BYLAWS OF THE
ELDER LAW SECTION
INDIANA STATE BAR ASSOCIATION

Article 1
Name and Purpose

Section 1.1 – Name. The section shall be known as the **"Elder Law Section" (the "Section")** of the **Indiana State Bar Association (the "Association")**.

Section 1.2 – Definition. "Elder law" focuses on serving the needs of older adults and 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 1.3 – Purposes. The purposes of the Section are:

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 benefiting elder citizens and those concerned with the care and needs of the elderly;

d) To simplify and expedite forms and procedures related to the practice of elder law;

e) To aid and encourage the presentation of seminars, institutes, and legal panels connected with the Section's objectives;

f) To promote the health, welfare and financial security of elder citizens in accordance with their needs and wishes;

g) To promote ethical and competent practice in the elder law field;

h) To develop and maintain proper professional relationships among elder law attorneys, caregivers and others concerned with the health, welfare, and financial security of elder citizens;

i) To disseminate information for the better understanding of the public in matters relating to elder law;

j) To improve the administration and application of laws, rules and regulations in elder law matters and to further legitimate legislative objectives; and

k) To do such other activities as may be necessary and appropriate to fulfill any or all of the foregoing statements of purpose.

Article 2
Membership

Section 2.1 – Classification of Membership. The membership of the Section shall be voting members, affiliate members and honorary members.

Section 2.2 – Voting Members. Any attorney member of the Association in good standing may become a voting member of the Section by applying for such membership and paying the Section's annual dues.

Section 2.3 – Affiliate Members. The executive council of the Section may, at its discretion (after review and recommendation of the applicant's qualifications for membership by the membership committee), enroll as an affiliate member of the Section any person who has shown an interest in contributing to the Section's activities. The amount of annual dues for affiliate members shall be established by the executive council from time to time. Affiliate members shall have all privileges of voting members in the Section except that they may not hold office or vote. The number of affiliate members shall be limited to one-third of the number of voting members.

Section 2.4 – Honorary Members. Any person whom the executive council shall find to have made outstanding contributions in the field of elder law or care to elder citizens may be made an honorary member of the Section by the executive council. Honorary members shall have no vote at Section meetings nor be entitled to hold office in the Section nor be required to pay dues.

Article 3
Officers and Terms of Office

Section 3.1 – Officers. The officers of the Section shall be a chair, a chair-elect, vice chair, a secretary/treasurer, and the immediate past chair of the Section, all of whom shall constitute the executive council. All officers must be voting members of the Section.

Section 3.2 – Selection of Officers. The chair-elect, vice chair, and secretary/treasurer shall be nominated by the nominating committee or by seconded nomination of an voting member at the annual meeting of the Section called to vote on that office and elected by the members of the Section at the annual meeting called to vote on that office of the Section.

Section 3.3 – Term of Office. Each officer will hold office for a term of two years beginning at the close of the annual meeting of the Section and ending at the close of the annual meeting of the Section or when each officer's successor has been elected and qualified.

Article 4
Duties of Officers and Conduct of Meetings

Section 4.1 – Chair. The chair shall preside at all meetings of the Section and the executive council. The chair shall appoint, upon the advice and consent of the executive council, and, unless otherwise specified in these bylaws, any committee chairs. The Section chair shall prepare all reports to be submitted to the Association or to the Board of Governors of the Association and shall be the designated spokesperson. The chair shall be an ex-officio member of each committee of the Section.

Section 4.2 – Chair-Elect. The chair-elect shall assume the office of chair at the expiration of the term as chair-elect or shall become chair in the event of the death, resignation or inability of the chair to serve for whatever reason; provided, however, that in case of temporary disability or absence of the chair, the chair-elect shall serve as acting chair only for the duration of the chair's disability or absence. The chair-elect shall be responsible for such duties as the chair may designate. The chair-elect shall serve as chair of the nominating committee and be an ex-officio member of each committee of the Section.

Section 4.3 – Vice-Chair. The vice-chair shall preside at all meetings in the absence of both the chair and chair-elect. The vice-chair shall supervise the activities of certain committees as requested by the chair and shall report to the executive council, or cause to be reported, any such committee's activities. The vice-chair shall perform such other duties as may be designated by the chair or the executive council and shall assume the office of chair-elect at the expiration of the term as vice-chair.

Section 4.4 – Secretary/Treasurer. The secretary/treasurer shall be responsible for all permanent files and records of the Section, including the minutes of the meetings of the Section and of the executive council and of all committees of the Section and shall furnish copies of the minutes to the executive director of the Association. The secretary/treasurer shall establish and maintain a roster of all members, which shall include the name and address of each member. The secretary/treasurer shall supervise the handling of all Section funds in accordance with the procedure established by the Association.

