

**BYLAWS OF THE
ALTERNATIVE DISPUTE RESOLUTION SECTION**

**ARTICLE I
NAME AND PURPOSE**

Section 1. Name. The name is “Alternative Dispute Resolution Section of The Florida Bar”.

Section 2. Purposes. The purposes of this section are:

- (a) to provide an organization within The Florida Bar open to all members in good standing in The Florida Bar who have a common interest in Alternative Dispute Resolution;
- (b) to provide a forum for discussion and exchange of ideas leading to an improvement of individual ADR skills and abilities, both as a participant and as a neutral;
- (c) to assist the courts in establishing methods of expeditious administration of mediations by making formal recommendations to the Supreme Court Committee on Alternative Dispute Resolution Rules and Policy;
- (d) to assist members of The Florida Bar who generally desire to increase their effectiveness as ADR participants;
- (e) to keep the membership and other ADR professionals informed and updated regarding legislation, rules, and policies in connection with mediation and other ADR processes and the responsibilities they impose on mediator and arbitrator members;
- (f) to provide a forum for the educational discussion of ethical considerations for ADR participants.

**ARTICLE II
MEMBERSHIP**

Section 1. Eligibility. Any member in good standing of The Florida Bar interested in the purpose 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 no longer be a member of the Alternative Dispute Resolution Section.

Section 2. Affiliate Members. The executive council may enroll, upon request and upon payment of the prescribed dues as affiliate members of the section, persons who are inactive members of The Florida Bar and who can show a dual capacity of interest in and contribution to the section's activities. The purpose of affiliate membership is to foster the development and communication of information between arbitrators, mediators, and the people who often work with arbitration and/or mediation lawyers. Affiliate members must not encourage the unlicensed practice of law. The number of affiliates will not exceed one-half of the section membership.

(a) "Affiliate" or "affiliate member" means an inactive member of The Florida Bar.

(b) Affiliate members 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. Affiliates may serve in an advisory nonvoting capacity which the executive council may from time to time establish in its discretion.

(c) Affiliate members will pay dues in an amount equal to that required of section members.

(d) The section will reimburse The Florida Bar for expenses incurred by The Florida Bar in administering this section's affiliate membership.

Section 3. Administrative Year. The administrative year of the section will run concurrent with the administrative year of The Florida Bar.

Section 4. Annual Dues. The annual dues are fixed by the executive council and approved by the Board of Governors of The Florida Bar. There is no pro-ration of annual dues. Upon becoming a member, dues will be payable each membership year. Any member whose dues are in arrears for a period of three months will cease to be a member of the section.

ARTICLE III OFFICERS

Section 1. Officers. Section officers are a chair, chair-elect, secretary, and treasurer.

Section 2. Election of Officers. The executive council members make nominations for the office of chair-elect, secretary, and treasurer. The executive council elects the officers at its annual meeting.

Section 3. Duties of the Officers. The duties of the officers are as follows:

(a) *Chair.* The chair presides over all meetings of the section and all meetings of the executive council. The chair appoints all committees and committee chairs with the approval of or concurrence of the executive council, is responsible for all reports submitted to The Florida Bar or to the Board of Governors of The Florida Bar, and performs any other customary duties of the office. The chair is an ex-officio member of each committee of the section.

(b) *Chair-elect.* The chair-elect will become chair in the event of death, resignation or inability of the chair to serve on a long-term basis. In the event of absence of the chair, the chair-elect serves as acting chair only for the duration of the chair's absence. The chair-elect is responsible for other duties the chair designates. The chair-elect is an ex-officio member of each committee of the section.

(c) *Secretary.* The secretary is responsible for all permanent files and records of the section, including the minutes of the meetings of the section and executive council, and all committee reports. The secretary must keep accurate minutes of the proceedings of all meetings of the section and the executive council and furnish copies of the minutes to the Executive Director of The Florida Bar.

(d) *Treasurer.* The treasurer works with The Florida Bar staff to develop a budget and to ensure that the section follows all rules and procedures of The Florida Bar in the expenditure of funds.

Section 4. Term of Office. The term of office for the chair, chair-elect, secretary, and treasurer will begin at the conclusion of each annual meeting of the executive council during which the chair was elected and ends at the conclusion of the next annual meeting of the executive council. The chair is automatically succeeded by the chair-elect at the annual meeting. If at any time during a term of office, the office becomes vacant, the office will be filled for the balance of the term by vote of the executive council.

