

**BYLAWS OF THE
GOVERNMENT LAWYER SECTION**

**ARTICLE I
NAME AND PURPOSE**

Section 1. Name. The name of this section is the "Government Lawyer 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 common interest in the activities and issues relating to the legal representation of governmental entities and/or the provision, by governmental entities, of legal services to others;
- (b) provide a forum for discussion, exchange of ideas, research and leadership and to make recommendations in those areas of particular interest to, or matters affecting, lawyers employed by state, federal and local government entities, to the executive, judicial and legislative branches of the government;
- (c) advise and recommend to the legislature substantive changes in the law;
- (d) advise and recommend to the legislature changes in the statutory provisions regarding employment of lawyers by the State of Florida;
- (e) foster a high standard of ethical and practical conduct on the part of all members of the profession who participate in litigation or negotiation with or before government entities;
- (f) assist The Florida Bar in the preparation and organization of educational programs that relate to the interests of government lawyers;
- (g) enhance the perception of government lawyers and to increase awareness within The Florida Bar and the general public as to the role of the government lawyer in the legal system;
- (h) increase participation by government lawyers in the activities of The Florida Bar, including the support of section members for appointment to Bar committees;
- (i) advise and recommend to The Florida Bar changes in policy and programming that are relevant to the needs and objectives of government lawyer members of The Florida Bar; and
- (j) facilitate communication and networking between and among lawyers employed in state, federal and local government.

Section 3. Mission of the Section. The Government Lawyer Section is dedicated to promoting the professionalism and competence of its members; improving the delivery of legal services to all governmental entities; improving the administration of the legal system; and enhancing The Florida Bar's and the public's understanding of the unique needs of the government lawyer.

ARTICLE II MEMBERSHIP

Section 1. Eligibility. Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership upon 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 automatically be removed from this section.

Section 2. Administrative Year. The administrative year of the section runs concurrently with the administrative year of The Florida Bar.

Section 3. Annual Dues. The annual dues are fixed by the executive council, subject to approval by The Florida Bar Board of Governors. After an applicant becomes a member, section dues are payable in advance of each membership year. Any member whose dues are in arrears for a period of 3 months will cease to be a member of the section.

Section 4. Affiliate Membership. The executive council may enroll affiliate members as defined below, on request and payment of the prescribed dues.

(a) **Purpose.** The purpose of affiliate membership is to foster the development and communication of information between government lawyers and the people who often work with government lawyers, but not to encourage the unlicensed practice of law.

(b) **Definition.** "Affiliate" or "affiliate member" means any person who practices a profession dealing with government lawyers, who is not an active member of The Florida Bar and who can show a dual capacity of interest in and contribution to the section's activities. Affiliates may include, but are not necessarily limited to, local, state, and federal agency personnel, educational personnel, law enforcement personnel, members of administrative boards, persons doing business with local, state and federal agencies, members of the legislature and legislative staff, authorized house counsel, paralegals, judicial assistants, law faculty, and law students enrolled in accredited law schools.

(c) **Restrictions on Affiliate Membership.** Affiliates have all the privileges accorded to members of the section except that affiliates may not vote, hold office, or participate in the selection of officers or members of the executive council, or advertise affiliate membership in any way.

(d) **Affiliate Member Dues.** Affiliate members must pay dues in an amount equal to that required of section members.

(e) **Limit on Number of Affiliate Members.** The number of affiliates must not exceed one-third of the section's membership.

(f) **Reimbursement of Affiliate Expenses.** The section must reimburse The Florida Bar for expenses incurred by The Florida Bar in administering this section's affiliate membership.

ARTICLE III OFFICERS

Section 1. Selection of Officers. The officers of this section are a chair, a chair-elect, a treasurer and a secretary. The chair-elect becomes chairperson in the manner provided by these bylaws. A chair-elect, Secretary and Treasurer are elected at each annual meeting of the section that is held during the annual convention of The Florida Bar. The chair appoints a committee of not more than 3 members of the section who nominates any active member of the section for the offices of chair-elect, Secretary and Treasurer. Other nominations may be made from the floor at the annual meeting.

