

# **NCACC BYLAWS**

(As Amended During the August 2023 Annual Meeting)

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# **BYLAWS OF THE NATIONAL CONFERENCE OF APPELLATE COURT CLERKS**

## **ARTICLE I**

### Name

The name of this organization is the National Conference of Appellate Court Clerks.

## **ARTICLE II**

### Objects

The objects of this Conference are: to improve the skill and knowledge required of those performing the duties of appellate court clerks by conferences, seminars or other educational programs; to promote and improve the contribution of the offices of appellate court clerks within the area of effective court administration; to maintain facilities for the collection and dissemination of information and ideas with regard to the operation and improvement of the offices of appellate court clerks.

## **ARTICLE III**

### Membership

#### 1. Types of Members.

(a) Regular Members. Regular membership shall be open to all clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts.

(b) Retired Members. Retired membership shall be open to all retired clerks, assistant clerks or deputy clerks, or other similar positions bearing different titles of courts of last resort or intermediate appellate courts.

(c) Associate Members. Associate membership shall be open to any person whose eligibility for regular membership has ceased for reasons other than

retirement. Associate membership also shall be open to the surviving spouse of a deceased regular, retired, or associate member.

(d) Sustaining Members. Sustaining membership shall be open to any individual, unit of government, corporation, association, or organization upon invitation of the Executive Committee provided that thirty days prior to the invitation the Executive Committee has referred the name of any such individual, unit of government, corporation, association, or organization to the general membership for consideration and comment.

2. Eligibility Upon Retirement or Termination As Court Employee. Upon the retirement or termination of a regular member's service with an appellate court, should he or she accept employment with a public or private organization within the legal field, vendor or other justice related agency, while so employed he or she may not participate in the listserv and may be excluded from any programs where the free exchange of information by regular members is inhibited due to the current employment of the retired member. A regular member of this Conference may continue as a member upon retirement or termination of his or her service with an appellate court without the noted limitations if not employed in the aforementioned capacities. A retired member shall not be eligible to hold office, except that the immediate past president, if not employed with a public or private organization within the legal field, may continue to serve as a member of the Executive Committee as provided in Article VII, Section 2(b), even though no longer serving with an appellate court.

3. Eligibility for Elective Office. Eligibility for office is limited to regular members in good standing with the Conference for the two years immediately preceding the election or an appointment to fill a vacant elective office.

4. Membership Dues. The annual dues shall be \$150 for regular members, \$25 for retired and associate members and \$150 for sustaining members. Dues for those who join the Conference for the first time prior to the annual business meeting shall be payable with the membership application. Dues for new members who join after the annual business meeting and for members renewing their membership shall be payable on March first and become delinquent if not paid by July first. A membership that has lapsed for non-payment of dues before July first of the current year may be reinstated without affecting a member's eligibility for office under Section 3 of this Article if the delinquent dues are paid prior to the annual business

meeting. The names of members whose dues have not been paid within one year of the date they fell due shall be removed from the membership rolls. On its own motion or on the application of a member, the Executive Committee may waive the payment of dues for good cause shown.

## **ARTICLE IV**

### **Meeting and Voting**

1. Annual Business Meetings, Seminars and Educational Programs. The annual business meeting and all seminars or other educational programs of the Conference shall be held at such times and places as may be fixed by the Executive Committee.

2. Special meetings. Special meetings may be held at such times and places as may be designated by the Executive Committee. Except in cases of emergency, at least ten days notice shall be given to members of the special meetings.

3. Quorum for Meeting of Conference. Thirty-five regular members of the Conference at the annual business meeting or any called meeting of the full Conference shall constitute a quorum.

4. Voting. All matters coming before any meeting of the Conference shall be determined by a majority vote of the members present and entitled to vote. Subject to Article III, Section 2, regular and retired members who are in good standing by virtue of the payment of dues pursuant to Article III, Section 4, shall be entitled to vote. Associate and sustaining members shall not be entitled to vote.

5. Rules of Order. The most current version of Robert's Rules of Order shall govern the conduct of all business meetings of the Conference except as provided otherwise in these Bylaws.

6. Remote Meetings, Seminars and Educational Programs. The Executive Committee may, in its sole discretion, determine that any meeting, seminar, or other educational program under Article VI shall not be held at any place, but may instead be held by means of WebEx, Zoom, Microsoft Teams or similar products. Members shall receive at least ten (10) days advance notice of any remote meeting, seminar, or other educational program, and shall be provided instructions for participation



and for voting, if applicable. Participation in an annual business meeting or special meeting held by remote means shall constitute presence in person at the meeting for all purposes, including quorum and voting.

