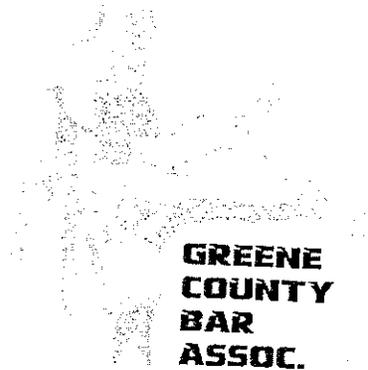


# GREENE COUNTY BAR ASSOCIATION CONSTITUTION & BY-LAWS



## Article I Name

The Association shall be known as Greene County Bar Association.

## Article II Mission Statement

Facilitating the administration of justice; presenting high standards of integrity, honor and dignity in the legal profession; maintaining rapport and cooperation with the Ohio State Bar Association and the American Bar Association; and cultivating the spirit of good fellowship among the members.

## Article III Membership

General membership includes any person admitted to the practice of law in the State of Ohio, and is in good standing with the Supreme Court of Ohio. Associate membership includes any paralegal. Associate members are not permitted to vote, hold office, or serve on the Grievance, Judicial or Bar Admission committees. Honorary membership may be granted upon a majority vote of members present at any meeting.

Members shall pay an annual membership fee due by April 1<sup>st</sup> in the following amounts:

- \$125.00 for general members with one to forty-five years of practice
- \$ 0.00 for attorneys with less than one year or over 45 years of practice
- \$ 50.00 for an associate member

Membership fees may be amended by two-thirds (2/3) vote of members present at any meeting upon at least ten (10) days advance notice.

## Article IV Meetings

Members shall have at least ten (10) days advance notice of all meetings.

An annual meeting shall be held on the third Thursday in November at a place to be selected by the President. At the meeting, the Association will hold an annual Election. The order of business shall be as follows; Nominations and Elections, President's report, Treasurer's report, Committees' report, old business and new business.

Monthly meetings, excluding the months of June, July, August, and December, shall be held at a place to be designated by the President. Business may be transacted at such meetings only if a quorum, consisting of at least ten (10) members, is present.

Special meeting may be scheduled by the President as needed or by the written request of at least five (5) members.

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## Article V-Officers

### 1. President

The President shall preside over all meetings and shall conduct the business of the Association for a term of one (1) year. The President has the right to require reports from all committees and appoint special committees as needed. The President shall submit a budget at the January meeting for approval by a majority of those members present. The President may authorize annual expenditures totaling up to \$500.00 without membership approval.

### 2. First Vice-President

The First Vice-President shall perform all the duties of the President in their absence. The First Vice-President shall serve as Chairperson of the Lawyer Referral Service and Memorial committees. The First Vice-President shall become President the following year.

### 3. Second Vice-President

The Second Vice-President shall perform all of the duties of the First Vice-President in their absence. The Second Vice-President shall serve as Chairperson of the Community Relations committee. The Second Vice-President shall become First Vice-President the following year.

### 4. Treasurer

The Treasurer shall deposit all membership fees and any other funds paid to the Association; shall disburse funds as authorized; and shall keep an accounting. At the annual meeting, the Treasurer shall submit a report of that year's total deposits and disbursements. The Treasurer shall become Second Vice-President the following year.

## Article VI Administrative Secretary

The Association may contract for the services of an Administrative Secretary to assist with the operations of the Association. The Association shall review the Administrative Secretary's compensation and performance at the annual meeting.

The Administrative Secretary shall record and retain all records of meetings and proceedings of the Association, receive all correspondence, send all notices to members, collect the annual membership fees, and shall operate the Lawyer Referral Service.

The Administrative Secretary shall perform such other duties as directed by the officers of the Association and by Bar Counsel for the Certified Grievance committee.

