

**COLORADO BAR ASSOCIATION  
BYLAWS OF THE ELDER LAW SECTION**

Article I

Name and Purpose

Section 1. This Section shall be known as the Elder Law Section of the Colorado Bar Association, hereinafter the "Section."

Section 2. The purpose of this Section shall be to promote the objectives of the Colorado Bar Association within the field of Elder Law. To that end, the Section shall endeavor to create better understanding and cooperation among those attorneys engaged in a practice involving Elder Law to foster, recommend and promote legislation in the furtherance of this field, and to educate attorneys and the elderly community concerning the legal problems of the elderly and legislation related to those problems.

Article II

Membership and Dues

Section 1. Any member of the Colorado Bar Association, any law student, and any other persons who are eligible to be associate members of the Colorado Bar Association may become a member of the Section upon payment of the annual Section dues.

Section 2. The Council (as determined in Article III) of the Section shall have the power to fix the amount of annual dues paid by members of the Section and to establish any classifications it deems appropriate for such purposes. The Council shall fix the amount of the dues and establish any classifications on or before April 1 of each year. If they shall fail to do so, scheduled dues and classifications of the preceding year shall remain in full force and effect.

Section 3. Section dues shall be due and payable, in advance, on the first day of July of each year. Any member of the Section whose annual dues are more than six months past due shall cease to be a member of the Section. Termination of membership in the Colorado Bar Association shall automatically terminate membership in this Section.

## Article III

### Officers and Council

Section 1. The officers of the Section shall be two Co-Chairs, a Secretary and a Treasurer. The Co-Chairs shall serve for staggered two-year terms, one Co-Chair to be elected at each annual meeting of the Section. All officers of the Section shall be members of the Colorado Bar Association and of the Section.

Section 2. The Council of the Section shall consist of the two Co-Chairs, the Secretary, the Treasurer, any prior Co-Chair who wishes to serve, and four At Large members to be selected by the Section members as hereinafter provided. Only those prior Co-Chairs who request in writing to one of the Co-Chairs before May 1 to serve as voting members of the Council shall be allowed to serve as voting members for the upcoming year, except for good cause found to be acceptable to a majority vote of the other members of the Council. The voting quorum of the Council shall be established at the May meeting.

Section 3. The four At Large members of the Council shall be nominated and elected in accordance with the procedures set forth in Article IV. The first year following adoption of these bylaws, one of the three At Large members of the Council shall be elected to serve for one year, one shall be elected to serve for two years, and one shall be elected to serve for three years. Each year thereafter, the Council member elected to fill the expired term shall serve for three years. The term of each At Large member of the Council shall begin on July 1 or the date of his or her election, whichever is later, and shall continue until June 30 of the year of the expiration of the At Large member's term, or until a successor is elected and takes office. The first three At Large Council members shall serve no more than two consecutive three-year terms; however an At Large member shall be eligible for re-election (or appointment) after the lapse of one year from the expiration of such member's most recent term. The criteria for the 4<sup>th</sup> At Large member is that this attorney has been in practice for five years or less. This position is to remain vacant until such time as an appropriate nomination can be made. The term for the 4<sup>th</sup> At Large member shall be two years.

Section 4. The duties of the Council are as follows:

1. The Council shall have general supervision and control of the affairs of the Section, subject to the Constitution and Bylaws of the Colorado Bar Association and the Bylaws of this Section.
2. The Council shall authorize all commitments or contracts which shall entail the payment of money and shall, by the adoption of a budget or otherwise, authorize the expenditure of all monies available for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which entail the payment of money during any fiscal year in excess of the amount available to the Section for that year.
3. The Council shall determine dues as described in Article II.

4. The Council shall facilitate the work of the sub-committees and assist the chair of each sub-committee in reporting to the Section.
5. The Council shall make decisions regarding the official position of the Section on legislative matters and any other matters for which an official position of the Section is required or requested.
6. The Council shall appoint a person to be the Section ' s Representative to the CBA Board of Governors. The Representative shall be appointed for a two-year term. The Representative may be appointed for additional terms not to exceed three consecutive two year terms. The Representative sits at the will of the Council, and may be removed by the majority vote of the officers and the three At-Large Council Members. If the Representative shall be unable to attend any meeting of the Board of Governors, he/she shall immediately notify one of the Co-Chairs of the Section, who shall either attend the meeting or shall appoint another proxy from the Section membership. Unless otherwise directed by the Council, the Representative shall be entitled to use his/her best judgment in voting on matters that come before the Board of Governors.

