



CAL-ABOTA

California Chapters of the
American Board of Trial Advocates

www.cal-abota.org

CAL-ABOTA BYLAWS

SECTION 1. THE BOARD

a. Members

The Board of CAL-ABOTA shall consist of its Executive Committee, and each President, Vice President, and the immediate Past President of each Chapter of ABOTA in the State of California, as well as the CAL-ABOTA Past Presidents. The Board shall also consist of three Members-at-large who shall have served as an officer of a California Chapter. Members-at-large serve a three year rotating term. The Treasurer and Members-at-large shall be elected at a regularly scheduled meeting of the Board.

Members-at-large cannot vote for the Trial Lawyer of the Year unless designated by their chapters as a substitute for the Chapter President or President-elect.

b. Conduct of Business

The Board shall conduct its business at regularly held meetings as further set forth in these bylaws. The meetings shall be presided over by the President, or in the absence of the President, by the President-elect. The Board shall decide on matters submitted to it for decision. There shall be 50% of the Board members participating to conduct business. Business shall be decided on the basis of a majority vote of those members participating.

Board members, Past Presidents of CAL-ABOTA, National, ABOTA Foundation, and Regional Chapter Presidents and special invited guests of the President may attend Board meetings. In the event a Board member, who is not on the Executive Committee, is unable to attend, that Board member's Chapter may designate a proxy to attend and participate by written notice to the Executive Director.

SECTION 2. BOARD PURPOSES

The Board shall undertake to promote and encourage the principles, goals and purposes set forth in the Constitution of ABOTA. The Board shall undertake, without limitation to do the following:

- a. Engage in and encourage activities, legislation and other forms of support as will support the preservation of the jury trial system.
- b. Engage in such activities to assist and to promote the principles of civility in the civil jury system and to elevate the standards of integrity, honor and courtesy in the legal profession.

- c. Promote qualified membership of all civil trial lawyers in the State of California.
- d. Support and encourage education and training programs in the local chapters that elevates the skill of its members and of all civil trial lawyers.
- e. Undertake such activities as will maintain and increase the professional and public awareness of ABOTA.
- f. Promote fellowship, loyalty and professionalism among ABOTA members.
- g. Undertake, promote and support such activities as will advance the interests and prestige of ABOTA and its membership.
- h. Honor the members of the association by determining the California Trial Lawyer of the Year award.
- i. Study pending legislation, rules changes, proposed jury instructions and any other changes proposed in the jury trial system, disseminate information regarding such proposals to the membership and undertake to influence such proposals in a manner which is beneficial to the efficient administration of justice.
- j. Support the chapters in the development and implementation of activities.
- k. Nominate to the National Board of Directors, from time-to-time, persons for the rank of Honorary Diplomat because of their significant contributions to the advancement of the cause of justice.
- l. The Board shall be authorized to investigate and consider responding to negative, and unfair criticism of all sitting State, Federal, Appellate and Supreme Court judges.

SECTION 3. OFFICERS

a. Specific Officers

The officers of CAL-ABOTA shall be the President, President-Elect, Vice President, Treasurer, and Immediate Past President. The Officers shall serve for one year. The term of office shall be from January 1 to December 31, at which time the President-Elect shall succeed to the office of President and the Vice President shall succeed to the office of the President-Elect and the Treasurer shall succeed to the office of Vice President. The new officers will be sworn in for their respective offices during the Hawaii Conference. The Treasurer shall be elected by a majority vote of those members participating at the regularly scheduled meeting of the board.

b. Powers and Duties of the Officers

President

The President shall have the following powers and duties:

1. To establish meeting places and times for the mid-year meetings.
2. To appoint committee chairs and committee members.
3. To appoint special committees.
4. To establish meeting agendas.
5. To lead meetings.
6. To communicate with CAL-ABOTA members regarding matters of concern.
7. To establish and implement with the help of the Treasurer and Executive Director a budget for Board approval.

8. To suggest reasonable goals for the Board's accomplishment.
9. To confer with ABOTA's national officers from time-to-time for the purpose of maintaining a consistency of purpose, mutual trust and cooperation.

President-Elect

The President-Elect shall have the following powers and duties:

1. To participate as a member of the Education Committee.
2. To set the program for the Hawaii Conference and arrange for program speakers for the appropriate number of MCLE hours.
3. To assist the President in any assigned tasks.
4. To preside over meetings in the absence of the President.
5. To participate in Executive Committee discussions.