ARTICLE IV EXECUTIVE COUNCIL

Section 1. Executive Council. The section's executive council is comprised of 21 elected members of the section. In addition, the chair, chair-elect, secretary, treasurer and immediate past chair are members of the council during their term of office, if they are not an elected member of the council.

Section 2. Election of Executive Council. Of the 21 members of the executive council to be elected each year for 3-year terms, nine members are elected by the executive council and twelve members are elected by the membership in attendance at the annual meeting of the section. Each year the immediate past chair, chair, and chair-elect for that year will serve as a nominating committee for the purpose of presenting to the annual section meeting the names of nominees for the vacancies to be filled by the membership by a majority vote. Nomination for vacancies may also be made from the floor during annual meeting.

Section 3. Vacancies. If an executive council office becomes vacant, the office will be filled for the balance of the term by vote of the executive council.

Section 4. Terms. Executive council membership is limited to two consecutive, full 3-year terms. The term of a council member elected to fill a vacancy will expire at the time of the expiration of the office being filled and will not be counted as a full 3-year term, unless the unexpired term exceeds two years. A person elected chair, chair-elect, or secretary of the section, together with the immediate past chair of the section, will serve as an ex-officio member of the council during their term of office. The terms of the council members are staggered so that seven members take office at each annual executive council meeting. The term of a person who fails to attend three regular meetings of the executive council held during the administrative year will become vacant and filled as provided in Article IV, Section 4.

ARTICLE V DUTIES

Section 1. Governing Body. The executive council is the governing body of the section. It 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 this section. It will authorize all commitments or contracts which entail the payment of money and no section funds may be expended without authorization of the executive council. The executive council will not, however, authorize 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. The executive council will authorize the chair to appoint committees in addition to the standing committees to perform duties and exercise power as the council may direct. The council must appoint officers as is required by these bylaws. As the governing body of the section, it will be vested with the power and authority to formulate, fix, determine, and adopt matters of policy concerning the affairs and purposes of the section which are not inconsistent with the policies of The Florida Bar. All recommendations of the section must first be approved by the executive council and the Board of Governors of The Florida Bar.

Section 2. Meetings. The executive council will conduct its business at regular and special meetings. However, the business of the executive council between regular or special meetings may be conducted by correspondence if authorized by the chair. Members of the council must be present at a meeting in order to vote. The chair of the section may, and upon the request of any member of the council may, submit or cause to be submitted in writing, to each of the members of the council, any proposition upon which the council may be authorized to act at scheduled regular or special meetings.

Section 3. Majority. A majority of the council constitutes a quorum for the transaction of all business. A majority vote of the members of the council present and voting as duly recorded by the secretary constitutes the binding action of the executive council.

ARTICLE VI COMMITTEES

Section 1. Standing Committees. The standing committees of the section will consist of the following:

- (a) Mediation Committee
- (b) Arbitration Committee
- (c) Ethics Committee

Section 2. Special Committees. The executive council may designate special committees and assign duties and authority to a special committee.

ARTICLE VII MEETINGS

Section 1. Annual Section Meeting. The section will hold its annual meeting in conjunction with the Annual Convention of The Florida Bar. Notice to all members as to the time and place of the annual section meeting will be given at least 30 days in advance of the meeting.

Section 2. Annual Executive Council Meeting. The executive council will hold an annual meeting at the scheduled annual section meeting.

Section 3. Other Meetings. There will be other regular or special meetings of the executive council and membership of the section as designated by the chair. Notice of other meetings of the section must be given to the membership at least 30 days in advance.

ARTICLE VIII AMENDMENTS

These bylaws may be amended at any annual meeting of the section by a majority vote of the members of the section present and voting. Each proposed amendment must be approved by a majority vote of the executive council. Amendments adopted must be approved by the Board of Governors of The Florida Bar before becoming effective.

ARTICLE IX MISCELLANEOUS

Section 1. No salary or compensation will be paid to any member of the section for performance of services to the section, but the executive council may authorize the payment of reasonable out-of-pocket expenses resulting from performance of services.

Section 2. No action of this section will be contrary to the policies of The Florida Bar as established by its Board of Governors.