

THE MISSOURI BAR YOUNG LAWYERS' SECTION BY-LAWS

ARTICLE I **NAME AND PURPOSES**

Section 1. Name. The name of this section shall be "The Missouri Bar Young Lawyers' Section" (hereinafter sometimes referred to as the "Section").

Section 2. Purpose. The purpose of this Section shall be:

- (a) To stimulate the interest of young and recently admitted lawyers in the objectives of The Missouri Bar;
- (b) To serve the public interest by facilitating the administration of justice, promoting reform in the law, fostering respect for the law and advancing the role of the legal profession in serving the public;
- (c) To serve young and recently admitted lawyers throughout the state through educational activities, service projects and other programs of benefit to young and recently admitted lawyers, thereby stimulating the interest of young and recently admitted lawyers in the Section and establishing a closer relationship among young and recently admitted lawyers;
- (d) To stimulate interest and encourage participation in the substantive and procedural committees and other activities and programs of The Missouri Bar, including this Section;
- (e) To encourage and aid in the organization of local young lawyers' associations, to improve existing associations and to foster a closer relationship between those associations and this Section; and
- (f) To cooperate with The Missouri Bar, American Bar Association Young Lawyers Division, local young lawyers' associations and other legal and civic organizations in furtherance of the aforementioned objectives.

ARTICLE II **MEMBERSHIP**

Any lawyer who is a member in good standing of The Missouri Bar shall be a member of the Section until the later of the following:

1. The commencement of the first meeting of the new Young Lawyers' Section Council at the Annual Meeting of the Missouri Bar ("Annual Meeting") on or after their 36th birthday, or
2. The commencement of the first meeting of the new Young Lawyers' Section Council at the fifth Annual Meeting following their admission to any state's Bar.

Notwithstanding the foregoing provision, the Immediate Past Chairperson shall remain a member of the Section as more fully set forth in Article III, unless disqualified for a reason other than age or number of years in practice. Notwithstanding the foregoing provision, each Council member shall remain a member of the Section until the conclusion of the two (2) year term for which elected, unless disqualified for a reason other than age or number of years in practice.

ARTICLE III **COUNCIL**

Section 1. Name. The governing body of the Section shall be a Council to be known as the "Young Lawyers' Section Council" (hereinafter sometimes referred to as the ("Council")).

Section 2. Membership. The Council shall be composed of the Chairperson, the Immediate Past Chairperson, who shall be a member for one (1) year immediately following their term as Chairperson unless otherwise disqualified for reason other than age or years of admission to the bar, except that the Immediate Past Chairperson shall continue to be a member of the Council for two (2) additional years following their term as Immediate Past Chairperson or until the annual meeting following such person's 36th birthday, whichever occurs first, the Board of Governors Delegate, the Section member who holds the Missouri Bar YLD ABA House of Delegates seat, the Section representative to the Missouri Bar Foundation as selected by the Foundation Board of Trustees, provided, however, that such representative shall not be permitted to vote upon actions taken by the Council unless otherwise elected to membership of the Council pursuant to these By-Laws, and thirty-four (34) other Section members who shall be elected from the following districts:

- (a) **District No. 1** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Andrew, Atchison, Buchanan, Caldwell, Carroll, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth, and said counties shall constitute District No. 1.
- (b) **District No. 2** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Adair, Audrain, Chariton, Clark, Knox, Lewis, Lincoln, Linn, Macon, Marion, Monroe,

Montgomery, Pike, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan, and said counties shall constitute District No. 2.

- (c) **District No. 3** - Nine (9) members of the Council shall be elected by and from among the members of the Section enrolled in the county of Jackson, and said county shall constitute District No. 3; provided, however, that in elections to membership on the Council in odd numbered years, at least one member of the council shall be elected from among the members of the Section having their principal office or place of employment in that portion of Jackson County lying outside the corporate limits of Kansas City, if there is at least one candidate from that portion of Jackson County; provided, further, however, that in the event there is only one candidate from said portion of Jackson County, said person shall be declared a member of the Council without the necessity of an election.
- (d) **District No. 4** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Cass, Clay, Johnson, Lafayette, Platte and Ray, and said counties shall constitute District No. 4.
- (e) **District No. 5** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Boone, Callaway, Cooper, Howard and Saline, and said counties shall constitute District No. 5.
- (f) **District No. 6** - Two (2) members of the Council shall be elected by and from among the members of the Section enrolled in the counties of Cole, Moniteau and Osage, and said counties shall constitute District No. 6.
- (g) **District No. 7** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Franklin, Gasconade, St. Charles and Warren, and said counties shall constitute District No. 7.
- (h) **District No. 8** - Five (5) members of the Council shall be elected by and from among the members of the Section enrolled in the county of St. Louis, and said county shall constitute District No. 8.
- (i) **District No. 9** - Seven (7) members of the Council shall be elected by and from among the members of the Section enrolled in the City of St. Louis, and said city shall constitute District No. 9.
- (j) **District No. 10** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Barry, Barton,

