

BYLAWS OF THE APPELLATE PRACTICE SECTION

ARTICLE I NAME AND PURPOSE

Section 1. This section is the Appellate Practice Section, The Florida Bar.

Section 2. The purpose of this section is to enhance the role and skills of Florida Bar members who are engaged in appellate practice through study, continuing legal education, the dissemination of materials on matters of interest and concern to the membership, the exchange of ideas and information among the membership of the section, to cooperate with other sections, to promote the objectives of The Florida Bar, and to encourage appellate practitioners to participate in The Florida Bar.

ARTICLE II MEMBERSHIP AND DUES

Section 1. Any member of The Florida Bar in good standing and interested in the purposes of this section is eligible for regular membership on application and payment of this section's annual dues for regular membership. Any regular member who ceases to be a member of The Florida Bar is no longer a member of the section.

Section 2. Law students and law professors who are not members of The Florida Bar are eligible for affiliate membership on application and payment of this section's annual dues for affiliate membership. Affiliate members are non-voting members of the section.

Section 3. The amount of the dues for regular and affiliate memberships is set by the executive council. All dues are payable on or before the first day of July of each year.

ARTICLE III OFFICERS AND EXECUTIVE COUNCIL

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

Section 2. The executive council is comprised of the officers, 22 members (1 attorney representative from each of Florida's 5 judicial districts; 1 judicial representative from each of Florida's 5 district courts of appeal; 1 judicial representative from the Supreme Court of Florida; 1 judicial representative from the United States Court of Appeals, Eleventh Circuit; plus 10 at-large members) to be elected by the section or appointed by each judicial representative's respective court, as provided in these bylaws, and any past chairs requesting appointment, as provided in these bylaws. The president and president-elect of The Florida Bar are ex-officio members of the executive council.

ARTICLE IV DUTIES AND POWER OF OFFICERS

Section 1. The chair (or successively, the chair-elect or vice-chair, in the absence of the chair) presides at all meetings of the section and of the executive council. The chair schedules the meetings of the executive council in accordance with the provisions of these bylaws. The chair formulates a report of the section's work for the preceding year and presents it at the annual meeting of the section. The chair appoints the chairs and members of all committees of the section who hold office during the chair's term. The chair plans and supervises the program of the section at the annual meeting of the section during the chair's term, subject to the directions and approval of the executive council. The chair oversees the performance of all activities of the section. The chair keeps the executive council informed and carries out its decisions. The chair performs other duties as usually pertain to the office of chair or as designated by the executive council. The chair is an ex-officio member of each committee of the section.

Section 2. The chair-elect, in consultation with the chair, arranges for the appointment of the chairs and members of all committees who hold office during the chair-elect's term as chair. The chair-elect aids the chair in the performance of the chair's responsibilities in the manner and to the extent the chair requests. The chair-elect performs other duties and has other powers as usually pertain to the office of chair-elect or as designated by the executive council or the chair. The chair-elect is an ex-officio member of each committee of the section.

Section 3. The vice-chair aids the chair and the chair-elect in the performance of their responsibilities in the manner and to the extent as either requests. The vice-chair performs other duties and has other powers as usually pertain to the office of vice-chair or as designated by the executive council or the chair. The vice-chair is an ex-officio member of each committee of the section.

Section 4. The secretary/treasurer consults with and assists the chair, chair-elect, and vice-chair of the section on the work of the section generally, in the manner and to the extent as they may request. The secretary/treasurer is the custodian of all books, papers, documents, and other property of the section. The secretary/treasurer keeps a true record of the proceedings of all meetings of the section and of the executive council, whether assembled or acting under submission.

The secretary/treasurer also monitors all accounts, reports, and other documents prepared on section funds, revenues, and expenditures to make certain that all accounts, reports, and other documents are accurate, and confers with employees of The Florida Bar in the proper disbursements of section funds. The secretary/treasurer reports on the section's present and projected financial condition on request of the chair or other members of the executive council. The secretary/treasurer, in conjunction with the chair, as authorized by the executive council, attends to the business of the section. The secretary/treasurer is an ex-officio member of each committee of the section.

Section 5. The immediate past chair aids the chair and the chair-elect in the performance of their responsibilities in the manner and to the extent as either requests. The immediate past chair performs the duties and has other powers as designated by the executive council or the chair.

