

**The Kentucky Bar Association  
Presents:**

2011-2012  
Section Officers' Handbook



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**Compiled and Edited by:  
The Kentucky Bar Association  
Office of Continuing Legal Education  
for  
Kentucky Bar Association Section Officers**

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**KENTUCKY BAR ASSOCIATION  
SECTION OFFICERS' HANDBOOK**

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**I. INTRODUCTION**

Thank you for your commitment to serve as an active participant in the Kentucky Bar Association. Just as the effectiveness of your association depends largely on section activities, the success of your section depends largely on your leadership. You have been elected to this important association role because of the expertise you have to offer. To assist you in understanding the operation of the sections within the Association we have prepared this Section Officers' Handbook for your use. ***Please review it carefully for guidance in planning and implementing your section's activities.***

**II. WHAT ARE SECTIONS?**

Sections are subdivisions of the Kentucky Bar Association which are based on shared interests or practice characteristics. The basis on which a particular section is established may be an area of practice, an experience level or a general practice management interest. Membership in sections is voluntary and open to all interested KBA members upon payment of section dues, which range from \$5 to \$30 annually.

**A. New Sections**

A new section of the KBA may be created upon approval by the Board of Governors following the submission of an application and petition by a current KBA member, which must include the following:

1. A description of the area(s) of practice the section will cover;
2. A statement of need and purpose; and
3. Signatures from a minimum of one hundred (100) current KBA members who are interested in seeing the formation of the proposed section.

The section's establishment will become effective at the start of the fiscal year following the Court's approval.

B. Abolition

The Board of Governors may abolish a section upon notice by mail to all current members of the section. This would take effect at the end of the fiscal year in which notice was given.

**III. SECTIONS ARE GOVERNED BY KBA BY-LAWS**

Section 11 of the Kentucky Bar Association By-laws provides for the existence and governance of sections. As an officer for your section, it is important for you to be familiar with the provisions of the By-laws. For your reference, Section 11 of the KBA By-laws is set forth at Appendix A.

A. Officers and Members of Your Section

1. Required officers.

- a. Chair.
- b. Chair-Elect.
- c. Vice-Chair.

These officers are elected to a term of one or two years at the section's annual meeting. Newly elected officers begin their terms on the July 1st immediately following the annual meeting. No individual may serve in any one of the required section offices for a period greater than two years. If a section fails to fill the required offices at its annual meeting, the KBA Board of Governors may appoint interim officers to fill the remainder of the term upon a petition from the section.

2. Optional offices. Examples include:

- a. Secretary for taking minutes of section meetings.
- b. Treasurer for maintaining information regarding section finances.
- c. Committee chairs to assist in carrying out the work of the section. Many sections have established a committee system for accomplishing their goals. Examples include CLE, newsletter, by-law and legislative committees.

3. General membership.

Membership in all sections is open to any interested KBA member who pays the required annual dues. Keep your members informed and involved, and they will continue to renew their memberships. Officers may request a complete section membership roster or mailing labels for the section membership by submitting a written request to the Section Liaison or the Executive Director.

B. Section Meetings and Other Section Activities

1. Pre-approval is required for all activities.

Per the KBA by-laws, ***all section activities must be submitted to the Executive Director for prior approval in writing.*** This includes all section meetings, mailings, and use of the section's name. ***Expenses incurred for unapproved activities cannot be paid or reimbursed.*** Undertaking any expenses without prior approval is done at the risk of the individual committing the funds. The Chair of each section has the authority to direct or request the expenditure of section funds. Please be specific in your request. An agenda or generalized statement does not offer enough information as to the activity or an estimate of expenses that will be incurred. Section activity approval forms may be obtained by contacting the Section Liaison.

2. All sections are required to meet at least annually. The annual section meeting times are currently set during the KBA Annual Convention or as scheduled by a section prior to the end of the current fiscal year ending June 30th pursuant to the KBA by-laws. During the annual meeting sections are to:

- a. Revise dues amounts if necessary.
- b. Elect officers.
- c. Recommend by-laws or amendments to existing by-laws. All sections are required to adopt a mission statement and by-laws for the governance of their section and both must be consistent with Section 11 of the KBA by-laws. All changes must be approved by the KBA Board of Governors and the Supreme Court.
- d. Initiate planning for section activities for the fiscal year

beginning the July 1st immediately following the annual meeting.

i. The section forecast report, an outline of proposed section activities including potential seminars, newsletters or other activities, should be prepared during the annual meeting. The forecast report must be submitted to the Section Liaison by August 10th following the annual meeting.

ii. In addition, each section is required to file an annual report on or before the annual meeting outlining the activities and expenditures for the current fiscal year ending June 30th. Both the forecast report and the annual report must be submitted to the Section Liaison for approval by the Board of Governors.

e. Establish a regular schedule of section meetings for the year.

f. Section officers should make committee appointments.