Bates, Cedar, Dade, Henry, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon, and said counties shall constitute District No. 10.

- (k) **District No. 11** - Two (2) members of the Council shall be elected by and from among the members of the Section enrolled in the counties of Christian, Douglas, Greene, Howell, Ozark, Stone, Taney, Webster and Wright, and said counties shall constitute District No. 11.
- (l) **District No. 12** - One (1) member of the council shall be elected by and from the members of the Section enrolled in the counties of Benton, Camden, Dallas, Hickory, Laclede, Maries, Miller, Morgan, Pettis, Phelps, Polk, Pulaski and Texas, and said counties shall constitute District 12.
- (m) **District No. 13** - One (1) member of the Council shall be elected by and from among the members of the Section enrolled in the counties of Bollinger, Cape Girardeau, Crawford, Jefferson, Perry, St. Francois, St. Genevieve and Washington, and said counties shall constitute District No. 13.
- (n) **District No. 14** - One (1) member of the council shall be elected by and from among the members of the Section enrolled in the counties of Butler, Carter, Dent, Dunklin, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Reynolds, Ripley, Scott, Shannon, Stoddard and Wayne, and said counties shall constitute District No. 14.

Section 3. Functions. The Council shall establish and implement such policies and programs of the Section as it deems necessary and which are not inconsistent with any policies or programs of The Missouri Bar. It shall receive and consider reports of the officers, Executive Committee, committees and task forces of the Section, and it shall hear and act upon such resolutions and matters presented to it which pertain to the policies and programs of the Section or The Missouri Bar or which relate to other matters pertinent to the administration of justice or practice of law.

Section 4. Election Years.

- (a) The members of the Council shall be elected as follows: In every odd-numbered year, 17 members shall be elected for a two (2) year term in the following districts: One each from Districts Nos. 2, 5, 6, 11, and 12, five from District No. 3, three from District No. 8, and four from District No. 9.
- (b) In every even-numbered year, 17 members shall be elected for a two (2) year term in the following districts: One each from District Nos. 1, 4, 6, 7, 10, 11, 13, and 14, four from District No. 3, two from District No. 8, and three from District No. 9.

Section 5. Terms of Office. The term of office of each member of the Council shall commence with the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in the year of their election and expire with the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in the year in which their respective term expires. A member of the Section in good standing is eligible for election to the Council so long as they will be a member of the Section at the commencement of the first year of the term for which elected or are a member of the Section at the time of their appointment as otherwise provided herein. Any vacancy in the Council created shall be filled as provided in Article III, Section 6, subsection (c).

Section 6. Vacancies.

- (a) A member shall cease to be a member of the Council and a vacancy shall be declared if:
 - (1) The member shall die or resign; or
 - (2) The member shall cease to be enrolled within the district from which the member was elected as such "member's voting place", as defined in Article III, Section 6, subsection (d); or
 - (3) The member shall be removed by the Council for good cause and upon the vote of a 2/3 majority of the Council.
 - (4) The member shall cease to be a member of the Section.
- (b) A member shall cease to be a member of the Council and a vacancy shall be declared, absent a majority of votes cast by the Council to retain, if:
 - (1) The member has missed at least fifty percent (50%) of the Council meetings during the twelve month period commencing with the first meeting of the Council year;
 - (2) The member has been determined by the Supreme Court to have committed one or more acts of professional misconduct warranting discipline; or
 - (3) The member has been suspended or disbarred by the Supreme Court pursuant to Rule 5.
- (c) If a vacancy on the Council shall occur, the Council shall, by majority vote, fill such vacancy by appointing a person who, at the time of such appointment, would be eligible for election to the Council from the district in which such vacancy exists if an election were held. Such appointment shall be for the balance of the unexpired term.

