

**BYLAWS OF THE IMMIGRATION & NATIONALITY LAW SECTION OF THE STATE BAR OF
TEXAS**

ARTICLE I

NAME AND PURPOSE

Section 1. Name. This Section shall be known as the Immigration & Nationality Law Section of the State Bar of Texas.

Section 2. Purpose. The mission of the State Bar of Texas Immigration & Nationality Law Section is to promote the administration and development of Immigration & Nationality Law in the State of Texas; to assist members currently engaged in practicing this diverse and dynamic area of the law; to sponsor and promote advanced CLE programs covering various topics within this practice; and, to provide updates on legislation, community-outreach projects, and policy changes affecting this area of the law in a semi-annual newsletter to members.

Section 3. Jurisdiction. The jurisdiction of this Section shall not be in substantial conflict with, nor shall it substantially overlap with, the jurisdiction of any other section, standing committee, or special committee.

Section 4. Compliance. The Section shall not act as a political or social advocacy group, and it shall comply with all State Bar policies, the State Bar Act, and the guidelines of case law developed from *Keller v. State Bar of California* and *Gibson v. The Florida Bar*.

ARTICLE II

MEMBERSHIP

Section 1. Any member of the State Bar of Texas who desires to become a member of this Section shall, upon request to the Secretary of the Section and payment of the annual Section dues, be enrolled as a member. Members so enrolled shall constitute the membership of this Section.

Section 2. Any licensed attorney or BIA accredited individual who is not a member of the State Bar of Texas but who desires to be a member of the Section may be so enrolled upon approval by the Chair as a non-voting associate member upon payment of annual Section dues for non-State Bar members, as determined year to year by the Council.

Section 3. Any member of this Section whose annual dues are more than six months delinquent shall automatically cease to be a member.

ARTICLE III

OFFICERS AND COUNCIL

Section 1. Designation of Officers. The Officers of this Section shall be a Chair, a Vice Chair, a Vice President -Employment-Based Issues, a Vice President -Family Based Issues, a Vice President -Removal & Deportation Issues, a Vice President Asylum & Refugee Issues, a Vice President -Non-Profit Immigration Services, a Vice President -Conference Planning & Publications, a Secretary and a Treasurer.

Section 2. Council. There shall be a Council which shall consist of the Officers of the Section, together with five other members to be elected as hereinafter provided. The Immediate Past Chair shall be an ex-officio non-voting

member of the Council. The Chair shall have the right to appoint additional ex-officio members to serve during the Chair's term including, but not limited to, an ex-officio, non-voting representative of those associate members described in Article II, Section 2 hereof ..

Section 3. Term of Office for Officers. The Officers (except Chair) shall be nominated and elected in the matter hereinafter provided, to hold office for a one-year term beginning at the close of the Annual Meeting of this Section at which they shall have been presented, and ending at the close of the next succeeding Annual Meeting of this Section after such election and until their successors shall have been elected and qualify.

Section 4. Term of Office for Council Members. Two (2) members of the Council shall be elected at each Annual Meeting of this Section, except that after the first year of the Section, every third year, only one (1) Council member will be elected, for terms of three years beginning at the close of the Annual Meeting at which they shall have been presented, and ending at the close of the third succeeding Annual Meeting of this Section.

Section 5. Eligibility to Serve on Council. A member of the Council, who is not an Officer, is eligible to be elected to the Council for one additional three-year consecutive term. There is no limit on the number of consecutive terms a member of the Council may serve while serving as an Officer, but no Officer may serve more than two full consecutive terms in the same office. There is no limit on the number of nonconsecutive terms a member of the Council may serve.

Section 6. Required Attendance; Filling of Vacancy. If any elected member of the Council has more than 25% unexcused absences or fails to obtain excused absences for two consecutive meetings of the Council, the office held by such member shall be deemed automatically vacated unless otherwise decided by the Council in its sole and absolute discretion, and the un-expired term shall be filled by the Council.

ARTICLE IV

NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS

Section 1. Nomination. A nominating committee consisting of the Officers and Council members shall report a slate of proposed Council members and Officers to this Section approximately ninety (90) days prior to the annual meeting at which a vacancy is to be filled. All members of the Section in good standing are qualified and eligible for nomination to an officer or council member position. After the nominating committee has presented its slate of nominations, the nomination process will be open to the entire membership for no less than 14 days.

Section 2. Election. The Officers (except Chair) and members of the Council shall be elected by the majority of the members of the Section, and the results shall be presented at the Annual Meeting of this Section. All elections and voting shall be conducted electronically via a secure voting system approved by the Officers. If a section member prefers that a written ballot be sent via mail, he/she will notify the Vice Chair of the Section, and that member will be mailed a secure ballot with a return envelope. Elections will close, and all ballots must be received, approximately thirty (30) days prior to the Annual Meeting, unless otherwise ordered by resolution duly adopted by this Section at the Annual Meeting.