### 3. Minutes.

If your section does not have a secretary, please see that someone is assigned the responsibility of taking minutes for each meeting. ***Copies of all section minutes are to be submitted to the Section Liaison and are maintained in the section's file in the CLE office.*** Section authorization of expenditures needs to be included in the minutes for documentation to the Director of Accounting of expenditures approved by the section.

### 4. Scheduling.

a. Section activities may not be scheduled to conflict with scheduled KBA activities, including but not limited to the Annual Convention, the Mid-Year Meeting, the Kentucky Law Update seminars and the New Lawyers Program. No activities should be scheduled without checking the proposed dates against the KBA master calendar and the CLE events schedule. Scheduling for all events should be

coordinated through the Section Liaison, who is available to make sure that no conflicts occur.

- b. **Section CLE seminars may not be scheduled during May or June** due to conflicts with preparation for the Annual Convention. This does not include seminars conducted in conjunction with a recognized CLE provider that, in writing, assumes all responsibility for planning and presenting all aspects of the seminar. CLE staff is not available to assist with section seminars during May and June.

5. Meeting space.

- a. The Kentucky Bar Center is available for regular section meetings and smaller section CLE seminars. KBA conference and meeting facilities are reserved on the master calendar on a first come, first served basis. Please contact the Section Liaison who will check the master calendar and make appropriate arrangements to accommodate your section's needs. Lunches or other refreshments can also be arranged to meet your needs.
- b. In the event the Bar Center does not have space available for your meeting, the Section Liaison will assist you in finding and arranging for appropriate accommodations.
- c. Extra care should be taken if your section books a public facility without the assistance of the CLE staff. All contracts with public facilities must be signed by the Executive Director. Any individual who signs a space rental agreement without the approval of the Executive Director risks assuming all costs individually without reimbursement from the section.

#### IV. **SECTION FINANCES**

A. Dues

As provided in the KBA by-laws, dues are paid by all section members and are maintained by the Treasurer of the KBA. The Executive Director is also the Association's Treasurer; thus ***all disbursements from section funds must be pre-approved by the Executive Director.*** Questions regarding purchases, bidding for services, fund balances, requests for payment or any other

financial matter may be directed to the Director of Accounting, the Section Liaison, or the KBA Executive Director.

B. Carry-Forward

Under SCR 3.120(1), the Board of Governors may annually approve the carry-forward of section funds to the new fiscal year. This request is made annually during the summer Board meeting. By having the ability to carry forward funds from one year to the next, your section can plan for future projects which may exceed the financial ability of an individual year. Please note this is a great benefit to the sections, one not otherwise enjoyed by any other KBA programs. With this benefit, however, comes the responsibility of providing service and accountability to your members.

C. Transfer to CLE

Twenty-five percent of all dues income from each section is deposited annually in the KBA CLE fund for staff services provided on an ongoing basis. In addition, pursuant to Board of Governors policy, 25 percent of gross receipts from all section seminars is transferred to the CLE fund for staff support at those seminars. Costs associated with Annual Convention CLE programs and meetings may also be charged back to the sections.

D. Section Financial Statements

Financial statements are sent to each section Chair on a monthly basis from the Accounting Department.

E. Disbursement of Funds

The Chair of each section has the authority to direct or request the expenditure of section funds for all pre-approved activities. For accounting and recordkeeping purposes, all requests must be in writing and accompanied by appropriate documentation such as invoices, itemized receipts and travel vouchers.

F. Expense Reimbursement and Travel

Officers may be reimbursed for reasonable expenses associated with their travel to and from section activities. Reasonable expenses include mileage, tolls, parking, and in cases that merit it, meal expenses. Personal alcohol consumption will not be reimbursed. ***Itemized receipts are required for all items for which reimbursement is sought.*** Credit card slips listing only the

amount paid are insufficient. Travel vouchers may be obtained from the Section Liaison or the KBA Accounting Department.

Costs associated with attending ABA section meetings may also be a reimbursable expense for the **Chair** or the **Chair's designated alternate** upon submission of appropriate documentation. Attendance at ABA section meetings must be pre-approved by the Executive Director prior to travel.

G. Tax-Exempt Information

Please note that for the purposes of Kentucky sales tax, the KBA is a tax-exempt organization. All purchases made in the name of the KBA are tax-exempt and require the use of the KBA tax-exempt number which must be provided by the Director of Accounting. If you fail to obtain approval or the tax-exempt information before making purchases, your section will be charged the additional six percent sales tax at a minimum and may be required to cover expenses from sources other than the section's budget (e.g., individual officers, etc.).

H. Miscellaneous Expenses

Your section will be billed a nominal fee for mailing labels, rosters and supplies utilized for your projects. These charges are based on the cost to the Association.