- (d) A member is considered enrolled in that district, as set out in Article III, Section 2 above, in which the Section member maintains their voting place for the purpose of voting for members of The Missouri Bar Board of Governors.

Section 7. Powers of the Council. The Council shall be the representative body of the Section, and a majority of the Council shall constitute a quorum. The Council's determinations relating to the accomplishment of the purposes of the Section shall be controlling, so long as said determinations are not inconsistent with the policies, if any, established and promulgated by the Board of Governors. No funds may be expended by the Council or its officers except those authorized by the Board of Governors.

Section 8. Nomination and Election of the Members of the Council. Nominating petitions shall be filed between January 1 and July 1 prior to the election. Notice of elections and deadlines for filing nominating petitions shall be published in the *Journal of The Missouri Bar*. The votes for members of the Council shall be canvassed on August 15 each year or on the following day if that be Sunday.

- (a) **Nominations.** Nominations shall be made by petition signed by not less than five (5) members of the Section in good standing who are enrolled and entitled to vote in the respective districts created by Section 2 hereof, and from which the member or members of the Council are to be elected. Such petitions shall be received by the Executive Director of The Missouri Bar no later than July 1. Petitions may be submitted to the Executive Director electronically and may contain electronic signatures in a manner and format approved by the Executive Director.
- (b) **Ballots.** The Executive Director of The Missouri Bar shall prepare ballots containing the names and district addresses of all candidates whose petitions have been received in a timely manner and signed by the requisite number of qualified signers; provided, however, if only one (1) person shall be nominated for any vacancy to be filled in any district, no ballots for such position or positions shall be prepared and the sole candidate will be declared the winner. The ballots shall state the date and purpose of the election, and shall advise the voter with respect to voting. All elections shall be conducted in a manner consistent with the procedure for electing the Board of Governors, except that cumulative voting shall not apply to the election of Council members.

(c) **Distribution of Ballots.** The Executive Director of The Missouri Bar shall, not later than July 20 prior to the election, distribute one (1) ballot to each member of the Section enrolled and entitled to vote in the district from which a member or members of the Council are to be elected. Ballots shall be distributed to members of the Section electronically using the electronic mail address for each member currently on file the Missouri Bar. The electronic ballot shall include an electronic signature component, where the voter shall electronically sign his or her

name, Missouri Bar number, and county of voting. The ballot shall be electronically transmitted to the Executive Director via the Missouri Bar Young Lawyers' Section electronic voting system. Each member may cast one vote for each vacancy in the district in which they are entitled to vote; provided, however, that cumulative voting shall not be allowed. Section members may contact the Missouri Bar by mail, telephone, facsimile or e-mail to request a paper ballot. Contact information for such a request shall be:

The Missouri Bar
ATTN: YLS
Post Office Box 119
Jefferson City, Missouri 65102
(573) 635-4128 [Telephone]
(573) 635-2811 [Facsimile]
mobar@mobar.org

Complete paper ballots must be received by the Executive Director of the Missouri Bar no later than 10:00 a.m. on August 15.

- (d) **Counting of the Ballots.** The Executive Director of The Missouri Bar and two (2) or more members of The Missouri Bar designated as Tellers by the Chairperson of the Section shall canvass all ballots received at the office of the Executive Director of The Missouri Bar by 10:00 a.m. of the day of the election. No ballot shall be counted unless cast by a member of the Section in good standing, enrolled and entitled to vote in such district from which a member or members of the Council are being elected, and no ballot shall be counted unless transmitted with a complete electronic signature as described in Article III, Section 8, subsection (c).
- (e) **When Candidates Declared Elected.** The number of candidates equal to the vacancies to be filled in each of the representative districts who receive the highest numbers of votes shall be declared elected; provided, however, that if the number of persons nominated for each vacancy to be filled in any district does not exceed the number of vacancies to be filled in such district, such person or persons shall be declared elected without any voting in such districts; further provided, however, that in elections to membership on the Council held in odd-numbered years, the candidate for a vacancy in District No. 3, having their principal office or place of employment in that portion of Jackson County lying outside the corporate limits of Kansas City (if there be any such candidate) and receiving the highest number of votes from among all such candidates, shall be elected notwithstanding that the number of persons having their principal office

within the corporate limits of Kansas City and receiving a higher number of votes may equal or exceed the number of vacancies to be filled in District No. 3; still further provided, however, that if the number of candidates in any district is less than the number of vacancies to be filled in such district, the difference between number of vacancies and number of candidates shall constitute a vacancy on the Council immediately upon commencement of the term of office for which such election is held. In case of a tie vote, such tie shall be decided by drawing lots.