ARTICLE V

DUTIES OF OFFICERS

Section 1. Chair. The Chair shall preside at all meetings of this Section and of the Council. The Chair shall formulate and present at each Annual Meeting of the State Bar of Texas a report of the work of this Section for the past year. The Chair shall perform such other duties and acts as usually pertain to such office.

Section 2. Vice Chair. The Vice Chair shall perform, on behalf of this Section, such duties as the Chair may assign. The Vice Chair shall automatically become Chair at the end of the term of a Chair. Upon the death, resignation, or during the disability of the Chair or upon any absence or refusal to act, the Vice Chair shall perform

the duties of the Chair.

Section 3. Vice President -Employment-Based Issues. The Vice President Employment-Based Issues shall preside at all meetings of the Employment-Based Issues Committee and shall otherwise perform such duties as delegated by the Chair.

Section 4. Vice President -Family-Based Issues. The Vice President -Family-Based Issues shall preside at all meetings of the Family-Based Issues Committee and shall otherwise perform such duties as delegated by the Chair.

Section 5. Vice President -Removal & Deportation Issues. The Vice President Removal & Deportation Issues shall preside at all meetings of the Removal & Deportation Issues Committee and shall otherwise perform such duties as delegated by the Chair.

Section 6. Vice President -Asylum & Refugee Issues. The Vice President -Asylum & Refugee Issues shall preside at all meetings of the Asylum & Refugee Issues Committee and shall otherwise perform such duties as delegated by the Chair.

Section 7. Vice President -Non-Profit Immigration Services. The Vice President Non-Profit Immigration Services shall coordinate pro bono opportunities for Section members shall supervise the Section's non-profit activities and shall otherwise perform such duties as delegated by the Chair.

Section 8. Vice President -Conference Planning & Publications'. The Vice President -Conference Planning & Publications shall organize and oversee the annual conference for the Section and any other conferences, shall coordinate all Section publications, and shall otherwise perform such duties as delegated by the Chair.

Section 9. Secretary. The Secretary shall be custodian of the minutes, replies and records of this Section. The Secretary shall keep a correct record of the proceedings of all meetings of this Section and of the Council. With the Chair, the Secretary shall prepare a summary or digest of the proceedings of this Section at its Annual Meeting and shall submit the same to the Board of Directors of the State Bar of Texas for publication in the annual report. In conjunction with the Chair, as authorized by the Council, the Secretary shall attend generally to the business of this Section.

Section 10. Treasurer. The Treasurer shall be responsible for the funds and accounts of this Section. The Treasurer shall: (i) keep an accurate account of all monies of this Section; (ii) pay all bills; and, (iii) take such other action with respect to the finances of this Section as the Council may direct. In performing such duties, the Treasurer shall comply with the provisions of Section 2 of Article VI of these Bylaws.

ARTICLE VI

DUTIES AND POWERS OF THE COUNCIL

Section 1. Jurisdiction. The Council shall have general supervision and control of the affairs of this Section subject to the provisions of the Constitution and Bylaws of the State Bar of Texas and the further provisions of these Bylaws. The Council shall specifically authorize the expenditure of any monies appropriate for the use or benefit of this Section. It shall not, however, authorize commitments to contracts which shall entail the payment of any money during any fiscal year unless the funds shall have been previously appropriated to this Section for that fiscal year by the Board of Directors of the State Bar of Texas or funds are otherwise available.

Section 2. Finances. This Section is authorized to determine the amount of annual membership dues (subject to approval by the Board of Directors of the State Bar of Texas), collect annual membership dues and govern expenditures of any income. This Section shall submit to the Executive Director of the State Bar of Texas by July 15 each year a complete financial report for the preceding fiscal year ending May 31 and a Section budget for the current fiscal year. Funds of this Section may only be invested within the parameters outlined in the State Bar of Texas Investment Policy as set forth in Section 1 0.05 of the State Bar of Texas Board of Directors Policy Manual. This Section shall deposit dues income into either a branch of the State Bar of Texas Banking depository or an

alternative banking depository meeting the requirements of the above-mentioned State Bar of Texas Investment Policy. In the event this Section selects an alternative depository, it shall instruct the depository to provide directly to the State Bar of Texas a duplicate of the bank statements, canceled checks, and deposit slips. Any expense incurred in providing duplicates to the State Bar of Texas shall be borne by this Section. This Section may request the accounting department of the State Bar of Texas to prepare a monthly and year-to-date Section financial report. This Section may opt to have the State Bar of Texas manage Section funds, including depositing dues, managing operating expenses, issuing checks, and preparing financial reports and budgets. This optional latter service will be provided by the State Bar of Texas for a *per capita* fee per member not to exceed \$1.00.

Section 3. Committees. There shall be Employment-Based Issues, Family-Based Issues, Removal & Deportation Issues, Asylum & Refugee Issues, Non-Profit Immigration Services, and Conference Planning & Publications Committees. The Council may authorize the Chair to appoint additional committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Constitution and Bylaws of the State Bar of Texas.

Section 4. Vacancies. The Council may fill vacancies in its own membership. Members of the Council so selected shall serve until the expiration of the term which vacancy is filled.

