

**AMENDED AND RESTATED BYLAWS
OF
THE DISTRICT BAR OF THE 18th JUDICIAL DISTRICT
WITH ALL AMENDMENTS THROUGH MAY 16TH, 2019**

ARTICLE I

Name

The name of this District Bar shall be THE DISTRICT BAR OF THE 18TH JUDICIAL DISTRICT, and shall 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 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 G.S. 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

Officers

The Officers of the District Bar shall be a President, a Vice President, and Secretary and/or Treasurer who shall be selected and shall serve for the terms set out herein. The terms of Vice President and Secretary/Treasurer shall be staggered two-year terms as set forth below. {Revised May 2008}.

- 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. Thereafter, if the Secretary/Treasurer is in the middle of his or her two-year term, the President for the following term shall be the then current Vice President. In years where the Secretary/Treasurer has completed his or her two year-term, the President for the following year shall be the Secretary Treasurer.
- Section 2: Vice President: The Vice President serving at the time these bylaws are Effective, as amended in May 2008, 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 Vice President shall succeed to the office of the President. Thereafter, the Vice President shall be elected at the annual meeting as hereinafter provided for a term of two years and shall thereafter succeed to the office of President.
- Section 3: Secretary/Treasurer: The Secretary/Treasurer 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. Thereafter, the Secretary/Treasurer shall be elected at the annual meeting as hereinafter provided for a term of two (2) years. [Revised May 2006] and shall thereafter succeed to the office of the President.
- Section 4: 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 Vice President and Secretary/Treasurer, as applicable, to the Secretary/Treasurer. Nominations from the floor shall be permitted. If no candidate receives a majority of the votes cast by the active members present, the candidate with the 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 5: 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 be 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 Vice President or Secretary/Treasurer occurs, the vacancy will be filled by the Board of Directors, if any, and if there is no Board of Directors, then by the vote of the active members present at a special meeting of such members. The successor shall serve the remainder of the term for the respective office. If the office of the President becomes vacant, either the Secretary/Treasurer or the Vice President, whichever officer's term is expiring first, shall succeed to the office of the President. The Board of Directors, if any, and if there is no Board of Directors, then a vote of the active members, will select a new Secretary/Treasurer or Vice President to fill the succession vacancy, who shall serve until the next annual meeting.

Section 7: Notification: Within 10 days following the annual meeting, or the filling of a vacancy in any office, the Secretary/Treasurer 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 I8 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 G.S. 84-17. Any councilor serving at the time of the adoption of these bylaws shall complete the term of the 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. Nominations shall be made (Revised 10-28-04) and the election held as provided in North Carolina General Statutes Section 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

Annual Membership Fee

Each active member of the District Bar shall:

- a) Pay an annual membership fee as set by the District Bar from time to time. [Revised 10-28-2004]. Each member shall pay the annual District Bar membership fee to the Secretary/Treasurer on or before the first day of the District Bar's fiscal year; and
- b) Keep the Secretary/Treasurer notified of the member's current mailing address and telephone number;

- c) Any lawyer who is an active member of the District 18 Bar who fails to pay the entire membership fee in effect of the fiscal year of the District 18 Bar before July 1 of such fiscal year shall also pay a late fee of \$15.00. A lawyer who joins the District 18 Bar after the beginning of its fiscal year shall be exempt from the obligation to pay the annual membership fee for that fiscal year only if that lawyer can demonstrate that he or she previously paid an annual membership fee to another judicial district bar with a fiscal year that runs conterminously, for a period of three (3) months or more, with the fiscal year of the lawyer's new judicial district bar. [Added 9/15/2011].
- d) The annual membership fee shall be used to promote and maintain the administration, activities, and programs of the District Bar.

ARTICLE VII

Meetings

Section 1: Annual meetings: The District Bar shall meet each May at a time and place designated by the President. The President, Secretary/Treasurer or other Officer shall mail or transmit **written** notice of the annual meeting to each active member of the District Bar at the member's last known address on file with the District Bar at least thirty (30) 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 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 Vice President and shall be called by the officers upon request of any 20 active members of the District Bar. The President, Secretary/Treasurer or other Officer shall mail or transmit written notice of the special meeting to each active member of the District Bar at the member's last known mailing address on file with the District Bar at least ten 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 mail or deliver the notice shall invalidate any action taken at a special meeting.

