



BYLAWS OF THE MONTANA ASSOCIATION OF LEGAL ASSISTANTS*PARALEGALS

ARTICLE I. NAME

The name of this association shall be Montana Association of Legal Assistants*Paralegals (MALA). This association shall be affiliated with the National Association of Legal Assistants, Inc. (NALA).

ARTICLE II. OBJECTS & PURPOSES

- 2.1 To establish good fellowship among association members, NALA, and members of the legal community.
- 2.2 To encourage a high order of ethical and professional attainment.
- 2.3 To further education among members of the profession.
- 2.4 To cooperate with bar associations.
- 2.5 To support and carry out the programs, purposes, aims and goals of NALA.

ARTICLE III. POLICY

This association shall be nonsectarian, nonpartisan, nonprofit and nonunion. No actions or programs may be initiated or undertaken (now or in the future) in conflict with the bylaws of the NALA, or of the policies of that Association.

ARTICLE IV. MEMBERSHIP

Membership in this association shall be based on requirements approved by association members. There shall be only one membership category which shall include legal assistants/paralegals who are working under the direct supervision of an attorney, students and graduates of legal assistant/paralegal programs, attorneys or paralegal educators, and persons acting, or who have acted in the past, in a legal assistant/paralegal capacity.

Each member must complete ten (10) credit hours of continuing legal education from the period of September 1 to August 31. First year members and existing members as of September 1, 1997 are given a one (1) year grace period to meet this requirement. Each member must present proof of the ten (10) credit hours of continuing legal education attained during the last fiscal year to the Membership Committee.

Each member must also complete at least three (3) hours of continuing legal education for legal ethics within a three (3) year period of their membership (or five (5) years from September 1, 1997, if they were members on that date) and every three (3) years thereafter. Each member must present proof of completing said program within each three (3) year period to the Membership Committee.

If any member fails by October 1st to provide proof of the ten (10) credit hours of continuing legal education or of completion of legal ethics program, they are not in compliance with MALA's bylaws and will have four (4) months to come in compliance. If proof of compliance is not provided during the four (4) months, the individual will be notified that they no longer qualify for MALA membership. Any former member that was dropped for reason of failing to comply with the continuing education requirements must provide proof of compliance of ten (10) credit hours of continuing legal education before they can reapply for membership. Any former member that was dropped for reason of failing to complete a legal ethics program must complete one before they can reapply for membership.

All members may vote and hold office in this association.

ARTICLE V. APPLICATION FOR MEMBERSHIP

Application for membership shall be submitted to the affiliated association on forms approved by the association's membership. The forms should clearly state that the association is an affiliated association of the National Association of Legal Assistants, Inc. and that all members are bound by the NALA Code of Ethics and Professional Responsibility in addition to any code adopted by the association. Approval of membership shall be noted on the forms in accordance with standing rules adopted by this association.

ARTICLE VI. MEETINGS

This association shall meet at not less than quarterly intervals which may include attendance at association sponsored seminars or workshops. Notice of quarterly business meetings shall be in writing to all members of record at least ten (10) days prior to the meeting. One-fourth (1/4) of the membership of this association shall constitute a quorum.

Special meetings may be called by the President upon five (5) days notice to all members of record.

Annual programs shall be held prior to the end of the association's fiscal year (See Article XIV Fiscal Year) for the purpose of electing officers, hearing reports of officers and chairpersons, electing a NALA Liaison and adopting a budget for the ensuing fiscal year. Notice of annual meeting shall be in writing to all members of record at least fifteen (15) days prior to the meeting. Notice will also contain the slate of officers.

ARTICLE VII. CONTINUING LEGAL EDUCATION

It is required that this association hold a minimum of four (4) educational events or a total of ten (10) hours of education during each fiscal year in order to maintain affiliation with the National Association of Legal Assistants, Inc. These programs may be held in connection with a regular meeting of the membership.

It is required that this association hold a minimum of two (2) educational events that include at least three (3) hours of legal ethics every three (3) year period. These programs may be held in connection with the educational events in the previous paragraph or in connection with a regular meeting of the membership.

ARTICLE VIII. PROXY VOTING

At any meeting of the membership of the Association, any active member shall have the right to vote either in person or by individual proxy. A member may appoint another member and one alternative as proxy by an appropriate written designation and proxy. Any such individual proxy shall be valid only for that single meeting for which it shall have been given and not otherwise. No person shall solicit any proxies and proxies obtained by such solicitation may not be used at any membership meeting nor shall the same be accepted by the Parliamentarian (or in the absence of the Parliamentarian, by a member of the Board). Any individual proxy shall be deemed filed by a member with the Parliamentarian (or in the absence of the Parliamentarian, by a member of the Board) prior to the start of the meeting. Proxies may be delivered to the proxy holder, alternative proxy holder, Parliamentarian or other Board member via e-mail, facsimile, or other electronic means.

