

OFFICIAL BY-LAWS

**BY-LAWS OF THE  
TRUCKING SAFETY SECTION  
OHIO ASSOCIATION FOR JUSTICE**

ARTICLE I

PURPOSE OF THE TRUCKING SAFETY SECTION

The OAJ Trucking Safety Section, in accordance with the polices and procedures established for OAJ Litigation Sections, has been created to meet the following objective:

To provide a forum, a network of communication and collegial support among members of the Ohio Association for Justice engaged in the same or similar areas of litigation for the primary purpose of enabling them to better serve their clients.

Additionally, the OAJ Trucking Safety Section will endeavor to provide lobbying and education regarding trucking legislative initiatives and public relations outreach.

ARTICLE II

ACTIVITIES

- A. In general, the OAJ Trucking Safety Section may provide its members with litigation support for the purposes of assisting plaintiff's counsel in the verification of information provided by defense during the discovery process and to provide continuing legal education and information to plaintiff's counsel in commercial transportation cases.
- B. The OAJ Trucking Safety Section may make available to members of the group documents, depositions, briefs, articles and other materials related to interstate and intrastate trucking and commercial transportation litigation.
- C. The OAJ Trucking Safety Section may develop educational programs on interstate trucking litigation for presentation at OAJ Trucking Safety Section or OAJ conferences, as well as state and local trial bars.
- D. The OAJ Trucking Safety Section may from time to time develop packages of materials, memoranda, articles, bibliographies, and other resources on interstate and intrastate trucking litigation.
- E. The OAJ Trucking Safety Section may disseminate information through appropriate mailings, the listserve, or newsletters.
- F. The OAJ Trucking Safety Section may work with OAJ to augment the database of

information available to all OAJ members and may work with other OAJ committees, sections, or other entities, to further the interest of its OAJ Trucking Safety Section members.

G. The OAJ Trucking Safety Section may create and maintain a WEB page as part of the OAJ main web page in order to disseminate information to its membership, enhance communication with its membership and to provide a forum to promote discussion among its membership.

H. Additional activities can be added to this Article by authorization of the Elected Officers and the Executive Board of the OAJ Trucking Safety Section.

### ARTICLE III

#### GROUP MEMBERSHIP REQUIREMENTS

Each member of the OAJ Trucking Safety Section must be and represent that he/she:

A. Is a Regular, Sustaining or Life Member in good standing with OAJ.

B. Is a member in good standing of the bar in one or more jurisdictions.

C. Is engaged in the representation of plaintiffs in Interstate and Intrastate Trucking and commercial transportation litigation and neither they, nor anyone in their firm or affiliated with them, defends a trucking company, truck driver, or insurance company providing coverage to trucking or bus corporations nor any other insurance company, while a member of this group. This provision does not preclude a member from representing a truck driver for his or her claims for personal injury or damage as a plaintiff.

D. Will not conduct programs and/or participate in programs and/or contribute literature and/or writings designed to primarily educate the defense bar in the defense of interstate trucking, intrastate trucking, and/or commercial transportation litigation cases.

E. Will fully and candidly share relevant information, documents, and other material with other members of the OAJ Trucking Safety Section.

F. Will resist the defense's requests for secrecy orders which prohibit information sharing and which would restrict access to information.

G. Will not disclose any information provided by or obtained through the OAJ Trucking Safety Section or the Trucking Safety Section Listserve and Document Archives to any individual, group, or entity engaged in the defense of claims or insurance defense.

H. Each member of the group agrees that the information, documents, or materials obtained through the OAJ Trucking Safety Section or its members will not be sold or distributed for profit by the member under any circumstances.

I. Each member agrees to pay dues, as set by the OAJ Trucking Safety Section Executive Board, annually for the use and benefit of the OAJ Trucking Safety Section to cover the costs of programs, mailings, WEB page, administrative expenses and other costs of and expenditures consistent with the purposes and activities of the group and other matters which may from time to time be approved by the Executive Board.

J. Voting: A member must qualify for all items in Article III and pay dues at least 180 days prior to being able to participate in Officer Elections and the elections of the Executive Board Members.

K. Termination: A member of the OAJ Trucking Safety Section may be terminated for failure to pay annual dues within a reasonable time after such dues are payable and/or failure to qualify for all items in Article III. Termination shall be effective upon the Chair of the OAJ Trucking Safety Section mailing a notice of termination to the member. Any member who shall violate any provision of these by-laws or do any act contrary to the interests of OAJ or the OAJ Trucking Safety Section may be expelled from members in the OAJ Trucking Safety Section. Any member whom the Executive Board proposes to expel shall be given not less than thirty (30) days written notice in advance of the meeting at which the matter of expulsion shall be considered and shall be given the opportunity to be heard before the vote of the Executive Board is taken. No member shall be expelled except by a two thirds (2/3) vote of the Executive Board then present. Such meeting may be by telephone or other means.

