



# BY-LAWS OF THE PEORIA COUNTY BAR ASSOCIATION

(Adopted January 9, 1961, with Amendments to July 1, 2017)

## ARTICLE I. PREAMBLE

**SECTION 1.** Recognizing that the foundation of our profession is the honor, skill, integrity and charity of each member, we, the members of the Peoria County Bar Association (“PCBA”), state that our mission is to promote the highest standards of professional conduct, to promote justice and facilitate the delivery of legal services to all members of the community, to encourage cooperation with the judiciary, to provide continuing legal education, and to preserve civility and camaraderie within our profession.

**SECTION 2.** The PCBA is committed to fostering diversity in its membership in order to reflect the community served by its members with respect to race, color, religion, gender, national origin, ancestry, sexual orientation, disability and age.

**SECTION 3.** The PCBA is committed to providing pro bono legal services to the indigent, and it shall be the responsibility of every active member of the PCBA to represent indigent persons or to otherwise support the provision of legal services to the indigent.

## ARTICLE II. MEMBERSHIP

**SECTION 1.** The membership of the PCBA shall consist of Regular, Associate, Life, Student, Honorary, and Retired members, as follows:

- (a) Regular: Any person may be a Regular member who has ever been licensed to practice law by the highest court in any state; who is not currently suspended or disbarred from the practice of law in any state; who either resides in or has his/her principal office in Illinois; and who is not an Associate, Life, or Retired member;
- (b) Associate: Any person may be an Associate member who has ever been licensed to practice law by the highest court of any state; who is not currently suspended or disbarred from the practice of law in any state; and who neither resides in nor has his/her principal office in the Tenth Judicial Circuit;
- (c) Life: Any person meeting the criteria for Regular or Associate member and also meeting the following criteria may be elected a Life member in the manner hereinafter provided:
  - (1) Any person who has been a member of the PCBA for twenty-five (25) years (not necessarily consecutive) and who has reached the age of 70; or

- (2) Any person who has been admitted to practice before the highest court of any state for fifty (50) continuous years;
- (d) Student: Any person who is enrolled as a student in a law school, or who has been enrolled as a student in a law school during the prior twelve (12) months, regardless of residency, may be a Student member;
- (e) Honorary: Any person who is licensed to practice law by the highest court of any state, was previously licensed to practice law by the highest court of any state, has never been suspended from the practice of law in any state, and who has rendered distinguished and exceptional service to the legal profession, may be elected an Honorary member of the PCBA; and,
- (f) Retired: Any person who has ever been licensed to practice law by the highest court of any state, who is not currently suspended or disbarred from the practice of law in any state, who no longer engages in the practice of law, and who does not otherwise qualify for life membership.

**SECTION 2.** All applications for Regular, Associate, and Retired memberships shall be in writing signed by the applicant stating his/her name, residence, and date of admission to practice, if applicable. If the applicant receives the approval of at least two-thirds of the Membership and Memorials Committee, his/her name shall be posted in the next published edition of *LegalEase*. Thirty (30) days thereafter, his/her name shall be submitted to a vote of those present at the next regular or special meeting of the Board of Directors, a negative vote by one-third of those present being sufficient to reject. Rejected applicants shall not be again proposed within one (1) year after their rejection.

**SECTION 3.** Any former member whose membership has been terminated less than five (5) years may be reinstated by the Board of Directors upon application by letter accompanied by payment of current dues unless termination occurred pursuant to ARTICLE VIII. If termination occurred pursuant to ARTICLE VII, Section 2, of these by-laws, payment of an additional amount equal to one (1) full year's dues in lieu of delinquent dues must accompany the letter of application.

**SECTION 4.** Life members may be elected by two-thirds of the membership of the Board of Directors, or upon a vote of a majority of the members present at any regular or special meeting of the PCBA.

**SECTION 5.** Associate members and Student members shall have a voice but no vote at the meetings of the PCBA. Life members shall have a voice at the meetings of the PCBA but each must pay annual dues of \$25 to be qualified to vote at meetings of the PCBA. Retired members shall have all the privileges of regular membership, including a voice and vote at the meetings of the PCBA.

