

**ALABAMA STATE BAR
SECTION OF INTELLECTUAL PROPERTY, ENTERTAINMENT & SPORTS LAW
BYLAWS**

Article I: Name and Jurisdiction

Section 1. *Name.*

The name of this Section shall be the Intellectual Property, Entertainment & Sports Law Section of the Alabama State Bar.

Section 2. *Purpose.*

The purpose of this Section shall be to promote the objects of the Alabama State Bar within the fields of intellectual property, entertainment and sports law not assigned by the Board of Bar Commissioners of the Alabama State Bar to any other Section or to a Committee or Task Force of the Alabama State Bar.

Article II: Membership and Dues

Section 1. *Membership.*

Any active member of the Alabama State Bar Association who is in good standing upon request to the Alabama State Bar and upon payment of the Section dues for the current year, shall be enrolled as a member of this Section. The membership of this Section shall consist of members whose dues are paid. Members so enrolled shall constitute the membership of this Section, and shall be a member in good standing.

Section 2. *Dues.*

The amount of the dues shall be fixed by the membership at a regular annual meeting.

Article III: Officers

Section 1. *Officers.*

The officers of this Section shall be a Chair, Vice-Chair, Secretary and Treasurer.

Section 2. *Council.*

There shall be a council, which shall consist of the Chair, Vice-Chair, Secretary, Treasurer, the last retiring Chair (also referred to as Ex-Officio Chair), together with the chair of each Division. The term of members of the Council shall coincide with their term as an Officer or Division Chair.

Section 3. *Term of Office.*

For Officers, the Treasurer shall be nominated and elected in the manner hereinafter provided every two years (“even numbered years”) at the annual meeting of this Section during the Alabama State Bar annual meeting, to hold office for a term beginning at the close of the annual meeting at which they shall have been elected and ending two years later at the close of the annual meeting of the Section, or until their successors shall have been elected and qualified. Once the Treasurer has served his/her two-year term, the Treasurer shall move to the position of Secretary, the Secretary shall move to the position of Vice-Chair, the Vice-Chair shall move to the position of Chair, and the Chair shall move to the position of Ex-Officio Chair. The other Council members (the Division Chairs) shall be appointed by the officers of this Section to hold office for a term beginning at the close of the annual meeting at which they are appointed and ending at the close of the second succeeding annual meeting of the Section, or until their successor shall have been elected and qualified.

Article IV: Nomination, Election and Removal of Officers

Section 1. *Nominations.*

Not less than sixty days before the annual meeting, the Officers shall nominate at least three members of the Section for the position of Treasurer and report to the Section those nominations.

Section 2. *Elections.*

All elections shall be by written or electronic ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

Section 3. *Removal.*

The Section may remove any officer or Division Chair, with or without cause, at any time, by an affirmative vote of a majority of the members of the Section.

Article V: Duties of Officers

Section 1. *Chair.*

The Chair shall be the chief executive officer of the Section and shall have charge of the general direction and promotion of its affairs, with authority to do such acts as are necessary or proper to carry on the business of the Section, including without limitation:

- a. presiding at all meetings of the Section and of the Council;
- b. formulating and presenting at each annual meeting of the Alabama State Bar a report of the work of the Section for the then past year if requested to do so by the President of the Bar;
- c. appointing such committees as are required or otherwise permitted by these Bylaws;

- d. appointing members of the Section to act as liaison to groups and organizations as appropriate; and
- e. performing such other duties as are delegated by the Council.

Section 2. *Vice-Chair.*

Upon the death, resignation, or during the disability of the Chair, or upon the Chair's refusal to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability and then only during so much of the term as the disability continues. In order to assure the greater continuity of the functioning of the Section, it shall be the duty of the Vice-Chair to collect and organize all available information essential and important to the functioning of Divisions.

Section 3. *Secretary.*

The Secretary shall be the custodian of all books, papers, documents, and other property of the Section, except funds and membership records. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. The Secretary shall issue notices of all meetings of the Council and of the Section. The Secretary, in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section and shall perform other such duties as are incidental to the Secretary's office or as delegated to the Secretary by the Chair.

Section 4. *Treasurer.*

The Treasurer shall be the general custodian of all funds of the Section and shall maintain the Section's membership records. The Treasurer shall request from the Alabama State Bar an accurate record of all moneys received, appropriated to, and expended for the use of the Section. The treasurer shall perform other such duties as are incidental to the Treasurer's office or which may be delegated to the Treasurer by the Chair.

Article VI: Duties and Powers of the Council

Section 1. *General Duties and Powers.*

The Council shall have general supervision and control of the affairs of the Section, subject to the direction of the Board of Commissioners of the State Bar, and these Bylaws. During the interval between meetings of the Section, the Council shall have full authority to act for the Section in any way in which the Section itself would be authorized to act, and any such action taken by the Council pursuant to this provision shall be reported to the members of the Section at the next meeting of the Section. The Council shall authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditures of all moneys appropriated for the use or benefit of the Section. It shall not, however, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously received or appropriated to the Section for such fiscal year.

