

# **BYLAWS OF THE LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND QUEER RIGHTS SECTION OF THE NEW JERSEY STATE BAR ASSOCIATION**

## **ARTICLE I**

Section 1. This Section of the New Jersey State Bar Association ("NJSBA" or the "Association") shall be known as the Lesbian, Gay, Bisexual, Transgender and Queer ("LGBTQ") Rights Section.

Section 2. The purposes of this Section shall be:

- (a) To promote lesbian, gay, bisexual, transgender, and queer rights;
- (b) To study and report on statutes, court decisions, rules and regulations that might affect the rights, responsibilities, and needs of lesbian, gay, bisexual, transgender, and queer-identified people;
- (c) To provide a common meeting ground and forum for members of the profession interested in the legal challenges that people who identify as lesbian, gay, bisexual, transgender, and queer may face;
- (d) To take action regarding these matters, subject to these bylaws and the constitution, bylaws, rules, and regulations of the NJSBA;
- (e) To advocate for lesbian, gay, bisexual, transgender, and queer lawyers within the NJSBA;
- (f) To provide programs and services that promote and support Section members' professional growth;
- (g) To provide leadership in expanding diversity, equity and inclusion under the law and within the legal profession, including the elimination of bias;
- (h) To recruit and retain a diverse membership in this Section and to support, promote and advance full and equal participation;
- (i) To encourage membership and active participation by all interested members of the New Jersey State Bar Association;
- (j) To affirmatively endeavor to ensure broad and diverse representation within its membership and in its leadership;
- (k) To reduce barriers to participation in Section activities;

(l) To mentor lesbian, gay, bisexual, transgender, and queer law students and new members of the legal profession; and

(m) To be a resource for the NJSBA on legal issues affecting lesbian, gay, bisexual, transgender, and queer people.

## **ARTICLE II MEMBERSHIP**

Section 1. Membership in this Section shall consist of all members of the Association who elect to become members of this Section pursuant to the procedure established by the Association and who shall pay Section dues in the amount determined by the Board of Trustees of the NJSBA. Section dues are payable to the NJSBA as provided for by the Association.

## **ARTICLE III OFFICERS**

Section 1. The officers of this Section shall be a chairperson, a chair-elect, a vice chairperson, a treasurer, and a secretary.

Section 2. Each officer shall be elected in a manner as hereinafter set forth. All officers shall hold office for a term beginning at the close of the annual meeting of the membership of the Section at which installed and continue thereafter until the close of the following year's annual meeting or until their respective successors have been elected, unless earlier removed pursuant to Article VI, Section 4.

Section 3. No chairperson may succeed themselves for a period of at least two years from the expiration of their term. The chair-elect will automatically succeed the chairperson unless the chair-elect expressly declines the position of chairperson. This Article III shall not apply to former officers of the Lesbian, Gay, Bisexual and Transgender Rights Committee of the NJSBA.

## **ARTICLE IV DUTIES OF OFFICERS**

Section 1. The chairperson shall preside at all meetings of the Section and Executive Committee, appoint the membership and chair of all standing, ad hoc, and special committees, appoint the at-large members of the Executive Committee, formulate and present at each annual meeting of the NJSBA a written report of the work of the Section for the past year, and pursue such other duties and acts as usually pertain to such office.

Section 2. The chair-elect shall be responsible for preparation and/or revision of the Section's bylaws, shall have overall responsibility for the publicity attendant to all LGBTQ Rights Section events and affairs, and shall perform such duties as the chairperson shall designate. In addition, during temporary absence of the chair, the chair-elect shall perform the duties of the chair.

Section 3. The vice-chairperson shall be responsible for the Section's continuing legal education efforts throughout the year and shall perform such other duties as the chairperson may reasonably request.

Section 4. The treasurer shall be the Section's liaison with the NJSBA for all financial record keeping and transactions and shall assist the social and CLE committees with financial arrangements, including budget expenditures and sponsorship efforts.

Section 5. The secretary shall be the custodian of all books, records, papers, and documents which are the property of the Section and shall keep a true record of all proceedings.