## **ARTICLE V**

### **Officers**

1. Officers of Conference. The officers of the Conference shall be President, President-Elect, Vice-President, Secretary, Treasurer, and Past-President.

2. Term of Office. The officers shall serve until the close of the annual business meeting following that in which they have been elected or succeeded to the office pursuant to Section 3 of this Article, except that the Secretary and the Treasurer shall serve for two years.

3. Election and Succession of Officers. The President-Elect shall succeed to the office of the President at the expiration of the term as President-Elect. The Vice-President shall succeed to the office of President-Elect at the expiration of the term as Vice-President. The President shall succeed to the office of Past-President at the expiration of the term as President. At each annual business meeting, the Vice-President shall be elected by a vote of a majority of the members present at the meeting and entitled to vote; the Secretary and the Treasurer shall be elected for two-year terms, the Secretary in even-numbered years and the Treasurer in odd-numbered years. The Treasurer and the Secretary shall be eligible for reelection.

4. Filling of Vacancies. In case a vacancy occurs in the office of President or President-Elect, the next officer in the order of succession as stated in Section 3 of this Article shall succeed to such office and shall serve for the unexpired term and for the following year. In case a vacancy occurs after the annual business meeting in the office of Vice-President, Secretary, Treasurer, or Past-President, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. If the vacancy filled is that of the Vice-President, it shall be an interim appointment and an election shall be held at the next annual business meeting for the offices of President-Elect and Vice-President. If the vacancy filled is that of Secretary or Treasurer, an election shall be held at the next annual business meeting to fill the unexpired term, if any. If the vacancy to be filled is in the office of Past-

President, the Executive Committee shall appoint an eligible former President of the Conference to complete the unexpired term. Eligibility shall be determined by reference to Article III, Section 3 and Article VI, Section 5.

5. Duties of Secretary. The Secretary shall be responsible for the taking of the minutes of the Executive Committee and the annual business meeting or any called meeting and for distributing them to the Executive Committee and the National Center for State Courts. The minutes of the annual business meeting or any called meeting of the full Conference shall be transmitted to the members of the Conference with the call of the next annual business meeting; this requirement may be met by publication in *The Docket*, the NCACC newsletter. The Secretary shall be responsible for overseeing the billing of every member of the Conference for annual dues no later than January fifteenth of each year and the maintenance of a list of all members in good standing.

6. Duties of Treasurer.

(a) The Treasurer is responsible for overseeing the receipt, investment, and proper utilization of all dues, registration fees, and other revenue of the Conference, including any funds collected by the National Center for State Courts and a clerk hosting any conference.

(b) The Treasurer serves as the chair of the Finance and Investment Committee and is responsible for executing the decisions of the Committee with respect to the investment of Conference assets, including assets in any separate fund, such as the Educational Fund. At least two weeks prior to each regularly scheduled Executive Committee meeting, the Treasurer shall provide the President with all statements of any bank, brokerage, or other entity that holds or manages any assets of the Conference.

(c) The Treasurer serves as a member of the Education Fund Committee and is responsible for overseeing the receipt and deposit into the Educational Fund of any revenue designated for the fund.

(d) The Treasurer must, at or before the annual business meeting each year, furnish all members with a financial report. This requirement may be met by publishing the financial report in an edition of the Conference's newsletter, *The Docket*, published before the annual meeting.

## ARTICLE VI

### Office of the President

1. Duties of the President. The President shall serve as the chief executive officer and shall preside at all meetings of the Conference and its Executive Committee.

2. Power of President to Appoint Committee Members; Parliamentarian. The President shall appoint or reappoint members of all committees, including the filling of vacancies, and shall designate or redesignate the Chairperson for each committee, and where the President deems it appropriate, vice chairs, except as provided in Article VII. The President may appoint a regular or retired member as Parliamentarian, to serve at his or her pleasure.

3. Agenda Distribution for Executive Committee Meetings. Two weeks prior to each meeting of the Executive Committee, the President shall prepare and distribute an agenda to all officers and members involved. The agenda should be a clear and reasonably explicit list of the topics to be discussed and should be accompanied by necessary and pertinent supporting materials.