**ARTICLE IX.
DUES AND ASSESSMENTS**

The dues of this association shall be Twenty-five and No/100 Dollars (\$25.00) per year, due September 1 of each year and delinquent October 1. Dues shall not be prorated.

**ARTICLE X.
OFFICERS, EXECUTIVE COMMITTEE AND CHAIRPERSONS**

The elected officers shall be the President, Vice President, Secretary, Treasurer, and NALA Liaison.

The appointed officers shall be the Parliamentarian and the MALA Representative to State Bar Paralegal Section.

The Executive Committee shall be composed of elected and appointed officers. The Executive Committee shall act as a planning committee bringing recommendations to the membership for a vote. This committee shall meet at least quarterly and at other times as called by the President.

Terms of office shall be one (1) year. Successive terms shall be limited to one (1) year.

No officer or member shall be compensated for association duties. However, upon majority vote of the membership, persons may be reimbursed for out-of-pocket expenses in connection with association related activities, provided the expenses have been authorized to expend.

**ARTICLE XI.
ELECTION OF OFFICERS**

The President shall appoint a nominations and elections Chairperson at least thirty (30) days prior to the annual meeting of the association to present a slate of officers to the membership fifteen (15) days prior to election at the annual meeting. No name shall be on the slate without consent of candidate. Nominations from the floor will not be accepted at election. Election shall be by majority vote of members present voting in person or by proxy.

Voting for officers shall be by ballot at the annual meeting except when there is but one candidate for any office. In that event, if there is no objection, the Chair may declare the candidate elected. Prior to the submission of the ballot at the annual meeting, the President shall appoint two (2) tellers for the purpose of tallying the votes, including all ballots voted by proxy. The tellers shall verify the results to the Chair who shall announce the results to the membership. In the event of a tie, the voting members shall immediately proceed to vote by ballot to dissolve such tie.

No member shall hold more than one elected or appointed office during the fiscal year.

Names of appointed officers must be presented by the President to the membership by the first meeting of the new fiscal year.

Names of newly elected or appointed officers shall be submitted to NALA headquarters and the Affiliated Associations Director as least thirty (30) days after election and/or appointment.

In the event the association has more than one (1) class of membership, only full voting members may hold office.

Unexpired terms of office shall be filled by appointment of the Executive Committee.

Any officer (elected or appointed) absent from three (3) consecutive meetings without good cause, may be removed from the office by the Executive Committee.

Upon an officer's death, resignation, removal or inability to act, the President shall appoint an individual to fill the position, subject the approval of the Executive Committee. Said officer shall hold such office for the remaining term of the office until such time as a successor is duly elected at the next annual meeting of the membership.

ARTICLE XII. STANDING AND SPECIAL COMMITTEE CHAIRPERSON

The President may appoint a chairperson to the following standing committees:

- Standing Seminar Committee
- Nominations & Election
- Audit Committee
- Public Relations/Newsletter
- Bylaws Committee
- Professional Development Committee
- Legislature Monitoring Committee
- Student Liaison

Special committee chairpersons may be appointed by the President, as needed, with the approval of the membership.

ARTICLE XIII. DUTIES OF ELECTED AND APPOINTED OFFICERS AND CHAIRPERSONS

President: The President shall preside over all Executive Committee meetings and membership meetings. The President shall appoint a Parliamentarian and MALA Representative to State Bar Paralegal Section, special and standing committee chairpersons as provided in these bylaws. The President shall pass files to successor immediately upon installation and shall cause all other officer's and chairpersons' files to be passed to respective successors. The President shall be ex- officio (non-voting) member of all committees except the committee on nominations and elections. This officer shall automatically be chairperson of the committee on education. These duties shall include planning seminars, workshops and working with NALA in the event of co-sponsorship of any programs. The President shall be responsible for fulfilling the

educational requirements under Article VI of these bylaws and shall report such educational meetings to the NALA Liaison.

Vice President: The Vice President shall preside and shall assume all duties assigned to the President in the President's absence. The Vice President shall automatically be chairperson of the membership committee and shall be charged with the responsibility of developing programs to encourage membership in the association. This officer shall receive applications for membership and present names of applicants to association members for acceptance or rejection. The Vice President shall work with the NALA Second Vice President to encourage membership in NALA.

Secretary: The Secretary shall be responsible for minutes of all meetings and keeping permanent minutes. The office shall assist the President in any way including giving notice of meetings. Association minutes of any meeting shall be available to the NALA President upon request.

