

WEST TEXAS PARALEGAL ASSOCIATION

REVISED BYLAWS

Effective May 7, 2014
Revised September 30, 2012
Revised June 2008
Revised September, 2000
Revised March 1997

**ARTICLE I
NAME**

The name of the Association shall be **WEST TEXAS PARALEGAL ASSOCIATION**, hereinafter referred to as “Association”. The Association shall be affiliated with the National Association of Legal Assistants/Paralegals, Inc., hereinafter referred to as “NALA.”

**ARTICLE II
OBJECTIVES AND PURPOSES**

The objectives and purposes of the Association shall be to establish good fellowship among Association members, NALA, the Paralegal Division of the State Bar of Texas, and members of the legal community; to encourage a high order of ethical and professional attainment; to further education among members of the profession; to cooperate with bar associations; and to support and carry out the programs, purposes, aims and goals of NALA.

**ARTICLE III
POLICY**

The 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 or policies of NALA, or of the policies of the Association.

**ARTICLE IV
DEFINITION OF PARALEGAL**

Throughout these Bylaws the term “paralegal” is frequently utilized. For purposes of these Bylaws, a “paralegal” is a person, qualified through various combinations of education, training, or work experience, who is employed or engaged by a lawyer, law office, governmental agency, or other entity in a capacity or function which involves the performance, under the ultimate direction and supervision of a licensed attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal principles and procedures that, absent such person, an attorney would perform the task. For the purposes of this document,

and at the time of this writing (9/2012), paralegal and legal assistant are considered to be synonymous.

ARTICLE V MEMBERSHIP

Member area. Members of the association shall reside and/or work in the following counties: Lubbock, Hale, Lynn, Hockley, Lamb, Terry, Crosby, Floyd, and Gaza.

Section 1. Active Member. Any resident of the State of Texas who has, through education, training or experience, demonstrated knowledge of the legal system, legal principles and procedures; works as a paralegal under the direct supervision of a duly licensed attorney; has attended at least one meeting of the Association; and who has satisfied at least one of the criteria for active membership established by the Association, as set forth below, shall be eligible for active membership. An Active Member of the Association is eligible to vote and to hold office.

Criteria:

- A. Any individual who has successfully completed the Certified Paralegal (CP) examination of NALA or any other equivalent paralegal certification examination and has maintained certification.
- B. Any individual who has graduated from an ABA approved program of study for paralegals, plus not less than one year of in-house training as a paralegal under the direct supervision of a duly licensed attorney.
- C. Any individual who has graduated from a course of study for paralegals which is institutionally accredited but not ABA approved, and which requires not less than the equivalent of 60 semester hours of classroom study, plus not less than one year of in-house training as a paralegal under the direct supervision of a duly licensed attorney.
- D. Any individual who has graduated from a course of study for paralegals other than those set forth in B and C above, plus not less than one year of in-house training as a paralegal under the direct supervision of a duly licensed attorney, whose attorney-employer attests that such person is qualified as a paralegal.
- E. Any individual who has received a baccalaureate degree or higher in any field, plus not less than one year of in-house training as a paralegal under the direct supervision of a duly licensed attorney, whose attorney-employer attests that such person is qualified as a paralegal.
- F. Any individual who has a minimum of four years of law-related experience under the supervision of an attorney, including at least one year of in-house training as a paralegal, whose attorney-employer attests that such person is qualified as a paralegal.

- G. Any individual who contracts with a lawyer, law office, governmental agency or other entity to perform substantive legal work under the ultimate direction and supervision of an attorney and who (i) has valid proof of completion of a full course of studies prescribed for training as a paralegal at an institutionally accredited college, university or other post-secondary school; or (ii) has previously been employed as a paralegal for a minimum of one year and who executes an affidavit of such employment on a form approved by the Association.

Section 2. Associate Member. Associate membership may be granted to a person who has satisfied at least one of the criteria for Associate Membership established by the Association as set forth below. An Associate Member of the Association is not eligible to neither vote nor hold office, but may serve on a committee(s).