4. Voting Restriction of Presiding Officer. The Presiding Officer shall have a vote in all matters coming before the Executive Committee and in all matters at the annual business meeting of the Conference if: (1) a vote is by written ballot or (2) when necessary to decide a tie non-written vote by the members present and eligible to vote pursuant to Article IV, Section 4.

5. Eligibility for Office After Being President. Two years from the expiration of a term as Past-President, a member shall be eligible for election or appointment to any office in the Conference, provided the requirements of Article III, Section 3, have been met.

6. President as Official Representative of the Conference. The President shall serve as the official representative of the Conference when attending meetings that relate to the business of the Conference. With the approval of the Executive Committee, the reasonable expenses incurred in connection with attending such meetings shall be borne by the Conference. The President may designate a

Conference member as the representative of the Conference. Expenses incurred by such a designee shall be paid in the same manner as those of the President.

7. Authority of the President. Unless specifically enumerated, nothing in this Bylaw shall be construed to limit the authority of the President to perform such tasks as may be reasonably necessary to promote the goals and objectives of the Conference.

8. Absence of Officers.

(a) Absence of President. In the absence of the President, the President-Elect shall preside.

(b) Absence of President and President-Elect. In the absence of the President and President-Elect, the Vice-President shall preside.

(c) Absence of President, President-Elect and Vice-President. In the absence of the President, President-Elect, and Vice President, the most immediate Past-President in attendance shall preside.

## **ARTICLE VII**

### Committees

1. Statement of Committees' Work. The executive and administrative work of the Conference is conducted in its committees. Conference committees shall include an Executive Committee, standing committees, and special committees. Standing committees shall have Committee Operational Guidelines. Proposed changes to these guidelines will be made in writing to the Executive Committee by April first for approval. The Chairperson of each standing and special committee shall submit a written status report for dissemination at the spring Executive Committee meeting.

2. Executive Committee.

(a) Powers and Duties. The Executive Committee is the Board of Directors. It shall direct the affairs of the Conference and shall meet annually prior to the annual business meeting of the Conference and at other times at the call of the

President or seven members of the Committee. All matters before the Executive Committee shall be determined by a majority vote of those present. Seven members of the Executive Committee shall constitute a quorum. The Executive Committee shall decide any question raised on the interpretation and application of these Bylaws. The budget for the Conference shall be based on the calendar year, and the budget for a calendar year shall be approved by the Executive Committee at least thirty days prior to the start of the year.

(b) Composition. The Executive Committee shall consist of the six officers, who shall serve during their respective terms of office, and six members of the Conference who shall each serve for two years. Three members of the Conference shall be elected in even-numbered years and three shall be elected in odd-numbered years at the annual business meeting by a majority of the members present and entitled to vote. In case a vacancy occurs among the six members after the annual business meeting, the Executive Committee shall choose a successor who shall serve until the close of the next annual business meeting. The successor so chosen shall be eligible at the next annual business meeting for election to that or any other vacant position on the Executive Committee. Members elected to one of the six member positions on the Executive Committee shall not be eligible for election to another term thereon until one year after the expiration of their term.

### 3. Standing Committees.

(a) Duties. Standing Committees are constituted to perform a continuing function of the Conference.

(b) Creation and Termination. Standing Committees may be created by specific provision of these Bylaws or by resolution of the Conference at any meeting called pursuant to Article IV of these Bylaws and shall remain in existence permanently, or until terminated in like manner.

(c) Composition. Except as otherwise provided herein, standing committees shall consist of at least three members, one of whom shall be designated by the President as the Chairperson. The membership of the Program Committee shall also include a Vice-chairperson appointed by the President-Elect. The Finance and Investment Committee shall include the Treasurer who shall serve as the Chairperson. The term of the members, the Chairperson and, when applicable, the Vice-chairperson, of a standing committee shall be one year. The Executive

Committee, upon request of the President or the committee Chairperson, or upon its own initiative, may remove a member of a standing committee for good cause.

(d) List of Committees

(1) Awards, Resolutions and Memorials Committee. The purpose of this committee is to recommend to the Executive Committee nominees for the J.O. Sentell Award and Morgan Thomas Award, to prepare appropriate resolutions for adoption by the Conference as formal expressions of its will and intent and to prepare memorials for deceased members.