- (f) **Certification of Results.** The Tellers and the Executive Director of The Missouri Bar shall immediately certify the results of all elections to the officers of the Section, to the Council and to the candidates for election.

ARTICLE IV **OFFICERS/EXECUTIVE COMMITTEE**

Section 1. Offices Created, Executive Committee.

- (a) There shall be five officers of the Section. These shall be a Chairperson, Chairperson-Elect, Board of Governors Delegate, Secretary/Treasurer, and Immediate Past Chairperson. The officers of the Council shall be deemed to be the officers of the Section.
- (b) The Section's Executive Committee shall consist of the officers and three (3) at-large members, one selected from Districts No. 7, 8 and 9 (the "St. Louis area"), one selected from Districts No. 3 and 4 (the "Kansas City area"), and one selected from all remaining districts (the "outside area") (collectively referred to as the "Areas"). At each Annual Meeting, representatives from the districts comprising each of the Areas shall meet for the purpose of electing an at large member of the Executive Committee for their area by a majority vote of the members present. In the event that the representatives for an area are unable to elect an Executive Committee member, or elect to defer to the Council by majority vote of the representatives from the area present, the Executive Committee member shall be elected by the entire Council at the Annual Meeting. In addition, the Chairperson shall appoint, from the Section's membership, an American Bar Association Young Lawyers Division liaison who shall be an ex officio member of the Executive Committee, without vote. Additionally, any past Chairpersons who are members of the Council shall also be ex officio members of the Executive Committee, without vote. Between meetings of the Council, the Executive Committee may exercise such functions as may be delegated to it by the Council.

Section 2. Nominations and Elections.

- (a) **Nominations.** A nominee for any Executive Committee position must be a member of the Section at the time of their nomination and must be eligible to remain a member of the Section for the entire term of the position for which they are a nominee. Except for the Board of Governors Delegate, a nominee also must be a member of the Council at the time of their nomination.
- (1) **Special Qualifications.** In addition to the foregoing, a nominee for the office of Chairperson-Elect must be eligible to remain a member of the Section for two (2) years. A nominee for the office of Secretary/Treasurer must be eligible to remain a member of the Section for three (3) years. A nominee for Board of Governors Delegate must meet the requirements of Supreme Court Rule 7.03(b).
- (2) **Rotation.** The office of Secretary/Treasurer shall rotate, on an annual basis, among the St. Louis, Kansas City, and outstate areas as defined in Article IV, Section 1 above. The Council members from the area from which the Secretary/Treasurer is to be elected in any given year may caucus and make a recommendation to the Council, but the election shall be by the Council as a whole.
- (b) **Elections.** At each Annual Meeting the Council shall convene to elect officers, with the exception of the Board of Governors Delegate, who shall be elected at the Council Meeting immediately preceding the Annual Meeting. To be elected, a nominee for any position must receive a majority of the votes cast. If three (3) or more candidates are nominated for the same position and none of the candidates receives a majority of the votes cast, a second vote shall be taken between the two (2) candidates receiving the greater number of votes on the first ballot. All elections shall be conducted in a manner consistent with the procedures set forth in Roberts' Rules of Order.

Section 3. Duties.

- (a) **Chairperson.** The Chairperson shall be responsible for implementing the purposes of the Section. The Chairperson shall preside at all meetings of the Council and the Executive Committee and shall perform other duties usually pertaining to this office, as well as such duties assigned by the Council or the Executive Committee. The Chairperson shall prepare a report of the activities of the Section during their term of office for submission to the Board of Governors of The Missouri Bar ("Board of Governors").
- (b) **Chairperson-Elect.** The Chairperson-Elect shall perform such duties as may be assigned to him by the Chairperson, the Council, or the Executive Committee.

During any period in which the Chairperson is unable, fails, or refuses to act, the Chairperson-Elect shall perform the duties of the Chairperson.

