

PENNSYLVANIA BAR ASSOCIATION

Section on Real Property, Probate and Trust Law

BY-LAWS

ARTICLE I

Name and Purpose

Section 1. This Section shall be known as the Section on Real Property, Probate and Trust Law of the Pennsylvania Bar Association, and shall consist of two divisions as follows:

- (a) Division on Real Property Law;
- (b) Division on Probate and Trust Law;

Section 2. The Purpose of the Section shall be to study, through its committees, all phases, questions and problems in the fields of law covered by its two divisions; to inform its members and the members of the Pennsylvania Bar Association of various developments in the fields of law covered by the respective divisions, and, where indicated, to propose and support changes, amendments, modification and improvements in the common and statutory law relating to real property, decedents' estates and trusts.

(a) The division on Real Property Law shall concern itself with the study of, and the dissemination of information on, problems relating to the law of real property, and shall keep its members and the Pennsylvania Bar Association informed upon the results of its studies by reports of its committees and by addresses to the annual and other meetings of the Association, and by publication;

(b) The division on Probate and Trust Law shall concern itself with the study of, and the dissemination of information on, problems relating to law of decedents' estates and trusts, and shall keep its membership and the Pennsylvania Bar Association informed upon the results of its studies by reports of its committees and by addresses to the annual and other meetings of the Association; and further, it shall cooperate with the Advisory Committee of the Joint State Government Commission of the Commonwealth of Pennsylvania on all matters relating to amendment and revision of the statutory law of the Commonwealth of Pennsylvania in the areas of the division's interest.

ARTICLE II

Membership and Dues

Section 1. (a) Any member of the Pennsylvania Bar Association in good standing may become a member of the Section;

(b) Application for membership shall be made upon the appropriate form supplied by the Pennsylvania Bar Association, and mailed to the Secretary of the Pennsylvania Bar Association.

Section 2. Dues. The members of the Section shall pay such annual section dues as the Council of this Section may direct, subject to the approval of the Board of Governors of the Pennsylvania Bar Association.

ARTICLE III

Officer; Council; Section Delegate

Section 1. The officers of the Section shall be a Chair, two Vice Chairs, a Secretary and a Treasurer.

Section 2. The Council shall consist of the immediate past Chair of the Section, the Current Officers of the Section and twelve additional members at large to be elected by the Section as hereinafter provided. In addition, all past Chairs of the Section, other than the immediate past Chair, who are not members of the Council by election or otherwise, and the

Section Delegate, if not otherwise a member, shall become honorary members of the Council, entitled to notice of, and the right to attend, all meetings of the Council, and to participate in any discussions at such meeting, but without the right to vote.

Section 3. The Council shall have authority from time to time to designate and to create officers of Assistant Secretary and Assistant Treasurer, and such additional officers as may be necessary, and the Chair, with the approval of a majority of the majority of the Council, shall designate the persons to fill the offices thus created until the next general election of the Section.

Section 4. The Chair, the two Vice Chairs, the Secretary and the Treasurer shall be elected at each annual meeting of the Section to hold offices for a term beginning with their election at the annual meeting and ending at the close of the next succeeding annual meeting of the Section, or, until their successors shall have been elected and qualified. A member of the Section who has been Chair for two consecutive terms, shall not be eligible to serve again as Chair until a period of two years has elapsed following the conclusion of their last term in that office.

Section 5. (a) At the annual meeting at which the members at large of the Council are increased from six to twelve, two additional members at large shall be elected to serve for one year, two for two years, and four for three years;

(b) Thereafter, four members of the Council shall be elected at each annual meeting of the Section for a term of three years beginning at the close of the annual meeting in which they shall have been elected, and ending at the close of the third succeeding meeting of the Section. Any vacancy in any other class of Council members may be filled by election at an annual meeting for the unexpired term;

(c) The past Chair of the Section shall serve as a member of the Council for a term of one year following the conclusion of their term as Chair, and shall serve for an additional year if their successor as Chair shall have been re-elected to succeed himself as Chair for a second consecutive term. The Chair shall have all the powers, rights and privileges of a Council member;

(d) A member of the Section who has served a three-year term as a member of the Council shall not be eligible for re-election as a member of the Council until the passage of one year following the conclusion of their term of office; provided, however, that this provision shall not prohibit the election of a member of the Council as an officer of the Section who shall serve as a member of the Council as provided in these By-laws.

Section 6. During intervals between meetings of the Council, the Section shall be governed by an Executive Committee which shall consist of the Chair and the two Vice Chairs.