Section 6. The immediate past chair shall serve as the liaison between this Section and the other sections and committees of the NJSBA, shall chair the Nominating Committee, and shall perform such other duties as may be assigned by the chairperson.

## **ARTICLE V TRUSTEES**

Section 1. The Section trustees shall serve as leaders in the LGBTQ Rights Section and shall aid in Section decision-making. Section trustees shall work towards increasing membership and attendance at Section meetings and events and advocate for the LGBTQ Rights Section and its purposes. There shall be a minimum of 2 (two) meetings of the Section trustees within the twelve (12) month period after the annual meeting.

Section 2. Each trustee shall be elected in a manner as hereinafter set forth. All trustees shall hold office for a term beginning at the close of the annual meeting of the membership of the Section at which installed and continue thereafter until the close of the following year's annual meeting or until their respective successors have been elected, unless earlier removed pursuant to Article VI, Section 4.

## **ARTICLE VI NOMINATION, ELECTION, AND REMOVAL OF OFFICERS AND TRUSTEES**

Section 1. The chairperson may consult with the Executive Committee and the trustees but shall retain final appointing authority for establishing a Nominating Committee of five members of the Section: one of whom shall be the immediate past chairperson, who shall chair the Nominating Committee; one of whom shall be the chair-elect; and one of whom shall be a Young Lawyer (defined as 36 years of age or younger or practicing 10 years or fewer). The Nominating Committee shall make nominations of the officers and up to ten trustees. The Nominating Committee shall consider diversity, qualifications, and service to this Section and the NJSBA in general when making such nominations. The slate of nominees shall be published to members of the Section by newsletter, listserv, or otherwise not fewer than 30 days prior to the election meeting at which the nominees are to be proposed for election.

Section 2. Additional nominations may be made by petition of at least three members of the Section, submitted to the Nominating Committee not later than fifteen (15) days prior to the election meeting. If any additional nominations are so made, all nominations shall be announced to the members of the Section by newsletter, listserv, or otherwise at least ten (10) days before the election meeting.

Section 3. The officers and trustees shall be elected at a meeting by a majority vote of the members attending in-person or remotely (audio, video, webcast) at said meeting specifically held for this purpose. Voting by proxy is not permitted. This election meeting shall not be held on fewer than five (5) days' notice to the members. The officers and trustees so elected shall take their offices at the close of the annual meeting of the membership of the Section at which installed.

Section 4. Removal of Officers and Trustees. Any officer or trustee may be removed, with or without cause, by the affirmative vote of two-thirds of the Executive Committee and the trustees.

## **ARTICLE VII EXECUTIVE COMMITTEE**

Section 1. This Section shall have an Executive Committee consisting of the current officers, a legislative coordinator, and up to three additional members of the Section membership at least two of whom must be current trustees and at least one of whom must be a former chairperson)appointed by the chair to serve on the Executive Committee. Additionally, the immediate past chairperson of the Section shall be a member of the Executive Committee for a term of one year after the expiration of office. If the immediate past chairperson declines to serve on the Executive Committee, no replacement shall be appointed to fill that position on the Executive Committee, and it shall remain vacant for the duration of the immediate past chairperson's term.

Section 2. The legislative coordinator shall be appointed by the Section chairperson. The legislative coordinator shall serve as the point person between the LGBTQ Rights Section and the NJSBA with respect to legislative and government affairs matters and shall chair the Section's legislative committee appointed by the Section chairperson pursuant to Article XI, Section 1. The legislative coordinator shall receive and review Section reports and legislative updates/reports in conjunction with the legislative committee and the Section chairperson, and shall, along with the legislative committee members as designated, prepare Legislative Position Forms ("LPFs") on behalf of the Section.

Section 3. The Executive Committee shall conduct the business of this Section during the interval between meetings of the Section and shall have the authority to act for the Section in any way in which the Section itself would be authorized to act. This includes any request to the NJSBA to advocate for any cause, litigation, or legislation and approval of LPFs. Notwithstanding the foregoing, amendment of these bylaws requires a vote of the Section members as set forth in Article X, Section 1 herein.

Section 4. Meetings of the Executive Committee shall be held upon the call of the chairperson of the Section, upon such notice written or oral, and at such time and place as the chairperson determines (including virtually, if necessary).