Criteria:

- A. A student in a paralegal program.
- B. Any individual who has successfully completed the Certified Paralegal (CP) examination of NALA or any other equivalent paralegal certification examination and has maintained certification but currently is not working in a legal position.
- C. A paralegal who has graduated from an ABA approved program of study for paralegals, or a course of study for paralegals/legal assistants which is institutionally accredited but has less than one year of in-house training as a paralegal/legal assistant under the direct supervision of a duly licensed attorney.
- D. Any individual who has a minimum of four years of law-related experience under the supervision of an attorney, including at least one year of in-house training as a paralegal, but who is **not** currently working as a paralegal.

Section 3a. Life Member--Active. An Active Member who has performed outstanding work for the Association, or to any State or National paralegal organization, or to the legal community in general, may be designated a Life Member by a two-thirds vote of the eligible voting membership present at a regularly called meeting of the Association. Upon reaching this status, a Life Member shall be exempt from paying dues to the Association. A Life Member of the Association is eligible to vote and hold office. To maintain active status, a Life Member must complete a Renewal Membership Application.

Section 3b. Life Member—Retired. A Life Member who has not completed a Renewal Membership Application for the current year. A Life Member—Retired is not eligible to vote, hold office, or serve on a committee(s).

Section 4. Sustaining Member. Any attorney, law firm, business, corporation, school or educator who supports the paralegal profession and the goals, objectives, and programs of the Association may become a Sustaining Member of the Association upon approval by the

Membership Committee. A Sustaining Member of the Association shall not be eligible to vote or hold office, but may serve on a committee(s).

Section 5. Honorary Member. A person who has performed distinguished service to the Association, or to the legal community in general, and who is not a member of the Association, may be designated as an Honorary Member upon two-thirds vote of the eligible voting membership present at a regularly called meeting of the Association. An Honorary Member of the Association may attend regular meetings of the Association but shall not be eligible to vote nor hold office, but may serve on a committee(s). An Honorary Member shall be exempt from paying dues to the Association

Section 6. Application for Membership. Application for membership shall be submitted to the Association on forms approved by the Association's membership. The forms should clearly state that the Association is an affiliated association of NALA and that all members are bound by the NALA Code of Ethics and Professional Responsibility in addition to any code adopted by the Association. Membership determination shall be noted on the forms in accordance with the Standing Rules of the Association.

ARTICLE VI MEETINGS

Section 1. Regular Meetings. The Association shall meet at least bi-monthly, which may include attendance at Association sponsored seminars or workshops. The time for the Association's regular meetings shall be set forth in the Standing Rules.

Section 2. Special Meetings. Special meetings of the membership of the Association may be called by the President provided electronic notice is given to all members of record at least five (5) days prior to such meeting. If an email address is not on file for a member, notice of the special meeting will not be sent.

Section 3. Annual Meeting. The September membership meeting shall be designated as the annual meeting. The purpose of the annual meeting shall be the election of officers, and such other business as may properly come before the meeting. The elected officers shall be installed at the Annual meeting or at such other time as designated by the Executive Committee.

Section 4. Education Requirements. A minimum of four education events providing no less than a total of 10 hours of education shall be offered by the Association during each fiscal year in order to maintain affiliation with NALA. These programs may be held in connection with a Regular Meeting of the membership.

Section 5. Quorum. One-fourth (1/4) of the membership of the Association shall constitute a quorum. In the event of a vote to dissolve the Association, a quorum shall consist of two-thirds (2/3) of the eligible voting members of the Association.

Section 6. Ratification of Acts. Any transaction of business by the members at any meeting which was invalidly noticed, convened or conducted shall be as though fully valid if-

- A. such business is subsequently approved and ratified at any meeting of the membership, or
- B. a quorum had not been present at any such earlier invalid meeting and if thereafter the eligible voting membership present at the next meeting shall ratify the same or shall execute an approval of the minutes or of the reports given thereof.

Section 7. Dues. The annual dues of the Association and the time of payment of such dues shall be set out in the Standing Rules of the Association.

ARTICLE VII OFFICERS AND EXECUTIVE COMMITTEE

Section 1. Officers. The elected officers of the Association shall be the President, President-Elect, First Vice-President, Second Vice-President, Secretary, Treasurer, and NALA Liaison. The appointed officers shall be the Parliamentarian and the Lubbock County Bar Association Liaison who are appointed by the President and approved by Executive Committee.