(2) Bylaws Committee. The purpose of this committee is to consider amendments to these Bylaws and to make written report to the Executive Committee each year by April first. The Bylaws Committee shall consist of no more than five members, including the Chairperson and any ex-officio members.

(3) Communications Committee. The purpose of this committee is to:

(a) inform the membership of the activities of the Conference, to provide information to enhance the professionalism of appellate court clerks and their offices, and to publish the NCACC newsletter at least quarterly,

(b) promote the mission and objectives of the NCACC by providing information about the Conference and its members to appropriate individuals and groups, and

(c) coordinate timely updates with the webmaster to ensure the content on the NCACC website provides accurate, timely and useful information regarding the mission, organization, history, and educational and other activities of the NCACC. The Communications Committee may make recommendations to the Executive Committee regarding the operation and functionality of the website. As appropriate, the Communications Committee may consult with the Technology Committee or other Committees in making any recommendations regarding the website.

(4) Contracts Committee. The purpose of this committee is to review any contract referred to it by the President or the Executive Committee. The committee shall report its recommendation to the President and the Executive Committee.

(5) Convention Assistance Committee. The purpose of this committee is to provide practical guidance, advice and assistance to Clerks who are hosts of upcoming annual meetings. The Convention Assistance Committee shall consist of an unlimited number of members.

(6) Educational Fund Committee. The purpose of this committee is to develop sources of income to be invested in a restricted fund, the proceeds of which shall be used for educational purposes as more fully set out in the Operational Guidelines. The Educational Fund Committee shall be composed of the President-Elect, the Treasurer, and one Executive Committee member to be named by the President. The President shall appoint one of these members as Chairperson.

(7) Finance and Investment Committee. Subject to an investment strategy promulgated by the Executive Committee,<sup>1</sup> the Finance and Investment Committee shall determine what funds of the Conference, including those in any separate fund such as the Educational Fund, should be invested, and how those funds will be invested. In addition, the Finance and Investment Committee assists the Executive Committee, as the Executive Committee requests, in developing the Conference's budget. The Finance and Investment Committee shall consist of the Treasurer, who shall serve as its Chairperson for a term of two years coincident with his or her tenure as Treasurer (See Article V, Section 2), and four members appointed by the Executive Committee. One of the appointed members shall be designated by the Executive Committee as the Vice-Chairperson, and shall serve a two year term staggered with the Chairperson. The three remaining members of the Committee shall serve staggered two year terms. In implementing the staggered two year tenure requirement resulting from the 2018 amendments to these bylaws, and in filling any future vacancy on the Committee, the Executive Committee may extend or shorten the appointment of any member to ensure the staggered tenure of the members of the Committee.

(8) Membership and Pictorial Directory Committee. The purpose of this committee is to:

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<sup>1</sup> This investment strategy provides guidance regarding investments. It can include, but is not limited to, guidance regarding the goals of any investments, diversification of investments, acceptable risk, types of investments to be considered or excluded, and any limitations on the funds available for investment.

(a) solicit new members and distribute information about the Conference and its activities to new or prospective members,

(b) update and maintain the pictorial directory of the Conference, including the annual meeting summaries contained therein, and

(c) maintain and promote participation in the NCACC listserv.

(9) Nominating Committee.

(a) Purpose and Membership. The purpose of this committee is to recommend the nomination of regular members to office. The Nominating Committee shall consist of at least five but no more than nine members, including its Chairperson, and shall be appointed by the President, with the approval of the Executive Committee, at least six months before the annual business meeting.

(b) Nominating Timetable. At least thirty days before the annual business meeting, the Nominating Committee shall report to the members its nominations for the offices of Vice-President, Secretary, Treasurer and members of the Executive Committee to succeed those individuals whose terms will expire at the close of the annual business meeting and to fill other Executive Committee vacancies then existing or vacancies that may be created as a result of the Nominating Committee's nominations. In the event the office of Vice-President becomes vacant, the Nominating Committee shall submit nominations for the offices of President-Elect and Vice-President. In the event the offices of President-Elect and Vice-President both become vacant, the Nominating Committee shall submit nominations for the offices of President, President-Elect and Vice-President. Nominations made for anticipated vacancies shall be specified as such in the Nominating Committee's report. In the event a member declines the nomination after the committee has reported its nominations to the members, the committee shall submit the nomination of another member as soon as possible and shall report to all members before or at the annual business meeting.

