

The By-laws of  
The Lubbock County Bar Association

**ARTICLE I  
NAME OF ASSOCIATION**

**Section 1.** The name of the Association shall be the LUBBOCK COUNTY BAR ASSOCIATION

**ARTICLE II  
MEMBERSHIP**

**Section 1.** Members of the legal profession currently licensed to practice law in any state of the United States who reside or maintain an office in Lubbock County, Texas, and who are in good standing, both personally and professionally, shall be eligible for regular membership in this Association.

**Section 2.** The Board of Directors may submit an application for Honorary Membership on behalf of any member of the legal profession who, in its opinion, has made an outstanding contribution to the administration of justice or the advancement of the profession.

**Section 3.** Members of the legal profession currently admitted to practice before the Supreme Court of the State of Texas who neither reside nor maintain an office within Lubbock County, Texas, shall be eligible to apply for Honorary Membership.

**Section 4.** An Honorary Member may attend all functions of the Association, but shall not vote nor be liable for dues or assessments.

**Section 5.** A member of the legal profession eligible for membership as set forth in Section 1 of this Article shall become a member in good standing upon the payment of the required dues.

**ARTICLE III  
BOARD OF DIRECTORS**

**Section 1.** The affairs of this Association shall be managed and controlled by a Board of Directors. The Board of Directors shall consist of the four (4) officers, the six (6) Directors elected as provided in Article IV, one representative from each duly constituted Specialty Bar recognized by the Board of Directors of the Association, the immediate Past President, and the President and President-Elect of the Lubbock County Young Lawyers Association. The latter two (2) board members will be elected according to the Constitution and By-Laws of the Lubbock County Young Lawyers Association and its members.

Recognition of a Specialty Bar by the Directors of this Association for the purposes of this Section shall be by a vote of the majority of said Directors. At least two-thirds (2/3) of the members of the Specialty Bars must be members in good standing of the Lubbock County Bar Association to be eligible for such recognition.

Representatives from the duly constituted Specialty Bar must be members in good standing of this Association, and shall be chosen for one year terms according to procedures adopted by the Specialty Bars. The term of a representative of a Specialty Bar on the Board of Directors of this Association shall be for one (1) year, beginning on the same date as the terms of office of the other Officers and Directors of this Association.

**Section 2.** The President shall chair the Board of Directors.

**Section 3.** The Board of Directors shall fill any vacancy on the Board of Directors for the remainder of the unexpired term from among members in good standing.

**Section 4.** Meetings of the Board of Directors shall be held monthly at such place and at such time as may be designated by the chairperson of the Board.

Special meetings of the Board of Directors may be called by the chairperson of the Board, or by any three members of the Board of Directors.

**Section 5.** Nine (9) members of the Board shall constitute a quorum for the transaction of business.

**Section 6.** The Board of Directors, by resolution adopted by a majority of the Directors, may designate two or more of the officers of the Association, including the President, to constitute an Executive Committee. The Executive Committee, to the extent provided in such resolution, shall have and may exercise the authority of the Board of Directors in the management of the Association between monthly meetings of the Board of Directors.

## **ARTICLE IV OFFICERS AND DIRECTORS, TERMS OF OFFICE, NOMINATIONS AND ELECTIONS**

**Section 1.** The following Officers and Directors, with the exception of the President, who shall assume office as hereinafter provided, shall be elected by a majority of the votes cast by the members in good standing in the annual elections and shall serve a term of one year and until a successor is elected.

- a. A President, who shall preside at all meetings of the Association, the Board of Directors, and the Executive Committee, and who shall appoint members to and supervise the work of all such committees as may be created.
- b. A President-Elect, who shall provide a program for each meeting of the Association, who shall perform the duties of the President in the absence or disability of the president, who shall perform such other duties as may from time to time be delegated by the President, and who shall succeed automatically to the office of President at the expiration of the outgoing President's term or in the event of a vacancy occurring in the office of President.
- c. A Secretary, who shall preserve the records of the Association, and the minutes of the meetings of the Association, the Board of Directors, and of the Executive Committee, who shall conduct the correspondence of the Association, who shall keep an accurate roll of officers and members, and who shall present a report of the Association's activities at the annual meeting.
- d. A Treasurer, who shall collect the dues and shall receive and preserve all funds of the Association, shall make such disbursements therefrom as the By-laws, Association or the Board of Directors may direct, and shall present a report of such receipts and disbursements at the annual meeting of the Association.
- e. Six (6) elected Directors shall each hold office for a term of three (3) years and until a successor is elected. Two new Directors shall be elected in each annual election.

