

**MARYLAND STATE BAR ASSOCIATION
BY-LAWS OF THE
CONSUMER BANKRUPTCY SECTION**

ARTICLE I - Name and Purpose

SECTION 1. This Section shall be known as the Consumer Bankruptcy Section of the Maryland State Bar Association, Inc. (hereinafter the “Association”).

SECTION 2. The purposes of this Section are to provide a forum for consumer bankruptcy lawyers, both debtor and creditor, and trustees in the State of Maryland, to focus on specific consumer bankruptcy laws and issues, and function as a voice for the bankruptcy bar. The Section will monitor and report on legislation, bankruptcy cases, local rules and court procedures that affect practitioners and consumers and will undertake such other and diverse activities authorized from time to time by the Association or the Officers and Council of this Section as shall enhance the administration of justice and the competence and skills of lawyers engaged in the practice of law and improve their ability to deliver the most efficient and highest quality legal service to their clients. The activities of this Section shall also be designed to develop and present continuing legal education programs that will enhance the level of competency and professionalism among the bar.

SECTION 3. The Section, through its Council, shall have the following powers to accomplish its purposes:

- A. To implement policies and resolutions as may be referred to it by the President or the Board of Governors of the Association, and to make recommendations to the Association relating to consumer bankruptcy issues, laws, and rules.
- B. To act to improve the administration of justice and the level of professionalism and competency in consumer bankruptcy cases and to assist the judiciary in this endeavor.
- C. To coordinate its activities and work with appropriate committees or sections of the Maryland State Bar Association, the American Bar Association and other state, local, and international bar associations, as well as with other state, national and international organizations, committees, study groups or other entities impacted by bankruptcy.

ARTICLE II - Membership and Dues

SECTION 1. Any Member or Associate Member in good standing of the Association shall be eligible for membership in this Section and shall be enrolled as a Member upon application to Secretary of the Section or to the Executive Director of the Association and upon the payment of any prescribed dues.

SECTION 2. Dues for membership in this Section may be prescribed by the Council of this Section and collected in accordance with the procedures of the Association. They shall be due and payable in advance of each membership year.

SECTION 3.a. Any Associate Member of the Association may become an Associate Member of

the Section. Associate Members shall have all the privileges of regular Members of the Section except the right to vote at Section meetings, to hold office, and be a Section Council member.

SECTION 3.b. Any person not a Member of the Association, who holds the title of either Chapter 7 or Chapter 13 Trustee, may become regular Members of the Section with the approval of the Association. Said Trustee Member shall have all the privileges of regular Members of the Section including the right to vote at Section meetings and to hold office and Section Council membership.

SECTION 4. Only those Members of the Association whose names are contained in the current membership roster of the Section shall be deemed regular Members thereof entitled to participate in the activities of the Section and to vote upon matters presented at any meeting of the Section. Termination of membership for cause, including nonpayment of dues shall be determined by resolution or vote of the Section Council, after notice and hearing (if required by the Member concerned).

ARTICLE III – *Meetings & Elections*

SECTION 1. The annual meeting of the Section shall be held during the Annual Meeting of the Association in the same city or place as said Annual Meeting of the Association is held and with such agenda, program or order of business as the Section Council may arrange, or during the month prior to or immediately following the Annual Meeting of the Association in a city or place convenient to the membership of the Association.

SECTION 2. The Council of the Section shall hold regular meetings of its Members each year at such time and place as is determined by the Council, however, at a minimum, the annual meeting shall be held as set forth in Article III, Section 1 and a Council meeting shall be held within 30 days before or after the Mid-Year Meeting of the Association.

SECTION 3. Special meetings of the Council or of the Section may be called by the Chair, and shall be called upon request of four members of the Council, at such times and places as the Chair selects. Written notice, specifying the time, place and business to be transacted shall be given to each member of the Council at least five days in advance of all special meetings of the Council.

SECTION 4. Council Business: The presence of at least two of the five Officers and ten members at large of the Council shall constitute a quorum for a Council or Section Meeting, respectively. The Council shall make reasonable effort to notify Section Members of the schedule of meetings.

SECTION 5. Voting: All binding actions of Council or Section business shall be by majority vote.

ARTICLE IV - *Officers and Council*

SECTION 1. The Officers of this Section shall be a Chair, a Vice Chair, a Secretary, a Treasurer and Immediate Past Chair. The Vice Chair shall serve as Chair-Elect.

SECTION 2. There shall be a Council, which shall consist of the Chair, Vice Chair, Secretary, Treasurer, Immediate Past Chair together with twenty five other members known as

elected members of the Council, elected by the Section as hereinafter provided. An attempt shall be made to have each geographical part of the State represented on the Council wherever possible. The Chair, having been elected Vice Chair in the proceeding year, will automatically assume the position of Chair at the Annual Meeting. The outgoing Chair will automatically assume the position of immediate Past Chair.

SECTION 3. In even numbered years, Twelve of the Twenty Five Members of the Council shall be nominated and elected, and in odd numbered years, Thirteen of the Twenty Five Members of the Council shall be nominated and elected, at each annual meeting of the Association for a term of office beginning at the end of the Annual Meeting and running for two years. Any vacancy existing in any 2 year membership on the Council by reason of death or resignation shall be filled by the Council through an interim election. Such replacement member of the Council shall serve only to the end of the 2 year term to which his/her predecessor had been elected. It is intended that the terms of at least 12 of the 25 Council members shall expire at each annual meeting.