(10) Past-Presidents' Committee. The purpose of this committee is to assist the President and Executive Committee as needed. The Past-Presidents' Committee shall be composed of all living past presidents of the Conference.



(11) Program Committee. The purpose of this committee is to organize and present an educational program at the annual meeting of the Conference to further the objectives of the Conference and to enhance the skill and knowledge of appellate court clerks.

(12) Scholarship Committee. The purpose of this committee is to recommend recipients of scholarships to the Executive Committee. The Scholarship Committee shall consist of three members, including its Chairperson, and shall be appointed by the Executive Committee.

(13) Site Selection Committee. The purpose of this committee is to solicit potential hosts for future annual meetings, to evaluate invitations from states, and to make appropriate recommendations to the Executive Committee.

(14) Strategic Planning Committee. The purpose of this committee is to review and evaluate ideas and suggestions referred to it by the Executive Committee and based upon its review and evaluation recommend to the Executive Committee courses of action the Executive Committee should adopt. The Strategic Planning Committee shall consist of no more than nine members, including its Chairperson and any ex-officio members. The Vice-President of the Conference shall serve ex-officio on this committee.

(15) Technology Committee. Technology Committee. The purpose of this committee is to research technological innovations or tools, and to bring these to the attention of appellate court clerks and their staffs along with support and advice regarding the use of technology. The committee will also coordinate communications between the Conference and other organizations regarding technology issues.

4. Special Committees. Special Committees may be constituted by the Conference, the President or the Executive Committee, as the need arises, to carry out a specified task in furtherance of the purposes of the Conference. At the completion of the task, or the presentation of the special committee's final report to the Conference, the special committee automatically ceases to exist.

## **ARTICLE VIII**

### Host Clerk

1. Designation of Host Clerk and Responsibilities. The host clerk for any annual meeting will be the member(s) designated by the Executive Committee to fulfill the responsibilities of this Article. A host clerk shall have the obligation to establish a separate financial account for the deposit of registration fees and any other funds received by the host clerk for the annual meeting, and for payment of the expenses of the annual meeting as appropriate. The account may be reviewed by the Treasurer at any time. The host clerk shall prepare, with the assistance of the Treasurer, an accounting of income and expenses that relate to the management of the annual meeting. The financial statements shall be made a part of the reports by the Treasurer to the Executive Committee.

2. Additional Responsibilities. The host clerk shall have such additional responsibilities as may be specified by the Executive Committee or set forth in the Operational Guidelines of the Convention Assistance Committee.

## **ARTICLE IX**

### Secretariat

The National Center for State Courts (hereinafter "Center") shall serve as the Secretariat of the Conference. The President, with the approval of the Executive Committee, shall negotiate a contract with the Center for a period of no more than five years. The contract shall delineate what services the Center will provide and specify the costs to be borne by the Conference. Secretariat services will cover, as a minimum, the following: membership; annual corporate reports; billing and collection of revenue; disbursement of expenses; accounting and reporting; monthly and yearly reports; tax returns; investment of funds; use of Center facilities; and fees, billing, and payment.

## **ARTICLE X**

### Dissolution Clause

Upon the dissolution of the corporation, the Executive Committee shall, after paying or making provision for the payment of all of the liability of the corporation, dispose of all assets of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable or educational

purposes, as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or corresponding provision of any future United States Internal Revenue Law), as the Executive Committee/Board of Directors shall determine.

## **ARTICLE XI**

### **Amendments**

1. Procedures for Amending Bylaws. These Bylaws may be amended at the annual business meeting of the Conference by a majority vote of the members of the Conference present and entitled to vote, provided that each amendment to be considered shall have been submitted to the Executive Committee by postal or electronic mail to the Secretary no later than April first of that year. The text of each amendment to be considered shall be included in the call for the annual business meeting; this requirement may be met by publication in the NCACC newsletter.

2. Procedures for Considering Late Amendments to Bylaws. Notwithstanding the foregoing provision, amendments to the Bylaws submitted after April first may be considered by the membership at the annual business meeting provided that the membership consents to a suspension of the provisions of Article XI, Section 1, by a vote of seventy-five percent (75%) of the members then present and entitled to vote, and provided further that the quorum requirements of Article IV have been met.

3. Effective Date of Amendments. Amendments to these Bylaws become effective on the adjournment of the annual business meeting of the Conference at which the amendments are adopted unless an earlier time is specified by the Conference at the time an amendment is adopted.

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