

**By-Laws of the Legal Assistants Division
Of the North Carolina Advocates for Justice
(revised July, 2009)**

Preamble:

The purpose of this Division is:

- (1) To study, recommend, conduct, and promote the activities of the affiliate membership of the North Carolina Advocates for Justice seeking to improve relations between trial lawyers, the public and legal assistants; and
- (2) To supervise and conduct a continuing program of solicitation of new affiliate members and for the conservation of existing affiliate members; and
- (3) To exercise general supervision of the affiliate membership application procedures and qualifications; and
- (4) To study, make recommendations and develop continuing legal education programs specifically for the legal assistant. This Division will work closely with the North Carolina Advocates for Justice Education Committee to develop topics, when appropriate, on all North Carolina Advocates for Justice CLE programs; and
- (5) Shall work closely with the North Carolina Advocates for Justice Board Liaison in presenting ideas to the Board of Governors and general membership; and
- (6) To study and report to the Board Liaison in presenting ideas to the Board of Governors and general membership; and
- (7) To develop and expand committees within the Division as necessary for growth and expansion; and
- (8) Such other functions as determined appropriate.

I. Officers

Section 1: Titles

The officers of the Division shall be the Division Chairperson, Vice Chairperson, Membership Chair, Education Chair, Public Education Chair, Publications Chair, Legislative Chair and Immediate Past Chair.

Section 2: Duties of Officers

- (a) **Chair:** The Chair shall be the chief executive officer of the Division, preside at all meetings and direct the affairs of the Division with the advice and consent of the North Carolina Advocates for Justice. The Chair, by resolution adopted by a majority of the Executive Committee, may establish such special committees as deemed appropriate, establish the duties and responsibilities of the special committee and appoint a

member of the Division to act as Chair of said special committee. When the special committee so established has completed its assigned duties and responsibilities, the Chair of the Division, by resolution adopted by a majority of the members of the Executive Committee shall dissolve said committee. The Chair shall be an ex-officio member of all committees, serve as a voting member of the North Carolina Advocates for Justice Board of Governors and attend their meetings.

- (b) **Vice Chair:** The Vice Chair shall assume the duties of the Chair in the absence of the Chair, shall perform such duties as are delegated by the Chair and shall assume the office of Chair upon the creation of a vacancy in that office.
- (c) **Membership Chair:** Shall be responsible for expanding membership by recruiting new members, retaining existing members and reactivating former members. The membership Chair shall also be responsible for maintaining the North Carolina Advocates for Justice Legal Assistants Division job bank. The Membership Chair serves as liaison to the North Carolina Advocates for Justice Membership Committee and attends its Committee meetings.
- (d) **Education Chair:** Shall be responsible for reporting to the Executive Committee of the Legal Assistants Division the actions and reports of the Education Committee. Shall serve as or procure Program Chair(s) for all Legal Assistants CLE programs and will work closely with the North Carolina Advocates for Justice Education Committee, North Carolina Advocates for Justice Education Vice-President and North Carolina Advocates for Justice CLE Director in arranging CLE programs. The Education Chair shall also serve as liaison to the North Carolina Advocates for Justice Education Committee and present proposals to the Education Committee for educational activities of the Legal Assistants Division of their work.
- (e) **Legislative Chair:** Shall monitor proposed and pending legislation affecting legal assistants and shall serve as liaison to and assist the North Carolina Advocates for Justice Legislative Committee as needed. The Legislative Chair will report to the Executive Committee all activities of the Division and North Carolina Advocates for Justice Legislative Committees. The Legislative Chair also serves as the Division's representative to the North Carolina State Bar Paralegal Committee.
- (f) **Public Education Chair:** Shall perform such duties as deemed necessary to enhance public education and promote the Division within the North Carolina Advocates for Justice, with other legal assistants organizations and with legal assistants schools, faculty and students. Also, shall record data as necessary to document activities of the Legal Assistants Division. The Public Education Chair is the liaison with the North Carolina Advocates for Justice's Public Service and Information Committee and attends its Committee meetings.

- (g) **Publications Chair:** Shall be in charge of the publication of the Legal Assistants Division Newsletter “Discovery” and shall work with the North Carolina Advocates for Justice Staff liaison in its publication; Shall be responsible for writing or procuring articles for Discovery, Trial Briefs and Around the State. Shall be responsible for reporting to the Executive Committee the actions and reports of the Publications Committee. Shall serve as liaison to the North Carolina Advocates for Justice Editorial Board and attend their meetings.
- (h) **Executive Committee:** The Executive Committee shall be comprised of the Division Chair, Vice Chair, Membership Chair, Education Chair, Public Education Chair, Publications Chair and Immediate Past Chair. The Executive Committee shall meet monthly or as deemed advisable by the Division Chair who shall call and preside at all Executive Committee meetings.