**SECTION 6.** Honorary members shall be recommended by the Membership and Memorials Committee, and then elected by two-thirds of the membership of the Board of Directors

at any regular or special meeting of the Board. Honorary members shall be exempt from payment of dues, and shall have all the privileges of regular membership, except the right to vote and the right to hold office in the PCBA.

### **ARTICLE III. OFFICERS**

**SECTION 1.** The officers shall be a President, a First Vice President designated “President-Elect”, a Second Vice President, and a Secretary-Treasurer. Only a Regular member, who is currently licensed to practice law, will be eligible to be elected and to hold an office of the PCBA.

**SECTION 2.** The officers and all chairs and members of committees of the PCBA shall hold office from the Annual Meeting at which they are elected, or when appointed, until the next Annual Meeting, and until their successors are elected or appointed and qualified.

**SECTION 3.** The President shall preside at all meetings of the PCBA and of the Board of Directors. The President shall be the chief executive officer of the PCBA. He/she shall conduct and manage the affairs and business of the PCBA, and shall perform and carry out any special or general policies of the PCBA, as directed by the Board of Directors. The President shall appoint all chairs of committees and, subject to the advice of the respective chairs, shall appoint all members of committees of the PCBA. The President shall serve as ex officio member of all committees, except the Nominating Committee.

**SECTION 4.** In the temporary absence or disability, or at the direction of the President, the President-Elect, and the Second Vice President, in that order shall temporarily assume all the powers and perform all the duties of the President. In the event of permanent disability or if a vacancy occurs in the office of President, the President-Elect shall perform the duties of the President as President Pro Tem without vacating his/her own office. In the event of permanent disability or if a vacancy occurs in the office of President-Elect, the Second Vice President shall automatically succeed to the office of President-Elect. In the event of a permanent disability or if a vacancy occurs in the office of the Second Vice President, the Board of Directors may, at its discretion, appoint a Regular member to fill the un-expired term of the Second Vice President. At the conclusion of that term, the office of President-Elect shall be filled by election by the voting members in accordance with Article IV of these by-laws.

**SECTION 5.** The President-Elect shall be Chair of the Budget Committee. The Second Vice President shall be an ex-officio member of the Lincoln Banquet, Local Continuing Legal Education, and Membership and Memorials Committees.

**SECTION 6.** The Secretary-Treasurer shall keep a record of the proceedings of the PCBA and the Board of Directors, be custodian of all records of the PCBA, receive and receipt for all funds due to the PCBA and pay all obligations of the PCBA. The Secretary-Treasurer shall issue notices of all meetings and conduct the correspondence of the PCBA. The Secretary-Treasurer shall report to the Board of Directors, prior to the Annual Meeting, a summary of his/her transactions during the year and shall perform such other duties as may be required by the PCBA,

the President, or the Board of Directors. The Secretary-Treasurer shall submit at the Annual Meeting detailed statements of all monies received and expended during the year, and a statement of all present assets and liabilities of the PCBA.

**SECTION 7.** The Board of Directors may employ and appoint an Executive Director (not necessarily a member of the PCBA) who shall be directly responsible to the President and Board of Directors, and whose duties shall be those established by the Board of Directors from time to time. Such a person shall be entitled to a salary and allowances as established by the Board of Directors.

#### **ARTICLE IV. ELECTIONS**

**SECTION 1.** The Second Vice President and Secretary-Treasurer of the PCBA shall be elected at the Annual Meeting to serve for one year until their successors are elected and have been duly qualified. The President-Elect shall at the conclusion of his/her term automatically succeed to the office of President. The elected Second Vice President shall, at the conclusion of his/her term, automatically succeed to the office of President-Elect.

**SECTION 2.** The Nominating Committee shall report its recommendations for nomination to the offices of President-Elect, Second Vice President and Secretary-Treasurer set forth in these by-laws to the Secretary-Treasurer at least forty-five (45) days prior to the Annual Meeting, who shall in turn transmit such report to all Regular members by mail or electronic mail, posted at least thirty (30) days prior to such Annual Meeting.