**Section 2.** The term of the officers shall be from July 1<sup>st</sup> through June 30<sup>th</sup>. Newly elected Officers and Directors shall take office on July 1<sup>st</sup> of each year.

**Section 3.** The President shall appoint a Nominating Committee. The Nominating Committee shall be composed of five (5) members with no fewer than three (3) of such members being Past Presidents of this Association. In appointing Past Presidents, preference shall be given to the three (3) immediate Past Presidents if they are available and willing to serve. The Committee shall nominate candidates for the respective offices. The Committee shall report its nominations at the annual meeting in May. Nominations may also be made from the floor at the annual meeting. Following nominations from the floor, if any, and the Nominating Committee report, the nominations shall be closed. No write-in candidate for any office shall be permitted.

**Section 4.** This section was certified as of August 18, 1989.

- a. The President shall appoint five (5) or more members as an Election Committee. The Secretary of the Association shall be ex-officio a member of the committee and serve as the chairperson.
- b. Immediately following the close of the annual meeting and at the same location, the Election Committee shall cause to be prepared a written ballot listing each of the nominees for the offices of this Association. The nominees shall be listed on the ballot in random order selected by drawing. The drawing shall be conducted by placing the names of the nominees on separate slips of paper for each officer in one (1) container. In another container shall be placed consecutively numbered separate slips of paper corresponding to the number of nominees. A name slip and a numbered slip shall be drawn. The number drawn at the same time as the name shall determine the nominee's position on the ballot, e.g. Jones and 2 would make Jones' name second on the ballot. The drawing of names and numbers shall continue until each nominee has a place on the ballot. Nominees or their designates may be present for such drawing.
- c. After the ballots have been prepared and no later than ten (10) calendar days after the annual meeting, the Election Committee shall cause a ballot to be transmitted by first class mail to each member in good standing. The ballots shall be mailed to the address of the member as maintained on the rolls of this Association. The mailing shall include a notice of the Association's mailing address and a location to hand deliver the ballot with the date and time the balloting shall be closed. Also included in the mailing to each member shall be (1) an Official Ballot and (2) a sealable envelope labeled "Ballot Envelope". A member, upon receiving his ballot, shall indicate his vote(s) as per the instructions on the ballot itself. The member shall then place the ballot inside the envelope marked "Ballot Envelope" and seal it. The sealed "Ballot Envelope" should then be placed in a separate delivery or mailer envelope and sealed. The member must, before delivery, sign his name across the back sealing flap of the delivery envelope. The ballot in the Ballot Envelope inside of the signed Delivery Envelope may be hand delivered or transmitted by mail to the Association. As each delivery envelope containing a Ballot Envelope and a Ballot is received, it shall be the duty of no fewer than two (2) members of the Election Committee to check for the required signature, upon the delivery envelope and place the sealed Ballot Envelope still containing the Ballot in a second container. The signature shall be checked to validate the Ballot has been received from a member in good standing. If a delivery envelope does not have a signature, the signature is illegible, or the person is not in good standing, the Ballot shall be considered void and the ballot will not be counted.

On the first working day, which is no fewer than twenty(20) calendar days after the annual meeting, the voting shall be declared closed at 5:00 P.M. To be included in the voting, a member's ballot must actually be received prior to the 5:00 P.M. closing of the voting. On the next working day after the closure of the ballot, the Election Committee shall meet in a closed meeting to canvass the votes. It shall open the secured container and remove the Ballot Envelopes. The Election Committee shall remove from each of the Ballot Envelopes the Ballots and proceed to canvass the votes for each of the offices. The results of the election shall be reported to the President and President Elect no later than the first working day after the canvass of the ballots.