Section 3: Nominations, Elections, and Terms of Office

- (a) Officers of the Legal Assistants Division shall be nominated by a nominating committee which is comprised of one member in good standing chosen by the Chair, one Executive Committee member in good standing elected at large by the Executive Committee, and one member in good standing elected at large from the membership by the Executive Committee. The Nominating Committee shall nominate one or more persons to fill each of the elective offices of the Legal Assistants Division.
- (b) The Nominating Committee shall submit the names of all nominees to the membership of the Division at least ten days prior to the Annual meeting. Accompanying the list of nominees shall be a notice that written and oral nominations may be submitted by North Carolina Advocates for Justice members in good standing prior to the Annual meeting and that further nominations may be submitted from the floor at the Annual meeting. At the Annual meeting the recommendations of the Nominating Committee together with the report on all written nominations received will be submitted to the membership.
- (c) Officers shall be elected by a majority vote of the members present at the Legal Assistants Division Annual Meeting held in August in conjunction with the Legal Assistants Annual Summer Conference.
- (d) Terms of office shall be for one year, commencing in August during the Legal Assistants Division Annual Meeting and shall continue until another election is held or the officer is removed pursuant to section II.I.
- (e) Executive Committee Chair positions can serve two consecutive terms or two years in the same position. After one year of absence from that position, they are then eligible for re-election.

- (f) To become eligible for Division Chair or Vice Chair Positions, a nominee must first have served in the capacity of committee Chair for at least one year.

II. Removal of Officers and Vacancies

Section 1: Removal of Officers

Any officer may be removed at any time by a vote of 2/3 majority of the Executive Committee. The officer subject to removal shall be notified by mail that the question of his or her removal is to come before the Executive

Committee of the Division. Said notice shall be sent not less than 10 days prior to said meeting and shall inform the person in question of the date and time of the meeting, the reason or reasons for his or her potential removal and his or her right to attend said meeting and answer the charges. This notice shall be sent by the Chair if the Chair is the officer in question, the notice is to be sent by the Vice Chair. At the designated meeting, the officer in question, subject to the control given the Chair or Vice Chair presiding, shall have a right to be heard and to offer evidence concerning the allegations. Control of the proceeding shall be in the hands of the Chair, or if the Chair is the officer in question, in the hands of the Vice Chair, who shall have the right to restrict the number of witnesses and the length of the hearing. After presentations have been made, there shall be a vote taken by secret ballot. The Chair or Vice Chair whoever is presiding, shall vote and shall break the tie. The decision of the Executive Committee shall be final. The vote shall be tabulated by the Chair or Vice Chair in charge and the number of votes shall not be disclosed by the Chair or Vice Chair.

Section 2: Vacancies

Any vacancy occurring in the Executive Committee may be filled by the affirmative vote of a majority of the remaining officers, even though less than a quorum, or by the sole remaining officer. An officer elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

III. Regulations Governing Committees

Section 1: There shall be the following standing committees of the Division: Membership, Education, Legislative, Public Education and Publications.

Section 2: In addition, there shall be such special committees as established by the Chair and the Executive Committee.

Section 3: No committee shall assume to represent the Division before any legislative body, in courts, or before any other tribunal unless unauthorized to do so by the Executive Committee of the Division and the Board of Governors or Executive Committee of the North Carolina Advocates for Justice.

Section 4: Minutes and Reports

- (a) Each committee must keep minutes of its meetings and be responsible for providing a copy to the Division Chair.
- (b) Reports from Committee Chairpersons are to be given at the monthly Executive Committee meetings. If a Committee Chair cannot attend and Executive Committee meeting then a written report must be submitted.

Section 4: Attendance Records

- (a) Records of attendance at all meetings must be kept and reported in the minutes. These records should be available to the Division Chair upon request to assist in making appointments for the coming year.
- (b) The Division Chair has the right to authorize committee Chairpersons to replace inactive committee members when necessary.

Section 5: Chairs of Committees

- (a) The Division Chair and Committee Chairs shall appoint members of the committees.
- (b) The Chair of a committee shall preside at all meetings and shall direct the affairs of the group with the advice and consent of the Division Chair.
- (c) The Committee Chair has the power to assign research work to registered members of the committee. The Committee Chair may appoint from the members of the committee or program area such subcommittees as needed with specific assignments of work projects, thus allowing for broad participation in the work of the Division.
- (d) The Chair of a committee shall serve on the corresponding North Carolina Advocates for Justice Committee and shall report Legal Assistants Division Committee activities to the North Carolina Advocates for Justice Committee.