Section 7. Under the By-Laws of the Pennsylvania Bar Association, at the annual meeting in each odd numbered year, this Section is required to select from its membership, one delegate to the House of Delegates to serve a term of two years beginning with the adjournment of the annual meeting at which he is elected and ending with the adjournment of the annual meeting of the Association two years thereafter. The Council of this Section shall have authority to elect said Section Delegate at its meetings held in conjunction with the annual meetings in odd numbered years, and shall have authority to fill any vacancy in that position at any other meeting. In selecting a Section Delegate the Council shall give primary consideration to those members who have actively participated in the Section's activities and are acquainted with the Section's functions. A member who has served as Section Delegate for a full two-year term shall not be eligible for re-election to that position until the passage of two years following the conclusion of their term.

Section 8. (a) The position of a member of Council who is absent from two (2) consecutive meetings thereof without an approved excuse for such absences shall become vacant automatically. In the event of appeal, the effective date of the vacancy shall be the final date of the decision as hereinafter set forth in subsection (b).

(b) However, a member of Council who is absent from a meeting of Council may request an excuse for such absence by filing a written request with the Chair of the Section at any time before or within thirty (30) days after such Council Meeting. The Chair shall refer such request to

the Executive Committee which shall approve or disapprove such absence and give written notice thereof to Council and to the Council member affected within thirty (30) days after the date of the request. Any Council member may appeal to the Council any decision of the Executive Committee by filing an appeal with the Section Chair within fifteen (15) days after notice of the decision of the Executive Committee. The Council shall act upon such appeal at the first meeting thereof next following the appeal and shall promptly notify the appellant of its decision.

#### ARTICLE IV Nomination and Election Procedure

Section 1. Nominations. (a) Prior to the annual meeting, the Chair shall appoint a nominating committee of not less than three members of the Section. The Chair of the Committee shall be the immediate past Chair of the Section and the other members of the Committee shall be members of the Section who are neither officers of the Section nor voting members of its Council. This Committee shall make and report nominations to the Section for offices of Chair, the two Vice Chairs, the Secretary and Treasurer, and any other offices that may have been created pursuant to Section 3, Article III hereof, and any vacancies in the Council as above provided;

(b) Other nomination for office or membership in the Council may be made from the floor of the meeting.

Section 2. Elections. All election shall be by secret ballot unless otherwise ordered by the resolution duly adopted by the Section at its annual meeting at which the election is held.

#### ARTICLE V Powers and Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council. The Chair shall formulate and present to each annual meeting of the Pennsylvania Bar Association a written report of the work of the Section for the preceding year. The Chair shall, with the approval of the Vice Chair in charge of the division on Real Property Law, appoint the Chairs and all committee members of that division; and he shall likewise appoint, with the approval of the Vice Chair in charge of the division on Probate and Trust Law, the Chairs and members of each committee of that division. The Chair shall perform such other acts as usually pertain to such office, including the requisitioning of funds of the Section held by the Pennsylvania Bar Association in accordance with its By-Laws.

Section 2. Vice Chairs. Upon the death, resignation, or inability, for any reason, of the Chair to act, the Senior Vice Chair shall perform the duties of the Chair for the remainder of the Chair's term; except in the case of a Chair's temporary physical disability, in which case, the Vice Chair shall serve only as long as such disability continues.

Section 3. Vice Chairs and Divisions. Each division shall be under the direct control and leadership of a Vice Chair who shall be responsible for the work of their division. Promptly after their election, the Vice Chair shall submit to the Chair a list of suggested division committees, with the chairs and members he recommends for appointment thereto. He shall seasonably prepare and transmit to the Chair a program for the work of the Section during their term of office. He shall be responsible for the organization of the work of the committees of their division; for the preparation of programs for their division at the annual and other meetings of the Pennsylvania Bar Association; for the conduct of all meetings of the division and for the coordination of the work of their division and all of its committees. She shall present to the Chair of the Section, a timely report of the work of their division during the year, which report in essence, shall be included in the report of the Chair to the Pennsylvania Bar Association. He shall perform such other duties and acts as may be assigned to him by the Chair, or as may usually pertain to their office.

Section 4. (a) Secretary. The Secretary shall keep an accurate record of the proceedings of all meetings of the Section, the divisions, the Council, and of the Executive Committee of the Section. He shall perform such other duties as may be requested of him by the Chair of the Section, and shall, in cooperation with the latter, draft for publication a summary or digest of the proceedings of the Section during the current year for presentation at the annual meeting of the Pennsylvania Bar Association;

(b) Treasurer. The Treasurer shall keep appropriate records of all dues collected from Section members by the Pennsylvania Bar Association, and all expenses of the Section; he shall requisition funds of the Section from the treasury of the Pennsylvania Bar Association, at the instruction of the Section Chair, and in accordance with the By-Laws of the Association; and he shall make an annual report of the financial status of the Section to the annual meeting of the Section and to the Pennsylvania Bar Association.

