

**ELDER LAW SECTION
KENTUCKY BAR ASSOCIATION
BY-LAWS**

ARTICLE I

NAME AND PURPOSE

Section 1. Name. The organization shall be known as the Elder Law Section [the Section] of the Kentucky Bar Association [the Association].

Section 2. Definition. “Elder law” is the practice of law that focuses on the needs of older adults and/or persons with disabilities, including planning for incapacity, planning for long-term-care needs, promoting quality care in both institutional and community settings, preventing and remedying exploitation and abuse, and providing estate and financial planning.

Section 3. Purpose. The purpose of the Section shall be as follows:

- A. To provide an organization within the Association for persons with an interest in elder law and to further the knowledge and professionalism of members in that field of law;
- B. To provide a forum for mutual help in the practice of elder law and to discuss and form solutions to problems occurring in such practice;
- C. To aid in the development of laws benefitting elder citizens and those concerned with the care and needs of the elderly;
- D. To aid and encourage the presentation of seminars, institutes, programs, publications, and legal panels connected with the Section’s objectives.
- E. To promote the health, welfare, and financial security of elder citizens in accordance with their needs and wishes;
- F. To promote ethical and competent practice in the elder law field;
- G. To disseminate information for the better understanding of the public in matters relating to elder law;
- H. To improve the administration and application of laws, rules, and regulations in elder law matters and to further legitimate legislative objectives; and
- I. To do such other activities as may be necessary and appropriate to fulfill any or all of the foregoing statements of purpose.

ARTICLE II

MEMBERSHIP AND VOTING

Section 1. Membership. Membership in the Section is open to all members of the Association in good standing. Membership dues shall be assessed annually to those members of the Association who wish to be members of the Section. These dues shall be established by the Executive Committee, and any increase shall be subject to approval by a majority vote of the Section members present and voting at an Annual Meeting. Dues shall be due and payable with the Association dues. Dues for new members of the Section shall be paid at time of admission to the Section. Only Association members whose Section dues are current shall be members of the Section. Law students may attend meetings of the Section as non-voting guests.

Section 2. Voting. Only current dues-paying members of the Section shall be qualified electors and eligible to vote and hold office in the Section. Actions taken at a meeting of the Section membership shall be by a majority vote of those members present and voting at such meeting.

ARTICLE III

OFFICERS, DIRECTORS, AND COMMITTEES

Section 1. Officers.

- A. Until the election of the Officers outlined in Subsection (B), the Chair of the Association's Elder Law Committee shall serve as the presiding officer over all elections and preliminary organizational matters.
- B. The officers of this Section shall be the Chair, Chair-Elect, Vice-Chair, and Secretary, and such other officers as are deemed appropriate by a majority of the Section members present and voting at the Annual Meeting at which such officers are to be elected.
- C. Except as otherwise provided in these By-Laws, officers shall be elected at the Annual Meeting of the Section for a one-year term and shall qualify by acceptance.
- D. Except as otherwise provided in these By-laws, the following shall apply: An officer shall serve until the next Annual Meeting of the Section. If an officer other than the Chair-Elect is unable or unwilling to serve, the Chair shall appoint, with the approval of the Executive Committee, an officer to serve until election at the next Annual Meeting. If the Chair-Elect is unable or unwilling to serve, the Vice-Chair shall serve as Chair-Elect. If the Vice-Chair is unable or unwilling to serve as Chair-Elect, the Chair shall hold a

special election within 30 days of receiving notice that the Vice-Chair is unable or unwilling to serve.

Section 2. The Executive Committee.

- A. The Executive Committee of the Section shall consist of the officers of the Section and the immediate past Chair of the Section.
- B. The Executive Committee shall consult with and advise the Chair in the interval between Annual Meetings. Each member of the Executive Committee shall have one (1) vote on matters before the Executive Committee. Actions taken at a meeting of the Executive Committee shall be by a majority vote of those members of the Executive Committee present and voting at such meeting.
- C. Any matters not specifically reserved to the members of the Section in these By-Laws may be taken by the Executive Committee.

Section 3. The Legislative Committee. The Chair, with the approval of the Executive Committee, shall from time to time appoint Section members to serve on the Legislative Committee of the Section.

