

BY-LAWS OF
THE DISTRICT BAR OF THE 18TH JUDICIAL DISTRICT

ARTICLE 1

Name

The name of this District Bar shall be THE DISTRICT BAR OF THE 18TH JUDICIAL DISTRICT, and shall be hereinafter referred to as the “District Bar.”

ARTICLE II

Authority and Purpose

The District Bar is formed pursuant to the provisions of Chapter 84 of the North Carolina General Statutes to promote the purposes therein set forth and to comply with the duties and obligations therein or thereunder imposed upon the Bar of this District.

ARTICLE III

Membership

The members of the District Bar shall consist of two classes: active and inactive.

Section 1: Active Members: The active members shall be all persons who, at the time of the adoption of these bylaws or at any time thereafter:

- (a) are active members in good standing with the North Carolina State Bar and
- (b) reside in the judicial district or
- (c) practice in the judicial district and elect to belong to the District Bar as provided in N.C. General Statute §84-16.

Section 2: Inactive Members: The inactive members shall be all persons who, at the time of the adoption of these bylaws or at any time thereafter:

- (a) have been granted voluntary inactive status by the North Carolina State Bar and
- (b) reside in the judicial district and
- (c) elect to participate, but not vote or hold office, in the District Bar by giving written notice to the Secretary of the District Bar.

ARTICLE IV
(Amended/Adopted 9/15/2011)
Officers

The Officers of the District Bar shall be a President, a President-elect, Secretary and Treasurer who shall be selected and shall serve for the terms set out herein:

Section 1: President: The President serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws. The President for the following term shall be the then current President-elect. Thereafter, the duly elected Vice President shall automatically succeed to the office of the President for a term of one year.

Section 2: President-elect: The President-elect serving at the time these bylaws are effective shall continue to serve for a term ending at the next annual meeting following the adoption or effective date of these bylaws, at which time said President-elect shall succeed to the office of the President. Thereafter, the President-elect shall be elected at the annual meeting as hereinafter provided for a term of one year.

Section 3: Secretary: The Secretary serving at the time these bylaws are effective shall continue to serve until the expiration of the term of that office or elected by the active members of the District Bar, whichever occurs later. In all other years, the Secretary shall be elected by the active members of the District Bar to serve for a term of one year.

Section 4: Treasurer: The Treasurer serving at the time these bylaws are effective shall continue to serve until the expiration of the term of that office or elected by the active members of the District Bar, whichever occurs later. In all other years, the Treasurer shall be elected by the active members of the District Bar to serve for a term of one year.

Section 5: Election: At the annual meeting at which officers are to be elected, the Nominating Committee shall submit the names of its nominees for the offices of President-elect, Secretary and Treasurer. Nominations from the floor shall be permitted. If no candidate receives a majority of the votes cast, the candidate with lowest number of votes shall be eliminated and a run-off election shall immediately be held among the remaining candidates. This procedure shall be repeated until a candidate receives a majority of the votes.

Section 6: Duties: The duties of the officers shall be those usual and customary for such officers, including such duties as may be from time to time

designated by resolution of the District Bar, the North Carolina State Bar Council or the laws of the State of North Carolina.

- Section 6: Vacancies: If a vacancy in the office of the President-elect, Secretary or Treasurer occurs, the vacancy will be filled then by the vote of the active members present at a special meeting of such members. The successor shall serve until the next annual meeting of the District Bar. If the office of the President becomes vacant, the President-elect shall succeed to the office of the President. A vote of the active members present at a special meeting of such members, will select a new President-elect, who shall serve until the next annual meeting.
- Section 7: Notification: Within ten (10) days following the annual meeting, or the filling of a vacancy in any office, the President shall notify the Executive Director of the North Carolina State Bar of the names, addresses and telephone numbers of all officers of the District Bar.
- Section 8: Record of Bylaws: The President shall ensure that a current copy of these bylaws is filed with the office of the Senior Resident Superior Court Judge with the 18th Judicial District and with the Executive Director of the North Carolina State Bar.
- Section 9: Removal from Office: The District Bar, by a two-thirds vote of its active members present at a duly called meeting, may, after due notice and an opportunity to be heard, remove from office any officer who has engaged in conduct which renders the officer unfit to serve, or who has become disabled, or for other good cause. The office of any officer who, during his or her term of office, ceases to be an active member of the North Carolina State Bar shall immediately be deemed vacant and shall be filled as provided in Section 6 of this Article.

