

**ADOPTED**

**SPONSORS:** James R. Silkenat (Principal Sponsor), Sara A. Austin, Gerald T. Gaimo, Shawn D. Guse, Ernestine S. Sapp, Peter M. Suzuki, David C. Weiner, Hon. Bernice B. Donald and Armando Lasaferrer

**PROPOSAL:** Proposes the following housekeeping amendments to the Association's Constitution, Bylaws and House Rules of Procedure:

1. Amends §5.1(a) of the Constitution to make this Section consistent with the voting requirements of the House of Delegates to read as follows:

**§5.1 Presentation, Referral and Distribution of Resolutions.** (a) A member of the Association who is not a delegate may submit one or more resolutions pertinent to the purposes of the Association. A resolution submitted after the deadline established by the Committee on Rules and Calendar may not be considered by the House unless the Committee on Rules and Calendar recommends a waiver of the time limitation and the House approves the recommendation by a two-thirds vote of the delegates present and voting.

2. Amends §6.2(a)(6) of the Constitution to reflect the correct name of the National Conference of Administrative Law Judiciary to read as follows:

(5) The delegates representing the following conferences of the Judicial Division: one each for the Appellate Judges' Conference, the National Conference of State Trial Judges, the National Conference of Specialized Court Judges, the National Conference of Federal Trial Judges, and the National Conference of Administrative Law ~~Judges~~ Judiciary.

3. Amends §6.6. of the Constitution to maintain a staggering provision for all Section Delegates to read as follows:

**§6.6 Section Delegates.** At the conclusion of the 2005 Annual Meeting, each section shall be entitled to two delegates with staggered terms ending in Association years 2005 and 2006. At the end of those respective terms and in each succeeding third year, each of those positions shall then be elected for a term of three Association years. ~~At the conclusion of the 2005 Annual Meeting, the Section of Individual Rights and Responsibilities and the Section of Public Contract Law shall each elect one additional delegate to serve a two-year term; in 2007 and in each succeeding third year both shall elect one delegate for a three-year term.~~ In 1990 each section with more than 25,000 members and Non-U.S. Lawyer Associates, shall elect from its membership one additional delegate to the House to serve for two years. In 1992 and in each succeeding third year, a section with more than 25,000 members and Non-U.S. Lawyer Associates, shall

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elect from its membership one additional delegate to the House. In 1990 and in each succeeding third year, a section with more than 50,000 members and Non-U.S. Lawyer Associates, shall elect from its membership one additional delegate. The term of a Section Delegate is three Association years, beginning with the adjournment of the annual meeting during which elected. A Section Delegate elected as an officer or member of the Board of Governors ceases to be a Section Delegate at the beginning of the term as officer or governor. If a vacancy occurs, the council of the section shall select a successor for the unexpired term. This section does not apply to divisions.

4. Amends §6.7(g) of the Constitution to maintain a staggering provision for the General Practice, Solo and Small Firm Division Delegates to read as follows:

(g) At the annual meeting in 2005, the General Practice, Solo and Small Firm Division shall elect three delegates to the House of Delegates in the manner prescribed by its bylaws with staggered terms ending in Association years, 2006, 2007 and 2008. At the end of those respective terms and in each succeeding third year, each delegate position shall then be elected for a term of three Association years.

5. Amends §6.8 of the Constitution to reflect the correct names of two Affiliated Organizations to read as follows:

**§6.8 Delegates from Affiliated Organizations.** (a) The following organizations are entitled to be represented in the House of Delegates as affiliated organizations: The American Immigration Lawyers Association, The American Judicature Society, the American Law Institute, the Association of American Law Schools, the Association of Life Insurance Counsel, the Conference of Chief Justices, the Federal Bar Association, the Federal Circuit Bar Association, the Federal Communications Bar Association, the ~~Federal~~ Energy Bar Association, the Hispanic National Bar Association, the Judge Advocates Association, the Maritime Law Association of the United States, the National Asian Pacific American Bar Association, the National Association of Attorneys General, the National Association of Bar Executives, the National Association of Criminal Defense Lawyers, the National Association of Women Judges, the National Association of Women Lawyers, the National Bar Association, the National Conference of Bar Examiners, the National Conference of Commissioners on Uniform State Laws, the National Conference of Women's Bar Associations, the National District Attorneys Association, the National Legal Aid and Defender Association, the National Lesbian and Gay Law Association, the National Organization of Bar Counsel and the **National** Native American Bar Association.

6. Amends §31.7 of the Bylaws to revise the jurisdictional statements of the Standing Committee on Ethics and Professional Responsibility and the Standing

Committee on Gavel Awards to reflect the correct name of the Model Code of Judicial Conduct to read as follows:

**Ethics and Professional Responsibility.** The Standing Committee on Ethics and Professional Responsibility, which consists of ten members, may:

...

(d) on request, advise or otherwise assist professional organizations and courts in their activities relating to the development, modification and interpretation of statements of the ethical standards of the profession such as the Model Rules of Professional Conduct, the predecessor Model Code of Professional Responsibility and the Model Code of Judicial Conduct;

(e) recommend amendments to, or clarifications of, the Model Rules of Professional Conduct or the Model Code of Judicial Conduct; and ...

**Gavel Awards.** The Standing Committee on Gavel Awards consists of 18 members. The Committee shall supervise the Association's awards for noteworthy published articles, radio and television broadcasts, books, and films that:

...

(d) help the legal profession and the judiciary to attain the goals set by the Model Rules of Professional Conduct and the Model Code of Judicial Conduct.

7. Amends §43.2 of the House Rules of Procedure to make this Section consistent with the voting requirements of the House of Delegates to read as follows:

**§43.2 Special Orders.** At any time during the meeting, any matter may be made a special order upon the recommendation of the Committee on Rules and Calendar and by a vote of two-thirds of the delegates present and voting.