Section 3: Quorum: The active members of the District Bar present at any meeting called in accordance with Article VII.

Section 4: Procedure: Proceedings at any meeting of the District Bar shall be governed by Robert's Rules of Order, Newly Revised, where the same is not inconsistent with these Bylaws, rules adopted by the North Carolina State Bar, or the laws of this State.

Section 5: Mail shall be defined as conventional surface mail or electronic mail. [Added 11/9/2011].

ARTICLE VIII
District Bar Finances

- Section 1: Fiscal Year: The District Bar's fiscal year shall begin on April 1 and shall end on March 31.
- Section 2: Duties of Treasurer: The Treasurer shall maintain the funds of the District Bar on deposit, initiate any necessary disbursements and keep appropriate financial records.
- Section 3: Annual Financial 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's annual meeting and the North Carolina State Bar.
- Section 4: District Bar Checks: All checks written on District Bar accounts (arising from the collection of mandatory dues) that exceed \$500 (or such larger amount as may be approved, in writing, by the Staff Auditor of the North Carolina State Bar) must be signed by two (2) of the following: (1) the Treasurer, (2) any other officer, (3) another member of the Board of Directors, or (4) the Executive Secretary/Director, if any.
- Section 5: Fidelity Bond: If it is anticipated that receipts from membership fees will exceed \$20,000 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 the District Bar funds.
- Section 6: Taxpayer Identification Number the Treasurer shall be responsible for obtaining a federal taxpayer identification number for the District Bar.

ARTICLE IX
Prohibited Activities
[Revised 9/15/2011]

- 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 (except as otherwise authorized by the State Bar), recreational activities or expenses of non-member 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, referenda, 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 committees shall be the Nominating Committee, Fee Dispute Arbitration Committee, Indigent Appointments Committee, and Professionalism Committee provided that, with respect to the Fee Dispute Arbitration Committee, the District meets the State Bar guidelines relating thereto. [Revised 5/29/2013].

Section 2: Nominating Committee:

- a) The Nominating Committee shall be appointed by the President of the District Bar and shall consist of at least three active members of the District Bar who are not officers or directors of the District Bar. No more than two of these shall resided in the same county.
- b) The Nominating Committee shall meet as necessary for the purpose of nominating active members of the District Bar as candidates for officers and State Bar Councilor and the Board of Directors, if any.
- c) The Nominating Committee members shall serve one-year terms beginning on April 1 and ending on March 31.
- d) Any active member whose name is submitted for consideration for nomination to any office or as a State Bar Councilor must have indicated his or her willingness to serve if selected.

Section 3: Fee Arbitration Committee:

- a) The Fee Arbitration Committee shall consist of twelve persons appointed by the President to staggered three-year terms as provided in the District Bar's Fee Arbitration Plan.
- b) The Fee Arbitration Committee shall be responsible for implementing a Fee Arbitration Plan approved by the Council of the North Carolina State Bar to resolve fee disputes efficiently, economically, and expeditiously without litigation.

Section 4: Indigent Appointments Committee:

- a) The Indigent Appointments Committee shall consist of five members, one of whom shall be the public defender of the 18 Judicial District, appointed by the President to staggered two-year terms as provided in the Regulations for Appointment of Counsel in Indigent Cases in the 18 Judicial District as approved and adopted by the District Bar.
- b) The Indigent Appointments Committee shall be responsible for implementing the Regulations for Appointment of Counsel in the Indigent Cases in the 18 Judicial District, as approved and adopted by the District Bar, consistent with the regulations established by the North Carolina State Bar Council or with other provisions of state law.