- (c) **Board of Governors Delegate.** The Board of Governors Delegate shall represent the Section on the Board of Governors, attend the meetings of the Board of Governors, and perform such other duties as shall be assigned by the Council, the Executive Committee, or the Chairperson. The Board of Governors Delegate shall serve for a term of two (2) years commencing with the Annual Meeting immediately following their election. The Council shall elect the Board of Governors delegate bi-annually at the meeting of the Council immediately preceding The Missouri Bar Annual Meeting. The office shall rotate among the St. Louis, Kansas City and outstate areas as defined in Article IV, Section 1 above. No member of the Section may be elected to more than one consecutive term as Board of Governors Delegate.
- (d) **Secretary/Treasurer.** The Secretary/Treasurer shall issue notice of all meetings of the Council and of the Executive Committee, shall maintain a record of the proceedings thereof and perform such other duties as shall be assigned by the Council, the Executive Committee, or the Chairperson. The Secretary/Treasurer shall serve as the chief budgetary and fiscal officer of the Council. The Secretary/Treasurer shall present a written fiscal report to the Council at least semi-annually, shall annually prepare for submission to the Council and the Board of Governors a budget for the ensuing fiscal year and shall perform such other duties as shall be assigned by the Council, the Executive Committee or the Chairperson.
- (e) **Immediate Past Chairperson.** The Immediate Past Chairperson shall perform such duties as shall be assigned by the Council, the Executive Committee, or the Chairperson.
- (f) **At-Large Executive Committee Members.** The at-large members shall attend all meetings of the Executive Committee, shall represent the interests of the members of the Section and the Council of their respective areas and perform such other duties as shall be assigned to them by the Council, the Executive Committee or the Chairperson.

Section 4. Eligibility and Succession.

- (a) **Terms.** All officers, except the Board of Governors Delegate who shall be elected for a term of two years, shall serve for a term of one year. The Chairperson-Elect shall automatically succeed the Chairperson. The terms of all officers, except the Board of Governors Delegate, shall commence upon the adjournment of the Annual Meeting at which they are elected and end upon the

adjournment of the next Annual Meeting of the year for which their respective terms of office expire. Members who hold the office of Chair-Elect or Secretary/Treasurer on July 1st of the year in which their terms expire need not run for reelection but may continue to serve as representatives from their respective districts for as long as they hold either the office of Chair-Elect or Secretary/Treasurer.

- (b) **Rotation.** In order to promote meaningful participation by and on behalf of Section members statewide, it is the intention of the Section and the Council to continue the procedure heretofore practiced of rotating the offices, on a staggered basis, among the St. Louis, Kansas City and outstate areas, where to do so is in the Section's best interest.

Section 5. Vacancies. A person shall cease to be an officer or at-large Executive Committee member and a vacancy shall be declared if the person is no longer a member of the Council due to the application of the provisions of Article III, Section 6, subsections (a) or (b). If the office of Chairperson shall become vacant, the Chairperson-Elect shall automatically succeed to the office of Chairperson and shall continue to hold such office for the unexpired term and for the term during which the Chairperson-Elect would have served as Chairperson by normal succession. If any other Executive Committee position shall become vacant, the position shall be filled by appointment of the Executive Committee for the unexpired term.

ARTICLE V **COMMITTEES, TASK FORCES AND SUB-SECTIONS**

The Chairperson is authorized to appoint such committees, task forces and subsections as may be deemed necessary, provided that the functions thereof shall be consistent with the purposes of the Section. They shall exercise such powers and perform such functions as are authorized by the Council and are not inconsistent with any policies or programs of The Missouri Bar.

ARTICLE VI **INCOME AND EXPENSES**

The funds available for the Section shall be those amounts authorized and appropriated by the Board of Governors and such other funds as may be appropriated or made available to the Section from other sources which are approved and accepted by the Council and approved by the Board of Governors. All expenses incurred by the Section shall be paid out of Section funds as may be authorized by the Council or the Executive Committee.

ARTICLE VII
THE TAKING EFFECT AND AMENDMENTS TO
THE BY-LAWS OF THE MISSOURI BAR YOUNG LAWYERS' SECTION

Section 1. Effective Date. These By-Laws shall take effect at and as of the Annual Meeting next following their approval by the Board of Governors.

Section 2. Amendments. The By-Laws may be amended upon the recommendation of the Council and the approval of the Board of Governors. No amendment shall be voted upon until all members of the Council shall have received a copy of the proposed amendments mailed to them at least ten (10) days prior to the day upon which the vote on the amendments is to be held. Proposed amendments to the By-Laws must receive a two-thirds (2/3) vote of the Council members present at the meeting duly called for this purpose prior to submitting said amendment to the Board of Governors of The Missouri Bar for its consideration.