I. Sponsorship of Section Events

Sections are encouraged to seek sponsors to defray the cost of section activities or events. Normally, sponsorship involves the inclusion of the sponsor's ad in section publications or on signs at an event in return for the sponsor's financial contribution to the section. However, some sponsors may seek greater involvement. Therefore it is required that all sponsorships be approved by the Executive Director after review of a written plan explaining in detail the sponsor's proposed participation.

V. **EDUCATIONAL OPPORTUNITIES FOR SECTIONS**

There are a variety of ways your section can participate in providing useful CLE programs for your section membership, the KBA membership as a whole, or to the nation's legal profession generally. Some of the options are outlined below. Any questions you may have regarding CLE seminars should be directed to the CLE Director or the Section Liaison.

A. Individual Section CLE Seminars

All scheduling and coordination of section CLE seminars is handled by the Section Liaison. The CLE Department staff is available to assist in all efforts in support of a section CLE program if the section makes timely and reasonable requests. Making arrangements for a seminar can be confusing and very time consuming. Let the Section Liaison assist you with these tasks as this is an area in which the Liaison has considerable experience. The Section Liaison can help you avoid costly problems and delays. From booking facilities to printing brochures and program handbooks, to arranging coffee breaks and speaker gifts, registering attendees and paying the bills, the staff is here to help!

1. Planning timeline.

Below is the planning timeline for all KBA section seminars. Significant lead time, planning and effort are involved in orchestrating a successful CLE seminar. Do not do your section a disservice by rushing the process. ***Under no circumstances should a seminar be scheduled by a section without checking proposed dates against the KBA master calendar and CLE events schedule. Please contact the Section Liaison to begin planning your seminar no later than three months in advance of the seminar date.***

One year to four months from seminar date	Contact Section Liaison to set a date and book meeting facilities
Six to four months out	Set agenda and confirm speakers Speaker letters sent out Save the date email sent to section Speaker hotel room requests due
Three to two months out	Seminar brochures mailed Registration begins All written materials due to CLE office
One month out	Speaker a/v requests due CLE accreditation application due Break & meal menus due to hotel

One to two weeks out	Speaker gifts purchased Guarantees due to hotel
Day before seminar	CLE staff to hotel/facility for set-up

2. CLE accreditation.

The seminar must be accredited as a CLE activity by the CLE Commission pursuant to SCR 3.662. Approval of an activity by the Executive Director does not take the place of the required program accreditation pursuant to Supreme Court Rule. A completed application for accreditation (Form 1), the appropriate application fee, biographies for each presenter and a time-specific agenda must be submitted for review by the CLE Commission at least thirty (30) days in advance of the seminar date. If the application is submitted less than thirty days in advance, the application fee doubles. The Section Liaison can complete this process for you if requested.

3. Speakers.

It is normally the responsibility of the section to develop the agenda and recruit speakers for its seminars. Once the list of speaker names and contact information is submitted to the Section Liaison, the Liaison will handle contacting the speakers regarding materials requirements, deadlines, and other pertinent information. The Liaison is also responsible for handling A/V equipment requests, hotel reservations and other speaker needs.

4. Written materials.

In order for the seminar to receive credit, there must be significant written materials for each session on the agenda. Submission of all materials is required at least two months in advance of the seminar date. Please make sure that your speakers are aware of this requirement before they commit to teaching at your seminar. All materials for your seminar must be submitted to the CLE staff, who will compile and edit the materials for the seminar handbook. If this requirement is ignored, section funds will not be disbursed for expenses incurred by the section in relation to the program.

5. Expenses.

Please take note that when a section commits to sponsor an individual CLE seminar, that section ***is responsible for all costs associated with the seminar.*** Typical expenditures include, but are not limited to:

- a. Printing and mailing costs for seminar brochures.
- b. Printing of seminar handbooks.
- c. Reimbursement for CLE staff hotel rooms and meals, depending on the seminar location.
- d. Reimbursement for CLE staff mileage.
- e. Westlaw billing for cite-checking seminar materials.
- f. Cost of providing meals/refreshments to seminar attendees if desired by the section.
- g. Reimbursement of speaker hotel rooms and travel expenses if desired by the section.
- h. Costs for scheduling sign language interpreters or making other accommodations as requested by attendees.
- i. Speaker gifts.

Financial arrangements for CLE programs must not be made with any vendor or facility without first contacting the Section Liaison and obtaining approval from the Executive Director. ***Make sure you discuss all proposed expenditures and billing procedures with the Section Liaison BEFORE you commit section funds.***

6. CLE staff support.

Attendance by at least one CLE staff member is required by the CLE Commission at all individual seminars sponsored by a KBA section. Additional staff members may be required depending on registration numbers and other details concerning particular seminars.