#### ARTICLE IV

##### ELECTED OFFICERS

A. The elected officers for the OAJ Trucking Safety Section shall be:

1. Chair
2. Vice-Chair
3. Secretary

B. OAJ Trucking Safety Section Members will hold Officer elections at the first OAJ Annual Convention following approval of the OAJ Trucking Safety Section By-Laws. Between now and then, the current sitting Chair will appoint a Vice-Chair and Secretary.

C. To qualify for election, the candidates for Chair, Vice-Chair, and Secretary must be dues paying members of the OAJ Trucking Safety Section for at least 180 days prior to the election and must have attended at least two (2) quarterly section meetings in the year immediately preceding the officer elections.

D. The Elected Officers shall hold office for a two-year term. No Chairperson shall serve more than one consecutive term of office.

E. The Elected Officers shall be elected by a majority of those present and voting at the annual meeting held at the OAJ Annual Convention. To participate in Officer elections, voters

must be OAJ Trucking Safety Section members who have paid their dues and are members in good standing at least 180 days prior to the election.

F. The Chair and Vice-Chair must be a sitting Trustee in good standing with the OAJ.

G. The Chair shall appoint committee chairs for any committees formed or created by the Executive Board.

H. The Chair is responsible for organizing the All-Day OAJ Trucking Safety Section CLE Seminar and the Vice Chair is responsible for organizing the May OAJ Annual Conference Trucking Safety Section ½ day CLE educational programs and shall determine the speakers and moderators invited to participate in those two OAJ Trucking Safety Section educational programs.

I. The Vice Chair is responsible for finding authors for the OAJ newsletter and/or web content.

J. The Secretary is responsible for providing Notice for any and all meetings held by the OAJ Trucking Safety Section. Notice shall consist of simply an email notice to the last known email address of the member appearing on the record of the Secretary.

K. A list of members in good standing will be maintained by the Secretary of the OAJ Trucking Safety Section and will be available to any member of the OAJ Trucking Safety Section. The membership list will not be supplied to anyone who is not a member of the OAJ Trucking Section or an officer or employee of OAJ.

L. The Secretary shall maintain all appropriate minutes of the OAJ Trucking Safety Section and shall turn over all such appropriate accumulated information to any successive successor Secretary who may be selected at subsequent annual meetings.

M. It shall be the obligation of all Elected Officers to collect dues paid by each member and any other funds received by or for the OAJ Trucking Safety Section and then for the Elected Officers to forward collected funds to the administrative staff of the OAJ.

N. The Elected Officers and Executive Board shall serve as the final arbiter of all disputes related to OAJ Trucking Safety Section activities.

## ARTICLE V

### EXECUTIVE BOARD

A. The Executive Board shall consist of the Elected Officers of the OAJ Trucking Safety Section and no more than four (4) other persons plus past Chairs.

B. OAJ Trucking Safety Section Members will hold Executive Board Member elections at

the first OAJ Annual Convention following approval of the By-Laws. Between now and then, the current officers will appoint an Executive Board until the annual meeting held at the first OAJ Annual Convention following approval of the By-Laws.

C. To qualify for election, the candidates for Executive Board must be dues paying members of the OAJ Trucking Safety Section for at least 180 days prior to the election and must have attended at least two (2) quarterly section meetings in the year immediately preceding the Executive Board election.

D. Past Chairs shall serve as voting members of the Executive Board and shall enjoy all the rights and privileges of other members of the Executive Board.

E. The Executive Board shall be elected by a majority vote of those present and voting at the annual meeting held at the OAJ Annual Convention. To participate in board elections, voters must be OAJ Trucking Safety Section members who have paid their dues and are members in good standing at least 180 days prior to the election.

F. The Members of the Executive Board shall serve for a two year term and the past OAJ Trucking Safety Section Chairs shall serve at their pleasure. The terms of the Executive Board members, excluding Elected Officers and Past OAJ Trucking Safety Section Chairs, shall be staggered over two years with half of the Executive Board members being elected each year. The terms of the initial Executive Board members shall be decided by the Chair, following the election of the Executive Board.

G. Those serving on the Executive Board must be willing to attend quarterly meetings as called by the Chair, between the annual meetings and take on such responsibilities and obligations for the organization and operation of the OAJ Trucking Safety Section as may be identified from time to time by the Executive Board of the OAJ Trucking Safety Section. In addition, to the annual meeting of the Executive Board, the Chair may schedule telephone meetings and/or other meetings from time to time as the need arises.

H. The Executive Board shall serve to advise the Elected Officers in the operations and running and management of the OAJ Trucking Safety Section.

I. Each Officer and Executive Board member must produce at least one (1) written article annually for the OAJ Trucking Safety Section blog page or OAJ newsletter.