Treasurer: The Treasurer shall deposit all funds and make all disbursements, in a timely manner, subject to approval of the Executive Committee and as provided in the budget. Any extraordinary expenses must be approved by the membership before obligation to pay. The Treasurer shall be chairperson of the finance committee which committee shall prepare a budget for the ensuing fiscal year which shall be adopted by the membership at the annual meeting. (Budget shall be submitted to the Executive Committee prior to presentation at annual meeting.) The Treasurer may be bonded (premium paid by association). All disbursements of association funds must be by association check, signed by the Treasurer and/or the President. However, the Treasurer or President are not to sign any association check that is made payable to him/her as payee. This officer shall submit a written financial report at each regular meeting to be attached to official minutes as part of permanent record. The Treasurer (or other affiliate officer) is also responsible for keeping a current roster of membership and reporting the membership annually to NALA with the renewal fee for continued affiliation with NALA.

NALA Liaison: This officer shall have completed at least one (1) full term as a MALA President, Vice President, Secretary, or Treasurer within the past five (5) years. This officer shall be a NALA member, shall be familiar with the NALA Bylaws and Standing Rules, shall receive minutes of all NALA meetings, and shall represent the association at the NALA annual meeting of affiliated associations. This officer shall report quarterly on association activities to the NALA affiliated association's director on forms provided by NALA headquarters, and shall report all officers' names to NALA headquarters and the NALA affiliated association's director.

This officer may submit items the association wishes discussed to the NALA affiliated association's director and shall participate in discussion sessions at NALA annual meetings. A report to association members on the NALA annual meeting will be required at the annual meeting of the association.

This officer shall, within sixty (60) days of passage, notify the NALA affiliated association's director of any changes in the association's bylaws. This officer shall be the main contact between NALA and the association. This officer shall be a member of the governing body of this association.

Parliamentarian: The Parliamentarian shall attend meetings and give opinions on parliamentary procedures upon request of the President. This office shall be familiar with association bylaws, and NALA bylaws.

Robert's Rules of Order Newly Revised shall serve as parliamentary authority for items not covered by these bylaws or the association standing rules.

Audit Committee: The Audit Committee will be composed of a past treasurer and two (2) members selected by the chairperson whose purpose is to audit the Treasurer's books at the close of the fiscal year prior to the transfer of accounts to the newly elected Treasurer. In the event the incumbent Treasurer is elected to a second term, the audit will be performed following the annual meeting and prior to the first regular meeting of the membership.

ARTICLE XIV. FISCAL YEAR

The fiscal year of this association shall be from September 1 to August 31.

ARTICLE XV. CODE OF ETHICS

Every member of this association shall subscribe to and be bound by the Code of Ethics and Professional Responsibility of the National Association of Legal Assistants, Inc., and any other code so adopted by the membership of this association. Violations of the NALA Code may be grounds for immediate dismissal from membership and/or removal from office.

Any member sanctioned with dismissal from membership and/or removal from office may appeal orally to a special ethics committee consisting of five (5) members nominated by the association members. A majority vote of this special ethics committee will be binding.

ARTICLE XVI. AMENDMENTS TO BYLAWS

Bylaw amendments (not in conflict with NALA bylaws) may be adopted by two-thirds (2/3) of members present at any regular meeting. The NALA affiliated association's director must be advised of any amendments within sixty (60) days of passage.

Any member may submit a proposed amendment to the Bylaws Committee by delivering the proposed resolution in written form to the Secretary of the association. Amendments submitted by the membership shall be considered by the Bylaws Committee who shall recommend for or against the adoption of the amendment to the Executive Board for membership approval.

The Bylaws Committee shall cause any proposed amendment(s) to be published in the official publication of the association together with the notice of the next regular business meeting or annual meeting or otherwise included in a notice forwarded to the membership prior to approval of any amendments.

**ARTICLE XVII.
DISSOLUTION**

In the event of dissolution of this association, all property and assets shall be distributed to a nonprofit charitable organization as defined by the Internal Revenue Code, to be selected by a majority vote of the remaining members of the association, notice having been given to members of the association and the NALA-affiliated association's director at least fifteen (15) days prior to the meeting. In no event shall any of such property and assets be distributed to any member or private individual.

In the event of a vote of dissolutionment, a quorum shall consist of two-thirds (2/3) of the voting members of the association.

**ARTICLE XVIII.
RETENTION OF AFFILIATION**

Affiliation with the National Association of Legal Assistants, Inc. is renewable each year by payment of an affiliation fee and attached to a current membership roster. In the event of suspension of affiliation, this association may reaffiliate with NALA by submitting a new application with membership roster, bylaws, sample of educational programs, petition and current initial fee.

In addition to the renewal fee, this association must comply with the required reports and requested procedures as outlined in these bylaws.

The annual renewal fee is payable on October 1 each year and delinquent as of November 1. Payment received after due date must be accompanied by a late fee established by NALA.