Section 2. Duties of Officers.

(a) *Chair.* The chair presides at all meetings of the section and at all meetings of the executive council of the section. The chair appoints the members of all committees and all committee chairs, prepares all reports to be submitted to The Florida Bar, and performs other duties as customarily pertain to the office of the chair. The chair is an ex-officio member of each committee of the section.

(b) *Chair-elect.* The chair-elect becomes chair in the event of the death, resignation or failure of the chair to serve for whatever reason. In case of temporary disability or absence of the chair, the chair-elect serves as a acting chairperson only for the duration of the chair's disability or absence. The chair-elect serves as chair of the nominating committee appointed by the current chair and is responsible for such duties as the chair may designate. The chair-elect is an ex-officio member of each committee of the section.

(c) *Treasurer.* The treasurer has the responsibility of accounting for all funds of the section, approves all disbursements and prepares annual financial statements under the supervision of the executive council.

(d) *Secretary.* The secretary is responsible for taking minutes at all meetings of the section, distributing draft minutes for approval at the next meeting of the Executive Council and finalizing the minutes. The secretary is responsible for providing final copies of all minutes to the section's administrator who then furnishes copies of the minutes to the executive director of The Florida Bar and archives the minutes in the permanent files and records of the section.

Section 3. Term of Office.

(a) *Chair.* The term of office of the chair begins the day following the conclusion of the annual convention of The Florida Bar during which the election is held, and ends at the conclusion of the next annual convention of The Florida Bar.

(b) *Chair-elect.* The term of office of the chair-elect runs concurrently with that of the chair.

(c) *Treasurer.* The term of office of the treasurer begins the day following the conclusion of the annual convention of The Florida Bar during which the election is held and ends at the conclusion of the next annual convention of The Florida Bar.

(d) *Secretary.* The term of office of the secretary begins at the conclusion of the annual convention of The Florida Bar during which the election is held and ends at the conclusion of the next annual convention of The Florida Bar.

Section 4. Vacancies. The chair fills all vacancies except vacancies in the offices of chair and chair-elect, which are filled in the manner provided by these bylaws. In the event that the offices of both chair and chair-elect become vacant, then the executive council will fill the vacancy of chair from among its members for the unexpired term, and at the next annual meeting of the section a chair and chair-elect will be elected and take office in the manner provided for in these bylaws.

ARTICLE IV EXECUTIVE COUNCIL

Section 1. Governing Body. The executive council is the governing body of the Government Lawyer Section between the annual meetings of the section. The chair of the section is the chair of the executive council and the secretary of the section is the secretary of the executive council. The executive council has general supervision and control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida Bar and the bylaws of the section. It has the authority to approve all commitments or contracts which entail the payment of money and the expenditures of all section funds, in accordance with the rules and regulations of The Florida Bar and the bylaws of this section. It has no authority, however, to approve 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. 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 this section within The Florida Bar. All recommendations of the section, to The Florida Bar, any branch of the judiciary, the legislature or to any other group or body to which recommendations by the section are authorized to be made, must first be approved by the executive council. Any recommendation made to the judiciary, the legislature or to any other group or body other than The Florida Bar must have the prior approval of The Florida Bar. The executive council conducts its business at regular and special meetings as provided for in these bylaws; provided, however, the business of the executive council between regular meetings may be conducted by correspondence or conference call to the extent authorized by the chair.