Section 4. The Nominating Committee. The Nominating Committee shall be responsible for submitting nominations for officers on an annual basis. The Nominating Committee shall be composed of the immediate past Chair, the Chair, and three (3) members of the Section selected by draw. If a person so drawn does not wish to serve, another draw will be held until a Section member willing to serve is selected. If any of the above-named members of the Nominating Committee are or become unable to so serve, such vacancy in the Nominating Committee shall remain unfilled. The immediate past Chair of the Section shall serve as the Chair of the Nominating Committee, provided that if the immediate past Chair is or becomes unable to serve, the members of the committee shall elect its Chair. The composition of the Nominating Committee shall be announced in January. After the announcement of the Nominating Committee, it shall meet and begin its work. It shall announce the slate of nominations to the members of the Section by March 15th.

Section 5. Committees. The Chair, with the approval of the Executive Committee, may implement committees as he/she deems appropriate and appoint Section members to serve on such committees.

ARTICLE IV

DUTIES OF THE OFFICERS

Section 1. Chair. The Chair of the Section shall serve as the chief executive officer of the Section and preside at all meetings of the Section and of the Executive Committee.

The Chair shall prepare and present at each Annual Meeting of the Section the report of the Section for the prior year and shall oversee the programs of the Section. The Chair shall also serve as a liaison between the Section and the Association or may appoint someone to serve as said liaison.

Section 2. Chair-Elect. The Chair-Elect shall serve as assistant to the Chair and shall perform the duties assigned to him/her by the Chair. The Chair-Elect shall endeavor to become thoroughly familiar with the duties of the Chair, and the programs and activities of the Section. Upon expiration of his/her term as Chair-Elect, the Chair-Elect shall succeed to the office of Chair for a term of one year, beginning with the adjournment of the Annual Meeting of the Section at which he/she assumes the office and ending with the adjournment of the next following Annual Meeting of the Section.

Section 3. Vice-Chair. The Vice-Chair shall prepare financial reports for the Chair and Executive Committee, assist the Chair and Chair-Elect in preparing a budget for the subsequent years, and confer with appropriate authorities of the Association in the proper disbursement of Section funds and the proper receipt and maintenance of accounting records of these funds.

Section 4. Secretary. The Secretary shall be responsible for all permanent files and records of the Section, including the minutes of the meetings of the Section and the Executive Committee, and shall furnish copies of the minutes to all parties that so request or require.

ARTICLE V

ELECTIONS

Section 1. Annual Meeting Nominations. Except as otherwise provided in these By-Laws, the officers of the Section except for the Chair shall be elected at the Annual Meeting of the Section by a majority vote of those Section members present and voting. Nominations shall be received from the Nominating Committee and from the floor. If requested by those present at the Annual Meeting, elections shall be by secret ballot.

Section 2. Voting. Only current dues-paying members shall be entitled to vote.

ARTICLE VI

MEETINGS

Section 1. Annual Meeting. An Annual Meeting of the Section shall be held as part of the Association's Annual Convention.

Section 2. Quarterly Meetings. In addition to the Annual meeting, the Section shall meet quarterly. The time and location of these meetings shall be announced thirty (30) days in advance.

Section 3. Special Meetings. Special meetings of the Section may be called: a) by the Chair, b) by a majority of the Executive Committee, or c) upon written request to the Chair of not less than twenty-five (25) percent of members of the Section. The time and place of each special meeting shall be announced at least thirty (30) days in advance by notice to the membership via first-class mail or via electronic means.

Section 4. Notice. Notice of each meeting of the Section shall be promulgated to the membership at least thirty (30) days in advance disclosing the date, location, and time of the meeting. Notice will be sent by electronic means unless a member requests written notice by regular mail.

Section 5. Quorum. Five members of the Section present at a properly scheduled meeting of the Section membership shall constitute a quorum for the purposes of transacting business at such meeting. "Present" shall be defined as physical presence, telephonic presence, or presence by other two-way electronic means.

Section 6. Executive Committee Meetings. The Executive Committee shall meet not less than once each year. The meetings of the Executive Committee shall be called by the Chair or upon written request to the Secretary of not less than three (3) members of the Executive Committee. A quorum for meetings of the Executive Committee shall be two (2) members of the Committee. Meetings of the Executive Committee may be conducted by telephone.

Section 7. Actions by Unanimous Written Consent. The Executive Committee may act by the unanimous written consent of all members of the Executive Committee. Such written consent may be given by mail, by fax, or by e-mail. Consents received via e-mail do not require signature.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended at any Annual or properly scheduled meeting of the Section membership by two-thirds (2/3) vote of the members of the Section in attendance and voting at such meeting, provided that notice of the proposed amendment(s) has been provided. The quorum required for such amendment is five (5) members. "In Attendance" shall be defined as physical presence, telephonic presence, or presence by other two-way electronic means.

ADOPTED THIS 6th DAY OF June, 2012; amended by majority of Section members in attendance on the 16th day of June, 2017.