- d. (1) When there are only two (2) nominees for an office, balloting on the office shall be by voting for the candidate of a member's choice.
- (2) When there are three (3) or more nominees for any office, the balloting shall include preferential voting to cover voting in a runoff. A runoff shall be held when no nominee receives a majority of the votes on the initial ballot. The purpose of this preferential ballot is to avoid the necessity and expense of mailing out ballots a second time for runoff election.
- (3) When there are three (3) nominees a member shall vote by placing the number "1" beside the name of the nominee for whom he is voting on the first Ballot. Then, if the member so elects, he may place a "2" by the name of another nominee for whom he would vote in a runoff if his "1" nominee selection is not included in a runoff. A ballot will not be invalidated because it only has "1" selection. The "2's" are only to be used in the event of a runoff.
- (4) When there are more than three (3) nominees for any office, a member shall vote by the number "1" beside the name of the nominee for whom he is voting on the first Ballot. Then, if the member so elects, he shall accordingly place a number "2", "3", etc. by the name(s) of the other nominee(s) for whom he would vote in the event of a runoff if his "1" nominee selection is not included in a runoff. A Ballot will not be invalidated because it has only a "1" selection. The "2's", "3's", etc. are only to be used in the event of a runoff.
- e. (1) When there are only two (2) nominees, the nominee receiving the most votes shall be elected.
- (2) The Election Committee in counting preferential ballots shall, on the first canvass of ballots, tally one (1) vote for a nominee beside whose name there is placed on a ballot the number "1". On the first canvass of ballots, the numbers "2", "3", etc. shall be ignored.
- (3) In balloting for an office where there are three (3) or more nominees and no nominee receives a majority of the votes cast, only the two (2) nominees, regardless of the number nominated, receiving the highest number of "1" votes shall be the nominees in the runoff. In the event there is a tie vote which prevents the selection of only two (2) runoff nominees, the Committee shall count the "2", "3", or etc. numbers as may be appropriate to break the tie.
- (4) In a runoff, the Election Committee shall go back through the ballots as originally counted. They shall remove all the ballots on which a nominee other than the two (2) nominees in the runoff received a "1". The two (2) nominees in the runoff shall keep the original "1" votes they received in the canvass of the initial ballot. The Election Committee shall canvass the removed ballots and on any ballot where a runoff nominee received as "2" for example, when there were originally only three (3) nominees, then that "2" ballot shall be counted for him in the runoff. After the removed ballots have been tallied to the appropriate nominee in the runoff, the nominee with the highest total of his original "1" voted plus his runoff votes shall be elected.

In the event there are more than three (3) nominees and if after the initial canvass of ballots, there is no nominee receiving a majority, then in counting the removed ballots, if on a particular ballot the nominee beside whose name there is a "2" has also been eliminated, the Election Committee will then check to determine who the voting member voted for by preference of "3", "4", etc.

When finding a nominee who is in the runoff with the lowest number by his name, then the Committee shall attribute that ballot to his total. When all of the ballots have been recounted, the runoff nominee with the highest total of his original "1" ballots plus the runoff votes shall be elected.

- (5) Where there is only a "1" vote for a nominee who did not make the runoff and no other numbers appear on the ballot indicating a preference after the first ballot, such ballots shall be eliminated and not counted in the runoff.
- (6) In the event there is a tie vote on the original or runoff ballot or in selecting runoff nominee and the procedures set out herein do not break the tie vote, then in such event, the Officers and Directors shall meet in a called Executive Session and by written secret ballot vote until one (1) nominee receives a majority of the votes and is elected. A tie breaking vote shall be held within seven (7) calendar days after the Election Committee has reported the election results to the President and President Elect.
- f. Instruction on Ballots:
- (1) On those offices for which there are no more than two (2) nominees, the instructions on the ballot for the office shall provide a vote will be cast for the nominee whose name is circled. The instructions on the ballot shall read as follows: 'IN VOTING FOR THIS OFFICE, CIRCLE THE NAME OF THE NOMINEE OF YOUR CHOICE.'
- (2) On those offices which are to be balloted on by preferential voting, the nominees shall be listed and beside each name shall be a space, box or underlining provided for writing in numbers.
- (3) The instructions for voting where there are three (3) nominees shall read as follows: SINCE THERE ARE THREE (3) NOMINEES FOR THIS OFFICE, A RUNOFF IS POSSIBLE. THEREFORE, THIS IS A PREFERENTIAL BALLOT. PLACE THE NUMBER "1" BESIDE THE NAME OF THE NOMINEE FOR WHOM YOU WANT TO VOTE ON THE INITIAL AND ANY SUCCEEDING RUNOFF BALLOT. IF NO NOMINEE RECEIVES A MAJORITY OF THE VOTES, THEN A RUNOFF WILL BE HELD IF THE NOMINEE FOR WHOM YOU VOTED "1" IS NOT IN THE RUNOFF AND THERE IS ANOTHER NOMINEE FOR WHOM YOU WOULD LIKE TO VOTE IN THE RUNOFF, PLACE BESIDE THAT NOMINEE'S NAME THE NUMBER "2". That "2" VOTE WILL ONLY BE COUNTED IN THE EVENT OF A RUNOFF WHERE YOUR NUMBER "1" VOTE SELECTION IS NOT INCLUDED IN A RUNOFF. THE FAILURE TO PLACE A NUMBER "2" ON THIS BALLOT WILL NOT VOID YOUR "1" VOTE.
- (4) The instructions for voting where there are more than three (3) nominees shall read as follows: IN VOTING FOR THIS OFFICE SINCE THERE ARE MORE THAN THREE (3) NOMINEES, A RUNOFF IS POSSIBLE. THEREFORE, THIS IS A PREFERENTIAL BALLOT. PLACE THE NUMBER "1" BESIDE THE NAME OF THE NOMINEE FOR WHOM YOU WANT TO VOTE ON THE INITIAL AND ANY SUCCEEDING RUNOFF BALLOT. IF NO NOMINEE RECEIVES A MAJORITY OF THE VOTES, THEN A TWO CANDIDATE RUNOFF WILL BE HELD. IF THE NOMINEE FOR WHOM YOU VOTED "1" IS NOT IN THE RUNOFF, AND THERE IS ANOTHER NOMINEE FOR WHOM YOU WOULD VOTE IN A RUNOFF, PLACE BESIDE THE NAME THE NUMBER "2", "3", ETC. YOUR PREFERENCE VOTE WILL ONLY BE COUNTED IN THE EVENT OF A RUNOFF. THE FAILURE TO PLACE A "2", "3", ETC. ON THIS BALLOT WILL NOT VOID YOUR "1" VOTE.