Section 2. *Appointment of Committees.*

The Council may authorize the Chair to appoint committees from the Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the direction of the Board of Commissioners of the Alabama State Bar.

Section 3. *Filling of Vacancies.*

The Officers, during the interim between annual meetings of the Section, may fill vacancies in the Council or in the offices of the Vice-Chair, Secretary, or Treasurer. In the event of a vacancy in both the offices of Chair and Vice-Chair, the Council may fill the vacancy in the office of Chair. Members of the Council and officers, so elected shall serve until the close of the next annual meeting of the Section.

Section 4. *Quorum and Voting.*

Members of the Council may participate in Council meetings either in person or by telephone. A majority of the Council shall constitute a quorum. The Council may take binding action by a majority vote of those participating in a meeting during which a quorum of the Council is participating.

Section 5. *Informal Action.*

The Chairperson of the Section may, or upon the request of any member of the Council shall, submit or cause to be submitted in writing, to each of the members of the Council, any proposition upon which the Council may be authorized to act. The members of the Council may vote upon such proposition so submitted by communicating their vote thereon in writing, by facsimile, or by electronic mail to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. In such event, a majority vote of the Council shall constitute the binding action of the Council.

Article VII: Divisions and Committees

Section 1. *Eligibility, Appointment, and Meetings.*

All members appointed to a Division or a Committee shall be members in good standing of the Section. The chair of each Division or Committee will be appointed by the Officers of the Section. Meetings shall be at such time and place as designated by the Chair.

Section 2. *Council Approval.*

No recommendation of any Division or Committee may be adopted by this Section without the prior approval of the Council.

Section 3. *Legislative Standing Committee.*

If needed, there shall be a standing committee designated as the Legislative Committee of this Section. It shall consist of the Chair and such other officers and as many members with terms as

fixed by the Council at the annual meeting. The members of this committee shall be appointed by the Chair of the Section, with the advice and consent of the Council. This committee shall report to the Section at each annual meeting all matters of legislation enacted or under consideration by the Legislature of Alabama that is within the scope of this Section, together with any proposals for legislation in the field of law within the scope of this Section. The Committee shall perform such other duties as are delegated to it by the Council.

Section 4. *Significant Decisions Standing Committee.*

If needed, there shall be a standing committee designated as the Significant Decisions Standing Committee of this Section. It shall consist of the Chair and such other officers and as many members with terms as fixed by the Council at the annual meeting. The members of this committee shall be appointed by the Chair of the Section, with the advice and consent of the Council. This committee shall report to the Section at its annual meeting all significant decisions by the courts within the scope of this Section. The Committee shall perform such other duties as are delegated to it by the Council.

Article VIII: Meetings

Section 1. *Annual Meeting.*

The annual meeting of the Section shall be held at the time and place of the annual convention of the Alabama State Bar or at such other time and place as the Council may determine, upon such written notice as prescribed by the Council.

Section 2. *Special Meetings.*

A special meeting of the Section may be called by the Chair upon approval by a majority of the Council, at such time and place as the Council may determine, upon such written notice as prescribed by the Council.

Section 3. *Quorum.*

The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. *Voting.*

All binding action of the Section shall be by a majority vote of the members present.

Article IX: Miscellaneous Provisions

Section 1. *Fiscal Year.*

The fiscal year of the Section shall be July 1 through June 30.

Section 2. *Approval of Section Liabilities.*

All bills incurred by the Section, before being paid by the Treasurer or the Alabama State Bar, shall be approved by the Chair or such other person as the Council or the Alabama State Bar may direct.

Section 3. *Compensation.*

No salary or compensation shall be paid to any officer or member of the Council.

Section 4. *Section Action Effective as Bar Action.*

Any action of the Section must be approved by the Board of Bar Commissioners of the State Bar before the same becomes effective as the action of the Alabama State Bar. Any resolution adopted or action taken by this Section may, on request of the Section, be reported by the Chair of the Section to any meeting of the Board of Bar Commissioners for its action thereon.

Section 5. *Effective Date of By-Laws.*


These Bylaws shall become effective upon approval by the Board of Bar Commissioners.

Article X: Amendments

Section 1. *Amendments.*

These Bylaws may be amended at any annual meeting of the Section by a majority vote of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council and provided, further, that no amendment so adopted shall become effective until approved by the Board of Commissioners of the Alabama State Bar.

In witness whereof, the undersigned have hereunto set their hands and seals on this 1st day of August, 2008.




Kimberly T. Powell, Chair



Paul M. Sykes, Vice Chair



Russell C. Gache, Secretary



M. Lee Huffaker, Treasurer