#### Article VII Vacancy

If the office of the President should become vacant, the First Vice-President shall become President for the remainder of the term. If the office of First Vice-President should become vacant, the Second Vice-President shall become the First Vice-President for the remainder of that term. If the office of Second Vice-President should become vacant, the Treasurer shall become Second Vice-President for the remainder of that term, but shall also retain position of Treasurer. If the office of Treasurer should become vacant, the Second Vice-President shall become Treasurer until a special election is held.

Any officer may be removed by a vote of three-fourths (3/4) of the members present at a meeting upon at least ten (10) days advance notice.

#### Article VIII Committees

##### 1. Lawyer Referral Service

The First Vice-President shall serve as Chairperson and may appoint committee members. The Lawyer Referral List should be updated on an annual basis. No fee shall be charged for participation in the Lawyer Referral Service.

The Administrative Secretary shall maintain a list of attorneys accepting referrals. The Administrative Secretary shall provide inquiring persons with the names of at least two (2) attorneys based upon area of practice and location.

##### 2. Social Activities

The President shall appoint a Chairperson who may appoint other committee members. This committee shall make arrangements for social activities for the Association.

##### 3. Community Relations

The Second Vice-President shall serve as Chairperson and may appoint other committee members. The committee shall be responsible to maintain and update the Association's website and any other forms of media. The Chairperson shall inform the local media of any activities that are for publication.

#### 4. Memorial

The First Vice-President shall serve as Chairperson and may appoint other committee members. The committee shall plan and organize memorial services to recognize deceased Association members.

#### 5. Constitution and By-Laws

The President shall appoint a Chairperson who may appoint other committee members. The Committee shall present proposed amendments as requested by the Association.

#### 6. Scholarship Committee

The President shall appoint a Chairperson who may appoint other committee members. The Committee shall interview applicants and present recommendations to the Association. To be considered for a scholarship award, an applicant must be enrolled in law school and be a permanent resident of Greene County.

#### 7. Continuing Legal Education

The President shall appoint a Chairperson who may appoint other committee members. This committee shall be responsible for presentation of programs to the membership for credit as required by the Supreme Court Rules for the government of the Bar of Ohio.

#### 8. Admission to the Bar

The President shall appoint an admissions committee consisting of at least three (3) members, each of whom shall serve without compensation for a term of three (3) years.

The committee shall file with the Office of Bar Admissions the names, addresses, telephone numbers, and terms of all members of the admissions committee and designation the chairperson who shall be responsible for receipt of material forwarded by the Office of Bar Admissions.

The committee shall investigate the character, fitness, and moral qualifications of applicants for admission to the practice of law in the State, report its findings and recommendations to the Board of Commissioners on Character and Fitness, and obtain and offer such information as pertains to the character, fitness, and moral qualifications of the applicants.

At least two members of the admissions committee shall jointly conduct a personal interview of the applicant and record the results on a form prescribed by the Board. During the interview of the applicant, the admissions committee shall inquire of the applicant whether any answer on the character questionnaire should be changed or supplemented because of events occurring after the date on which the character questionnaire was originally signed by the applicant and notarized.

A member shall not participate if it is reasonable to expect that the member's judgment could be affected by such member's own financial, business, property, or personal interest or other conflict of interest.

The committee shall ascertain, from the character questionnaire, the report of the National Conference of Bar Examiners, and the interview, whether the applicant possesses the requisite character, fitness, and moral qualifications for admission to the practice of law. If the admissions committee deems it necessary or appropriate under the circumstances, it shall conduct further investigation of the applicant before ascertaining the applicant's character, fitness, and moral qualifications.

The admissions committee shall file with the Office of Bar Admissions a written report with its recommendations on a form prescribed by the Board.

#### 9. Certified Grievance Committee

The Committee shall consist of three (3) non-attorney members and fifteen (15) attorney members to serve a term of three (3) years. The five (5) attorney members who have served three (3) years shall be replaced by five (5) new attorney members elected by the Association at the annual meeting. At that meeting, the Association shall also elect the Chairperson who shall not serve for more than two consecutive years.