7. Audio-visual equipment.

All audio-visual equipment needed for section seminars is provided by On-Q Productions. Please provide the Section Liaison with your requests, which will be forwarded to the KBA's audio-visual vendor.

8. Registration.

Seminar registration is handled by the Section Liaison and the KBA Accounting Department. Take note that section seminars usually reach capacity well before the registration deadline. Be careful in estimating the amount of space and number of attendees expected to attend when making a request for meeting space. While most hotels and convention centers can accommodate a few additional attendees, space is reserved based on the number of people stated in the meeting contract. As such, it is difficult to increase the number of attendees substantially immediately prior to the meeting date because space has typically already been allocated for your program.

In addition, take note that once an estimated number of attendees is provided to a hotel or convention center, that number may only be reduced slightly without incurring attrition charges. For these reasons, it is essential that an appropriate amount of space be reserved at the outset of planning for your seminar. Waiting lists will be established for any seminars in which interest is greater than the available amount of space for attendees.

B. Co-Sponsorship of Seminars with Other Sections or Other Program Sponsors

Feel free to combine expertise and resources with ABA sections, other KBA sections with shared interests, law school CLE programs or other law-related groups. You can get a lot of mileage out of joint efforts. However, make sure that you understand the expectations of the other program participants and what the exact role of your section will be. The roles of each participant group should be set forth explicitly and the agreement as to funding, staffing, publications, income and all other aspects of the program must be committed to writing to avoid problems at a later time. ***Regardless of whether section funds will be used to co-sponsor an event, if the section's name will be associated with an event, approval must be obtained from the Executive Director BEFORE the***

**event.** Please make sure that a section activity approval form has been submitted and approval is granted before proceeding.

C. Sponsor or Co-Sponsor a KBA Annual Convention Program

From basic to advanced, use your expertise to present timely and useful topics. Sections are encouraged to present proposals for consideration by the Annual Convention CLE Committee. All you have to do is submit your ideas to the CLE Director. While not all programs can make the final Convention agenda, the Committee encourages submission of strong programming by the sections. Please note however, there is a strict program planning process and schedule to be followed for the KBA Annual Convention and participating sections are required to follow the program planning guidelines and meet all required deadlines. The deadline for submission of all proposals for the 2012 Annual Convention is September 5, 2011. Section funds may also be utilized to bring nationally prominent speakers to the programs or to otherwise underwrite program expenses. For more information regarding CLE programming for the Annual Convention, contact Dianna Moore at [dmoore@kybar.org](mailto:dmoore@kybar.org) or 502.564.3795 x 236.

D. Participate in Kentucky Law Update

Sections are asked to make recommendations on topics for the Kentucky Law Update series of programs. As the experts in your areas of practice, it is an ongoing responsibility of the sections to bring important topical issues to the attention of the CLE Director for inclusion in the Kentucky Law Update programs. In addition, section officers and members often take responsibility for preparing handbook materials and serving as faculty for the programs in their areas of expertise. This is a great way to assist your professional colleagues and to meet other KBA members from all corners of the Commonwealth. For more information regarding CLE programming for the Kentucky Law Update, contact Jennifer Keitz at [jkeitz@kybar.org](mailto:jkeitz@kybar.org) or 502.564.3795 x 226.

**VI. COMMUNICATION OPPORTUNITIES FOR SECTIONS**

Another great service your section can provide to its membership and to the KBA membership in general is to provide information. A sample listing of informational activities follows.

A. Section Mailings

Meeting notices or other information that needs to be transmitted

quickly can be handled through section mailings. Simply contact the Section Liaison or the CLE Director and a mailing will be arranged. Remember, we need timely requests for section mailings!

Mailings can also be accomplished through group email. The KBA has software that can transmit group email to all members or only particular groups in a safe and effective manner. This can only be successful, however, if members provide the Association with their correct email addresses. Please encourage your fellow section members to send their email addresses in writing to the Membership Department.

Section meeting notices generally take up to five days to prepare and mail, so please submit these items to the CLE office accordingly. For meeting notices, please keep in mind that if you want your busy section members to participate, you must give them **advance** notice. Please see that notices for meetings and other section activities are scheduled to be sent out at least four weeks in advance. **Six weeks is preferred.**

#### B. Newsletters

Many sections prepare newsletters for their membership and other groups associated with the section's activities. These do not need to be sophisticated publications but are great vehicles for keeping your membership informed on a timely basis regarding changes or other important information impacting them and the area of interest the section represents. Case law updates, statutory changes, and news about people in the section are transmitted quickly and efficiently through a simple newsletter in either print or electronic format. The Section Liaison will assist you with your newsletter upon request.