Section 2. Membership. The membership of the executive council consists of the chair, chair-elect, past chairs, treasurer, secretary, the chairs of each standing and special committee, 1 representative from each Florida appellate district, 10 at-large members, and 1 out-of-state representative. Each year the chair appoints a nominating committee for the purpose of presenting to the annual meeting of the section the names of nominees for the next year's chair-elect, the representatives from each Florida appellate district, the 10 at-large representatives, and 1 out-of-state representative. The nominating committee, in making nominations, attempts to

ensure that all geographical areas of the state and all types of government lawyers are represented on the executive council. The nominating committee is chaired by the current chair-elect of the section. Nominations for each vacancy to be filled by election may be made by the nominating committee or from the floor during the annual meeting. In the event that there are more nominees than there are positions to be filled, the nominating committee conducts an election utilizing written, secret ballots. All section members who are present in person are eligible to vote and may vote for up to and including the number of positions to be filled. Those members attending electronically via conference call are entitled to vote, but must cast their vote verbally for up to and including the number of positions to be filled. The nominees receiving the highest vote totals equal to the number of positions to be filled are deemed elected. In the event of a tie vote total for the final position to be filled, a runoff election is held immediately.

Section 3. Terms of Office. All members of the executive council serve a term of 1 year, the term commencing with the day following the conclusion of the annual convention of The Florida Bar during which the election is held and ending at the conclusion of the next annual convention of The Florida Bar.

Section 4. Vacancies. If at any time during a term of office of a member of the executive council, the office becomes permanently vacant by reason of death, resignation, ineligibility or other reason, the office is filled for the balance of the term by vote of the executive council at its next meeting unless otherwise provided in these bylaws.

ARTICLE V MEETINGS

Section 1. Annual Meeting of the Section. The annual meeting of the section is held at each annual convention of The Florida Bar. The members of the section attending the annual meeting of the section constitute a quorum to transact business. A two-thirds majority of section members present and voting is required to constitute a section position on pending or proposed legislation, rules of court, or rules or policies of The Florida Bar. A majority vote of section members present binds the section on all other matters.

Section 2. Special Meetings of the Section. The executive council may call special meetings of the entire membership of this section on 30 days' notice sent to each member of the section. The members of the section attending any special meeting of the section constitute a quorum to transact business.

Section 3. Meetings of the Executive Council. The Executive Council must hold at least 3 regular meetings each year, including 1 held in conjunction with the annual convention of The Florida Bar. A minimum of 10 executive council members constitutes a quorum to transact business.

Meetings of the executive council are subject to call by the chair of the section upon 10 days written notice to the members of the executive council. A minimum of 10 executive council members constitutes a quorum and a majority vote of those present is binding, except for recommendations or resolutions on pending or proposed legislation, rules of court, or rules and policies of The Florida Bar, which require a two-thirds majority of the members of the executive

council present and voting to constitute a position of the executive council. Those present include those in attendance via conference call.

Any member of the executive council who is not an elected officer or ex officio member who is absent from any 2 meetings during the administrative year without the chair's advance permission is automatically removed from the executive council. The vacancy will be filled as provided in these bylaws. Electronic attendance, via conference call or other means, satisfies attendance requirements.

Section 4. Telephone or Video Conferences. Meetings of the executive council may be held by telephone, video or other communication equipment if all members of the executive council participating in the meeting can hear each other. Participation in a meeting by telephone, video or other communications equipment constitutes presence in person at the meeting except where a member participates in a meeting for the sole purpose of objecting to the transaction of any business on the grounds that the meeting has not been lawfully called or convened. A minimum of 10 executive council members constitutes a quorum to transact business.

Section 5. Electronic Notice and Voting. Notices of meetings and other items, and voting by the executive council, may be through electronic mail. Notices of meetings by electronic mail meet the notice requirements of this article. Voting by the executive council through electronic mail is allowed only to meet a deadline that occurs before the next scheduled executive council meeting. Any expedited vote may be made by electronic mail on 2 days' notice to the members of the executive council. The chair determines whether an expedited vote is required. The secretary records the electronic vote on any measure submitted to the executive council under this provision. A minimum of 10 executive council members constitutes a quorum to transact business.