Section 5. Required Vote. Unless otherwise expressly provided for in these Bylaws, all binding action of the Council shall be by a majority vote of the whole Council.

Section 6. Manner of Voting. Members of the Council may vote in person, telephonically, via electronic mail or via videoconference.

Section 7. Notice of Required Vote. The Chair may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing to each member of the Council, any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such proposition so submitted by communicating their vote thereon in writing over their respective signatures to the Secretary who shall record upon the Minutes each proposition so submitted, when, how at whose request submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes.

Section 8. Contracts. The Council may authorize any Officer or Officers, agent or agents of the Section in addition to the Officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Section, and such authority may be general or confined to specific instances.

Section 9. Checks, Drafts, Etc. All checks, drafts or orders for the payment of money issued in the name of the Section shall be signed by such Officer or Officers, agent or agents of the Section and in such manner as shall from time to time be determined by the Council. In the absence of such determination by the Council, such instruments shall be signed by the Chair, the Treasurer and countersigned by any Officer of the Council.

ARTICLE VII

MEETINGS

Section 1. Annual Meeting. The Annual Meeting of this Section may be held during the Annual Meeting of the State Bar of Texas, in the same city, and at such time and place as may be fixed by the Board of Directors of the State Bar of Texas, or, alternatively, at such time and place as determined by the Council, taking into consideration the convenience of the members of the Section. The program and order of business to be conducted at the Annual Meeting shall be arranged by the Council.

Section 2. Special Meetings. Special meetings of this Section may be called by the Chair upon approval of the Council, at such time and place as the Council may determine.

Section 3. Quorum. The members of this Section present at any meeting shall constitute a quorum for the

transaction of business and all binding action of this Section shall be by a majority vote of the members present. Unless otherwise provided by the Council or these Bylaws, a majority of any committee's members present shall constitute a quorum, and the act of a majority of any committee's members present at a meeting at which a quorum is present shall be the act of the committee.

Section 4. Meeting Attendance. A member who attends a meeting by teleconference or video conference shall be counted as present at such meeting.

Section 5. Committee Meetings. The Employment-Based Issues, Family-Based Issues, Removal & Deportation Issues, Asylum & Refugee Issues, Non-Profit Immigration Services, and Conference Planning & Publications Committees shall each meet at the Annual Meeting of this Section or at such other time and place as the Vice President of the respective Committee, in consultation with the Chair, shall deem appropriate.

ARTICLE VIII

GOVERNMENTAL AUTHORITY

Section 1. Section Action not Action of the State Bar of Texas. No action, policy, determination, or recommendation of this Section or any committee thereof shall be deemed to be, or be referred to as, the action of the State Bar of Texas prior to submission of the same to, and approval by, the Board of Directors of the State Bar of Texas, the General assembly of the State Bar of Texas in annual convention, or duly-authorized referendum of the State Bar of Texas. Any resolution adopted or action taken by this Section may on request of this Section be reported by the Chair to the State Bar of Texas for action thereon.

Section 2. Governmental Authority Process. This Section, through the process called "Governmental Authority," may seek the authority to present a position of the State Bar of Texas before a public, judicial, executive or legislative body.

Section 3. Required Council Action. A position of this Section with respect to which the Governmental Authority process is desired shall be authorized by the Council only after written notice to all members of the Council of the proposed position to be adopted and the date at which the position will be considered by the Council. The proposed position must be adopted by a four-fifths (4-5) vote of the Council

Section 4. Compliance with Governmental Authority Handbook. If a proposed position is adopted by the Council as provided in Section 3 immediately preceding, thereafter all requirements and procedures set forth in the Governmental Authority Handbook dated January 30, 1981, as amended from time to time, with respect to application, notice, circulation, clearance, objections, disclaimer, presentation, filing and all other matters shall be strictly followed.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. Approval by the State Bar of Texas. Any action by this Section must be approved by the State Bar of Texas before it becomes effective as action of the State Bar. Any resolution adopted or action taken by this Section may, on request of the Section, be reported by the Chair of this Section to the Annual Meeting of the State Bar of Texas for action thereon by the State Bar of Texas.

Section 2. Effectiveness. These Bylaws shall become effective upon approval thereof by the Board of Directors of the State Bar of Texas, and upon adoption by this Section.

Section 3. Printing. Unless the Council determines it is prudent to proceed otherwise, all printing for this

Section or for any committee of this Section shall be done under the supervision of the headquarters office of the State Bar of Texas.

Section 4. Electronically Communicated Notices. Email, facsimile and other electronic communication shall constitute notice for all purposes of these Bylaws.

Section 5. Cooperation with Other Sections. In order to facilitate cooperation and communications with other Sections of the State Bar of Texas, the Council may appoint an *ex officio* member to or a liaison with any Section of the State Bar of Texas.

ARTICLE X

AMENDMENTS

These Bylaws may be amended by a four-fifths (4-5) vote of the Council of the Section and provided, further, that no amendment so adopted shall become effective until it has been approved by a majority of the members of the Board of Directors of the State Bar of Texas.