Vice President

1. To assist the President and/or the President-Elect in any assigned task.
2. To take minutes of the Executive Committee and Board meetings and have the Executive Director disseminate those minutes to the members in a timely manner.
3. To participate in Executive Committee discussions.
4. To participate as a member of the Civil Justice Committee.

Treasurer

1. Together with the President and Executive Director, establish and implement a budget for Board approval.

SECTION 4. COMMITTEES

CAL-ABOTA shall have committees to assist in accomplishing its purposes. Such committees shall be set by the Board. A committee shall consist of a Board Officer and such members of the Committee as the President shall appoint. The Executive Director shall keep a record of such committees and provide all Board members with a regular and updated list of committees, chairs, members and committee assignments to assist the Board in reviewing its business.

a. Executive Committee

1. The Executive Committee shall be composed of the President, President-Elect, Vice President and Treasurer and the immediate three (3) CAL-ABOTA Past Presidents.
2. The Executive Committee shall have the power and authority to act upon emergency issues after canvassing the entire Board by electronic mail to obtain as much input and consensus as is possible so that a majority decision can be reached. Said decision will be effective until the next regularly scheduled Board meeting, at which time those decisions shall be reviewed and ratified, reversed or modified.

3. The Executive Committee will serve as the nominating body for the Treasurer and Members-at-large positions or any other elected positions deemed necessary by the Board. The nominee's names, along with nominations from the floor, will be presented to the Board for a vote. The nominee with the majority of votes of those voting will be elected to the position.

Standing committees shall be:

a. Long Range Planning

This committee shall be responsible to recommend future activities, organization, awards, Board membership, chapter engagement, and any other Board actions that shall carry out the purposes of ABOTA and CAL-ABOTA.

b. Education

This committee shall be responsible to assist chapters in the presentation of programs throughout the state, to assist chapters in carrying forward the Youth Education Program and any other ABOTA education programs and to engage in any other activities, including school related programs and awards, as shall promote the purposes of ABOTA.

c. Civil Justice

This committee is responsible to monitor proposed legislation, jury instruction proposals, the administration of civil justice, and any other issue that may affect the goals and purposes of ABOTA and to engage in such activities to preserve the purposes of ABOTA as set forth in the Constitution.

Standing committees shall consist of at least three members, including the chair of the Committee. The Board shall appoint such further committees as it deems necessary to carry out its business for such terms as it shall determine.

SECTION 5. EXECUTIVE DIRECTOR

a. Office of the Executive Director

The Board shall appoint the Executive Director of CAL-ABOTA who shall serve in such capacity as an independent contractor. The Executive Director shall serve the Board without term and may be terminated at any time with or without cause.

b. Duties and Responsibilities of the Executive Director

The Executive Director shall undertake such duties and responsibilities as the Board shall designate. Such duties may include signing contracts pertaining to securing board meeting locations and insurance, but are not limited to:

1. The Director shall attend all meetings of the Board and Executive Committee and disseminate the minutes of those meetings to the members.

2. The Director shall keep all of the minute books and records of CAL-ABOTA and maintain them.
3. The Director shall receive all assessments from national and maintain the financial records of CAL-ABOTA and shall report to the Board regarding the budget and the finances of the association.
4. The Director with the help of the President and Treasurer shall prepare a proposed budget for the upcoming year for consideration by the Board.
5. The Director shall undertake such duties and responsibilities to plan and promote the Hawaii Conference.
6. The Director shall assist the Board in the implementation of the Board's goals and purposes as shall be directed by the Board and/or the President.
7. The Director shall undertake such additional duties as the Board shall direct.
8. The Director shall send a letter to each Chapter President requesting nominations for the Trial Lawyer of the year. This shall be sent with the criteria for nomination.

c. Compensation

The compensation of the Executive Director shall be set by the Board and reviewed every two (2) years, or as necessary. The Executive Director may provide additional services to chapters of ABOTA, by separate compensation.