ARTICLE VIII
RULES OF PROCEDURE

The latest edition of *Roberts' Rules of Order* shall govern all meetings of the Council.

ARTICLE IX
TELEPHONE PRESENCE AT MEETINGS

Members of the Council or Executive Committee may participate in not more than one meeting of the Council or Executive Committee for each year of a term as set forth in Article III, Section 3(b) of these By-laws by means of telephone or similar communications equipment whereby all persons participating in the meeting can hear each other, and participating in a meeting in this manner shall constitute presence in person at the meeting.

ARTICLE X
VOTING BY ELECTRONIC MAIL

Members of the Council or Executive Committee may vote on issues by electronic mail ("e-mail") in the manner provided for in this Article. Only the Chairperson may determine what issues, if any, shall be brought before the Council or the Executive Committee for a vote by e-mail. The Chairperson or someone designated by the Chairperson shall formally announce what issue is being brought before the Council or the Executive Committee for a vote by e-mail. This

announcement shall occur a specified number of days before the vote is certified, to be determined by the Executive Committee. The date of the certification of the vote shall also be announced at this time.

After the announcement of the issue and the date of certification of the vote, the Chairperson shall provide any members of the Council or Executive Committee the opportunity to comment, electronically or otherwise, on the subject matter of the issued upon which is being voted. Once the vote is certified, it is binding upon the Council or Executive Committee as though the vote was taken in person at a meeting. Should any member of the Council or Executive Committee choose not to participate in the voting process, he or she shall notify the Chairperson accordingly so that an alternative voting procedure may be utilized with respect to that member.

ARTICLE XI
YLS DELEGATE TO ABA HOUSE OF DELEGATES

At the Annual Meeting held during years in which the position is vacated, the Council shall convene to elect a delegate to the ABA House of Delegates from among members of the Section. The election procedure shall be consistent with that set forth in Article IV, Section 2(b) herein. The YLS Delegate to the ABA House of Delegates shall be an ex-officio member of the YLS Council. The position of YLS Delegate to the ABA House of Delegates shall rotate among the St. Louis, Kansas City and outstate areas as defined in Article IV, Section 1 above as follows:

2009-2011	Outstate
2011-2013	St. Louis
2013-2015	Kansas City
2015-2017	Outstate
2017-2019	St. Louis
2019-2021	Kansas City
2021-2023	Outstate

This rotation shall continue in the manner set forth beyond the year 2023.

ARTICLE XII
ABA YLD DISTRICT 22 REPRESENTATIVE

Section 1. Election. Subject to Article I, Section 3.4(b) of the ABA YLD's bylaws, the ABA YLD District 22 (Kansas and Missouri) Representative shall be elected through the Young Lawyers' Section Council of The Missouri Bar.

Such elections shall take place every fourth year or as necessitated by a vacancy.

Such position shall shift from a representative from the State of Missouri to a representative from the State of Kansas pursuant to Section 2 of this bylaw, in conjunction with the ABA YLD bylaws.

This authority shall only reside with the Council in the years that the eligible district representative's principal office is located in Missouri, pursuant to Section 2 of this bylaw, as well as the provisions of Article I, Section 3.4(b)(3) at the ABA YLD bylaws.

The Council shall not have the authority to elect the representative in the years that the representative's principal office shall be located in Kansas, unless no Kansas affiliate selects a representative, pursuant to the ABA YLD bylaws or any Kansas YLD bylaws.

In the years that it is authorized to elect the district representative, the YLS Council of the Missouri Bar shall receive all nominations entered no later than one week prior to such election. Notification, either verbal or written, to a current member of the Missouri Bar YLS Council Executive Committee shall be sufficient notification for purposes of this section.

A simple majority of those Council members present at the time of the election shall be required to elect the district representative. Each council member shall vote for a single representative out of all of nominations received.

Section 2. Eligibility. Any person who is 34 years of age or younger and who is licensed to practice law in the State of Missouri or in the State of Kansas shall be eligible for the district representative position. An additional requirement of eligibility is that such individual shall not have a principal office in the same state as that of the retiring representative, unless the Kansas affiliate fails to nominate a successor.

Section 3. Tenure. Each such representative takes office when the American Bar Association YLD Assembly adjourns sine die at the next annual meeting and serves until their successor takes office.

Section 4. Rescission, Removal and Amendment. The Council may, by a two-thirds vote for a stated cause after previous notice and due process, rescind any election or otherwise remove any district representative. The Council may, by a two-thirds vote for a stated cause after previous notice and due process, amend the nomination process set forth in Paragraph 1.