ARTICLE V

DUTIES AND POWER OF EXECUTIVE COUNCIL

Section 1. 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, the policies adopted by the Board of Governors of The Florida Bar, and these bylaws.

Section 2. The executive council authorizes all commitments or contracts that entail the payment of money and the expenditures of all section funds. For expenses included within the annual budget, the secretary/treasurer may authorize the expenditure of section funds. Any vote to expend section funds (in a single expenditure or as part of a commitment over a period of time) totaling more than the greater of \$25,000 or 5% of the section fund balance as reported in the most recent financial report, requires at least 10 days advance written notice to the executive council.

Section 3. A minimum 14 members of the executive council constitutes a quorum. Except where otherwise provided in these bylaws, all binding action of the executive council must be by majority vote of those present and voting. Members of the executive council present at the meeting must personally cast their vote; voting by proxy is not permitted.

Section 4. On taking the office of chair, the chair schedules at least 3 meetings of the executive council annually and as often in addition as the reasonable needs of the section require. The chair or the secretary/treasurer must give 10 days advance written notice to all members of the executive council of all additional meetings except as provided elsewhere in these bylaws.

Section 5. If the chair and at least 2 other officers of the section determine that a proposition requires expedited consideration before the executive council's next scheduled meeting, or on the written request of a majority of the executive council, the chair will submit or cause to be submitted, in writing, including by e-mail, to each member of the executive council, any proposition on which the executive council may be authorized to act.

(a) The members of the executive council may vote on the proposition, in writing, including by e-mail, to the secretary/treasurer, who will record in the minutes of the section the text of the proposition submitted; that it was submitted to all members of the executive council in writing, including by e-mail, without a meeting; and the vote.

(b) The voting for actions without meeting must be held within a time frame announced when the proposition is formally communicated to the executive council. Unless extended by the chair, the time frame for voting expires at the stated expiration time or on earlier time if the chair announces that sufficient votes have been cast for the executive council to take binding action.

(c) For purposes of this section, binding action of the executive council is by majority vote of all executive council members who have not abstained. Ex-officio members of the executive council are deemed to have abstained unless they affirmatively indicate otherwise.

ARTICLE VI MEETINGS OF THE SECTION

Section 1. The section holds an annual meeting of the section at a time and location as arranged by the executive council and with a program and order of business as arranged by the executive council.

Section 2. Special meetings of the section may be called by the chair, after approval and by designation of time and place by the executive council. Reasonable notice of any special meeting must be given to all members of the section.

Section 3. The members of the section present at any meeting constitutes a quorum for the transaction of business.

Section 4. All action of the section by majority vote of the members present is binding.

Section 5. The procedure of all meetings of this section is governed by Robert's Rules of Order Revised unless otherwise provided. The chair has the discretion to appoint a section member as parliamentarian to assist the chair with interpretation of Robert's Rules and parliamentary inquiries.

Section 6. The executive council has the authority to act for the section on all matters that may come before the section during intervals between the annual and special meetings of the section.

Section 7. Unless otherwise specified in these bylaws, the executive council may direct that a matter be submitted in writing, including by e-mail, to the members of the section for a vote. The members of the section may vote on the proposition by communicating their vote in writing, including by e-mail, within a reasonable time prescribed by the executive council to the secretary/treasurer who records in the minutes of the section the text of the proposition, that it was submitted to all members of the section in writing, including by e-mail; without a meeting; and the vote. A majority of the votes received is binding action of the section.

ARTICLE VII ELECTIONS

Section 1. The officers, other than the chair, are elected at the annual meeting of the section. They serve 1-year terms, beginning at the adjournment of the annual meeting at which they are elected, or until their successors have been elected and qualified. The chair-elect becomes chair on adjournment of the annual meeting concluding the chair-elect's term as chair-elect.

Section 2. Five members of the executive council, other than the officers of the section, the judicial representatives, and past chairs, are elected at the annual meeting of the section. They serve 3-year terms, beginning at the adjournment of the annual meeting at which they are elected and qualified.

(a) Judicial representatives from Florida district courts of appeal, from the Supreme Court of Florida, and from the United States Court of Appeals, Eleventh Circuit, are appointed by the chief judge or justice of each respective court. The judicial representatives serve 3-year terms, beginning at the adjournment of the annual meeting at which their appointments are presented.