## ARTICLE V ANNUAL SPECIAL MEETINGS

**Section 1.** Meetings of the Association shall be held at such time and place as may be established by the Board of Directors, provided an annual meeting of the Association shall be held in May of each year. Written notice of such annual meeting shall be given to the members at least (5) days prior to such meeting. Nomination for Officers and Directors shall be received and made at the annual meeting.

**Section 2.** Except as otherwise provided, one-fifth (1/5) of the members in good standing shall constitute a quorum for the transaction of business.

## ARTICLE VI STANDING AND SPECIAL COMMITTEES

**Section 1.** The standing committees of the Association shall consist of the following committees, the chairpersons and members of which shall be appointed by the President to hold office during the President's term and until the President's successor shall assume office.

- a. A Legislative Committee, consisting of not fewer than three (3) members, which shall make representations on behalf of the Association to the Federal and State legislative bodies concerning such legislation as the Association may recommend or endorse. Further, this Committee shall keep the Bar informed as to the pending legislation and bills that it determines to be of special importance or have a significant impact on the practice of law.
- b. A Public Relations Committee, consisting of not fewer than three (3) members, which shall be responsible for disseminating information to the public concerning the practice of law and the accomplishments of the legal profession. A subcommittee on Media Relations shall be established under this committee.
- c. A Program Committee, consisting of or fewer than three (3) members, which shall be responsible for assisting the President-Elect plan programs for the education, edification, entertainment and enjoyment of the members of this Association and which shall assist the President-Elect with monthly programs for the Association meetings. The program committee shall include the following subcommittees: Continuing Legal Education; So Now You're 18; Keeping Justice Alive Week; Miscellaneous Education and Mentor Programs.
- d. A Library Committee consisting of not fewer than three (3) members, which shall be responsible for recommending additions and improvements to, and supervising proper maintenance of, the Lubbock County Library.
- e. A Sickness and Disability Fund Committee, consisting of not fewer than three (3) members, one of whom shall be the Treasurer of the Association, which shall be responsible for making recommendations to the Board of Directors with reference to the maintenance and disbursement of the Lubbock County Bar Association Sickness and Disability Fund, and shall suggest guidelines to the Board of Directors with reference to the amount to be accumulated in said fund and the purposes for which it may be distributed. It shall likewise be the duty of this committee to call attention to the Board of Directors the situation of any member of the legal profession needing assistance by reason of sickness or disability.
- f. A Memorial Committee consisting of not fewer than three (3) members, which shall be responsible for drafting a memorial resolution eulogizing and paying tribute to the memory of any deceased member of the Association.

- g. A Nominating Committee consisting of five (5) persons three of whom are past presidents, preferably the three most recent past presidents, as specified more particularly in Article IV, Section 3 of these By-Laws. The Committee shall report its nominations at the annual meeting in May. Nominations may also be made from the floor at the annual meeting. Following nominations from the floor, if any, and the Nominating Committee report, the nominations shall be closed. No write-in candidate for any office shall be permitted.
- h. An Election Committee consisting of at least five (5) members, as specified more particularly in Article IV, Section 4 of these By-Laws.
- i. A Judicial Committee consisting of three (3) or more persons, to interface with the judiciary and exchange information between the bench and the bar regarding matters that affect each. This committee shall be responsible for supervising any poll of the bar concerning matters involving the judiciary.
- j. A Social and Entertainment Committee consisting of three (3) or more persons to formulate and coordinate the social functions of the Association other than the Law Day Banquet.
- k. A Law Notes Committee, chaired by the Editor of the Law Notes and consisting of four (4) or more members, whose purpose it is to publish the newsletter for the Bar.
- l. A Membership Committee, consisting of three (3) or more members, which shall be responsible for acquiring new members and retaining current members.
- m. A Law Banquet Committee consisting of five (5) or more persons whose purpose is to plan and coordinate the annual banquet.