J. There shall be no limitation on the number of terms that an Executive Board Member may serve.

## ARTICLE VI

### NOMINATIONS AND NOMINATING COMMITTEE

A. There shall be a nominating committee, which shall be comprised of the Elected Officers

and two (2) members of the Executive Board, as selected by the Chair, of the OAJ Trucking Safety Section. The Chair serves as the Chair of the nominating committee because the Chair is unable to serve a consecutive term. The nominating committee shall meet either in person or by telephone at least 90 days prior to the next annual meeting to propose a slate of Officers and members of the Executive Board.

B. At least 90 days before the annual meeting the nominating committee shall nominate those persons to fill the positions listed in Articles IV-V.

C. The report of the nominating committee shall be submitted to the OAJ Trucking Safety Section membership at least 75 days prior to the annual meeting.

D. Notice of the report of the nominating committee may be in writing or by e-mail to the members of the OAJ Trucking Safety Section.

E. It will be the responsibility of the members to see that their e-mail addresses and updated addresses have been supplied to the Secretary and are included on the OAJ Trucking Safety Section listserv and directory.

F. Anyone not nominated who wishes to run for the offices listed in Articles IV and V may do so by submitting their request, in writing, to the Chair before the annual meeting with a minimum of 5 signatures of members of the OAJ Trucking Safety Section supporting their nomination.

## ARTICLE VII

### BANK ACCOUNTS AND HANDLING OF FUNDS

A. All funds coming into the OAJ Trucking Safety Section shall be turned over to the OAJ Executive Director and/or paid staff person for the use and benefit of the OAJ Trucking Safety Section. The funds shall be placed into OAJ's Operating Budget and restricted as funds dedicated to the OAJ Trucking Safety Section. All checks shall come from the OAJ Operating Budget out of the OAJ Trucking Safety Section specified funds.

B. No check out of the OAJ Trucking Safety Section specified funds shall be written in an amount in excess of \$500 without the approval of both the Chair and Vice-Chair of the OAJ Trucking Safety Section.

C. No funds in excess of Five Hundred (\$500.00) Dollars shall be expended out of the OAJ Trucking Safety Section funds for any purpose without the approval of a majority of the OAJ Trucking Safety Section Executive Board.

## ARTICLE VIII

### IMPEACHMENT

- A. Only Elected Officers and Executive Board Members may be subject to impeachment. The Chair reserves the right to remove anyone from an appointed position for failure to adequately perform office or activities otherwise detrimental to the OAJ Trucking Safety Section.
- B. Any active member must submit charges of impeachment in writing to all Elected Officers and the Executive Board. In the event that the charges involve the Chair, then the Vice-Chair will preside over the portion of the meeting addressing the pending charges.
- C. The Chair shall call a meeting and the Elected Officers and the Executive Board will meet no sooner than fourteen (14) days and no later than forty-five (45) days of the notification of the impeachment charges.
- D. Two-thirds (2/3) vote of those present and voting at any meeting is necessary to pass impeachment. The accused officer and accuser, if in attendance, must both be recognized for an opportunity to address the voting members on the allegations and defense to the charges. Passage requires two-thirds (2/3) vote of those present and voting at any meeting of the OAJ Trucking Safety Section.

## ARTICLE IX

### VACANCIES AND APPOINTMENTS

- A. If a vacancy occurs in an Elected Office and/or Executive Board position, the remaining Elected Officers and Executive Board Members shall meet within thirty (30) days of said vacancy to elect a successor to fill the position of the vacancy.
- B. Said appointments shall be effective until the next annual meeting of the OAJ Trucking Safety Section, at which time an election shall be held to fill the vacancy.
- C. All Elected Officers and Executive Board members must maintain an active member status by remaining in good standing. If an officer fails to maintain active member status, his or her office will be considered vacant.

## ARTICLE X

### AMENDMENTS

- A. These By-Laws shall be subject to amendment or repeal by the affirmative vote of a majority of the members present and voting at any annual meeting.

ARTICLE XI

SEVERABILITY

- A. These By-Laws shall be subject to approval by the Ohio Association for Justice. Should any of the provisions be deemed inappropriate, void or struck down, the remainder of the by-laws shall remain in place and in full force.
- B. The Ohio Association for Justice's Operating Articles and By-Laws Supercede any conflicting By-Laws of the OAJ Trucking Safety Section.

ARTICLE XII

RULES OF ORDER

- A. All meetings of the OAJ Trucking Safety Section shall be governed by *Robert's Rules of Order, Newly Revised* in all cases to which the procedure is applicable and in which they are not inconsistent with these By-Laws.

ARTICLE XIII

REMAIN IN EFFECT

- A. These By-Laws of the OAJ Trucking Safety Section shall remain in effect until changes by a vote of the OAJ Trucking Safety Section as provided herein.