Section 2. Executive Committee. The Executive Committee shall be composed of the elected and appointed officers of the Association and the Paralegal Division District 6 Director. The Executive Committee shall act as a planning committee, bringing recommendations in the form of affirmative actions to the membership for a vote. This committee shall meet at least bi-monthly and at other times as called by the President.

Section 3. Term. Each newly elected officer shall assume the duties of the office at the start of the fiscal year, or upon installation, if installation follows the start of the fiscal year. The term of office shall be for one year. No elected officer shall serve more than two consecutive terms in the same capacity.

Section 4. Duties. The duties of each officer/director/chair shall be as set forth in the Standing Rules of the Association.

Section 5. Election Procedure. The procedure for nomination and election of officers shall be set forth in the Standing Rules of the Association. No name shall be on the slate without consent of the candidate. Nominations from the floor shall be accepted, with consent of the candidate, and election shall be by majority vote of the eligible voting members present.

Section 6. Vacancies. Unexpired terms of office shall be filled pursuant to the Standing Rules.

Section 7. Removal. Any officer (elected or appointed) may be removed from office by the Executive Committee for being absent from three consecutive membership or Executive Committee meetings without good cause, or whenever in the judgment of the membership the best interest of the Association would be served thereby. Prior written notice of such recommended action shall be furnished to each officer, including the member whose removal is being considered.

Section 8. Compensation. No officer shall be compensated for Association duties. However, any out-of-pocket expenses in connection with Association activities may be reimbursed upon majority vote of the eligible voting members present.

Section 9. NALA Membership Requirements. With the exception of the NALA Liaison, Association officers are not required to be NALA members.

ARTICLE VIII STANDING AND SPECIAL COMMITTEES

Section 1. Standing Committees. Standing Committees of the Association shall be as follows:

| <u>Committee</u> | <u>Chair</u> |
|---------------------------|--|
| Legal Education | (First Vice President) |
| Membership | (Second Vice President) |
| Nominations and Elections | (Appointed by President) |
| Audit Committee | (Immediate Past Treasurer) |
| Public Relations | (Appointed by President) |
| Newsletter | (Appointed by President) |
| Bylaws and Standing Rules | (Parliamentarian) |
| Scholarship | (President-Elect) |
| Professional Recognition | (Immediate Past Paralegal of the Year) |

Section 2. Special Committees. Special Committee Chairs may be appointed by the President, as needed, with the approval of the Executive Committee.

Section 3. Duties. Duties of Standing Committees and Special Committees shall be set forth in the Standing Rules of the Association.

Section 4. Committee Members. The Committee Chairs shall select such members of their respective committees from among the membership as are deemed by the chairs necessary to fulfill the responsibilities of the committees.

ARTICLE IX GENERAL PROVISIONS

Section 1. Fiscal Year. The fiscal year of the Association shall be from October 1 to September 30.

ARTICLE X CODE OF ETHICS

Section 1. NALA Code of Ethics. Every member of the Association shall subscribe to and be bound by the Code of Ethics and Professional Responsibility of NALA and any other code so adopted by the membership of the Association.

Section 2. Removal or Termination. Violations of the NALA Code of Ethics shall be grounds for immediate dismissal from membership and/or removal from office. The Executive Committee shall cancel the membership of any member by a majority vote upon determining that such member has:

- A. been convicted of a felony, or
- B. violated the NALA Code of Ethics.

Additionally, the Executive Committee may cancel the membership of any member by a majority vote upon determining that such member has:

- A. been guilty of conduct actually and substantially injuring the good name of the Association; or
- B. failed to maintain a high standard of professional ethics, which in either case would have been deemed sufficient for a rejection of membership application; or
- C. failed to pay dues.