Section newsletters and mailings are handled on an "as requested" basis. Copy for newsletters must be submitted in its corrected and final version to the CLE office **two weeks before you want it to go out**. Submission of newsletter copy in clean hard copy as well as in electronic format on CD or as an email attachment will result in a more cost- and time-effective newsletter for your section. Please discuss formatting issues with the Section Liaison before submitting electronic copy. This can save many hours of reformatting files and can speed up the final production of your newsletter substantially! **Remember** – May and June immediately before the Annual Convention is a particularly busy time for the staff. Newsletters and other section projects may not be scheduled during this time if staff assistance is required.

C. List Servs

By starting a section list serv, you have the opportunity to reach all members of your section at once with questions and discussion about your practice area. Discuss recent case law, ask questions of your colleagues and network with section members around the state and beyond. Contact the Section Liaison to find out if your section has a list serv or to find out how to get started in creating one.

D. Section Websites

Make your presence known on the web! Each section has its own website on the KBA's website at [www.kybar.org](http://www.kybar.org). Get information out there quickly and economically by posting it on the web. Please note that any online section posting must be posted through the KBA website. Contact the Section Liaison for more information.

E. Articles for the Bench & Bar Magazine

Let the membership know about issues of concern to your section. Articles may be submitted for publication or entire issues may be devoted to areas addressed by your section. Contact the KBA Communications Department for questions regarding submissions to the Bench & Bar.

F. Public Service Announcements and Informational Videotapes

Sections have participated in efforts to educate and inform the non-lawyer community regarding legal rights, protections under the law, and services from the profession. Efforts such as these go a long way in helping to polish a sometimes tarnished image of the legal community. Give it some thought. We will be happy to assist your section with such activities.

**VII. LEGISLATIVE AND POLICY ACTIVITIES**

Some sections may have legislative interests to pursue. In such cases the section may develop programs and legislative proposals to address those interests and issues. Because the Kentucky Bar Association is a unified (mandatory) bar association, there are restrictions on lobbying and other legislative activities as set forth in Keller v. State Bar of California, 496 U.S. 1 (1990). For this reason, all section legislative activities must follow the guidelines set forth in the Legislative Policy and Procedure adopted by the KBA Board of Governors and printed in Appendix B of this

handbook. Section activities are specifically addressed by §1.14 of this policy. ***Your section must follow the procedure set forth in Appendix B prior to taking any legislative action.*** Questions should be directed to the Chair of the KBA Legislative Committee or the Executive Director.

In addition, when sections are interested in taking a policy position on a rule proposal or change or a controversial case through a public position statement or through the filing of an amicus brief, the policy position must be submitted to the Executive Director before any such statement may be made publicly by the section. ***Please contact the Executive Director regarding any proposed legislative or policy-making activity by your section.***

## **VIII. CONTACT US!**

Remember, the KBA staff is here to assist you but section support is not the only responsibility the staff is mandated. Please respect the duties of the staff set forth by Supreme Court Rule and understand that sufficient lead time is required to provide the assistance you request. Planning ahead and good communication can resolve potential problems and keep the process working smoothly for all involved.

Do not hesitate to call any officer or KBA staff member to:

- ◆ Brainstorm
- ◆ Ask questions
- ◆ Get staff support
- ◆ Offer suggestions
- ◆ Give constructive criticism
- ◆ And yes, to gripe!



**WHOM YOU CAN CONTACT.** The KBA's officers and staff are willing to assist you with section activities. Below is a list of individuals you may contact by mail, telephone, FAX or e-mail:

**KBA PRESIDENT**

Margaret E. "Maggie" Keane  
Greenebaum Doll & McDonald, PLLC  
101 South Fifth Street, Suite 3500  
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(502) 587-3641  
FAX (502) 540-2203  
mek@gdm.com

**KBA PRESIDENT-ELECT**

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FAX (270) 885-7127  
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**IX. THANK YOU**

Thank you for assisting the Kentucky Bar Association and for assisting the attorneys of Kentucky. You have been elected to this position of leadership within the KBA because you have demonstrated interest, responsibility, creativity and enthusiasm. You are, in short, considered a KBA leader and, as such, your ideas and your contributions are highly valued. Thanks!



**APPENDIX A**  
**KENTUCKY BAR ASSOCIATION**  
**SECTION 11. SECTIONS**

(a) **SECTIONS.** There are created the following Sections within the Kentucky Bar Association:

- (1) Business Law.
- (2) Criminal Law.
- (3) Family Law.
- (4) Civil Litigation.
- (5) Labor and Employment Law.
- (6) Probate and Trust Law.
- (7) Taxation.
- (8) Young Lawyers.
- (9) Public Interest Law.
- (10) Corporate House Counsel.
- (11) Environment, Energy & Natural Resources Law.
- (12) Local Government Law.
- (13) Workers' Compensation Law.
- (14) Real Property Law.
- (15) Bankruptcy Law.
- (16) Senior Lawyers.
- (17) Equine Law.
- (18) Education Law.
- (19) Construction and Public Contract Law.
- (20) Small Firm Practice & Management.
- (21) Health Care Law.
- (22) Alternative Dispute Resolution.
- (23) Appellate Advocacy.

