annual membership fee as may be prescribed from time to time by a majority vote of the active members in order to promote and maintain the administration, activities and programs of the District Bar;
- (2) keep the Secretary and Treasurer notified of such member's correct mailing address, e-mail address, if available, telephone number and telefacsimile (fax) number, if available; and
- (3) pay the prescribed fee at the time and place set forth in the notice thereof sent by mail, e-mail, or facsimile to said member by the Treasurer.

Failure to pay the prescribed fee may result in statutory sanctions from the District Bar and the North Carolina State Bar.

Any active member may vote on any proposal to prescribe such a fee, which proposal may be presented at any annual meeting or any special meeting called for the purpose of considering such proposal.

The Executive Committee shall have authority to prorate the membership fees of new members joining the District Bar after the beginning of the fiscal year in such manner as the Executive Committee may determine.

**ARTICLE IX**  
**MEETINGS**

Section 1. Annual Meetings: The District Bar shall meet annually in June at such time and place as designated by the Executive Committee and the active members present at such meeting shall constitute a quorum.

At least ten (10) days prior to the date of the annual meeting, the Secretary shall send notice by mail, e-mail or facsimile transmission of such annual meeting to each active member.

Section 2. Special Meetings: Special meetings may be called at any time by the President or a member of the Executive Committee. The Secretary shall send notice by mail, e-mail or facsimile transmission of the time, place and purpose of the special meeting to each active member at least ten (10) days prior to such meeting. At any special meeting, those active members present shall constitute a quorum.

**ARTICLE X**  
**PROHIBITED ACTIVITIES**

- Section 1. Prohibited Expenditures: Mandatory district bar dues shall not be used for the purchase of alcoholic beverages, gifts to public officials, including judges, charitable contributions, recreational activities, or expenses of spouses of District Bar members or officers. However, such expenditures may be made from funds derived directly from the voluntary contributions of the District Bar members, or from non-attorney donations, sponsorships or sale of advertising.
- Section 2. Political Expenditures: The District Bar shall not make any expenditure to fund political and ideological activities.
- Section 3. Political Activities: The District Bar shall not engage in any political or ideological conduct or activity, including the endorsement of candidates and the taking or advocacy of positions on political issues., Rreferendums, bond elections, and the like; however, the District Bar, and persons speaking on its behalf, may take positions on, or comment upon issues relating to the regulation of the legal profession and issues or matters relating to the improvement of the quality and availability of legal services to the general public.

## **ARTICLE XI** **AMENDMENTS TO BYLAWS**

These Bylaws may be amended by an affirmative vote of two-thirds (2/3) of the active members present at any annual or special meeting, provided that the notice or call of any annual or special meeting shall include a copy of the proposed amendment. Any proposed amendment shall be filed with the Secretary at least thirty (30) days prior to the meeting at which the proposed amendment is to be considered. No amendment shall be adopted at any meeting attended by less than twenty-five (25) active members.

## **ARTICLE XII** **FISCAL YEAR**

The District Bar's fiscal year shall begin July 1 and end June 30.

## **ARTICLE XIII** **EFFECTIVE DATE OF BYLAWS**

These Bylaws are adopted as of the 9<sup>th</sup> day of May, 2007 by the District Bar and supersede and replace in their entirety any and all Bylaws previously adopted by the District Bar.