Section 4.5 – Section Meetings. To the extent possible, meetings of the Section are to be conducted informally. In the case of a dispute, the most recent version of Roberts Rules of Order is to be followed.

Article 5
Executive Council

Section 5.1 – Governing Body. There shall be an executive council which shall be the governing body of the Section between the meetings of the Section. The members of the executive council shall consist of the chair, chair-elect, immediate past chair, vice chair, secretary/treasurer, and any chairs of standing committees of the Section. The chair of the Section shall be the chair of the executive council. The executive council shall have general supervision and control of the affairs of the Section, subject to the articles and bylaws of the Association, including the expenditure of Section funds.

Section 5.2 – Recommendations of the Section. All recommendations of the Section to the Association, the Board of Governors of the Association, any branch of the judiciary or to any other group or body to which recommendations by the Section are authorized to be made must first be approved by the executive council.

Section 5.3 – Past Chairs of the Section. Past chairs of the Section, who are not otherwise members of the executive council, shall become honorary members of the executive council. As such, they shall be given notice of and shall have the right to attend any and all meetings of the executive council and to participate in any of its discussions, but shall not have any voting right at any such meeting.

Article 6
Nomination and Election

Section 6.1 – Nominations. Nominations shall be made by a nominating committee consisting of the immediate past chair, the current chair, the chair-elect and up to two members of the Section appointed by the chair of the Section.

Section 6.2 – Nominating Committee. The nominating committee shall submit a report of its candidates to the Section's secretary/treasurer not later than thirty (30) days prior to the date of the Annual Meeting of the Section. The Section secretary/treasurer shall thereupon cause notice of the names of said candidates to be given to each Section member not later than twenty (20) days prior to the Annual Meeting of the Section.

Section 6.3 – Written Ballots. Whenever two or more persons are nominated for an office, the Section's secretary/treasurer shall cause written ballots to be prepared, listing the names of all persons duly nominated for the contested position. Election shall be by a majority vote of the Section members present and voting, in secret ballot, except that unopposed candidates may be elected by voice vote.

Article 7
Vacancies

Section 7.1 – Definition of Vacancy. A vacancy of office shall occur when an officer, committee chair or committee member dies, resigns, or is otherwise unable to perform his or her duties and shall also occur when his or her dues in the Association or Section are unpaid.

Section 7.2 – Vacancy in the Office of Chair. In the event of a vacancy in the office of chair, the chair-elect shall automatically become chair and shall serve for the remainder of the vacated term, plus the duration of his of her own term as chair. The vice chair shall automatically become chair-elect for the remainder of the vacated term plus the duration of his or her own term as chair-elect. The office of vice chair shall remain vacant until the next annual meeting.

Section 7.3 – Vacancies in the Office of Chair and Chair-Elect. In the event of dual vacancies in the offices of chair and chair-elect, the vice chair shall automatically become chair and shall serve as such for the remainder of the vacated term plus one full term. The offices of chair-elect and vice chair shall remain vacant until the next annual meeting, at which time a chair-elect and vice chair shall be elected pursuant to Article 6.

Section 7.4 – Vacancy in the Office of Secretary/Treasurer. Vacancies in the office of secretary/treasurer shall be filled by the chair with the consent of a majority of the executive council for the unexpired term of such office.

Section 7.5 – Committee Vacancies. Committee vacancies shall be filled by the chair for the committee member's unexpired term.

Article 8
Committees

Section 8.1 – 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 current chair, the chair-elect and up to two members of the Section appointed by the chair. The current chair-elect shall serve as chair.

Section 8.2 – Education Committee. The education committee shall be responsible to arrange legal seminars and similar programs for the education of attorneys and for the public in the field of elder law.

Section 8.3 – Publications Committee. The publications committee shall be responsible for furnishing articles for publication in the Association publications; for publishing and distribution of a Section newsletter; and for the development of materials for distribution to the general public on issues of elder law.

Section 8.4 – Public Policy Committee. The public policy committee shall from time to time make recommendations to the executive council regarding requests for the Section to adopt a legislative position and to disseminate news and opinions of proposed or enacted legislation on elder law matters to the Section.