(b) **ELIGIBILITY.** All members in good standing of the Kentucky Bar Association shall be eligible for membership in any one or more of the Sections of the Kentucky Bar Association and may become members by paying the respective dues as designated by each Section.

(c) **OFFICERS.** Officers for each Section shall include, but need not be limited to, a Chair, a Chair-Elect, and a Vice-Chair, who shall be elected for a term of one or two years, from and by its own membership present and voting at the required annual Section meeting, which shall take place during the annual meeting of the Association or as scheduled by the Section prior to the end of the current fiscal year ending June 30<sup>th</sup>. Each section shall specify the term of office in the Section by-laws which term may be of either one or two years in duration. No individual may serve in any one of the required offices of the Section for a period of greater than two years. If a Section fails to fill the required offices at their annual meeting, the Board of Governors, following a petition from the Section,

may appoint an interim officer to fill the remainder of the term.

- (d) DUES. A majority of the members of the Section in attendance at the annual meeting of the Section may fix dues for the Section. The dues shall be paid to the Treasurer (of the KBA) and disbursed by the Treasurer for programs of each Section as approved by the Executive Director.
- (e) BY-LAWS. Every Section shall have a set of by-laws, which shall include a Section mission statement, describing the purpose of their existence. A majority of the members of the Section in attendance of the annual meeting of the Section shall adopt the by-laws which shall be subject to the approval of the Board of Governors and the Supreme Court, pursuant to the provisions of SCR 3.090.
- (f) ANNUAL REPORT. Each Section shall annually file with the Board, on or before the annual meeting, a report of Section activities which shall outline the activities and expenditures of the Section for the current fiscal year ending June 30th.
- (g) FORECAST REPORT. Every Section's incoming chair shall submit to the Board on or before August 1st following their election as chair, an outline of the Section's proposed activities, expenditures and meetings for the ensuing fiscal year.
- (h) APPROVAL OF ACTIVITIES AND PROJECTS. All Section programs, projects, expenditures (excluding routine in-state travel in support of Section activities, programs or projects) and meetings shall be pre-approved in writing by the Executive Director.
- (i) NEW SECTIONS. A new Section of the Kentucky Bar Association may be created upon the Board's approval following the submission of an application and petition by a current Kentucky Bar Association member, which shall include the following:
  - (1) a description of the area(s) of practice the Section will cover;
  - (2) statement of need and purpose;
  - (3) signatures of a minimum of one hundred (100) current Kentucky Bar Association members who are interested in seeing the formation of the proposed Section.

Establishment of the Section shall become effective at the start of the following fiscal year following the Court's approval.

- (j) ABOLITION. Upon notice by mail to all current members of a Section, the Board of Governors may abolish a Section, which would take effect at the end of the fiscal year in which notice was given.

**APPENDIX B**  
**KENTUCKY BAR ASSOCIATION**  
**LEGISLATIVE POLICY AND PROCEDURE**

1.10 General Legislative Policy

- A. The mission and purpose of the Kentucky Bar Association are set forth in Rule 3.025 of the Kentucky Rules of the Supreme Court. Neither the Kentucky Bar Association nor any of its sections may take a position on legislation either as proponent or opponent unless it is determined by the Board of Governors that the legislation is related to the purpose of the Kentucky Bar Association as set forth in such rule.
- B. Rule 3.025, as referred to above, provides as follows:
  - (1) “The mission and purpose of the association is to maintain a proper discipline of the members of the Bar in accordance with these rules and with the principles of the legal profession as a public calling, to initiate and supervise, with the approval of the court, appropriate means to ensure a continuing high standard of professional competence on the part of the members of the Bar, and to bear a substantial and continuing responsibility for promoting the efficiency and improvement of the judicial system.”

1.11 Board of Governors

- A. Procedure for obtaining approval of Board of Governors for legislative action.
  - (1) Proposals for legislative action shall be submitted to the Executive Director in the form and with the information specified in Section 1.11(3)(c) of this policy at least twenty (20) days before the beginning of any regular meeting of the Board of Governors.
  - (2) The Executive Director shall circulate copies of all legislative proposals to all members of the Board of Governors and the Legislative Committee for review and action in accordance with this policy.
  - (3) Legislative proposals not submitted by the deadline will not be considered until the next succeeding meeting of the Board of Governors unless:

- a. The proposal is presented in writing to the Legislative Committee at its meeting preceding the Board of Governors' meeting; and
  - b. Sufficient copies of the proposal for each member of the Board of Governors are delivered to the Executive Director prior to the commencement of the Board meeting; and
  - c. The Board of Governors by majority vote agrees to place the proposed legislative matter on its agenda.
- (4) The Board of Governors may be called upon to adopt a legislative position either by:
- a. A recommendation of the Legislative Committee made in the form of a motion by its chair or one of its members.
  - b. Motion of a member of the Board of Governors addressed to matters previously considered by the Legislative Committee.
- (5) Consideration of any legislative proposal by the Board of Governors shall proceed in the following order:
- a. An affirmative vote by a two-thirds majority of those present, or who have expressed their vote in writing prior to commencement of such meeting, that the proposed legislative action is within the scope of the authority of the Kentucky Bar Association under the rules set forth above.
  - b. If the vote is affirmative, then a second vote will be taken to determine the specific legislative position to be adopted. Action to support, oppose or take a neutral position on the legislation shall require a two-thirds vote of the Board members present.
  - c. The fact that proposed legislation is not considered by the Board of Governors or that the legislative proposal did not receive the required two-thirds vote shall not be considered action of the Board of Governors.
- B. The Legislative Committee, the Board of Governors, or the Executive Committee may allow any interested person to appear

before it in support of or in opposition to any legislative proposal being considered subject to reasonable limitations on available time.

- C. Requests that the Kentucky Bar Association take a legislative position shall be accompanied in all cases by a copy of the legislation proposed or opposed together with the following information:
  - (1) Identification of, reference to, copies of similar legislation being considered by the legislature.
  - (2) A statement concerning the principal known proponents and opponents to the legislation including, if possible, a brief statement of the reasons for opposition or support by the other interests.
  - (3) A statement of the known position on the proposed legislative policy taken by any section or committee of the Kentucky Bar Association which has considered the matter including the principal reasons for support or opposition to the proposal.
  - (4) The proposal should be circulated to all sections and committees which may be interested in the proposal. The proposal shall identify all committees or sections to which the proposal has been submitted for comment, and the comments reviewed.
- D. A position with regard to legislation, once adopted by the Board of Governors, shall remain an association position for the full biennial session during which the Board adopted the position unless reversed or rescinded. Upon request of any member of the Board, the Executive Director shall notify the Board at a regular meeting of the association's Legislative Committee.
- E. Legislative positions shall be stated in the affirmative to support, oppose, or take a neutral position on legislation. Failure to receive a necessary two-thirds vote to favor legislation shall not be considered an adoption of a position to oppose such legislation. Review of a previous legislative position may be proposed by any member of the Board of Governors or the Executive Committee, and required upon a majority vote of those present. A legislative position may be altered, amended or withdrawn by a two-thirds vote of the Board of Governors present at the meeting.

F. Categories of legislative policy. The Board of Governors or the Executive Committee may provide for different categories designating the extent of the Kentucky Bar Association's activity in support of or in opposition to legislation. Such categories may include the following:

- (1) Active support or opposition means the Kentucky Bar Association through its agents will actively support or oppose a bill or concept before either the Kentucky General Assembly or the United States Congress.
- (2) Approved or disapproved legislation means the Kentucky Bar Association either approves or disapproves the bill or concept.

#### 1.12 Executive Committee

A. It is the policy of the Board of Governors that the Executive Committee shall take no legislative action during the legislative session unless the Executive Committee shall determine by majority vote of those voting that:

- (1) The requested legislative action could not reasonably have been submitted for consideration by the Board of Governors in accordance with existing policies, or,
- (2) There has been a significant material change in circumstances since the last meeting of the Board of Governors making it necessary that legislative action be taken by the Kentucky Bar Association.

B. When considering legislation previously acted upon by the Board of Governors, the Executive Committee shall be subject to the following:

- (1) The Executive Committee shall take no action inconsistent with previous action of the Board of Governors on the same legislation unless there has been a significant material change in circumstances since the last meeting of the Board of Governors.

The failure to receive the required two-thirds vote of the Board of Governors shall not be considered "previous action" by the Board.

- (2) In making recommendations or in determining legislative policy, all votes taken by the Executive Committee on legislative matters shall proceed as follows:

- a. Must affirmatively establish by majority vote of those voting that the legislation or legislative action being considered is on a subject matter falling within the purposes of the Kentucky Bar Association as set forth in Rule 3.025.
- b. If the vote required in the previous subparagraph is affirmative, a second vote will be taken to determine the specific legislative position to adopt. This vote requires at least four affirmative votes to adopt a position.
- c. During the time when the legislature is in session, if an emergency exists and it is not feasible for the Executive Committee to act, then the President, upon consultation with the President-Elect and chair of the Legislative Committee (if possible under the circumstances), may act upon pending or proposed legislation.
- d. Any action taken by the Executive Committee or president shall be reported to the Board of Governors at its next meeting.

