

**By-Laws of the Professional Negligence Section
Of the North Carolina Academy of Trial Lawyers**

I. Officers & Executive Committee

Section 1: Titles

The officers of the Section shall be the Chairperson, Vice Chairperson And Secretary.

Section 2: Duties of Officers

- (a) **Chairperson:** The Section Chairperson serves a one year term and is succeeded in office by the Vice Chairperson who is, during the tenure of the Chairperson, the Chairperson elect. The Chairperson is responsible for coordination of all Section activities and supervision of all Committee Chairpersons and Officers. The Chairperson also serves as an ex-officio member of the Board of Governors of the North Carolina Academy of Trial Lawyers and must attend all meetings as directed by the Academy for members of the Board of Governors. The Section Chairperson also serves as an ex-officio member of the Education, Legislative, Membership and Public Education Committees of the North Carolina Academy of Trial Lawyers. The Section Chairperson may designate the Vice Chairperson or any Section Committee Chairperson to serve on behalf of the chairman as a member of any of the aforesaid committees.
- (b) **Vice Chairperson:** The Vice Chairperson serves a one year term. As such, the Vice Chairperson performs all duties assigned by the Chairperson and assists all Committee Chairpersons in the execution of their responsibilities. The Vice Chairperson is Chairperson elect and serves as Chairperson for the year immediately following the expiration of their term as Vice Chair. The Section Vice Chair assists in the coordination of and preparation for PNS quarterly meetings in cooperation with the PNS Education Committee Chair.
- (c) **Secretary:** The Secretary is responsible for the compilation of minutes of each quarterly meeting of the PNS as well as those of the annual meeting of the Section and for the dissemination of those minutes to all Section members. The Secretary is responsible for coordinating correspondence between and among all Officers, Committee Chairs and any Liaison person(s) at the Academy as may be requested by the Officers, Committee Chairs or the Academy. The Secretary is also responsible for dissemination of notification about the meetings of the Section to the Section membership.
- (d) **Executive Committee:** The Executive Committee shall be comprised of the Section Chairperson, Vice Chairperson, Secretary and

chairpersons of the Section standing committees, whose practice, all of whom shall be Section members with a personal practice which involves Professional Negligence cases.

Section 3: Election of Officers and Terms

- (a) Officers shall be elected from the members of the Section by a majority of those Section members voting in annual election called by the Chairperson.
- (b) Nominations shall be made by the Nominating Committee and/or by the Section membership.
- (c) Terms of office shall be for one year, commencing on July 1 of each year. The initial Chairperson, Vice Chairperson and Secretary shall serve through June 30, 2000.

II. Regulations Governing Committees

Section 1: No committee shall assume to represent the Section before any legislative body, in courts, or before any other tribunal unless unauthorized to do so by the Executive Committee of the Section and the Board of Governors of the Academy.

Section 2: Attendance Policy

Members of the Section may attend all committee meetings.

Section 3: Minutes and Reports

- (a) Each committee must keep minutes of its meetings and a copy shall be filed with the NCATL Chief Executive Officer within five days after such meeting by or with the Section Secretary.
- (b) Reports from the chairpersons of the committees must be received by the chairperson of the Section two weeks prior to Section meetings

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 Section Chairperson upon request to assist in making appointments for the coming year.
- (b) The Section Chairperson has the right to authorize committee Chairpersons to replace inactive committee members when necessary.

Section 5: Publicity and Speakers Bureau

- (a) Important action by a committee deemed to be newsworthy should be specially noted in the minutes or reports so that an appropriate news

release covering the subject can be dispatched from the Academy Office by the Section Chairperson.

- (b) The Academy receives requests from professional organizations, civic groups, and others for speakers on various subjects. Committees are urged to arrange a list of speakers and subjects related to the work of their area. These names should be furnished to the Section Chairperson.