Section 8.5 – Substantive Committees. At such time as the Section's executive council deems appropriate, the following substantive committees may be developed:

a) **Community-Based Services for the Elderly Committee**. The community-based services for the elderly committee shall review and address the needs and rights of elder citizens for criminal and civil legal services, social services, medical and health care services, transportation services and financial services.

b) **Institutionalized Elderly Committee**. The institutionalized elderly committee shall review, address and advise regarding the institutional treatment of the elderly, including hospitals and group residential treatment centers, mental institutions, and nursing homes. The committee shall review and evaluate equal access and quality of care, the regulatory framework, protection of legal rights, etc. and shall work with the state and local Long-Term Care Ombudsman and local councils.

c) **Exploitation and Abuse Committee**. The exploitation and abuse committee shall identify sources of crime and abuse against elderly citizens, identify the appropriate respondent with respect to such sources and what the response should be, determine whether appropriate actions are being taken and assess what legislative, agency or other means that may be necessary to enhance the assistance available to elderly victims of crime and abuse. The committee shall also review, study and recommend legislative, agency and other action to address the legal issues relating to age discrimination.

d) **Estate and Financial Planning Committee**. The estate and financial planning committee

shall review, evaluate, assist and provide planning strategies to the elderly and practitioners regarding estate and financial planning, alternatives to guardianships, powers of attorney, disability planning, etc.

e) **Guardianship Committee**. The guardianship committee shall review, study and recommend legislative, agency and other action to address any problems arising under the Indiana guardianship statute and how better to implement the Indiana Legislature's goals as stated therein.

f) **Health Care and Government Benefits Committee**. The health care and government benefits committee shall study and make proposals regarding health care, long-term care and health insurance, availability and eligibility of government benefits.

Section 8.6 – Special Committees. The chair of the Section may appoint any special committee deemed necessary with the concurrence of the executive council. Chairs of such special committees shall also be members of the executive council.

Section 8.7 – Committee Composition. The chair of each standing and special committee shall be appointed by the chair of the Section, upon concurrence of the executive council. The vice-chair of each standing or special committee shall be appointed by the chair-elect of the Section. All other members of the standing and special committees, except the nomination committee shall be appointed by the chair of that committee. There shall be at least one member of the executive committee on each standing and special committee. In March of each year, the chair-elect shall select the standing committee vice chair for the coming fiscal year, which appointments shall be approved and take office at the conclusion of the annual meeting.

Section 8.8 – Committee Meetings. Committee meetings shall be called, as needed by the chair of the Section or the committee chair. Committee meetings may be held in person, by telephone conference or by another means by unanimous written waiver and consent of the committee membership.

Article 9
Dues

Section 9.1 – Payment Required. Payment of the annual dues shall be a prerequisite in order to hold a voting membership or an affiliate membership in the Section.

Section 9.2 – Termination of Section Membership When Delinquent. Membership in the Section shall terminate in accordance with procedures established for termination of delinquent members of the Association.

Section 9.3 – Annual Dues. The amount of annual dues shall be established by the Section's executive council from time to time. Such dues were $20.00 for voting members and $10 for affiliate members at the time these bylaws were enacted.

Section 9.4 – Place of Payment. Dues shall be paid to the principal office of the Association.

Article 10
Resignation and Membership Termination

Section 10.1 – Resignation. A member may resign from Section membership at any time by a written resignation directed to the Section's secretary/treasurer, with a copy to the Executive Director of the Association.

Section 10.2 – Voting Members Must Be Association Members. Any voting member of the Section, who ceases to be a member in good standing of the Association, automatically ceases to be a voting member of the Section at the same time.

Section 10.3 – Removal. All voting members shall be required to observe the standards of professionalism and ethical conduct expected of members of the Association. Legal assistants who are affiliate members shall be required to observe and adhere to the Code of Ethics and Professional Responsibility established by the National Association of Legal Assistants, Inc. All members of the Section shall also be required to adhere to the standards of professionalism and ethics as the Section's executive council may from time to time prescribe. Any member who fails to observe the standards of conduct established by these bylaws may be removed as a member of the Section by vote of the majority of the members of the executive council.

Article 11
Amendments

Section 11.1 – Amendment Procedure. These bylaws may be amended at any meeting of the Section by majority vote of the members of the Section present and voting. Before an amendment may be considered at a meeting, the member or committee presenting the amendment must first submit the proposed amendment to the Section's secretary/treasurer not later than thirty (30) days prior to the date of the meeting at which the amendment will be presented. The Section's secretary/treasurer shall then provide notice of the proposed amendment to each voting member not later than twenty (20) days prior to the meeting.

Section 11.2 – Amendments Are Not Effective Until Approved. No amendment shall be effective until reviewed and approved by the Board of Governors of the Association.

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