



ABOTA MEMBERSHIP FAQ'S
(revised December, 2017)

1. What are the minimum requirements for membership in ABOTA?

Answer: The minimum requirements for membership as a Member, Associate, Advocate and Judge can be found in Article III, Section 2 of the ABOTA Constitution. They are also on the back of the most recent application for membership form, which can be downloaded by a member from the ABOTA website: www.abota.org. Or you may contact the National Office for a copy of the most recent application form and worksheets. *It is important that you use the most recent application form and worksheets.*

The minimum requirements can be summarized as follows:

Regardless of the number of trial experience equivalency points an applicant may have accumulated, an applicant **MUST** have tried at least 10 civil jury trials to jury verdict or hung jury as lead counsel for the minimum requirements to have been met, and those civil jury trials **MUST** be listed on the application.

2. Where do I get an application form?

Answer: The most recent application form and worksheets can be obtained on line at www.abota.org by an ABOTA member, or you may request one from the local chapter membership chair. If all else fails, you can request a copy from the National Office. It is important that you use the most recent version of the application form and worksheets in order to speed up the approval process and eliminate the need for supplemental information, which delays processing and approval of qualified applicants.

3. What if the applicant cannot find all the information that is required by the worksheets?

Answer: Supply as much information as is possible and the National Board will review for sufficiency.

4. What is the approval process?

Answer: First, membership is by invitation only. Each chapter may adopt its own procedure for inviting qualified applicants to apply.

Second, the local chapter must approve of the applicant in accordance with Article III, Section 3 of the ABOTA National Constitution, which requires a 75% affirmative vote of the chapter Executive Committee and a 75% vote of the membership in attendance at a meeting or by mailed ballot.

Third, the local chapter must submit a completed application form and worksheets, in

duplicate, and the initiation fee to the National Office for processing and presentation to the National Board.

NOTE: Please use the most recent application form and the worksheets which can be obtained online by a member at www.abota.org, or from the National Office. The application must be signed by the applicant, the sponsoring ABOTA member, and a member of the local chapter executive committee, where space is provided.

Fourth, the application, if complete and containing all the required information evidencing the necessary qualifications for membership will be presented to the National Board for action at one of the four meetings held during each year. The National Board must approve the applicant by a 75% vote of those present.

5. What does the phrase “civil jury trial to a jury verdict” mean?

Answer: The jury must have returned a verdict. Directed verdicts, settlements, dismissals, mistrials (other than due to a hung jury), and non-suits, do not count as “to a jury verdict.” A minimum requirement is that the applicant must have tried at least 10 civil cases to a jury verdict or hung jury as lead counsel. Trial experience equivalency points **CANNOT** be used to meet the minimum requirements, but may be used to qualify for admission at a rank higher than the rank of Member.

6. What does the phrase “as lead counsel” mean?

Answer: Lead Counsel is an attorney substantially responsible for the personal representation of the client during the trial. “Substantially responsible” means, at a minimum:

- (1) Selecting a jury, or opening, or closing, **and**;
- (2) Presentation of live witnesses through direct or cross examination.

7. Do non-jury, or bench trials, arbitrations and mediations count?

Answer: No.

8. Do settlements, dismissals, directed verdicts, mistrials and non-suits count?

Answer: If one of these events occurs before the voir dire panel is sworn, they do not count under any scenario. If one of these events occurs after the voir dire panel is sworn, they count for one-half (1/2) of the points of a trial to jury verdict under the point system. These trials count towards points only, not towards the ten (10) civil jury trials to a jury verdict minimum requirement. However, a mistrial due to a hung jury counts as “to a jury verdict” for full credit.

9. Does a Court Martial trial count?

Answer: Yes, if the trial is a General Court Martial with a jury it is treated the same as felony trial for determining rank and the accumulation of points. But, it does not count toward the required minimum of ten (10) civil jury trials to a jury verdict.

10. Where should I send a completed application?

Answer: After the application form and worksheets are completed, they should be sent, in duplicate, to the local chapter for approval and if approved, the local chapter will send the application and copy to the National Office along with the initiation fee. Please make sure to use the most current application form and worksheets. The most recent application form and worksheets can be downloaded by a member from the website www.abota.org, or you may obtain copies from the National Office.

11. What happens when a member does not pay dues?

Answer: The member is suspended if dues are not paid within six (6) months of the due date and is terminated if dues are not paid within one (1) year of the due date. When suspended, the member loses all rights, privileges and benefits of membership until past dues are paid.