A member who served on the committee may be reappointed to the committee if two or more years have elapsed since the conclusion of the member's prior service.

The committee shall meet at least once every third month. The Administrative Secretary shall maintain the office during regular business hours to process grievances received and assist with other work of the certified grievance committee.

The committee shall designate Bar Counsel, who shall be certified by the Disciplinary Counsel, to supervise the receipt and investigation of grievances, the prosecution of formal complaints, and perform such other duties required by this rule. Bar Counsel shall serve without compensation and shall not service as an officer of the Association.

Bar Counsel shall devote the time necessary to assist in the intake and investigation of grievances, prosecution of formal complaints, and advising the certified grievance committee on matters of professional conduct and disciplinary procedures.

Annually, Bar Counsel shall complete a minimum of three (3) hours of training offered or approved by Disciplinary Counsel in one or more of the following subject-matter areas: Legal ethics; judicial ethics; Execution of the responsibilities outlined in this rule for the review and investigation of grievances and the preparation and prosecution of formal complaints.

The Committee shall maintain files and records of proceedings, in paper or electronic format and in accordance with the following schedule: Records of the proceedings of the certified grievance committee and files related to any matter in which the committee filed a formal complaint shall be retained permanently; Files related to any

matter in which the committee initiated an investigation shall be retained for ten (10) years; Files related to any matter that the committee dismissed without investigation shall be retained for two (2) years.

The Committee shall establish and file with the Board written procedures for the processing of grievances that conform to standard regulations promulgated by the Board. The written procedures shall provide a method for notifying potential grievant that they have the option to file a grievance with the Disciplinary Counsel rather than with the certified grievance committee.

The Committee shall file quarterly reports similar to those required of the Disciplinary Counsel. Each certified grievance committee shall include in the report the results of cases referred to the Board-approved alternative dispute resolution methods along with recommendations for further action, including discontinuance or amendment of alternative dispute resolution procedures.

~~The Committee shall comply with all future amendments to the Supreme Court Rules of Governance of the Bar.~~

## 10. Judiciary

The Committee shall consist of nine (9) members whom each shall serve a term of three (3) years. This means that in each annual election the three (3) third year members shall be replaced or reelected to a new three (3) year term.

Eligibility: Any member of the Association, in good standing with the Ohio Supreme Court, other than those contained in this section, are eligible to serve on the Judiciary Committee. Judges, Magistrates and other judicial officers are not eligible.

Quorum: A quorum for purposes of this Committee is five (5) members.

Chairperson: The Committee shall, within 30 days following the annual election choose by majority vote where a quorum is present, a Chairperson of the Committee. The Chairperson shall serve a one (1) year term.

Vacancy: In the event that a member becomes ineligible, unwilling, or removed from the Committee, or otherwise unable to perform their duties, the vacancy shall be filled by appointment by the Association President. The newly appointed member shall serve the remainder of the term of the vacating member. (i.e. if a second year member resigns the member appointed by the President would be considered a second year member.)

### General Membership Preference Poll for Contested Judicial Elections

Purpose: This poll extends the opportunity to the membership to evaluate all candidates in each contested race for judicial office in an upcoming primary and/or general elections and the opportunity to make an endorsement of one of the candidates in any such contested election.

Triggering Event: After the filing date for candidates for judicial office has

expired, and not less than forty-five (45) days prior to any contested election, the Committee on the Judiciary of the Association shall conduct a poll of the membership of the Association.

Location and Procedure for voting: All ballots shall be cast at the Greene County Law Library in the presence of one of the law library staff. Once the ballot is completed it shall be inserted into a locked ballot box. Members shall not vote more than once.

Format: The format of the general membership evaluation poll shall be as follows:

Please evaluate each candidate's performance as set forth below considering his or her integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, and personal responsibility.