Section 5: Professionalism Committee: [Added by Amendment on 12/6/2007]

- a) The Professionalism Committee shall consist of the three immediate past presidents of the 18 Judicial District Bar or such other members of the District Bar as shall be appointed by the President.
- b) The purpose of the Professionalism Committee shall be the promotion of professionalism and thereby the bolstering of public confidence in the legal profession. The Professionalism Committee may further enhance professionalism through CLE programs and through confidential peer intervention in association with the Professionalism Support Initiative (PSI) which is sponsored and supported by the Chief Justice's Commission on Professionalism.
- c) The Professionalism Committee shall receive and vet all complaints / reports requesting intervention by the Professionalism Support Initiative Sub-Committee as set forth below, and assign members of the Professionalism Support Initiative Sub-Committee to each complaint / report that warrants action.
- d) The Professionalism Committee shall work with the Chief Justice's Commission on Professionalism to create PSI guidelines and to establish a protocol for maintaining privacy and managing PSI referrals and follow-up contacts.
- e) The Professionalism Committee shall establish and appoint the members of two (2) sub-committees: (1) The Professionalism CLE Sub-Committee and (2) The Professionalism Support Initiative (PSI) Sub-Committee.
 - a. The Professionalism CLE Sub-Committee:
 - a. The Professionalism CLE Sub-Committee shall consist of at least five (5) active members of the District Bar, and may be volunteers or appointed by the President; the members

shall serve 2-year terms beginning in May of odd numbered years.

- b. The responsibilities of the Professionalism CLE Sub-Committee include the planning, organizing, budgeting, and implementing a bi-annual Professionalism CLE that includes two (2) credit hours of ethics training and one (1) credit hour of substance abuse training for the active members of the 18 Judicial District Bar in January of even-numbered years.
- c. The Professionalism CLE Sub-Committee shall work together with the District Bar treasurer and the Orange and Chatham County Bars to make the bi-annual CLE available to active members of the 18 Judicial District Bar free of charge, or for a nominal fee.
- b. The Professionalism Support Initiative (PSI) Sub-Committee:
 - a. The PSI Sub-Committee shall consist of the members of the Professionalism Committee and at least three (3) other active members who have completed the PSI training workshop sponsored by the Chief Justice's Commission on Professionalism and are appointed by the President.
 - b. The responsibilities of the PSI Sub-Committee include investigating and informally assisting members with client-lawyer, lawyer-lawyer, and lawyer-judge relationships to ameliorate disputes, improve communications, and repair relationships on a case-by-case basis as assigned by the members of the Professionalism Committee.
 - c. The PSI Sub-Committee shall have no authority to discipline or force any lawyer or judge to take any action other than actions agreed upon voluntarily. The subcommittee shall not investigate or attempt to resolve complaints of professional misconduct cognizable under the Rules of Professional Conduct and shall act in accordance with Rules 1.6(c) and 8.3 of the Rules of Professional Conduct. The sub-committee shall consult and work with the Chief Justice's Commission on Professionalism when appropriate.

- Section 6: Mentoring Committee: [Added by Amendment 5/29/2013].
- a) The Mentoring Committee shall be appointed by the President of the District Bar and shall consist of at least five members appointed to staggered three-year terms.
 - b) The purpose of the Mentoring Committee shall be to administer the District Bar Mentoring Program. The goal of the Mentoring Program is to provide beginning and transitional lawyers within the District Bar meaningful access to an experienced lawyer equipped to model and impart the practical skills, seasoned judgment, and sensitivity to ethics and professionalism necessary in the practice of law.
- Section 7: Special Committees: Special Committees may be created and appointed by the President.