ARTICLE V

Councilor

The District Bar shall be represented in the State Bar Council by one or more duly elected councilors, the number of councilors being determined pursuant to N.C. General Statute §84-17. Any councilor serving at the time of the adoption of these bylaws shall complete the term of office to which he or she was previously elected. Thereafter, elections shall be held as necessary at the annual (or a Special) meeting of the District Bar immediately preceding the expiration of a councilor's term. The election shall be held as provided in N.C. General Statutes §84-18 and in Section .0800 et.seq. of Subchapter A of the Rules and Regulations of the North Carolina State Bar. If more than one council seat is to be filled, separate elections shall be held for each vacant seat. A vacancy in the office of councilor shall be filled as provided by Section .0804 of Subchapter A of the Rules and Regulations of the North Carolina State Bar.

ARTICLE VI
(Amended/adopted 10/25/2001, 9/15/2011)
Annual Membership Fees

- (a) Each active member of the District Bar shall:
- (I) Pay such annual membership fee, if any, as is prescribed by the majority vote of the active members of the District Bar present and voting at a duly called meeting of the District Bar, provided however, that such fee may never exceed the amount of the annual membership fee currently imposed by the North Carolina State Bar. Each member shall pay the annual District Bar membership fee at the time and place set forth in the notice thereof e-mailed or mailed to the member by the Secretary; and
 - (II) Keep the Secretary notified of the member's current e-mail and mailing address and telephone number.
- (b) The annual membership fee will be used to promote and maintain the administration, activities and program of the District Bar.

ARTICLE VII
(Amended/adopted 10/14/2004, 9/15/2011)
Meetings

Section 1: Annual Meetings: The District Bar shall meet at least annually at a time and place designated by the President. The President, Secretary or other Officer shall e-mail, mail or deliver written notice of the annual meeting to each active member of the District Bar at the member's last known e-mail or mailing address on file with the District Bar at least ten (10) days before the date of the annual meeting and shall so certify in the official minutes of the meeting. Notice of the meeting mailed by the Executive Director of the North Carolina State Bar shall also satisfy the notice requirement. Failure to e-mail, mail or deliver the notice as herein provided shall invalidate any action at the annual meeting.

Section 2: Special Meetings: Special meetings, if any, may be called at any time by the President or the President-elect. The President, Secretary or other Officer shall e-mail, mail or deliver written notice of the special meeting to each active member of the District Bar at least ten (10) days before the date of any special meeting. Such notice shall set forth the time and place for the special meeting and the purpose(s) thereof.

Failure to e-mail, mail or deliver the notice shall invalidate any action taken at a special meeting.

Section 3: Quorum: The active members present at any duly called meeting shall constitute a quorum to take official action on behalf of the District Bar.

ARTICLE VIII
(Amended/adopted 10/25/2001, 9/15/2011)
District Bar Finances

- (a) Fiscal year: The District Bar's fiscal year shall begin on June 1 and shall end on May 31.
- (b) Duties of Treasurer: The Treasurer shall maintain the funds of the District Bar on deposit, initiate any necessary disbursements and keep appropriate financial records.
- (c) Annual Financing Report: Each May before the annual meeting the Treasurer shall prepare the District Bar's annual financial report for review by the Board of Directors, if any, and submission to the District Bar annual meeting of the North Carolina State Bar.
- (d) District Bar Checks: All checks written on the District Bar account (arising from the collection of mandatory dues) that exceed \$500.00 must be signed by two of the following:
 - (1) Treasurer
 - (2) Any other officer
 - (3) Another member of the Board of Directors, or
 - (4) The Executive Secretary.
- (e) Fidelity Bonds: If it is anticipated the receipts from membership fees will exceed \$20,000.00 for any fiscal year, the District Bar shall purchase a fidelity bond at least equal in amount to the anticipated annual receipts to indemnify the District Bar for losses attributable to the malfeasance of the Treasurer or any other member having access to District Bar funds.
- (f) Taxpayer Identification Number: The Treasurer shall be responsible for obtaining a Federal taxpayer identification number for the District Bar.

ARTICLE IX
Prohibited Activities

Section 1: Prohibited Expenditures: Mandatory District Bar dues, if any, shall not be used for the purchase of alcoholic beverages, gifts to public officials

including judges, charitable contributions, recreational activities or expenses of spouses of District Bar members or officers. However, such expenditures may be made from funds derived entirely from the voluntary contributions of District Bar members.

Section 2: Political Expenditures: The District Bar shall not make any expenditures to fund political and ideological activities.