Judicial Candidate: (insert candidate's name)

\_\_\_\_\_ Highly Recommended

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ No contact/No opinion

Which, if any, of the candidates in this election should the Association endorse? (List only one candidate)

Results: The poll results shall be counted by an independent person or firm and the results disclosed to the Judiciary Committee. The Association shall publish the results of the poll regarding the issue of qualification for the office. If one candidate receives the selection for endorsement by more than fifty percent (50%) of those responding to the poll and at least forty percent (40%) of the membership of the Association has responded to the poll, the results of the survey regarding the issue of endorsement shall also be made available to the public by publication in the area newspaper.

#### Screening Procedure for Prospective Appointees to the Bench

Purpose: The purpose of this section is to provide for the input of the Bar Association anytime an appointment to the bench serving Greene County becomes available and the opportunity to make an endorsement of one of the candidates.

Triggering Event: The Judiciary Committee shall screen all interested candidates. An interested candidate is any person who has filled a complete application for consideration to the Committee Chairperson no later than ten (10) days after the deadline for consideration of the political party making the appointment.

Application: The application used shall be the same as for the application for consideration of the political party making the appointment. A blank application for consideration can be received from the Committee Chair.

Investigation: The Chairperson of the Committee is authorized to make inquiries of the Grievance Committee on Professional Ethics or of any other source deemed relevant, as to complaints or proceedings involving any of the candidates to appear before the Committee.

Invitation and information: The Chairperson shall invite all candidates for appointment before the committee, and shall advise the candidates of the committee's role, its procedures, and such other matters as the committee may deem proper. The Committee may request candidates to provide resumes or complete questionnaires to assist the Committee in its evaluation. Candidates shall be instructed of their duty to answer all questions truthfully and honestly and of their continued duty to supplement or correct any answer or document provided to the Committee that a candidate becomes aware was not accurate or true. A quorum must be present for the interview of any candidate.

Criteria for Consideration: The committee shall consider the following criteria, among other things, in voting on the foregoing ratings: academic honors, participation in continuing legal education, legal experience (type, quality, and length of practice or equivalent experience), professional reputation (ethics, reputation as an attorney) as well as reputation in the community for truthfulness, sobriety, or other attributes of general character essential to holding judicial office, judicial demeanor and temperament (fairness, integrity, maturity, industry, efficiency, and courtesy), knowledge and understanding of community affairs, health and age; and possible conflicts of interest.

Interview Procedure: The Committee shall meet privately with each candidate for appointment. The candidate shall be advised of any adverse information of which the Committee has knowledge. The candidate may make a statement in addition to responding to questions. The Committee may make broad inquiries of the candidate, but such inquiries should be relevant to the qualifications of the candidate for judicial office.

Follow-up: Following the interview, the Committee shall discuss each candidate. If, in course of this discussion, and adverse factual information is brought to the attention of the committee and this information has not been discussed with the candidate, the candidate will be invited to return and this information will be discussed with him/her.

Vote: Following the discussion, the Committee shall vote on whether the candidate is recommended or not recommended. The vote shall be by anonymous ballot as follows:

Please evaluate each candidate's performance as set forth below considering his or her integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, and personal responsibility.

Judicial Candidate: (insert candidate's name)  
\_\_\_\_\_ Highly Recommended  
\_\_\_\_\_ Recommended  
\_\_\_\_\_ Not Recommended

Which, if any, of the candidates in this election should the Association endorse? (List only one candidate)

Endorsement: The judiciary Committee shall endorse any candidate receiving a unanimous selection for endorsement all of Committee members voting.

Publication of Results: Once this process is completed, the Chairperson shall prepare and sign a letter indicating the results to the Association President. The President shall promptly send the results to the Governor and to the Central Committee Chairperson of the appointing party, all candidates and members of the Association.

Final Determination: The determination of the Judiciary Committee regarding judicial appointments shall be the final determination and backed by the Association. The Association will endorse the candidacy of any candidate recommended in accordance with these By-Laws. Recommendation of a candidate by the Association means that the Association will actively promote the candidate's election.