**Section 2.** The President may appoint members and chairpersons of special committees which shall hold office during the President's term and until the President's successor assumes office. The special committees, established by authority of Article VI of these By-Laws are:

- a. LCBA/Texas Tech School of Law Coordinating Committee composed of two members representing the LCBA and two members representing the Texas Tech School of Law. The purpose of this committee is to encourage, promote and assist one another in the furtherance of their respective goals and objectives. This includes the exchange and dissemination of information concerning events, speaks, seminars, programs and concerns of each.
- b. A Pro Bono Committee consisting of three (3) or more persons which shall be comprised of at least one representative from the Lubbock County Legal Aid Society and from West Texas Legal Services, and which shall be responsible for communicating with these agencies and reporting significant information from the agencies to the Association.
- c. An Alternative Dispute Resolution (ADR) Committee consisting of three (3) or more persons and which shall be responsible for making recommendations to the Bar through the Board of Directors pertaining to matters within the scope of Alternative Dispute Resolution and to keep the Bar informed as to matters pertaining to ADR.
- d. A Lubbock County Bar Association History Committee consisting of one or more members, whose purpose shall be to collect and preserve the history of the practice of law in Lubbock and surrounding counties.

**Section 3.** The President shall establish such other ad hoc committees as may be deemed necessary from time to

time by the President and/or the Board of Directors to perform special duties.

## **ARTICLE VII DUES, THE DISABILITY FUND AND SPECIAL ASSESSMENTS**

**Section 1.** Each regular member shall pay annual dues to the Association as follows: \$30.00 for any member licensed to practice law 5 years or less; \$75.00 for any member licensed to practice law more than 5 years. Attorneys who have attained the age of 70 years and who are otherwise qualified for regular membership shall not be required to pay annual dues. Dues shall be payable on the first day of July for each calendar year, and this date shall be used in determining the length of time each member has been licensed.

A Lubbock County Bar Association Sickness and Disability Fund shall be maintained in an interest-bearing account and shall be disbursed only for the use of such Lubbock County attorneys who the Board of Directors may determine meet the needs and conditions for which it was established. This fund shall not be expended by the Board of Directors for any other purpose. The Treasurer of the Association shall report to the members of the Association at its regularly scheduled annual meeting the amount of income, expenditures and status of the Lubbock County Bar Association Sickness and Disability Fund.

**Section 2.** Assessments may be levied upon the membership by a two-thirds (2/3) vote of the members present at a meeting held after written notice of such proposed assessment has been given to the members at least five days prior to the meeting.

**Section 3.** Dues are due July 1<sup>st</sup> each year. Without further action a member is suspended from the privileges of membership if the dues are not paid by the August 31<sup>st</sup> immediately following the July 1<sup>st</sup> due date. After suspension for non-payment of dues, a member may be reinstated by paying the current dues.

## **ARTICLE VIII SEAL OF THE ASSOCIATION**

The seal of the Association shall be circular in form and mounted upon a metal die suitable for impressing the same upon paper. About the periphery of the seal shall appear the words "Lubbock County Bar Association." In the center of the seal shall appear a five-pointed star.

## **ARTICLE IX NOTICES**

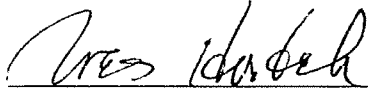
All notices shall be in writing and mailed by ordinary mail, facsimile transmission, electronic mail or publication in Law Notes or any other newsletter published by the Association, addressed to the members at the address shown upon the books of the Association. Notice of any regular or special meeting for the Association shall be deemed sufficient if it is published in a timely fashion in a newsletter published by the Association that is mailed to all members in good standing.

## **ARTICLE X AMENDMENTS TO THE BY-LAWS**

These By-Laws may be amended by a two-thirds (2/3) vote of the members of the Association present at any meeting, provided that the proposed amendment shall have been submitted to the Board of Directors for a recommendation for or against the adoption has been given to the members at least five days prior to the meeting.

It shall be the responsibility of the Secretary to place and preserve permanently all resolutions adopted in a in a Bar Association file, which shall be kept in a well-bound book.

The above By-Laws are hereby certified to be the By-laws of the LUBBOCK COUNTY BAR ASSOCIATION on this the 16<sup>th</sup> day of May, 2008.



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Les Hatch, President