SECTION 6. FINANCE

a. Assessment

All members of ABOTA in California shall pay a dues assessment on an annual basis. The amount of such assessment shall be set by the Board from time-to-time as necessary. The assessment shall be billed and collected with the National dues as permitted by the National Board of Directors.

b. Spending

The Officers of the Board, by a vote of at least two such members shall have authority to spend up to \$ 5,000. All other expenditures of the Board shall be approved by the Board at a regularly scheduled meeting. In the event that authority for spending by the Board must be decided before a regularly scheduled meeting, consent for spending in excess of \$5,000 may be obtained by review of the Board members and authority obtained in writing. All written authority shall be submitted to the Executive Director, and presented at the next Board meeting. The Board shall acknowledge the decision for such spending and enter upon the minutes that the authority was properly given.

c. Budget

The Officers and Executive Director shall prepare a budget for the coming year setting forth all expenditures anticipated and sources of revenue. The budget shall be presented to the Board for its consideration, necessary modifications and approval.

d. Reports

The Executive Director shall provide regular reports at each meeting to the Officers and the Board regarding the finances of the association and the budget. Such reports shall be kept as part of the permanent records of the association.

SECTION 7. MEETINGS

The Board shall hold no less than four meetings every year. These meetings shall include the following:

a. Annual Meeting/Retreat

The Board shall hold one retreat meeting every year. This meeting shall be used to set the Board's agenda for the year, establish committees and their goals and expectations for the year, set goals for long range planning and to provide a forum for the exchange of ideas that will foster the purposes of ABOTA. All Board members, Past Presidents of CAL-ABOTA, National and the ABOTA Foundation, State Organization Presidents, and special invited guests, shall be invited to attend the retreat and shall be invited to attend and participate in meetings of the Board at the retreat. Former Board members attending such meetings shall be entitled to participate but shall have no vote, unless designated by their Chapter President. The Board shall consider the location of the retreat for the next year at this meeting and vote upon it at a regularly scheduled meeting.

b. Hawaii Conference

The Board shall hold one regular meeting of the Board at the Hawaii Conference. The Board shall consider its regular business at such meeting and evaluate the conference, accomplishment of its purposes and how to improve

c. Other Regular Meetings

The Board shall hold at least two other regularly scheduled meetings. One of such meetings shall be held in the spring and the other shall be held in the summer. The Board may convene other meetings as necessary to accomplish its business.

SECTION 8. AWARDS

a. Trial Lawyer of the Year

At the direction of the Board, the Executive Director shall solicit one nomination per year for the Trial Lawyer of the Year from each Chapter President.

1. The Nomination Process

- a. Any chapter that wishes to nominate a candidate for Trial Lawyer of the Year shall do so by first submitting a Nomination Packet setting forth the nominee's qualifications. The Nomination Packet shall be submitted by the chapter via e-mail in PDF format to the persons listed below, no later than 5:00 pm on February 10th of the year of the nomination. Absent good cause, any

nominations submitted after that date and time will disqualify that nominee for that year. Good cause to be determined by the CAL-ABOTA Executive Committee.

- b. The persons who shall receive the Nomination Packet from the nominating chapter are as follows: The current President and Vice President of each chapter, the CAL-ABOTA President and the Executive Director of CAL-ABOTA;
 - i. No later than February 1st of each year, the Executive Director shall send to each chapter President and Vice-President the names and e-mail addresses of all chapter Presidents and Vice-Presidents with a note reminding them that nomination packets are due by February 10th;
 - ii. Five days after the nomination deadline, the Executive Director shall circulate to the entire CAL-ABOTA Board the names of all nominees timely submitted. The Executive Director is not required to circulate the Nominating Packets from the chapters, that obligation lies with the chapter nominating a candidate.
- c. In addition to the Nomination Packets, each nominee may have a single member give an oral presentation to the entire CAL-ABOTA Board at the annual retreat at which the TLY voting takes place. The oral presentation shall not be more than ten minutes in length and shall not include any exhibits or computer aided demonstrative presentations.
- d. The nomination and voting process for Trial Lawyer of the Year shall be limited to the procedures set forth in these Bylaws. No other advocacy, campaigning, lobbying or promotion of a candidate is allowed. Solicitation of votes, trading of votes, promises of support or any other attempt to influence the voting process is strictly prohibited. Any rule violations shall be reported to the Executive Committee who will have the discretion to deal with the violation as they see fit.

2. General Criteria for Selection of CAL-ABOTA Trial Lawyer of the Year

The following should be considered in the nomination of and voting for CAL-ABOTA Trial Lawyer of the Year:

- a. That the nominee be an excellent advocate;
- b. That the nominee has a distinguished career;
- c. That the nominee has a superb reputation of civility, ethics and fair play;
- d. That the nominee has a recent outstanding jury verdict;
- e. That the nominee be a member in good standing of a CAL-ABOTA chapter;
- f. The nominee's contribution to ABOTA.