Section 6: Chairpersons of Committees

- (a) The Executive Committee shall select chairpersons for each committee. The Section Chairperson and committee chairperson will appoint members of the committees in the event an insufficient number of Section members has volunteered.
- (b) The chairperson of a committee shall preside at all meetings and shall direct the affairs of the group with the advice and consent of the Section Executive Committee.
- (c) The chairperson of a committee shall serve on the corresponding Academy Committee and report Committee activities to the Academy Committee and its Chair.
- (d) The chairperson has the power to assign research work to registered members of the committee. The chairperson 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 Section.
- (e) The chairperson of the Education committee should either appoint a newsletter editor to send articles to be published in Trial Briefs and Around the State or the Section Chairperson should submit these articles.
- (f) Additional responsibilities of committee chairpersons are to:
 - (1) propose to the Section Chairperson new legislation or a repeal of undesirable or unnecessary laws in the particular field, and
 - (2) aid in the continuing education of lawyers in their respective fields by proposing seminar topics and speakers.

Section 7: Legislative Policy and Procedures

Committees are to assist the Legislative Committee in obtaining passage of approved legislation by appearing before legislative committees in their areas of specialty.

III. General Business Meetings

- Section 1:** Regular business meetings of committees may be held at such times and places as may be determined by the chairperson. The meeting may be held at the general meetings of the Academy but ordinarily they should not be

scheduled at times in conflict with programs and general functions.

Section 2: Plans for committee meetings at hotels, lodges, restaurants, or other locations (except small business meetings at law offices) should be given to the Executive Committee prior to the event and all such arrangements must be approved in advance by the Academy.

IV. Committees

Section 1: There shall be five general standing committees of the Section:

1. Nominating and Awards Committee
2. Legislative Committee
3. Membership Committee
4. Education Committee
5. Lawyer's Assistance Committee

Additional standing and special committees may be established as the section Membership or the Section Executive Committee shall authorize. All section members are entitled to participate as members of any general standing committee.

The number, qualification, powers and duties of all additional special committees as may be constituted shall be determined by the Section's general membership or the Executive Committee. The members of such special committees as may be constituted shall be appointed by the Executive Committee and affected general standing committee chairpersons.

Section 2: Committee Functions

- (a) Nominating and Awards Committee – This committee is responsible for coordinating the nomination process for each year's Section Officers and Committee Chairs as well as for the coordination of the awarding of any recognition to individuals or organizations as approved by the PNS Executive Committee. The Nominations and Awards Committee is comprised of the Executive Committee of the PNS and is chaired by the Nominations and Awards Chair. The Nominations and Awards Committee Chair is also responsible for the regular compilation of and dissemination of noteworthy news items to the Section Membership through appropriate Academy publications, including Brief Notes.
- (b) Legislative Committee – The Legislative Committee formulates legislative proposals and agenda for submission to the Legislative Committee of the Academy. The Committee is chaired by the Legislative Committee Chair who also serves upon and attends meetings of the Legislative Committee of the Academy. The Committee is also responsible for coordinating, with the Public

Education Committee, any letter writing/telephone campaigns to congressional representatives in the event the Section must respond quickly to unforeseen adverse/favorable legislative initiatives.

- (c) Membership Committee – This Committee sponsors an annual membership drive utilizing suggestions/programs from the Academy or Executive Committee of the PNS. This Committee is chaired by the Section Membership Committee Chair who also serves upon and attends meetings of the Academy’s Membership Committee.
- (d) Lawyers Assistance Committee – This Committee is chaired by the Lawyers’ Assistance Committee Chair who serves upon and attends meetings of the Academy Legal Affairs Committee. In addition, this Committee is also responsible for the creation of and maintenance of a brief bank on behalf of the Section as well as for coordinating any Amicus appearance by the Section on behalf of any individual or cause, with prior approval and authorization from the PNS Executive Committee. Finally, this committee is responsible for notifying the Section of technological developments which may enhance and improve our practice.

V. Amendments

These By-Laws may be amended or repealed by the affirmative vote of a majority of the Board of Governors of the Academy 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.

VI. Membership

PNS membership is limited to Academy members engaged in representing plaintiffs in professional negligence cases. Membership is limited to those who do not currently represent or work for, and whose partners and firm members do not currently represent or work for, insurance carriers, self-insured institutions or professionals concerning the defense of professional negligence claims. 1