#### 1.13 Legislative Committee

- A. Structure -- The Legislative Committee shall be composed of at least nine members, at least five of whom shall be members of the Board of Governors at the time of their appointment. The chair shall be a member of the Board of Governors. The members of the Legislative Committee shall be appointed by the President of the Kentucky Bar Association and the exact number of such committee shall be fixed by the President of the Kentucky Bar Association, to serve and to be fixed at the pleasure of the President.
- B. Terms -- The terms of the members of the Legislative Committee shall be for a period of one year or two years in such a manner, as to create such continuity within the discretion of the President, as shall be deemed advisable by the President of the Association.
- C. The Legislative Committee will meet for the purpose of developing its recommendations for the Board of Governors with regard to requests for the Board to adopt a legislative position submitted in accordance with policy 1.11.

- D. In each case involving a proposed legislative position, the Legislative Committee shall make a recommendation to the Board on the following:
  - (1) Whether the proposed legislative action is within the scope of the authority of the Kentucky Bar Association under Rule 3.025.
  - (2) The legislative position the Board should adopt.
- E. In addition to the above, the Legislative Committee shall also have authority to draft and submit to the Board of Governors legislative concepts which may or should be the subject of legislation and recommend positions with respect thereto.

1.14 Legislative Activities of Sections and Committees of the Kentucky Bar

- A. No section or committee of the Kentucky Bar Association may engage in any legislative action except as follows:
  - (1) The Board of Governors, by majority vote, finds that the proposed legislative position is within the scope of the authority of the Kentucky Bar Association and its missions and its purposes, as an integrated bar association.
  - (2) If the vote is in the affirmative, the Board of Governors, by a two-thirds vote, authorizes a section or committee to communicate its own legislative position with regard to any specific legislation.
  - (3) During the legislative session, the Executive Committee may authorize a section or committee to adopt a legislative position, subject to the same requirements as Policy 1.14(a)(1) and (2) and Policy 1.12. The Executive Committee shall use whatever means are available to vote on a section's or committee's request within three working days after receipt of the request, by the Executive Director.
  - (4) A position with regard to legislation, once approved by the Board of Governors, shall remain a position of that section or committee for the full biennial session during which the Board approved the position, unless reversed or rescinded.
  - (5) Annually, each section or committee shall notify the Executive Director of that section's or committee's approved legislative positions.

- (6) Any legislative action taken by a section or committee pursuant to this provision shall be clearly identified as a position of the section or committee and not that of the Kentucky Bar Association.
- B. No section or committee of the Kentucky Bar Association may advocate a legislative position unless the position was adopted in the following manner:
- (1) Upon an affirmative vote of the majority of the section members present or the committee members present that proposed legislative action is within the scope of the authority of the Kentucky Bar Association, and its missions and purposes, as an integrated bar.
  - (2) If the vote required in the previous subparagraph is affirmative, then a second vote will be taken to determine the specific legislative position to be adopted. Action to support or oppose the legislation shall require a two-thirds vote of either the section members present or the committee members present.
- C. Section Legislative Committees
- (1) A section involved in legislative matters may establish a section legislative committee which will make recommendations to the KBA Executive Committee regarding requests for that section to adopt a legislative committee.
  - (2) The section legislative committee shall be composed of not less than three nor more than nine members.
- D. Section Lobbyists
- (1) No section of the Kentucky Bar Association may retain a lobbyist without the consent of the Board of Governors.
  - (2) A section desiring to retain a lobbyist shall submit to the Board of Governors a request for approval containing the following:
    - a. Name and address of the proposed lobbyist;
    - b. Proposed contractual terms;

- c. Statement of needs;
  - d. A list of the lobbying clients the lobbyist or members of his firm represents at the time the Board considers that individual for approval;
  - e. An agreement that subsequent lobbying clients will be disclosed to the Kentucky Bar at least five days prior to that individual for approval; and
  - f. A provision that the contract may be terminated by the Kentucky Bar Association if it decides that the section lobbyist or a member of the firm does not act in the best interests of the Kentucky Bar Association.
- (3) The Legislative Committee and the Executive Director shall review section lobbyist requests and make recommendations to the Board of Governors with respect thereto.
  - (4) A section lobbyist shall agree to communicate all proposed legislative committee developments to the Executive Director of the Kentucky Bar Association.
  - (5) No section shall budget or expend for legislative activities any amount greater than the amount budgeted or received as voluntary dues from section members.

1.15 Procedure for Hiring Legislative Advisor and Consultants

(No policy has been adopted regarding the hiring of a legislative advisor or consultant).

1.16 Advice and Consultation with General Assembly by Kentucky Bar Association Members

Nothing herein shall preclude lawyers from presenting their individual personal views to the Kentucky General Assembly or the United States Congress on any legislative matter.