ARTICLE VI COMMITTEES

Section 1. Standing Committees. The following are the permanent standing committees within the section:

(a) *Budget Committee.* The budget committee prepares and revises proposed budgets for submission to the executive council for approval. The budget committee is composed of the section chair, immediate past chair, chair-elect, treasurer, and any other member of the section appointed by the chair of the section.

(b) *Long Range Planning/Legislative Committee.* This committee shall prepares and revises the section's long-range plan for submission to the executive council and the membership for approval. The committee also makes recommendations to the executive council and to the membership regarding requests for the section to adopt proposed or enacted legislation on matters relating to local and state government.

(c) *Continuing Legal Education Committee.* The CLE committee shall have a chair and chair-elect and be responsible to arrange legal seminars and similar programs for the education of government lawyers and for those members of The Florida Bar who have a common

interest in the activities and issues relating to the legal representation of governmental entities or the provision of legal services to others by governmental entities.

(d) *Claude Pepper Award Nominations Committee.* The Claude Pepper Award Nominations Committee, in conjunction with The Florida Bar, recruits outstanding government lawyer nominees and establishes the selection criteria for receipt of the award. The receipt of the award will be chose by the Selection Committee, which is comprised of the President of The Florida Bar, the Chair of the Government Lawyer Section, and the Chair of the Claude Pepper Award Nominations Committee

(e) *Awards and Recognition Committee.* The Awards and Recognition Committee establishes the selection and criteria for any section award or recognition authorized by the executive council, including the Lifetime Achievement Award. The chair of the section may propose candidates to the committee for a Distinguished Service Certificate honoring government lawyers for their service.

(f) *Publications Committee.* The publications committee publishes and distributes the section's newsletter; furnishes articles for publication in Florida Bar publications; and composes and disseminates discussions and articles among the news media and to the general public. The committee also maintains a current list of all members of the section and publishes on an annual basis a directory listing each member, the member's place of employment and field of practice, and the member's designations, certifications and Martindale-Hubbell rating.

(g) *Membership Committee.* The membership committee promotes and evaluates the needs of the membership for recruitment and retention of section members.

(h) *Technology Committee.* The technology committee works with the webmaster to maintain the section's website; with the publications committee to post the section's newsletter; with the CLE committee to assure dissemination of information concerning CLE programs; with "affiliated" sections to provide information of importance to members; and with the section's legislative liaisons to assure immediate notification of matters concerning government lawyers as developments occur during legislative sessions.

(i) *Young Government Lawyers Committee.* The young government lawyers committee promotes the Government Lawyer Section to the young lawyers of The Florida Bar working in government service and in the private sector.

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

Section 3. Eligibility to Chair Committees. All candidates for the chair of any committee must be a member of the Government Lawyer Section of The Florida Bar.

ARTICLE VII MISCELLANEOUS

Section 1. Action of The Florida Bar. No action of the Government Lawyer Section may be represented or construed as the action of The Florida Bar unless approved by The Florida Bar.

Section 2. Financial Obligations. All financial obligations must be approved in the manner specified by the executive council before payment.

Section 3. Compensation and Expenses. No salary or other compensation may be paid to any member of the Government Lawyer Section for performance of services to the section, but the chair may authorize the payment of reasonable out-of-pocket expenses resulting from performance of these services.

Section 4. Amendments. These bylaws may be amended only by The Florida Bar Board of Governors on recommendation made by the executive council of the Government Lawyer Section.

Section 5. Compliance with Policies of The Florida Bar. The section may take no action contrary to the policies of The Florida Bar.

Section 6. Government Lawyer Liaison Seat on The Florida Bar Board of Governors. The executive council selects, at each mid-year meeting of the section, a member of the section for recommendation to the President-Elect of The Florida Bar for appointment to a government lawyer liaison seat on the Board of Governors. The executive council determines on an annual basis whether and to what extent the section will provide financial assistance for expenses incurred or to be incurred by a section member as a result of that member's service as the appointee to fill the government lawyer liaison seat on the Board of Governors.