Section 7: Committee Functions

- (a) Membership Committee:
 - (1) To supervise and conduct a continuing program of solicitation of new members and for the conservation of existing members.
 - (2) To exercise general supervision of the membership application procedures and inductions of new members;

- (3) To supervise and maintain a job bank for legal assistants seeking employment and for North Carolina Advocates for Justice attorney employers wishing to hire legal assistants;
 - (4) To study and report to the Executive Committee of the Legal Assistants Division recommendations that would lead to the improvement of relations between the Division and its members.
- (b) Education Committee:
- (1) To formulate preliminary drafts of all legal assistants and CLE programs, including the annual Summer Conference, seminars and practical skills workshops;
 - (2) To present proposed drafts of CLE programs to the North Carolina Advocates for Justice's Education Committee for approval;
 - (3) To work with North Carolina Advocates for Justice staff in arranging CLE programs; obtaining a schedule of deadlines, contacting speakers, contacting exhibitors, reviewing brochures and manuscripts;
 - (4) To send confirmation letters to all speakers and exhibitors giving them clear illustrations and guidelines;
 - (5) To contact and invite any guests to attend the CLE program or lunch with prior approval from Executive Director;
 - (6) To introduce speakers, make any necessary announcements and keep speakers on schedule at CLE programs;
 - (7) To send a letter to each speaker and exhibitor acknowledging participation and the Division's gratitude.
- (c) Legislative Committee:
- (1) To advise and assist the North Carolina Advocates for Justice Legislative Committee by considering proposed and pending legislation, particularly issues affecting legal assistants;
 - (2) This committee shall work closely with the Division's Executive Committee in presenting its ideas to the North Carolina Advocates for Justice Legislative Committee and Vice President for Legislation;
 - (3) To monitor the actions of the North Carolina State Bar Paralegal Committee and issues affecting the paralegal profession.
- (d) Public Education Committee:
- (1) To promote the North Carolina Advocates for Justice by establishing relationships with: paralegal school directors, faculty and students; other legal assistant/paralegal associations; legal assistants members and non-members throughout the state; and attorney member;
 - (2) To promote and market the Division's activities and to maintain contacts and remain visible to the above-mentioned groups
 - (3) To gather all relevant material of past, present and future Legal Assistants Division Events and publications for the purposes of keeping an accurate record of activities.

(e) Publications Committee:

- (1) To write, gather and prepare the Legal Assistants Newsletter "Discovery" for publication at times deemed appropriate by the Executive Committee with the help of the North Carolina Advocates for Justice Staff Liaison;
- (2) To solicit input from North Carolina Advocates for Justice & Division members and submit appropriate material;
- (3) To produce articles relating to legal assistants in the following areas: ethics, procedure, substantive law, office management, stress and continuing legal education;
- (4) To work with the North Carolina Advocates for Justice's Staff Liaison and Editor in publishing "Discovery,"
- (5) To work with the North Carolina Advocates for Justice Staff Liaison and Editorial Board in gathering and preparing articles for Trial Briefs and Around the State.

IV. General Business Meetings

Section 1: Executive Committee meetings are held monthly or as deemed necessary by the Division Chair. Open Division meetings are held from time to time with advance notice to the membership. Anyone wishing to attend an Executive Committee meeting should notify the Chair prior to the meeting.

Section 2: The Long Range Planning Meeting shall be held in conjunction with the North Carolina Advocates for Justice Annual Convention in June. The purpose of such meeting is to begin planning for next fiscal year's activities.

Section 3: The Annual meeting of the membership of the Legal Assistants Division shall be held in conjunction with the Annual Legal Assistants Summer Conference which is held in August. The purposes for such annual meeting shall include: election of officers, reports from Committees, and announcement of by-law amendments.

V. Membership

Section 1: Qualifications

- (a) Employed by an attorney member in good standing of the North Carolina Advocates for Justice;
- (b) Have successfully complete a curriculum of training as a legal assistant; or whose attorney/employer attests that such person is qualified by training or experience as a legal assistant;
- (c) Primary work is in the area of litigation; and

- (d) Sponsored for membership by a North Carolina Advocates for Justice member attorney for whom the legal assistant is employed
OR
- (e) A faculty member of an institution educating legal assistants and nominated for membership by the North Carolina Advocates for Justice Legal Assistants Division Staff Liaison, Executive Director, or attorney member of North Carolina Advocates for Justice OR
- (f) A paralegal student currently enrolled in and attending an institution educating legal assistants in North Carolina, who supports the goals and objectives of North Carolina Advocates for Justice, and if employed, whose employment is not in the defense of personal injury actions or the prosecution of those accused of criminal wrongdoing.

Section 2: Status

- (a) If for any reason a legal assistant's membership qualification should change (i.e. no longer employed by a North Carolina Advocates for Justice attorney member) then the legal assistant becomes ineligible to hold office and becomes a non-voting member within the Legal Assistants Division.
- (b) If legal assistant's membership qualification should change while holding office then the legal assistant member will be eligible to serve out the remaining portion of the term but will not be eligible for re-election while not employed by and the North Carolina Advocates for Justice attorney.

VI. Amendments

These By-Laws may be amended or repealed by the affirmative vote of a majority of the Board of Governors of the North Carolina Advocates for Justice at a regularly scheduled Board meeting or at a special meeting called for that purpose, provided that a written notice shall have been sent to each member of the Board at least ten days before such meeting, which notice shall state the proposed amendment or change which is proposed. Only such changes shall be made as have been specified in the notice.