Ten percent (10%) or more of the then-current number of voting members of the PCBA may nominate other candidates to the offices of Second Vice President and Secretary-Treasurer by petition signed by said ten percent (10%) and filed with the President within ten (10) days after the mailing of the above-mentioned report of the Nominating Committee.

If such a petition is so filed nominating a candidate or candidates, the names in alphabetical order of the competing candidates nominated (a) by petition, and (b) by the recommendation of the Nominating Committee shall be submitted by mail to the voting members of the PCBA ten (10) days prior to the Annual Meeting for voting by ballot thereon. Ballots to be eligible for counting shall be received by the Executive Director at least two (2) business days prior to the Annual Meeting. The President shall appoint tellers of election to canvass the ballots and report the results to him/her prior to the Annual Meeting.

The report of the tellers of election shall be given at the Annual Meeting and the candidate receiving a plurality of the votes cast for the contested office shall be declared elected thereto. If an office is not contested by the nomination of a rival candidate or candidates therefore by petition in the method above set forth, the candidate therefore recommended by the Nominating Committee shall be declared elected thereto. Nominations for any office may only be made in the method prescribed in this section and nominations from the floor at the Annual Meeting shall not be permitted.

## **ARTICLE V. MEETINGS**

**SECTION 1.** The Annual Meeting of the members of the PCBA shall be held on the second Monday in July in each year. Special meetings of the members may be held at such time as the President or a majority of the Board of Directors may direct, or upon the filing of a petition with the Secretary-Treasurer signed by not less than ten (10) voting members requesting a special meeting for a particular purpose.

**SECTION 2.** Notice stating the time, place and purpose of the meeting shall be given by mail or electronic mail to the membership, posted at least ten (10) days in advance of any Annual Meeting, and the time, place and purpose of the meeting at least two (2) days in advance of any special meeting.

**SECTION 3.** Ten percent (10%) of the Regular and Life members of the PCBA shall constitute a quorum for the transaction of business at any meeting of the PCBA.

**SECTION 4.** At the Annual Meeting the order of business, unless otherwise directed by a majority of members voting or unless reports are submitted in writing as set forth below, is as follows:

- (a) Reading of the minutes of the preceding meeting
- (b) Report of Board of Directors
- (c) Report of Secretary-Treasurer
- (d) Reports of Standing Committees
- (e) Reports of Special Committees
- (f) Transaction of business
- (g) Installation of officers.

Unless otherwise specified, the current volume of Roberts' Rules of Order shall govern the conduct of all meetings of the PCBA. Reports of the Board of Directors, Secretary-Treasurer, Standing Committees and Special Committees may be submitted in writing for distribution at the Annual Meeting as long as such written report(s) are submitted to the President at least two (2) days in advance of the Annual Meeting.

**SECTION 5.** The Board of Directors may, by resolution, fix the time or times when regular meetings of the Board shall be held. Written notice of all meetings of the Board shall be mailed at least two (2) days before the meeting, but the said two (2) days notice in writing may be waived by the written consent of all the directors or, in the case of any director, by his/her particular written consent. A majority shall constitute a quorum for the purpose of transacting business. For purposes of establishing a quorum the Vice Chair can appear in the Chair's absence. In such event, the Vice Chair will have voting rights on all issues presented at that meeting unless the Chair has established in writing his/her designated vote with the Vice Chair appearing on his/her behalf.

Meetings of the Board of Directors may also be held at any time by order of the President, or upon written direction of three (3) of the directors.

## **ARTICLE VI. BOARD OF DIRECTORS AND COMMITTEES**

**SECTION 1.** The Standing Committees of the PCBA shall be:

- (a) Bylaws
- (b) Communications & Technology
- (c) Diversity
- (d) Entertainment
- (e) Fitness, Health & Wellness
- (f) Government and Public Interest
- (g) Lawyer Referral Service
- (h) Lincoln Banquet
- (i) Local Continuing Legal Education
- (j) Membership and Memorials
- (k) Pro Bono
- (l) Public Relations
- (m) Real Property
- (n) Substantive Law

The following are the Sections within the Substantive Law Committee

- (i) Civil Practice Section
    - (a) Small Claims
  - (ii) Commercial Law and Litigation Section
  - (iii) Criminal Law
    - (a) Traffic and Misdemeanors
  - (iv) Estate Planning and Probate
  - (v) Family Law
  - (vi) Federal Practice
  - (vii) Workers' Compensation
- (o) Young Lawyers

**SECTION 2.** The Board of Directors shall at each regular meeting receive and take action upon a report by the President of his/her management and conduct of the affairs and business of the PCBA. It shall establish any special or general policies of the PCBA to be carried out by the President.