## ARTICLE VI

### Powers and Duties of the Council and the Executive Committee

Section 1. Subject to the rights of the members of the Section to take appropriate action, and subject to the provisions of the constitution and By-Laws of the Pennsylvania Bar Association, and of these By-Laws, the Council shall have the management of the affairs of the Section. The Council shall fix the Section dues, authorize all commitments or contracts which shall entail payment of money, and shall authorize expenditure of all Section dues and all moneys appropriated for the separate use of the Section by the Pennsylvania Bar Association. It shall not, however, authorize commitments or contracts which shall entail a payment of more money during any fiscal year than the total amount available from Section dues and any moneys appropriated for the separate use of the Section for the current fiscal year.

Section 2. The Council may authorize the Chair to make commitments or expend money and to perform such duties and exercise such powers as the Council may from time to time direct, subject always to the limitations of these By-Laws and the constitution and By-Laws of the Pennsylvania Bar Association.

Section 3. The Council during the interim between annual meetings of the Section shall fill all vacancies: in its own membership, in the offices of the Chair, in the offices of Vice Chairs, and in the offices of Secretary and Treasurer, and any other office that may be created by Council. Officers and members of the Council so appointed shall serve until the close of the fiscal year in which they are appointed.

Section 4. A simple majority of those present and qualified to vote shall determine any question, subject to the provisions of Section 6. of this Article VI.

Section 5. The Council shall have the power to create committees; to abolish committees and enjoin or consolidate committees. It shall appropriately notify every member of any such committee and the general membership of the Section with regard to any such action.

Section 6. Any member of the Council, when personally present at a meeting of the Council, shall vote in person, but, when absent from the meeting, may communicate their vote in writing upon any proposition to the Secretary, and have it counted with the same effect as if he were personally present at such meeting.

Section 7. The Chair of the Section may, and upon written request of any three members of the Council, shall submit to each of the members of the Council, in writing any proposition upon which the Council may be authorized to act, and the Council may vote upon such proposition or propositions by communicating their signed vote thereon to the Secretary, who shall record upon their minutes the proposition so submitted, and the vote of each member of the Council thereon, and he shall file these with the permanent files of the Section.

Section 8. All powers and duties of the Council shall be exercised and performed by the Executive Committee of the Section when the former is not in session in accordance with the provisions of this Article VI.

Section 9. A quorum for the Council shall consist of six (6) members of Council entitled to vote. A simple majority of those present and qualified to vote shall determine any question, subject to the provisions of Section 6 of this Article VI.

## ARTICLE VII

### Meetings

Section 1. The regular meetings of the Section shall be held during the course of and at the place of the regular meetings of the Pennsylvania Bar Association, and with such program or order of business as may be arranged in the manner above provided.

Section 2. Special meetings of the Section may be called by the Chair upon approval of the Council or the Executive Committee of the Section at such time and place as the Council or the Executive Committee of the Section may determine.

Section 3. Fifteen members of the Section shall constitute a quorum for the transaction of business.

Section 4. Action of the Section shall be by majority vote of the members present and qualified to vote.

## ARTICLE VIII

### Miscellaneous Provisions

Section 1. Fiscal Year. The fiscal year of the Section shall be the same as that of the Pennsylvania Bar Association.

Section 2. All bills incurred by the Section or a division thereof, or any committee or officer shall be forwarded to the Treasurer of the Section for payment, and shall be approved by the Chair or such other officer as the Chair may from time to time designate.

Section 3. No salary or compensation shall be paid to any officer or member of the Council; provided, however that when authorized by the Executive Committee, reimbursement shall be made to officers, members of the Council, and committee members for out-of-pocket expenditures.

Section 4. Any action of the Section must be approved by the Pennsylvania Bar Association, in accordance with the Association By-Laws, before the same becomes effective as the action of the Pennsylvania Bar Association. Any resolution adopted or action taken by the Section may, on the request of the Section, be reported by the Section Delegate, the Chair or the Chair's nominee to the Association.

## ARTICLE IX

### Amendments

These By-Laws may be amended at any regular meeting of the Section by a majority vote of the members of the Section present and voting, provided (1) that such proposed amendments shall first have been approved by the Council or by the Executive Committee of the Section; and (2) that no amendment hereof shall conflict with the By-Laws of the Pennsylvania Bar Association.