SECTION 4. That the Council shall always be made up of at least two members whose primary practice is in representing Debtors; two members whose primary practice is in representing Creditors; one member who is either a Chapter 13 Trustee, or counsel for a Chapter 13 Trustee; and one member who is a Chapter 7 Trustee, or in-house counsel for a Chapter 7 Trustee.. If at any time a Council member resigns, or is unable to serve, and her/his resignation or inability to serve would reduce the number of Council members of that practice area below the numbers stated above; then a reasonable attempt must be made to replace said Council member with a new Council member of the same practice type before electing or appointing a new Council member of a different practice area.

ARTICLE V - Nominations and Elections

SECTION 1. The Chair of the Section shall appoint a nominating committee composed of at least five members of the Section. No more than four members of this committee can be current members of the Council. If a member of the nominating committee is standing for election to the Council, she/he must abstain as to her/his own nomination. The nominating committee shall be appointed on or before May 1st and shall submit to the membership of the Section at the Annual Meeting the list of nominees for the offices of Vice Chair, Secretary, Treasurer and members at Large whose slots are up for election during that year. In addition, the report of the nominating committee shall be sent to the members of the Section in advance of the Annual Meeting.

SECTION 2. The Nominating Committee shall have a Chair appointed by the Section Chair from among the members of the Committee.

SECTION 3. The nominating committee shall solicit nominations from the Council for the election of officers for the next term. The nominating committee shall meet and review the qualifications of all nominees, and make its recommendation to the Council. The Council shall then vote on the nominees standing for office, and shall appoint to each officer position the nominee with the greatest number of votes.

SECTION 4. The nominating committee shall also solicit from the Section through the list serve and any other reasonable means of communication, requests and nominations to serve on the Council. To be considered for election, all nominees must provide the nominating committee with a short

biography as to their experience and qualifications. The nominating committee shall then meet and review the qualifications of all nominees. The nominating committee shall then make its recommendations to the Council. The Council shall vote on all nominees in the order of their recommendation, and by majority vote the Council shall determine whether or not to appoint each said nominee to the Council.

SECTION 5. The slate of nominees for Council membership and Council Officers shall be approved by the Council prior to the annual meeting. The election of the officers and members of the Council shall take place at the Annual Meeting of the Section.

ARTICLE VI - *Duties and Powers of the Council*

SECTION 1. The Council shall have the general control of the affairs of the Section subject to the provisions of the By-Laws of the Association and of this Section. During the interval between meetings of the Section, the Council shall have full authority to act for the Section in any way in which the Section would have been authorized to act and any such action taken by the Council pursuant to this provision shall be reported to the members of the Section at or before the next Section Meeting. The Council shall authorize particularly all commitments or contracts involving the expenditure of money. It shall not, however, authorize commitments, contracts or expenditures which would entail the payment of more money during the fiscal year than the funds currently available to the Section.

SECTION 2. The Council may authorize the Chair to make commitments or expend money within the limits of the budget approved by the Section Council and to appoint Committees to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these By-Laws and the Charter and By-Laws of the Maryland State Bar Association.

SECTION 3. Except as otherwise provided in these By-Laws, the Council, during the interim between annual meetings of the Section, shall have the power to remove any officer or member of the Council and to fill vacancies in any office in its own membership or in any committee, Members and officers so selected shall serve until the adjournment of the next annual meeting of the Section or until their successors shall have been elected and qualified.

SECTION 4. Except where elsewhere specifically provided, all action of the Council shall be by majority vote of the members present.

SECTION 5. Proxy voting shall not be permitted.

ARTICLE VII – *Committees*

SECTION 1. The Chair shall appoint such standing and special Committees of the Section relating to the subject matters within the Section's field of activity and with such powers, duties and procedures as the Council may from time to time determine. All reports of standing or special Committees shall be transmitted to the Chair of the Section by the Chair or other authorized members of the Committee.

SECTION 2. There shall be a standing By-Laws Committee, appointed by the Chair of the Council every year. The Committee shall be comprised of at least two Officers and three members of the Council. This Committee shall provide opinions to the Section on interpretations of the By-Laws when

requested, and shall review the By-Laws for changes, when requested by the Council. It shall also be the responsibility of the By-Laws Committee to ensure compliance with the By-Laws by the Section and Council.

SECTION 3. The Chair of the Section shall appoint the Chair of such standing special Committees from among the membership of the committee.

ARTICLE VIII – *Miscellaneous*

SECTION 1. The fiscal year of the Section shall be same as that of the Association.

SECTION 2. All bills incurred by the Section, the Committees or officers, before being paid shall be approved by the Chair, or as the Council may from time to time direct.

SECTION 3. The Section shall not pay a salary, or any compensation, to any Member or Associate Member of the Association.

SECTION 4. These By-Laws shall become effective upon the adoption thereof by the Council and approval of the Board of Governors of the Association.

SECTION 5. These By-Laws may be amended with prior notice to the members at any regular meeting of the Section by a majority vote of the Section members present and voting.

Adopted on this 17th day of April, 2013.

/s/Tiffany S. Franc

Secretary-Tiffany S. Franc