(b) Nothing in these bylaws will be construed as precluding a member of the section who is also a member of the judiciary from seeking an elected position on the executive council or as an officer.

(c) Past chairs, other than the immediate past chair, serve 1-year terms as members of the executive council on written request provided to the chair prior to adjournment of the annual meeting. Past chairs may be reappointed to service on the executive council on repeated written request as provided above.

Section 3. Before each annual meeting of the section, the chair appoints a nominating committee of not less than 3 members of the section. The committee makes and reports nominations to the section for officers and executive council members scheduled to be elected at the annual meeting. A nominee will not be reported to the section unless that nominee has agreed to serve if elected. Other nominations for the same offices may be made from the floor at the annual meeting, provided the nominee has agreed to serve if elected.

ARTICLE VIII SUCCESSION OF OFFICERS AND VACANCIES

Section 1. The chair-elect automatically assumes the office of chair at the end of the annual meeting concluding the chair elect's term as chair-elect unless prevented by death or disability or declined to act as chair-elect. The chair serves a term of 1 year.

Section 2. In the event of the death, disability, or refusal of the chair to serve a full term, the chair-elect performs the duties of the chair for the remainder of the chair's term or disability.

Section 3. In the event of the death, disability, or refusal of the chair-elect to serve a full term, the vice-chair performs the duties of the chair-elect for the remainder of the chair-elect's term or disability.

Section 4. In the event of the death, disability, or refusal of the vice-chair to serve a full term, the secretary/treasurer performs the duties of the vice-chair for the remainder of the vice-chair's term or disability.

Section 5. The executive council, during the interim between annual meetings of the section, may fill vacancies in its own membership or in the office of secretary/treasurer. Members of the executive council and officers so selected serve until the close of the next annual meeting of the section. The remainder of any executive council member's unexpired term will be filled by election at the next annual meeting, as provided in these bylaws.

Section 6. If any elected member of the executive council fails to attend 2 executive council meetings in any fiscal year, the member is subject to immediate removal from office by vote of the other members of the executive council, and the vacancy is filled according to the applicable provisions of these bylaws.

Section 7. The past chair serves as a member of the executive council for a term of 1 year at the end of the chair's term in office as chair.

ARTICLE IX COMMITTEES

Section 1. Except as otherwise provided in these bylaws, all committees are appointed in accordance with the provisions of Article IV, and any member of the section, including officers and members of the executive council, may serve as chair or as a member of a committee.

Section 2. Standing committees of the section shall be:

- (a) Nominating;
- (b) Continuing Legal Education;
- (c) Programs;
- (d) Legislation;
- (e) Communications
- (f) Outreach
- (g) Pro Bono; and
- (h) Pro Se Handbook.

Any of these committees may work jointly.

Section 3. Other committees, intended to be created for a period of 1 year or more, are identified as annual committees. Annual committees may be created on motion by any member of the executive council, second, and a majority vote.

The term of each annual committee commences immediately on creation and is deemed to automatically renew for each following section year until terminated. An annual committee may be terminated by the same 2 methods described above.

Section 4. All committees not identified as standing or annual committees are created as special committees appointed by the chair in the chair's discretion. If it appears that a special committee's term will continue beyond the term of the chair creating the committee, then it is submitted to the executive council of the section by the incoming chair for approval as an annual committee in the manner set forth above.

ARTICLE X LEGISLATIVE POLICIES

Section 1. The section may be involved in legislative, judicial, or administrative action that is significant to the judiciary, the administration of justice, the fundamental legal rights of the public, or the interests of the section or its programs or functions so long as that involvement is consistent with the policies outlined in these bylaws and consistent with the policies promulgated by the Board of Governors of The Florida Bar.

Section 2. Any legislative, judicial, or administrative position of the section ("legislative position") must be adopted in accordance with the provisions of this article. During the course of the section's activities and as promptly as possible, the chair or the chair's designee must notify the executive director of The Florida Bar of any new or current section-approved legislative positions. The chair of the section or the chair's designee notifies the executive director of The Florida Bar of any new or current section-approved legislative positions then in effect in July of each year, prior to the next regularly scheduled meeting of the Board of Governors of The Florida Bar. Legislative positions will be clearly identified as legislative positions of the section only, at all appropriate times before legislative bodies or its members, unless otherwise authorized by the Board of Governors of The Florida Bar.