Section 5. Action by the Executive Committee shall be by a majority vote of its members present, except that the chairperson shall not vote except to break a deadlock caused by a tie vote. A quorum shall consist of a majority of Executive Committee members. In the event of a deadlock caused by a tie vote of the Executive Committee, the chairperson shall have and shall cast a vote in order to break the deadlock. The voting authority of the Executive Committee shall also be permitted by way of e-mail.

Section 6. The voting authority of the Section's legislative committee shall also be permitted by way of e-mail or any other method approved by the Executive Committee.

## **ARTICLE VIII VACANCIES**

Section 1. In the event of the chair's death, resignation, or other non-temporary vacancy of the chairperson position, the chair-elect shall succeed to the office of chairperson for the balance of the unexpired term. If, after having been so appointed, the chair-elect serves in the chairperson position for six months or more, that individual will be considered to have served a full term and shall not be entitled to an additional full year in the chairperson position. Conversely, if the chair-elect serves in the chairperson position for fewer than six months, that individual will be entitled to an additional full year in the chairperson position. Any vacancy of the position of any other officer or member of the Executive Committee shall be filled by a majority vote of the remaining members of the Executive Committee for the balance of the unexpired term of the vacant position filled in this manner, except that a vacancy within the Executive Committee resulting from the immediate past chair's election not to serve on the Executive Committee shall not be filled.

## **ARTICLE IX MEETINGS**

Section 1. There shall be an annual meeting of the membership of the Section, which shall be held each year between April 1 and June 1. The annual meeting may be held at the same time and place as the Annual Meeting of the NJSBA or such other time and place as the chairperson may determine. The aforesaid meeting may be held in the same city where the Annual Meeting of the NJSBA is held or such other place as the chairperson may determine (including virtually, if necessary), at the time designated by the Association in the notice of such meetings, with such program or order of business as may be fixed by the chairperson.

Section 2. Meetings of the membership of this Section may be called by the chairperson at such times and places as the chairperson may determine. In addition to the annual meeting, there shall be at least three (3) in-person meetings per year.

It shall be the duty of the chairperson to call a special meeting of the members whenever the chairperson is directed to do so by a resolution of the majority of the Executive Committee, or upon a presentation to the secretary of a petition signed by thirty-three and one-third (33 1/3%) percent of the members entitled to vote at such meeting.

### Section 3. For transaction of business:

- a. For any business presented for vote at a meeting, any action by the Section shall be by a majority vote of the quorum and such action shall be binding upon the Section. Attendance of ten percent (10%) of the total Section registered members as of the date of the first Section business meeting following the annual meeting shall constitute a quorum for the transaction of business. Members attending remotely (audio, video, webcast, etc.) for any meeting shall be included in the count of members in attendance.
- b. The voting authority of the Section members shall also be permitted by way of listserv or any other method approved by the Executive Committee and by the counting of objections rather than affirmations. Specifically, if a vote on the transaction of business (such as LPF approval) is presented by way of listserv notice, members shall be given no fewer than twenty-four (24) hours to vote, and, of the members who cast a vote, the majority vote shall be the deciding vote.

Section 4. The voting authority of the Section may also be exercised as specifically provided in these bylaws.

## **ARTICLE X AMENDMENTS**

Section 1. These bylaws may be amended at any meeting by a vote of the Section members as set forth in Article IX, Section 3 herein, but such amendments shall not take effect until they have been approved by the Board of Trustees of the NJSBA (if required).

Section 2. Notice of any proposed amendments shall be given to the members of the Section at least 15 days prior to the vote of the Section.

## **ARTICLE XI SECTION COMMITTEES**

Section 1. The Section chairperson shall appoint such standing, ad hoc, and special committees and working groups as is deemed necessary or desirable.

## **ARTICLE XII AUTHORITY**

Section 1. This Section shall be organized and conducted in all respects subject to the Constitution and Bylaws of the NJSBA, and no action of this Section shall be construed to determine the Association's policy, nor shall any recommendation or resolutions of the

Section be acted upon or publicized -- other than via CommunityNET or other method(s) of communication accessible only by members of the Association -- until after approval by the Association.

Approved Feb. 2022