**SECTION 3.** The Board of Directors shall be composed of the following:

- (a) Officers of the PCBA
- (b) Chair of the Standing Committees or Vice Chair of the Standing Committees sitting by designation for a specific Board of Directors meeting
- (c) Immediate Past President
- (d) Four additional directors elected at large following nomination by petition of ten (10) members of the PCBA, with balloting to be by mail. All such nominating petitions must be received by the Executive Director at least thirty (30) days prior to the date of the PCBA's Annual Meeting. Ballots shall be mailed to the membership at least

twenty (20) days prior to the Annual Meeting, and in order for any ballot to be counted, it must be received by the Executive Director at least three (3) days prior to said Annual Meeting. Each of the four above-mentioned additional directors must be either a Regular member or a Life member of the PCBA, currently licensed to practice law, and each of them shall hold office for a term of one (1) year. In the event fewer than four nominating petitions for election to the Board of Directors are received by the date set forth above, or in the event of death or resignation of one or more at-large directors, the President of the PCBA may, at any meeting of the Board following the Annual Meeting, appoint such additional at-large directors from the roster of Regular or Life members of the PCBA, currently licensed to practice law, as shall cause the number of at-large-directors to equal four.

**SECTION 4.** There shall be a Nominating Committee composed of seven (7) Regular or Life members of the PCBA, who are currently licensed to practice law. Five (5) shall be the immediate Past Presidents of the PCBA and the remaining two (2) shall be appointed by the Board of Directors and shall not have attained age thirty-six (36). The last immediate Past President shall be chair of such committee.

The Board of Directors may establish such other committees as it deems appropriate. The Chair of such other committees shall not be members of the Board of Directors.

All committees shall serve until and including the next Annual Meeting, at which time they shall make their reports. A majority of the committee shall be a quorum.

The decisions of the Board of Directors as to membership shall be final, subject only to an appeal to the membership at its annual or special meeting called for that purpose. Appeal may be taken from any decision of the Board of Directors to the PCBA and on such appeal the decision appealed from shall be reversed only by a two-thirds vote of the members present at such annual or special meeting called for that purpose, notice having been given by the Secretary-Treasurer to all members of the PCBA at least ten (10) days in advance of such meeting.

**SECTION 5.** Appropriations of PCBA funds for officer, committee or other expense shall be made by the Board of Directors by adoption of the annual budget and amendments thereto.

**SECTION 6.** There shall be an Employment Review Committee composed of seven (7) Regular or Life members of the PCBA, who are currently licensed to practice law. Four (4) shall be the current officers of the PCBA, two (2) shall be immediate Past Presidents of the PCBA and one (1) shall be appointed by the PCBA President and shall have employment and labor law experience. The purpose of this Committee is to establish an employment policy for employees of the PCBA; to conduct an annual evaluation/review of staff; and assist in the development of a procedures manual for employees.

## **ARTICLE VII. DUES**

**SECTION 1.** The fiscal year of the PCBA shall commence July 1 and end June 30. Membership and dues shall correspond with the fiscal year. Annual dues shall be billed promptly on or about July 1 of each fiscal year, and such dues shall be payable on an annual basis unless the Board of Directors shall direct otherwise. Members elected between January 1 and June 30 shall be required to pay one-half of the prescribed dues. Life Members shall pay no dues, except that Life Members shall pay \$25.00 annual dues for the privilege of voting at meetings of the PCBA as provided in ARTICLE II, SECTION 5 of these by-laws. Annual dues for members shall be in an amount to be determined from time to time by resolution of the Board of Directors at any regular or special meeting of the Board of Directors.