ARTICLE XI
Board of Directors

- Section 1: Membership of Board: A Board of Directors consisting of the officers and three (3) active members of the District Bar shall be elected. At all times, the Board of Directors shall include at least one Director from each county in the Judicial District. The Board of Directors serving when these bylaws become effective shall continue to serve until the following annual meeting. Thereafter, the three Directors shall be elected at the annual meeting as hereinafter provided for terms of one year. The State Bar Councilor from the judicial district shall be an ex officio member of the District Bar Board of Directors.
- Section 2: Designated and At-Large Seats in Multi-County Districts: One seat on the Board of Directors shall be set aside and designated for each county in the District. Only active members of the District Bar who reside or work in the designated county may be elected to a designated county seat. All other seats on the Board of Directors shall be at-large seats which may be filled by any active member of the District Bar.
- Section 3: Elections: Except as otherwise provided herein, the nomination and election of Directors shall be conducted as provided for in Article IV, Section 4. The candidates receiving the highest number of votes cast will be elected, regardless of whether any of the candidates received a majority of the votes cast, provided that designated seats will be filled by the candidates receiving the highest number of votes who live or work in the designated county, regardless of whether any of the candidates received a majority of the votes cast.
- Section 4: Vacancies: If a vacancy occurs on the Board of Directors, the President shall appoint a successor who shall serve until the next annual meeting of the District Bar. If the vacancy occurs in a designated seat for a particular county

within the District, the successor will be selected from among the active members of the District Bar who live or work in the designated county.

Section 5: Duties of Board of Directors: The Board shall have the responsibilities described in Article IV, Section 6, and Article VIII, Section 3. The Board shall also consult with the officers regarding any matters of District Bar business or policy arising between meetings and may act for the District Bar on an emergency basis if necessary, provided that any such action shall be provisional pending its consideration by the District Bar at its next duly called meeting. The Board may not impose on its own authority any sort of fee upon the membership.

ARTICLE XII

Effective Date and Amendment of the Bylaws

The bylaws shall become effective upon the adjournment of the meeting at which they are adopted. The membership of the District Bar, by a two-thirds vote of the active members present at any duly called meeting, 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.

ARTICLE XIII

Selection of Nominees for District Court Judge

[Amended 05/16/19]

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 18th judicial district.

(a) Meeting for Nominations:

The nominees shall be selected by secret, written ballot at a meeting of the district bar called for this purpose. Pursuant to N.C. Gen. Stat. §7A-142, only those bar members who reside in the District and are present are allowed to vote. Fifteen (15) days' notice of the meeting shall be given or transmitted by electronic mail, to the last known email address of each district bar member.

(b) Candidates:

Persons who want to be considered for the vacancy shall notify the President in writing, via regular mail, or via email, five (5) days prior to the meeting at which the election will be conducted.

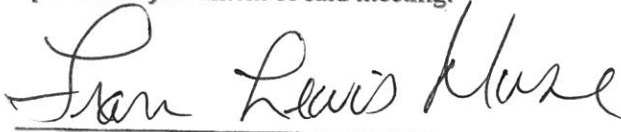
(c) Voting:

Each district bar member may vote for five candidates. Cumulative voting is prohibited. In the event fewer than five persons are nominated, upon providing the nomination to the Governor, the bar shall certify that there were insufficient nominations in the district to comply with this section of N.C. Gen. Stat. §7A-142.

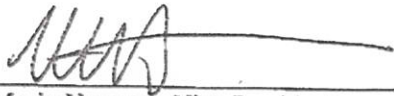
(d) Submission to Governor:

The five candidates receiving the highest number of votes shall be the nominees to fill the vacancy on the district court. Their names, and vote totals, shall be transmitted to the Governor. In the event of a tie for fifth place, the names of those candidates involved in the tie shall be transmitted to the Governor together with the names of the four candidates receiving the highest number of votes. Pursuant to N.C. Gen. Stat. §7A-142, prior to filling the vacancy, the Governor shall give due consideration to the nominations provided by the bar of the judicial district.

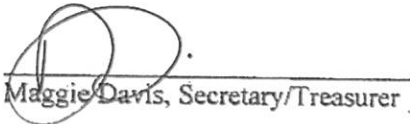
In accordance with Article XII, following a two-thirds affirmative vote of the active members at a duly called meeting of the District Bar held on the 16th day of May, 2019, the Bylaws are hereby amended to update Article XIII so that the procedure for Selection of Nominees for District Court Judge is in compliance with N.C. Gen. Stat. §7A-142, effective upon the adjournment of said meeting.



Fran Lewis Muse, President



Marie Hopper, Vice President



Maggie Davis, Secretary/Treasurer