

**BY-LAWS  
OF THE  
REMEDIES SECTION  
OF THE  
LOS ANGELES COUNTY BAR ASSOCIATION**

**ARTICLE I**

**NAME**

This organization shall be known as the **Remedies Section** of the Los Angeles County Bar Association ("LACBA").

**ARTICLE II**

**PURPOSES**

The purposes of the Remedies Section shall be: to educate the Bar, students, financial institutions, and the public by encouraging the preparation and presentation of viewpoints on legal issues relating to the enforcement and protection of the rights of debtors, creditors, and others affected by prejudgment or postjudgment relief in the state and county; to act as a source of expertise for other attorneys, government bodies, and the news media on issues regarding prejudgment and postjudgment remedies; to serve as a forum for the consideration of public policies dealing with or regarding prejudgment or postjudgment remedies.

**ARTICLE III**

**MEMBERS AND ASSOCIATES**

Section 1. MEMBERS. Any member of LACBA shall be eligible for membership in the Remedies Section upon payment of the dues required of Section members for the current fiscal year.

Section 2. ASSOCIATES. Persons who are non-lawyer members of LACBA shall be eligible for associate status in the Remedies Section upon approval of the Section Executive Committee. Associates shall participate in all Section activities, except that associates shall not be eligible to serve on the Executive Committee or as Section or Standing Committee officers or participate in the election of officers. The prerequisite for associate status also shall be payment of dues required of the Section Members for the current fiscal year.

Section 3. DUES. LACBA shall have the right to assess annual membership dues for membership in the Section as determined and approved by the LACBA Board of Trustees.

#### ARTICLE IV

##### OFFICERS

The officers of the Remedies Section shall be as follows: Chairperson, First Vice Chairperson, Second Vice Chairperson, and Secretary. The officers of the Section shall be elected annually by the Section's members.

#### ARTICLE V

##### DUTIES OF OFFICERS

Section 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Remedies Section and of the Executive Committee and have such other executive powers and perform such other duties as are not inconsistent with these By-Laws or with the by-laws of LACBA.

Section 2. FIRST VICE CHAIRPERSON. The First Vice Chairperson shall perform all the duties of the Chairperson during the latter's absence or inability to act, and when so acting shall have all the powers of, and be subject to all the restrictions upon the Chairperson. The First Vice Chairperson shall have other powers and perform such other duties not inconsistent with these By-Laws as from time to time may be prescribed by the Chairperson or by the Executive Committee. In addition, the First Vice Chairperson shall be the Chairperson of the Media and Marketing Standing Committee, and thereby shall be responsible for promotion and marketing of the Section through any and all suitable media, coordinating with LACBA marketing and communications staff.

Section 3. SECOND VICE CHAIRPERSON. The Second Vice Chairperson shall perform all the duties of the Chairperson during the absence or inability to act of both the Chairperson and the First Vice Chairperson, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the Chairperson. The Second Vice Chairperson shall have other powers and perform such other duties not inconsistent with these By-Laws as from time to time may be prescribed by the Chairperson or by the Executive Committee. In addition, the Second Vice Chairperson shall be the Chairperson of the Newsletter Standing Committee, and thereby shall be responsible for preparation and distribution of a Remedies Section newsletter, coordinating with LACBA Web Services.

Section 4. SECRETARY. The Secretary shall be responsible for monitoring attendance and recording and distributing minutes at each meeting of the Remedies Section, of the Executive Committee, and of any Standing Committee, including providing minutes when final to LACBA's Chief Executive Officer, which may be distributed after the meeting, and for notifying members of meetings of the Section and Committees thereof, and for publicizing such announcements.

Section 5. TERM. The term of office of each of the officers shall commence on the first day of July of each year and shall end on the last day of June the succeeding year.

## ARTICLE VI

### EXECUTIVE COMMITTEE

Section 1. MEMBERSHIP. The officers, the immediate past Chairperson of the Remedies Section if that person still be a member of the Section, and such additional persons as may be elected by a majority vote of the then existing Executive Committee, shall constitute the Executive Committee. The Executive Committee shall propose any additional persons to be included in the Executive Committee at its November meeting, subject to approval at the December meeting. Such additional persons approved at the December meeting shall become members of the Executive Committee as of the first of the year following the December meeting. The Executive Committee shall consist of not more than thirty active members of the Remedies Section. Except for Executive Committee members elected as "ex officio" members pursuant to Section 2 of this Article, as used in this Section the term "active members" shall mean persons who have been a member in good standing of LACBA for a period of not less than two (2) years, and a member of the Remedies Section for a period of not less than one (1) year, prior to nomination. Any member of the Executive Committee (except an officer elected by vote of the members of the Section) who fails to attend three successive meetings of the Executive Committee, without prior notice to the Chairperson explaining the reason for such absence, shall automatically be removed as a member of the Executive Committee, but may be reinstated by vote of the Executive Committee.

Section 2. EX OFFICIO MEMBERS. Active members of the judiciary who are Section members, and any other Section members that the Executive Committee deems appropriate, shall be eligible for ex officio status in the Executive Committee upon approval of majority vote of the Executive Committee. Ex Officio members shall participate in all Executive Committee activities, except that ex officio members shall not be eligible to serve as Section or Standing Committee officers, be counted to determine a quorum of members under section 5 of this Article, or participate in the election of officers.

Section 3. TERM. The term of office of each member of the Executive Committee shall run concurrently with the term of office of the officers of the Remedies Section. The Executive Committee during the interim between annual elections may fill vacancies on the Executive Committee or in the offices.