Section 3. Right to Appeal. Right to appeal shall be only as provided in these Bylaws. Any individual whose membership has been canceled may make written appeal for reinstatement as follows:

- A. First to the Executive Committee, which appeal shall be considered and passed upon at the next regular meeting of the Executive Committee held thirty (30) days or more thereafter. Appellant shall have the right to appear before the Executive Committee at such meeting.
- B. Appeal of the Executive Committee decision may be made to the membership, by forwarding written notice of appeal to the Association's post office address not less than ninety (90) days prior to the date of the next annual meeting. Such notice shall be placed upon the agenda of the next annual meeting as one of the items of regular business scheduled. The membership will be reinstated only upon majority vote at such meeting.
- C. No individual whose membership has been canceled and reinstatement denied by the membership shall have further right to apply for reinstatement.
- D. No individual whose membership has been canceled, and whose application for reinstatement is pending, shall exercise any rights of membership pending the determination of such application.

ARTICLE XI AMENDMENTS

Section 1. Bylaw Amendments. Bylaw amendments not in conflict with NALA Bylaws may be adopted by a two-thirds (2/3) vote of the eligible voting members present at any regular meeting, or by conducting a vote by electronic mail. If an email address is not on file for a member, notice of the vote will not be sent. Notice of any proposed changes to the Bylaws shall be given to the membership at least thirty (30) days prior to the date the vote is to be conducted. The NALA Affiliated Associations Director must be advised of any amendments within sixty (60) days of passage.

Section 2. Standing Rules. Amendments of the Standing Rules of the Association shall be adopted by a two-thirds (2/3) vote of the eligible voting members present at any regular meeting, or by conducting a vote by electronic mail. If an email address is not on file for a member, notice of the vote will not be sent. Notice of any proposed changes to the Standing Rules shall be given to the membership at least thirty (30) days prior to the date the vote is to be conducted.

Section 3. Grammar. Automatic grammatical and correlation editorial changes in these Bylaws or amendments thereto, which in no way alter the intent or meaning of the respective bylaw, standing rule, or amendment, shall be effected by the Chairman of the Bylaws and Standing Rules Committee, subject to the approval of the President or the Executive Committee.

ARTICLE XII DISSOLUTION

In the event of dissolution of the 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.

ARTICLE XIII RETENTION OF NALA AFFILIATION

Section 1. Affiliation with NALA is renewable each year by payment of an affiliation fee attached to a current membership roster. The Treasurer is responsible for maintaining a current roster of membership and reporting the membership annually to NALA with the renewal fee for continued affiliation with NALA. In the event of suspension of affiliation, the Association may re-affiliate with NALA by submitting a new application with membership roster, Bylaws, sample of educational programs, petition and current initial fee.

Section 2. In addition to the renewal fee, the Association must comply with the required reports and requested procedures as outlined by these Bylaws. The annual renewal fee is payable on

October 1st and delinquent November 1st. Payment received after due date must be accompanied by a late fee penalty established by NALA.

Section 3. Minutes of any meeting shall be available to the NALA President upon request.

Section 4. Names of newly elected or appointed officers shall be submitted to NALA Headquarters and the NALA Liaison at least thirty (30) days after election and/or appointment.

Section 5. The NALA Liaison 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. The NALA Liaison shall report bi-annually on Association activities to the NALA affiliated associations director on forms provided by NALA headquarters, and shall report all officers' names to NALA headquarters and the NALA affiliated associations director. The NALA Liaison may submit items the Association wishes discussed to the NALA affiliated associations director and shall participate in discussion sessions at NALA annual meetings. A report to Association members on the NALA annual meeting will be required.

Section 6. The NALA Liaison shall, within sixty (60) days of passage, notify the NALA Affiliated Associations Director of any changes in the Association's Bylaws.

Section 7. The NALA Liaison shall be the main contact between NALA and the Association.

Section 8. The NALA Liaison shall be a member of the Executive Committee of the Association.

Section 9. The Parliamentarian shall be familiar with the Association Bylaws and NALA Bylaws.

Section 10. The Affiliation Agreement shall be reviewed periodically by the President and Affiliated Associations Director of NALA and the President and NALA Liaison of the WTPA at the request of either party. Each party agrees that the Affiliation Agreement may from time to time be amended by attachment executed by the President and Secretary of each party, subject to approval of the Board of Directors of each of the parties hereto.

End of Bylaws.