Section 5. ABA YLD Bylaws to Govern. This bylaw is subject to the ABA Young Lawyers Division bylaws. If, at any time, the ABA Young Lawyers Division Council

determines that this bylaw conflicts with the ABA Young Lawyers Division bylaw concerning the election of district representatives (i.e., Article I, Section 3.4(b)), the ABA bylaw shall control.

ARTICLE XIII
ALTERNATING DISTRICT SEAT

Section 1. Creation. In recognition of the value of diverse opinions and viewpoints, and in an effort to increase the same on the Council, there is hereby created an Alternating District (hereinafter “District”) from which one member of the Council shall be chosen (hereinafter “the Seat”) who has unique experience and knowledge or who represents diverse elements of Section; including but not limited to race, gender, sexual orientation, and disability.

Section 2. District Composition and Duration. The District shall be composed of the following counties during the following time periods:

- (a) From the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2016 until the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2018, the District shall be the counties encompassed by the Missouri Court of Appeals, Western District;
- (b) From the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2018 until the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2020, the District shall be the counties encompassed by the Missouri Court of Appeals, Southern District;
- (c) From the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2020 until the commencement of the first meeting of the new Council held in conjunction with the Annual Meeting in 2022, the District shall be the counties encompassed by the Missouri Court of Appeals, Eastern District.

Thereafter, the District shall cease to exist. Prior to cessation of the District, the Council should discuss the continuing need for the District and whether to perpetuate the same.

Section 3. Eligibility for the Seat. Any member of the Section enrolled in a county within the District shall be eligible for the Seat; but no member may simultaneously serve as the Seat and serve as a Council member from a District described in Article III. A member is considered enrolled in the county in which the Section member maintains their voting place for the purpose of voting for members of The Missouri Bar Board of Governors.

Section 4. Terms of Office. The term of office of the Seat shall be for the period described in Section 2 or for any remaining portion thereof.

Section 5. Vacancies. The member serving as the Seat shall cease to be a member of the Council and a vacancy of the Seat shall be declared as set forth in Article III, Section 6, subsections (a) & (b). Any vacancy of the Seat shall be filled according to Article III, Section 6, subsection (c).

Section 6. Membership on the Council.

Notwithstanding any other provision of these By-Laws to the contrary, and except as provided in this Article XIII, the Seat shall have all rights, privileges and responsibilities appertaining to membership on the Council.

Section 7. Nominating Petitions. Nominations for the Seat shall be made by petition signed by not less than five (5) members of the Section in good standing who are enrolled and entitled to vote in any county which shall be within the District during the Seat's term. Such petitions may be submitted to the Executive Director of The Missouri Bar no later than July 1 of those years in which a preceding term ends. A statement describing the nominee's unique experience, knowledge, and qualifications to represent diverse elements of the bar must be attached to the nominating petition.

Section 8. Selection of Panel. Nominations will be presented to the Council and Council members will, by majority vote, select a panel of at least two candidates for the Seat. If there is only one nominee for the Seat, such nominee shall be the Seat without need for an election. The selections will be made at the Summer Meeting of the Council. Those nominees selected for the Panel shall be placed on the ballot described in Section 9.

Section 9. Ballots. Electronic ballots for election of the Seat will be sent via e-mail on August 1 to the e-mail address on file with the Missouri Bar of Section members within the District from which the Seat shall be chosen. Electronic voting may begin with receipt of the electronic ballot via e-mail and will end at 10:00 a.m. on August 15. Section members may contact the Missouri Bar by mail, telephone, facsimile or e-mail to request a paper ballot. Contact information for such a request shall be:

The Missouri Bar
ATTN: YLS
Post Office Box 119
Jefferson City, Missouri 65102
(573) 635-4128 [Telephone]
(573) 635-2811 [Facsimile]
mobar@mobar.org

Complete paper ballots must be received by the Executive Director of the Missouri Bar no later than 10:00 a.m. on August 15.

Section 10. Counting of the Ballots. Ballots shall be counted pursuant to Article III, Section 8, subsection (d).

Section 11. When Candidates Declared Elected. The candidate receiving the highest number of votes shall be declared elected. In case of a tie vote, such tie shall be decided by drawing lots.

Section 12. Certification of Results. Certification of the results of the election shall be as provided in Article III, Section 8, subsection (f).