12. What is the process for requesting inactive status?

Answer: In order to be eligible for inactive status, the member must meet the qualifications set out in Bylaw V, Section 9 of the Bylaws. A written request, in duplicate, setting forth the reasons and qualifications for inactive status must be submitted by the member to the local chapter and approved by a $\frac{3}{4}$ vote of the local chapter executive committee. If approved, the request and written approval of the local chapter executive committee must be sent, in duplicate, to the National Office for presentation to the National board at the next meeting. The National Board must approve the request by a $\frac{3}{4}$ vote.

- The National Membership Committee will not recommend members for a change in status or rank that are not current with their membership dues.

13. Can an inactive or terminated member, or a member who has resigned, be reinstated as an active member?

Answer: Yes. You must complete and submit the *Application for Reinstatement* to your local chapter. The local chapter executive committee must approve your request by a $\frac{3}{4}$ vote and if approved, submit your application along with the \$300.00 application fee, and payment of full dues for the current year, to the National Office. The request will be submitted to the National Board at the next meeting and must be approved by the National Board by a $\frac{3}{4}$ vote.

14. How do I apply for elevation in rank?

Answer: You may apply, at any time, for elevation in rank from Member to Associate or Advocate, or from Associate to Advocate and, after three (3) years of membership in the rank of Advocate; you may make application for elevation to the rank of Diplomate. Application for elevation in rank is made by submitting the elevation in rank application form, in duplicate, and fee to your local chapter for approval. Worksheets or trial listings are **not** required to be submitted with an elevation in rank application.

After approval, your local chapter will then forward your application, in duplicate, and fee to the National Office for processing and presentation to the National Board for approval. The application form can be downloaded from the website www.abota.org, or you may obtain one from the National Office.

- The National Membership Committee will not recommend members for a

change in status or rank that are not current with their membership dues.

One must be an active dues paying member in order to be considered for a change in rank or status.

15. Can an applicant join as a Diplomat?

Answer: No, one can only join as a Member, Associate or Advocate. After three (3) years of membership in the rank of Advocate, a person can make application for elevation to the rank of Diplomat.

16. What is the process for transferring membership to another chapter?

Answer: See Bylaw V, Section 10 of the Bylaws for eligibility to transfer. All such requests must be in writing, in duplicate, and approved in writing by the chapter to which transfer is sought before submission to the National Board, through the National Office. The initial request must go to the chapter to which transfer is sought for approval and if that chapter approves, it is to send the request and the chapter approval, in duplicate, to the National Office.

17. What is the process for emeritus membership?

Answer: Emeritus membership is an honorary status.

Emeritus status is granted solely at the discretion of the National Board, after the local Chapter has approved the *Application for Emeritus Status*. In order to recommend to the Board that Emeritus status be granted, the Chapter must specify via the application and supporting letter that the member has served ABOTA or the legal profession with distinction, has been a member of ABOTA in good standing for at least ten (10) years and has ceased active practice by reason of one or more of the following: age, illness, injury, infirmity, or other reason satisfactory to the local Chapter and the National Board. Acting as a mediator or an arbitrator is considered the active practice of law and as a result disqualifies a member for Emeritus rank.

One must be an active dues paying member in order to be considered for a change in rank or status.

To determine whether a member of ABOTA has served ABOTA or the legal profession with distinction and thereby qualifies for Emeritus Status, the ABOTA National Board may consider the following criteria (**you must attach a letter with an explanation**):

- Age and health of the Applicant; Applicant's record of service in elective or appointed office in ABOTA at the local, regional (if applicable), and national level; Applicant's service in volunteer capacity in ABOTA and the legal profession; Applicant's service in ABOTA educational programs; Status among peers; Milestones in applicant's legal career; Applicant's general contributions in the legal community; Any other distinguishing factors, achievements or awards.

Chapters should keep in mind that Emeritus members pay no dues and are not counted for purposes of determining the number of National Board representatives to which the Chapter is entitled.

- The National Membership Committee will not recommend members for a change in status or rank that are not current with their membership dues.

18. What is the process for Senior Membership?

Answer: As Associate, Advocate or Diplomate who has been a member in good standing for ten (10) years and has reached the age of 75 qualifies for Senior Membership upon application. Alternatively, an Associate, Advocate or Diplomate who has ceased to engage in the active practice of law due to illness, injury or infirmity may, at an earlier age, apply for Senior status. Acting as a mediator or an arbitrator is considered the active practice of law and as a result disqualifies a member for Senior rank.

One must be an active dues paying member in order to be considered for a change in rank or status.

Upon recommendation of the Membership Committee and approval by the National Board, Senior status will be granted and such member will thereafter be obligated to pay 50% of the ABOTA National annual dues. Such member shall remain subject to any amount assessed by a state or regional organization of ABOTA.