



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 (hereinafter "MALA"). This association shall be affiliated with the National Association of Legal Assistants, Inc. (hereinafter "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

MALA 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 or policies of NALA.

ARTICLE IV. MEMBERSHIP

Membership in MALA shall be based on requirements approved by MALA members.

There shall be two membership categories:

- (1) Legal assistants/paralegals working under the direct supervision of an attorney, attorneys, or paralegal educators; persons acting, or who have acted in the past, in a legal assistant/paralegal capacity; and
- (2) Students who are enrolled in good standing in any university, college, junior college, or other approved program pursuing a course of study as a legal assistant or

paralegal; and graduates of legal assistant/paralegal programs who have not obtained their first employment in the legal assistant/paralegal profession and/or have not completed one calendar year in said employment. After the student successfully completes his/her education, he/ she may renew as a regular member during the membership renewal period as long as he/she meets all the requirements to gain regular membership.

Student members shall not be allowed to hold office and shall not be appointed to an office. A student member may serve on a committee, but shall not be chairperson of said committee. Members of the two membership categories shall hereinafter be referred to as "members."

MALA's fiscal year shall be April 1 to March 31st. For each fiscal year, each member must complete ten (10) credit hours of continuing legal education.

With the exception of first-year members, each member must complete at least three (3) credit hours of legal ethics within a three (3)-year period of their membership and every three (3) years thereafter.

Each member must present proof of the required credit hours of continuing legal education and ethics attained during the last fiscal year (April 1 to March 31) to the Membership Committee.

If any member fails to provide proof of completion of the required credit hours during the prior fiscal year, he/she is not in compliance with MALA's bylaws and will have a three (3)-month grace period (until July 1 of that fiscal year) to complete the required credit hours. If proof of compliance is not provided prior to July 1 of that fiscal year, the individual will be notified that he/she no longer qualifies for MALA membership.

Any former member whose MALA membership was revoked for failure to comply with the continuing education requirements listed above must provide proof of completion of said requirements before he/she can reapply for membership.

First-year members are given a grace period to meet this continuing education requirement that extends one (1) year from the date of their acceptance for membership and from that date until the beginning of MALA's next fiscal year (April 1).

ARTICLE V. APPLICATION FOR MEMBERSHIP

Application for membership to MALA shall be submitted on forms approved by MALA members. The forms should clearly state that MALA is affiliated with NALA and that all MALA members are bound by the NALA Code of Ethics and Professional Responsibility and any code adopted by MALA. Approval of membership shall be noted on the forms in accordance with standing rules adopted by this association.

ARTICLE VI. MEETINGS

MALA shall meet at no 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. Those members present and qualified to vote shall constitute a quorum at a membership meeting, and the majority of such quorum shall, for voting purposes be necessary for the adoption of any matter brought before the meeting. In the event of a vote for dissolution, a quorum shall consist of two-thirds (2/3) of the members present and qualified to vote.

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 NALA. These programs may be held in conjunction 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 MALA membership meeting, 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 MALA Executive Committee).

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 Executive Committee) prior to the start of the meeting. Proxies may be delivered to the proxy holder, alternative proxy holder, Parliamentarian, or other Executive Committee member via e-mail, facsimile, or other electronic means.

ARTICLE IX. DUES AND ASSESSMENTS

The annual dues for members shall be proposed by the MALA Executive Committee. The Executive Committee shall submit changes to the annual dues to the MALA members for approval.

The dues of this association shall be Twenty-five and No/100 Dollars (\$25.00) per year. Dues for membership renewal must be submitted by April 1 (the beginning of MALA's fiscal year). Members are allowed a one (1) month grace period to pay their dues. If a member fails to pay dues by May 1, the individual will be notified that he/she does not qualify for MALA membership. If an individual who forfeits membership by not paying dues submits payment of said dues between May 1 and March 31 of that fiscal year, he/she will not be required to submit a formal application for MALA membership. If an individual does not pay dues for one fiscal year (April 1 to March 31), he/she will be required to submit a formal application to renew their MALA membership.

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 Parliamentarian and Montana State Bar Paralegal Association Liaison.

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 were authorized to be expended.

ARTICLE XI. ELECTION OF OFFICERS

MALA members shall be invited to volunteer to serve on the Nominations and Elections Committee. The President shall appoint a chairperson for this committee at least sixty (60) 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 the 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 only one candidate for any office. In that event, if there is no objection, the Chair may declare the candidate elected. A minimum of two (2) members of the Nominations and Election Committee shall serve as tellers to tally the votes, including all ballots voted by proxy. If there are not at least two members on the Nominations and Election Committee, the President shall appoint two MALA members to serve as tellers. 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 MALA has more than one (1) class of membership, only full voting members may hold office.

First-year members are eligible for nomination or appointment to a position on MALA's Executive Board.

Student members shall not be allowed to hold office and shall not be appointed to an office. A student member may serve on a committee, but shall not be chairperson of said committee.

Unexpired terms of office shall be filled by appointment by 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 to 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 shall appoint a chairperson to the following standing committees:

Advertising Committee
Attorney Contact Update
Audit Committee
Bylaws Committee
Community Outreach Committee
Membership Committee
Mentoring Committee
Newsletter (comprised of one editor or a committee)
Nominations & Election Committee
Professional Development Committee
Standing Seminar Committee
Student Liaison Committee

One MALA member volunteer will be responsible for each of the following duties:

Job Bank
Legislature Monitoring
MALA Library
Webmaster

The Audit Committee will be composed of a past MALA treasurer and two (2) members selected by the chairperson. This committee will 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.