Section 5. If any member of the Council shall fail to attend two successive meetings of the Council, except for reasons acceptable to a majority of the other members of the Council, the office held by such member shall be vacated upon a majority vote of the other members of the Council. If any officer or any member of the Council at any time after his or her election shall die, resign, or cease to be a member of the Section, then his or her office shall be automatically vacated, without action other than to note such fact in the minutes of the Council. Any officer or any member of the Council may resign at any time by sending a written notice of such resignation to the Secretary of the Section; such resignation shall take effect upon the receipt thereof by the Secretary. In the event of a vacancy created by operation of this Section 5 or any other circumstance, the remaining members of the Council shall, by majority vote, elect a member of the Section to fill such vacancy and to serve for the unexpired term of the office vacated.

## Article IV

### Nomination and Elections

Section 1. Elections shall be held in May of each year to elect the Co-Chairs, the Secretary, the Treasurer, and At Large members of the Council.

Section 2. The Co-Chairs, no later than the March meeting of each year, shall solicit nominations from the membership of the Section for the positions of Co-Chairs, Secretary, Treasurer and At Large members of the Council.

Section 3. The Council shall cause a notice to be mailed no sooner than 60 days nor later than 30 days prior to the annual meeting. The notice shall contain a summary of any proposed Bylaw changes recommended by the Council and the names of candidates for election.

Section 4. The membership of the Section shall vote in person by written ballot at the annual meeting, or by mail ballot received on or before the annual meeting, for each of the officers and At Large members of the Council and on other business appropriately noticed.

## Article V

### Duties of Officers

Section 1. Co-Chairs. The Co-Chairs shall preside at all meetings of the Section and the Council jointly and/or alternatively. They shall formulate and present at each annual meeting of the Section a report of the work of the Section for the past year. They shall perform such other duties and acts as usually pertain to this office.

Section 2. Secretary. The Secretary shall be the custodian of all books, papers, documents and other property of the Committee, except money. He or she shall keep a true record of the proceedings of the annual, regular and special meetings of the Section and all meetings of the Council.

Section 3. Treasurer. The Treasurer shall be the custodian and keep accurate records of the appropriation and expenditures of money for the use of the Section. In conjunction with the Co-Chair and the Secretary, the Treasurer shall attend generally to the business of the Section.

## Article VI

### Meetings

Section 1. The annual meeting of the Section shall be held in May at the same location as the regular meetings of the Section.

Section 2. Special meetings of the Section may be called by the Co-Chairs upon approval of the Council, at such time and place, and upon such reasonable notice as the Council may determine.

Section 3. Regular meetings of the Section shall be held the third Thursday of each month at 9:00 a.m. at the offices of the Colorado Bar Association, or as otherwise designated by the Notice.

Section 4. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 5. All binding action of the members of the Section shall be by a majority of the members present at a meeting.

## Article VII

### Miscellaneous Provisions

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

Section 2. All bills incurred by the Section before being forwarded to the Treasurer of the Colorado Bar Association for payment shall be approved by either Co-Chair and the Treasurer.

Section 3. No salary shall be paid to any officer, Council member or member of the Section, however, officers and Council members may be reimbursed for tuition and other Section related activities expenses approved by the Section membership.

Section 4. Any action of the Section must be approved by the Colorado Bar Association before the same becomes effective as the action of the Colorado Bar Association.

Section 5. These bylaws shall become effective upon approval by the Section and by the Board of Governors of the Colorado Bar Association.

## Article VIII

### Amendments

These bylaws may be amended at any annual or special meeting of the Section by a majority vote of the membership present. At the discretion of the Council, a vote may be conducted by ballot through the United States Mail.

I, the undersigned Secretary of the Colorado Bar Association Elder Law Section, hereby certify that the foregoing Bylaws, consisting of six pages, constitute the Bylaws of the Colorado Bar Association Elder Law Section as amended and adopted by the Section and approved by the Board of Governors of the Colorado Bar Association.

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Date

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Frank P. Slaninger, Secretary