**SECTION 2.** The Secretary-Treasurer shall bill all members for dues at the annual rate. If the dues of any member required to pay dues are not fully paid within sixty (60) days after billing, the Secretary-Treasurer shall again bill such delinquent member for dues. If, upon the expiration of thirty (30) days thereafter, such member's dues remain unpaid, such member shall thereupon automatically cease to be a member of the PCBA, his/her name to be deleted from the membership roster and he/she shall not thereafter participate in any of the functions or activities of the PCBA.

**SECTION 3.** Any Regular or Associate member called to active duty in the armed forces of the United States shall be entitled to have their dues suspended for the period in which they are on such active duty. Requests for suspension of dues shall be in writing, addressed to the membership committee, and include information regarding the date of commencement of such active duty. Dues paid for any year in which such member is first called to active duty shall be prorated, on a monthly basis, for the portion of the fiscal year of the PCBA during which such member is not on active duty. Any months during which such member was on active duty, but for which the member has already paid, shall be refunded to the member within thirty (30) days of the end of such fiscal year. Any member returning from active duty who retains their qualification for membership shall notify the PCBA and, upon payment of the prorated portion of the dues for the fiscal year of such return from active duty, shall be entitled to resume active status as a member of the PCBA in the membership category to which they previously belonged.

## **ARTICLE VIII. PENALTIES**

**SECTION 1.** Any member disbarred or suspended by the Supreme Court of the State of Illinois, or by the licensing body of any other state, shall be automatically expelled from the PCBA and have his/her membership therein terminated without further action of the PCBA effective as of the date on which the applicable order of said Court becomes final. The application for membership by any individual who is currently disbarred or suspended by the Supreme Court of the State of Illinois, or the licensing body of any other state, shall be rejected.

Any member may be suspended or his/her membership may be terminated, and any application for membership may be rejected, for personal or professional misconduct. Concerns that may result in the suspension or expulsion of any member of the PCBA, or the rejection of any



application for new membership, shall be presented to the Professional Standards Committee, or any member thereof. The Professional Standards Committee shall investigate such concern, hear all evidence in support or defense thereof, including any and all evidence offered by or on behalf of the member, or applicant, against whom such concern is directed, and shall forthwith recommend to the Board of Directors of the PCBA either: (a) that such concern be dismissed, or (b) that such member be suspended, stating the recommended period of suspension, or such application be rejected, (c) that such member be expelled from membership, or such application be rejected. The member, or applicant, against whom such concern is directed shall be represented in person or by counsel of his/her choice at any hearing under this Section. The recommendation of the Professional Standards Committee shall be submitted in writing to the Board of Directors but shall be advisory only. As soon as reasonably possible after such recommendation of the Professional Standards Committee is received by the Board of Directors of the PCBA, the Board of Directors of the PCBA shall, acting by at least two-thirds of the Directors: (a) dismiss such concern, or (b) suspend such member for such period of time as shall be fixed by the Board of Directors or reject such application, or (c) expel such member from membership, or reject such application. The Board shall thereafter, as soon as reasonably possible after the decision of the Board of Directors, advise the member and/or applicant in writing of such decision.

No member who shall be expelled, and no applicant who shall be rejected, as herein provided shall be re-admitted to membership except upon an affirmative vote of two-thirds of the Board of Directors present, providing a quorum is present, after recommendation by the Membership Committee. The recommendation of the Membership and Memorials Committee shall be submitted in writing to the Board of Directors but shall be advisory only.

**SECTION 2.** A member's interest in the property of the PCBA shall cease with the cessation of his/her membership.

## **ARTICLE IX. AMENDMENTS**

**SECTION 1.** Amendments may be made to these by-laws at any annual, regular or special meeting of the PCBA by a vote of two-thirds of the membership present at such meeting. No amendment to these by-laws shall be made unless a copy of the same shall have been sent by the Secretary-Treasurer of the PCBA by prepaid mail, electronic mail, or facsimile transmission, to each Regular and Associate member of the PCBA at least ten (10) days prior to the meeting at which the same is proposed to be presented for adoption.