Section 4. DUTIES. The Executive Committee shall supervise and direct the affairs and determine the policies of the Remedies Section, subject to and in accordance with these By-Laws and the LACBA By-Laws. It is authorized to take action in the name of the Section during intervals between meetings thereof when necessary or desirable.

Section 5. MEETINGS. The Executive Committee may act at a meeting duly called or by a poll of each member of the Executive Committee. One-third (1/3) of the members of the Executive Committee shall constitute a quorum to transact business. Meetings shall be called by the Chairperson, or by a majority of the Executive Committee. Notice of any such meetings shall be given to the members of the Executive Committee not less than two (2) days prior to such meeting. A poll of the members of the Executive Committee may be conducted by the Chairperson over the telephone, through facsimile, electronic mail or through the United States mail.

## ARTICLE VII

### COMMITTEES

Section 1. STANDING COMMITTEES. The following Standing Committees of the Remedies Section shall be established. The Executive Committee shall select the Chairperson and Vice Chairpersons, if any, of each standing Committee.

- a. Media and Marketing. To promote the Remedies Section, its programs, activities, and membership benefits through any suitable media, coordinating with LACBA marketing and communications staff.
- b. Newsletter. To disseminate on a regular basis to Members, Associates, and other interested parties a newsletter containing practice guides, new developments, new law (both case law and legislative), or any other items of interest on the subject of legal remedies, coordinating with LACBA Web Services.
- c. Legislative. To monitor and sponsor bills and rules of court and related items of interest to the Remedies Section.

Section 2. INTERIM COMMITTEES. The Chairperson of the Section shall have the power, without Executive Committee approval, to appoint such Interim Committees as may be necessary or desirable to further the objectives of the Section.

Section 3. TERM. The Term of the Chairperson and Vice Chairperson of each Committee and the members of each Committee shall run concurrently with the term of the office of the officers of the Section.

Section 4. MEMBERS. The members of the Standing Committees shall be selected by the Chairperson of such Committees subject to confirmation by the Executive Committee.

## ARTICLE VIII

### MEETINGS OF MEMBERS

Section 1. MEETINGS. The Remedies Section shall hold regular meetings of its members during each year. Meetings of the members may be called by the Chairperson, a Vice Chairperson, or by a majority of the members of the Executive Committee.

Section 2. NOTICES. Notice of the time and place of all meetings shall be given to all members at least five (5) days prior thereto.

Section 3. QUORUM. The Section members present shall constitute a quorum for the transaction of business at any meeting of the Remedies Section. Action shall be by a majority vote of the members present.

Section 4. RULES. All Section meetings shall be conducted in accordance with Robert's Rules of Order Revised, last edition.

Section 5. APPROVAL OF ACTIONS. No report, recommendation, news release, or other action of the Section or of any committee thereof shall be considered as the action of LACBA unless and until it has been approved by the Executive Committee of the Section and the Board of Trustees of LACBA or its designated representative or committee.

## ARTICLE IX

### AMENDMENTS TO BY-LAWS

These By-Laws may be amended by a two-thirds (2/3) vote of a quorum present at an Executive Committee meeting duly called or by a two-thirds (2/3) vote of the members of the Executive Committee polled pursuant to the provisions of Article VI, Section 5, of these By-Laws, subject to approval by the LACBA Board of Trustees.

## ARTICLE X

### ELECTIONS

Section 1. TIME. The Remedies Section shall hold a regular annual election of officers. The date of such election shall coincide as closely as may be practicable with the date of the election of officers of LACBA.

Section 2. NOMINATING COMMITTEE. There shall be a Nominating Committee of three appointed by the Chairperson of the Section from active Section members in good standing. The Nominating Committee shall nominate one or more members of the section for each of the offices of the Chairperson, First Vice Chairperson, Second Vice Chairperson and Secretary. The written report of the Nominating Committee, stating the names of the persons so nominated, shall be forwarded to the Chairperson of the Section at least thirty (30) days prior to the date of the regular annual election; and the section members shall be notified of such nominations at least twenty-five (25) days prior to the date of such election.

Section 3. ADDITIONAL NOMINATIONS. Additional nominations for any office may be made by filing, with the Chairperson of the Section at any time prior to fifteen (15) days before the annual election, a written notification signed by at least ten (10) Section members in good standing entitled to vote.

Section 4. ONE CANDIDATE FOR EACH OFFICE. If the Nominating Committee nominates only one candidate for each position, and no one is nominated in accordance with Article X, Section 3 of these By-Laws, the slate as nominated will be deemed unanimously elected. The results shall be reported in writing to the members of the Section.

Section 5. BALLOTS. Except as provided in Article X, Section 4, a ballot containing the names of the nominees for each office with a blank write-in space after each office, shall be mailed by the Secretary or made electronically available to each member of the Section entitled to vote not later than ten (10) days prior to the annual election date. The ballots shall be in such form and shall contain such instructions as may be prescribed by the Executive Committee. Each member shall be entitled to vote for a nominee or other member of the Section for each office to be filled at the election.

Section 6. VOTING. Ballots must be received at LACBA in accordance with the instructions written on or furnished with the ballot no later than 4:00 p.m. on the election day, at which time the voting shall cease and the polls shall close.

Section 7. COUNTING. Immediately upon the close of the balloting, the votes shall be canvassed and counted by LACBA staff in accordance with standard procedure and the results shall be reported in writing to the Executive Committee thereafter.