Section 3. The section's legislation committee is composed of the section officers and members appointed by the chair of the section, consistent with the standing policies of The Florida Bar Board of Governors. The legislation committee has the authority to adopt the legislative position of the section with respect to pending legislation whenever, because of time constraints, the executive council cannot meet to adopt a legislative position prior to the time when legislative, judicial, or administrative action is expected or required. Any position that is taken must be reported at the executive council's next scheduled meeting and may be approved or rescinded in accordance with this policy.

Section 4.

(a) Any proposed legislative position and the recommendations of the initiating committee of the section will be made agenda items and copies will be affixed to the agenda for distribution to all executive council members at least 10 days prior to the executive council meeting. No proposed legislative position will be considered at the executive council meeting unless the section legislation committee or the section chair requests waiver of the rule and the waiver is approved by a vote of 2/3 of the members of the executive council present and voting. Legislative positions initiated by a committee of the section will be considered in the same manner as any other matter for which a decision is requested of the executive council by a member of the executive council.

(b) The section's position on legislation not initiated by a committee of the section will be considered under the following procedure:

(1) The legislation committee will review all proposed legislative positions, and the legislation committee has the discretion to remove any item of proposed legislation from consideration by the executive council if the legislation committee

finds that proposed legislative position is not concerned with a matter within this policy subject to the approval of the section chair.

(2) All proposed legislative positions which the legislation committee decides should be considered by the executive council will be forwarded by the legislation committee chair to the chair of the section committee, which as defined by the legislation committee chair is most concerned with the subject matter of the proposed legislation. The legislation committee chair will request a written report from that committee reporting the decision where the committee recommends to the executive council and designating a contact person to confer with the chair of the legislation committee and the executive council.

Section 5. In order to adopt any proposed legislative position, the executive council must find that the proposed legislative position is within the scope of these bylaws and within policies as may be adopted by the Board of Governors by a 2/3 vote of the members present. In order to adopt any proposed legislative position, the executive council must also approve the substance of the legislative position presented by a majority vote of the members present. Any legislative position taken must be in accordance with standing policies regarding legislative actions promulgated by the Board of Governors of The Florida Bar. When time constraints with respect to legislative positions of the section require prompt action, the officers of the section may act in lieu of a vote of the executive council. Once approved by the Board of Governors or the board's executive committee, a legislative position of the section remains for the full biannual session during which the Board of Governors approved the position, unless otherwise reversed or rescinded by the Board of Governors, or by a 2/3 vote of the executive council of the section.

The executive council may, after debate and consideration of the legislative position, adopt a concept of the position the section favors, and report this concept to the Florida Legislature in lieu of, or in addition to, giving approval to support or oppose a particular legislative position.

Section 6. The expenses incurred by members of the section in connection with the legislative positions of the section are borne by the individual member, except that the chair may approve payment of the section member's expenses to attend legislative functions or to appear before various committees of the Florida Legislature to testify concerning proposed legislation. The expenses of the member's appearances must be approved in advance by the section chair consistent with the section's budgetary policies. Expenditures must be consistent with other section policies, and the member must promptly notify the secretary/treasurer of the amount of the expenditure.

ARTICLE XI MISCELLANEOUS PROVISIONS

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

Section 2. No salary or compensation may be paid to any officer of the section, member of the executive council, or member of a committee, except that officers and members of the executive council are entitled to reimbursement for expenses ordinarily, reasonably, and

necessarily incurred on behalf of the section upon submission to the secretary/treasurer of appropriate requests with receipts.

Section 3. Action by this section is effective as the action of The Florida Bar only if it is approved by the Board of Governors of The Florida Bar. Any resolution adopted or action taken by the section may be reported by the chair of the section to the annual meeting of The Florida Bar for action by its Board of Governors at the section's request.

Section 4. These bylaws become effective on their approval by the Board of Governors of The Florida Bar and by the section.

ARTICLE XII AMENDMENTS

These bylaws may be amended only at the annual meeting of the section by a majority vote of the members of the section present and voting. Any proposed amendment must first have been approved by a majority of the executive council and written notice of the proposed amendment must have been provided to all members of the section at least 30 days prior to the annual meeting. No amendment is effective until approved by the Board of Governors of The Florida Bar.