Any and all of the criteria will be considered in arriving at the selection giving weight to the various factors. In this way, a nominee's career, general background as a lawyer, as well as one or two recent results will be considered. The nominee should be a practicing trial lawyer at the time of selection.

The chapter, or at least the chapter Executive Committee, should form a group to nominate ABOTA members for the award. The chapter President should not be the sole person involved.

Each chapter may nominate one candidate per year. Persons previously nominated can be re-nominated. The nomination process set forth in these Bylaws shall be followed.

The winning nominee should be available to attend the entire CAL-ABOTA Hawaii Conference to accept the award.

It is recommended, but not mandatory, that the selected Trial Lawyer of the Year attend the Retreat banquet.

3. Voting Rights

Each chapter shall have two votes. Such votes shall be cast in person. The President and Vice-President of the chapter shall have the vote, if in attendance. If one or both of them are not in attendance, the immediate Past President of the chapter shall have a vote, if in attendance. At-large members shall have no vote unless designated by the chapter to vote in the place and stead of the Chapter Officers. The chapter may designate chapter members to attend and vote in the place of the chapter officers, however, such a substitute may not vote if two officers, past or present of the chapter are in attendance. Members of the CAL-ABOTA Executive Committee shall have no vote.

4. Voting Process

Voting shall be by secret ballot to select the recipient. It shall proceed with the consideration of all nominees in the first vote. Voting shall be done by awarding points to the top nominee with a "3", the second nominee with a "2" and the third nominee with a "1". Two CAL-ABOTA Past-Presidents, designated by the President or acting President and assisted by the Executive Director, shall count the points voted to each nominee in the first vote and shall report the five nominees receiving the most points. All other nominees are eliminated from further ballot. The second ballot shall award points in like manner and the top three nominees shall be reported to the Board. A third ballot shall be considered in like manner and the top two nominees shall be reported. On the final ballot Board members may only vote for one person. The person receiving the majority of such votes is elected as the Trial Lawyer of the Year. For any ballot to be counted, the ballot must include votes on all positions on that ballot.

5. The CAL-ABOTA Trial Lawyer of the Year reception will be held during the Hawaii Conference each year, in connection with one of the existing parties/and or dinners.

6. CAL-ABOTA will reimburse the recipient of the Trial Lawyer of the Year award a sum not to exceed \$10,000 for expenses incurred in connection with the Hawaii Conference. The expenses to be reimbursed will include, but not be limited to, travel expenses for the recipient, his/her family or friends, conference and registration fees for the recipient, his/her family or friends or additional expenses recognized as business expenses attributable to the receipt of the award.

7. CAL-ABOTA will donate a sum up to \$10,000 but not less than \$5,000 each year to a law school(s) of the Trial Lawyer of the Year's choice, to be utilized in the school's moot court or trial advocacy programs, conditioned upon a permanent recognition of the Trial Lawyer of the Year recipient at the school.

8. In the event of a tie for the Trial Lawyer of the Year, the recipients shall share the amounts set forth in paragraphs 6 and 7. Additional funding may be sought by the Board from any other available source as may be deemed appropriate.

c. Other Awards

The Board may consider and make such awards from time-to-time as it may determine are warranted.

SECTION 9. AMENDMENT TO BYLAWS

These bylaws may be amended from time-to-time as the Board shall determine. Amendments to the bylaws shall be made by discussion of same after which notice of the proposed bylaw change shall be given to all members of the Board of the time and place for consideration of the proposed bylaw amendments. The notice of such proposed bylaw change shall be given to all members of the Board at least three (3) weeks before the meeting at which the amendments will be considered. The bylaw changes shall be considered by those Board members attending a regularly held meeting of the Board and shall be decided by a majority vote of a meeting at which a quorum is in attendance.

Adopted by CAL-ABOTA Board March 1, 2002 Stephen R. Cornwell, President
Amended June 14, 2002
Amended November 5, 2003
Amended August 19, 2005
Amended August 11, 2006
Amended June 22, 2007
Amended November 10, 2010
Amended September 10, 2011
Amended June 5, 2012
Amended August 22, 2014
Amended May 1, 2015



Jennifer Blevins, Executive Director

Current 5-1-15