Section 3: Political Activities: The District Bar shall not engage in any political or ideological conduct or activity, including the endorsement of candidates and the taking or advocacy of positions on political issues, referendums, bond elections and the like; however, the District Bar and persons speaking on its behalf may take positions on, or comment upon, issues relating to the regulation of the legal profession and issues or matters relating to the improvement of the quality and availability of legal services to the general public.

ARTICLE X

Committees

Section 1: Standing Committee(s): The standing committee shall be the Nominating Committee.

Section 2: Special Committees: Special Committees may be created and appointed by the President.

Section 3: Nominating Committee:

- (a) The Nominating Committee shall be appointed by the officers of the District Bar and shall consist of at least three (3) active members of the District Bar who are not officers or directors of the District Bar.
- (b) The Nominating Committee shall meet as necessary for the purpose of nominating active members of the District Bar as candidates for officers and councilor(s).
- (c) The Nominating Committee members shall serve one-year terms.
- (d) Any active member whose name is submitted for consideration for nomination to any office or as Councilor must have indicated his or her willingness to serve if selected.

ARTICLE XI

(Amended/adopted 10/14/2004, 9/24/2010, 9/15/2011)

Selection of Nominees for District Court Judge

Unless otherwise required by law, the following procedures shall be used to determine the nominees to be recommended to the Governor pursuant to N.C. Gen. Stat. §7A-142 for vacant district court judgeships in the district court district of which the District Bar is a part. This bylaw shall not be revised or revoked unless the procedure for amendment of the bylaws in Article XII is satisfied and, by majority vote of its members present at a duly called meeting, the 18th Judicial District Bar authorizes the revision or revocation of the bylaw.

Section 1: Meeting for Nominations:

Upon notice of a vacancy on the district court bench, the officers of the 18th Judicial District and 18HP Judicial District Bars (the district bars) shall schedule a joint meeting of the district bars. The officers of the two district bars shall be alternatively responsible for determining the location of the joint meetings. The officers of the 18th Judicial District Bar shall determine the location of the first meeting for nominations for district court judge that occurs after the adoption of these bylaws; the officers of the 18HP Judicial District Bar shall determine the location of the next meeting for nominations for district court judge; thereafter, the responsibility will alternate. Fifteen (15) days notice of the meeting shall be given, by e-mail or mail, to the last known e-mail or mailing address of each district bar member on file with the District Bar of the North Carolina State Bar. The notice shall also be posted on a bulletin board in the courthouses and shall be sent to appropriate local newspapers.

Section 2: Candidates:

Persons who want to be considered for the vacancy shall notify the presidents of the district bars in writing five (5) days prior to the meeting at which the election will be conducted or, if the election is by mail, five (5) days prior to the mailing of the ballots. The submission should include a brief resume and statement as to the candidate's qualifications for the vacancy.

Section 3: Selection Procedure:

- (1) The president of the judicial district bar in whose judicial district the meeting is located shall preside at the meeting unless the president is a candidate, in which case, another officer of the same judicial district bar shall preside.
- (2) The presiding officer will announce the names of the candidates whose names were submitted pursuant to Section (b) of this Article XI.

Section 4: Voting:

The nominees shall be selected by secret, written ballot of those members present at a meeting of the District Bars called for this purpose.

Alternatively, if a bylaw permitting elections by mail is adopted by the district bar, the procedures set forth in the bylaw and in Rule .0804 of Subchapter 1A of the Rules of the North Carolina State Bar (27 N.C.A.C. 1A, 0804), shall be followed. Each District Bar member may vote for three candidates per vacancy. Cumulative voting is prohibited. There shall be no proxy or absentee ballots.

Section 5: Elections Committee:

The president or presiding officer shall designate an Elections Committee, with equal representation of the two judicial districts, to tabulate the votes. The committee shall count the votes immediately and report the results to the members present at the meeting.

Section 6: Submission to Governor: The three candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court and their names and vote totals shall be transmitted to the Governor. In the event of a tie for third place, the names of those candidates involved in the tie shall be transmitted to the Governor together with the names of the two candidates receiving the highest number of votes.

Section 7: Procedure:

Any protest or question of order shall be resolved by the officers from the judicial district bar in which the meeting is being held.

ARTICLE XII

Amendment of the Bylaws

The membership of the District Bar, by majority vote of the active members present at any duly called meeting at which there is a quorum present and voting throughout, may amend these bylaws in ways not inconsistent with the Constitution of the United States, the policies and rules of the North Carolina State Bar and the laws of the United States and North Carolina.