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**

The MALA Executive Committee shall consist of a President, Vice President, Secretary, Treasurer, NALA Liaison, Montana State Bar Paralegal Section Liaison, and Parliamentarian. The President shall appoint the Parliamentarian, Montana State Bar Paralegal Association Liaison, and special and standing committee chairpersons as provided in these bylaws.

President: The President shall preside over all Executive Committee meetings and membership meetings. 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 Standing Seminar Committee. This committee is responsible for planning MALA seminars and workshops and working with NALA in 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.

The President shall submit a report summarizing MALA activities to MALA's newsletter editor for publication in the quarterly newsletter.

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 serve as chair of the Membership Committee and shall be charged with developing programs to encourage membership in MALA. This officer shall receive applications for membership and shall, in conjunction with the Membership Committee, review applications for membership, and accept or reject said applications based on requirements set forth in MALA's bylaws.

The Vice President shall determine if MALA members have met membership renewal requirements as set forth in Article IV of MALA's bylaws and shall notify said members if they are not in compliance.

The Vice President shall maintain a current roster of membership.

The Vice President shall work with the NALA Liaison to encourage membership in NALA.

This officer shall also work with the MALA Student Liaison Committee to explain the benefits of MALA membership to paralegal students and encourage membership in MALA.

The Vice President will be responsible for MALA's Mentoring Program and encourage new members to participate in this program.

The Vice President shall submit a report of the number of current and pending members to MALA's newsletter editor for publication in the quarterly newsletter.

Secretary: The Secretary shall be responsible for taking minutes of all meetings, keeping permanent minutes, and submitting minutes approved by the Executive Committee and MALA membership to MALA's Webmaster for publication on MALA's website and MALA's newsletter editor for publication in the quarterly newsletter. The Secretary shall provide minutes of MALA's meetings to the NALA Affiliated Associations Director upon request.

This officer shall assist the President in preparing meeting agendas, notifying members of upcoming meetings, and assisting in other areas at the President's 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 work with the Executive Committee to prepare a proposed budget for the ensuing fiscal year. This proposed budget shall be presented to the membership for approval at the 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 is responsible for providing an annual report on MALA membership to NALA Affiliated Associations Director and submitting the fee required to continue MALA's affiliation with NALA. The Treasurer will submit a report of account balances/expenditures to MALA's newsletter editor for publication in the quarterly newsletter.

NALA Liaison: This officer shall have completed at least one (1) full term as a MALA President, Vice President, Secretary, Treasurer, or NALA Liaison within the past five (5) years.

MALA shall pay for the NALA Liaison's membership in NALA during the fiscal year of the NALA Liaison's term in office.

This officer shall be the main contact between NALA and MALA.

This officer shall be familiar with the NALA Bylaws and Standing Rules.

This officer shall:

- Represent MALA at the NALA annual convention of affiliated associations;
- Submit items that MALA wishes discussed at NALA annual meetings to the NALA Affiliated Associations Director;
- Participate in discussion sessions at NALA annual meetings;
- Provide a biannual report on MALA activities to the NALA Affiliated Associations Director on forms provided by NALA headquarters; and
- Submit names of newly elected or appointed officers to NALA headquarters and the Affiliated Associations Director as least thirty (30) days after election and/or appointment.

The NALA Liaison shall attend the NALA annual convention and prepare a report on what transpired at the convention. This report may be presented at MALA's annual meeting, published in MALA's newsletter, or posted on MALA's website.

Parliamentarian: The Parliamentarian shall attend MALA Executive Committee meetings and membership meetings and give opinions on parliamentary procedures upon request of the President. This officer shall be familiar with MALA 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.

Montana State Bar Paralegal Association Liaison: This individual shall apply for membership to the Montana Paralegal Section of the Montana State Bar and said membership fee shall be paid by MALA. The Liaison shall attend Paralegal Section meetings and shall report Paralegal Section activities to MALA members.

ARTICLE XIV. RESIGNATION OF ELECTED OR APPOINTED OFFICERS

An elected or appointed officer may resign at any time by delivering written notice to the MALA Executive Committee. Such resignation shall take effect at the time specified in the notice or, if the time is not specified, then upon receipt of such notice, at which time MALA members will be notified of the resignation.

**ARTICLE XV.
REMOVAL OF ELECTED OR APPOINTED OFFICER**

An elected or appointed officer may be removed from office for cause by the affirmative vote of two-thirds (2/3) of the current duly elected and qualified Executive Committee. Cause of removal shall be defined as the elected or appointed officer's:

- a) Conviction of a felony;
- b) Violation of the NALA and/or MALA Code of Ethics; or
- c) Substantial neglect of elected or appointed officer's duties.

The Executive Committee may also cancel the MALA membership of an elected or appointed officer by a vote of two-thirds (2/3) of the current duly elected and qualified Executive Committee after determining that said officer has:

- a) Conducted himself or herself in a manner that will actually and substantially injure the good name of MALA;
- b) Failed to maintain a high standard of professional ethics or personal conduct which is deemed sufficient for rejection of a MALA membership application;
- c) Substantial neglect of duty;
- d) Any physical or mental disability or illness to such an extent that it may render such officer unable to promptly resume the performance of his or her duties within a reasonable time; or
- e) Unethical or immoral conduct which together with publicity or anticipated publicity will reflect unfavorably upon MALA.

**ARTICLE XVI.
FISCAL YEAR**

The fiscal year of this association shall be from April 1 to March 31.

**ARTICLE XVII.
CODE OF ETHICS**

Every member of this association shall subscribe to and be bound by NALA's Code of Ethics and Professional Responsibility 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 XVIII.
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 Associations 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 Committee 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 XIX.
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 Associations 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 XX.
RETENTION OF AFFILIATION**

Affiliation with NALA 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.