

## BYLAWS

### EMINENT DOMAIN SECTION STATE BAR OF GEORGIA

#### ARTICLE I

##### Name and Purpose

**Section 1:** The name of this Section shall be the Eminent Domain Section.

**Section 2:** The purpose of this Section shall be to form an association of licensed lawyers in the State of Georgia who desire to develop their knowledge and professional abilities in eminent domain and to render better services to their clients and to the public.

#### ARTICLE II

##### Membership and Dues

**Section 1:** Each member of this Section shall be a member in good standing of the State Bar of Georgia. Upon enrollment and payment of annual Section dues, any member of the State Bar shall be enrolled as a member of this Section. Thereafter, dues shall be paid in advance annually at the time of the payment of dues to the State Bar of Georgia. Section members who are enrolled and whose dues are paid shall constitute the membership of this Section. Any member whose annual dues are unpaid and past due shall cease to be a member and shall be dropped from the rolls of the Section, subject to reinstatement at any time upon the payment of dues on the current year. Annual dues shall be set by the Section's Officers and approved by the Board of Governors.

**Section 2:** Any law-student member, pursuant to Rule 1-206.1, shall be eligible and may become a law-student member of this Section upon application and payment of the required dues. Law-student members shall be entitled to all of the privileges of this Section, except that of voting or holding office.

## ARTICLE III

### Officers

**Section 1:** The Officers of the Section shall be a Chairperson, a Vice-Chairperson, and a Secretary-Treasurer, all of whom shall be members in good standing of the Section and who shall perform the usual duties of their respective offices and the duties hereafter specified. These Officers shall be members of the Section Executive Committee and shall have general charge of the affairs of the Section. Except for actions requiring a vote by the entire membership of the Section, the Section's Officers shall have full authority to act for the Section in any way the Section itself would be authorized to act. Any formal action taken by the Section's Officers beyond administrative matters shall be reported to the members of the Section at its next meeting and by email or by the publication of a newsletter that is mailed or emailed to the members of the Section, if any.

**Section 2:** All newly elected Officers shall hold office for a term of one (1) year. This term shall ordinarily commence with the beginning of the fiscal year of the State Bar of Georgia following the election at which such Officers are elected and end at the close of the same fiscal year of the State Bar of Georgia. The foregoing notwithstanding, all Officers shall remain in office until their successors are elected. In the event that annual elections are not held for successor Officer(s) prior to the close of any given fiscal year of the State Bar of Georgia, the term of any such successor Officer(s) elected thereafter shall be deemed to commence upon their election and last through the end of the same fiscal year of the State Bar of Georgia in which such successor Officer(s) were elected, with the same proviso that any such successor Officer(s) shall remain in office until his or her successor is elected.

**Section 3:** If a vacancy arises in the office of the Chairperson, the Vice-Chairperson shall become the Chairperson for the unexpired term. If a vacancy arises in the office of the Vice-Chairperson, the Secretary-Treasurer shall become the Vice-Chairperson for the unexpired term. If a vacancy arises in the office of the Secretary-Treasurer, the other two Officers may either appoint a successor Secretary-Treasurer, or, if no agreement between the remaining two officers can be reached as to the appointment of a successor Secretary-Treasurer, then a meeting shall be called as soon as reasonably practical for the purpose of holding an election to fill the vacancy in the office of the Secretary-Treasurer for the unexpired term. Any Officer holding the

unexpired term of an office in which a vacancy arises shall be eligible to become reelected to the office held by reason of such vacancy at the next annual election. If a vacancy arises in all three Officer positions, the President of the State Bar of Georgia shall appoint a successor Chairperson who shall hold office for the unexpired term. Such appointed Chairperson shall thereafter call a meeting as soon as reasonably practical for the purpose of holding elections to fill the other vacant Officer positions for the remainder of the unexpired term(s).

**Section 3:** The Chairperson shall provide notice of the Section's meetings. The Chairperson shall preside over all meetings of the Section, plan and supervise the annual meeting of the Section, and perform all executive and administrative duties necessary to the organization and functioning of the Section, including any responsibility as may be prescribed by the Section or by the State Bar of Georgia.

**Section 4:** The Vice-Chairperson shall assist the Chairperson and, in the absence or disability of the Chairperson, shall perform the duties of the Chairperson.

**Section 5:** In the absence or disability of the Vice-Chairperson, the Secretary-Treasurer shall perform the duties of the Vice-Chairperson. The Secretary-Treasurer shall also record and keep minutes of all meetings of the Section, present minutes to the Section members for approval, and maintain permanent records until such time that the permanent records are transferred to the elected or appointed successor of the Secretary-Treasurer. The Secretary-Treasurer shall also coordinate with the Bar's Section Director and Coordinators to ensure that an accurate record of Section membership and all income and expenses for the Section is maintained, assist in the preparation of annual budget, and otherwise monitor the financial condition and health of the Section. The Secretary-Treasurer shall also perform such other duties as may be prescribed by the Chairperson.

## ARTICLE IV

### Meetings of the Section

**Section 1:** The Section shall meet a minimum of once per Bar year.

**Section 2:** Meetings of the Section may be held from time to time on the call of the Chairperson, two other Officers, or any ten active members of the Section, to be

convened at such time and place and with such program and order of business as may be provided in the call of such meeting.

**Section 3:** At any meeting of the Section, ten (10) members present and eligible to vote shall constitute a quorum. Presence at a meeting can be in-person or by any electronic means of communication other than text messaging or email as set forth in Art. IV, Section 7 of these Bylaws.

**Section 4:** Except for decisions made by the Officers or the Section Executive Committee as provided for herein, all actions of the Section shall be by a majority vote of the members of the Section present and eligible to vote at any properly called meeting at which a quorum is present.

**Section 5:** Parliamentary procedure at all meetings of the Section shall be governed by Roberts Rules of Order, Newly Revised, and by these Bylaws.

**Section 6:** Notice of Section meetings shall be given at least ten days prior to the time and place of the meeting of the Section. Notice of a Section meeting shall be given by email or mailing a notice to each member of the Section. Notice shall be sent to the member's email address or office address as the same appears in the membership rolls of the Section maintained by the State Bar of Georgia. Notice of this Section's meetings may be included in other written or printed materials as distributed by the State Bar by email, U. S. mail, or posted on the official website of the State Bar of Georgia.

**Section 7:** If deemed prudent or necessary, the Section may conduct any meeting by any electronic means that allows for discussion, debate, and voting other than by text messaging or email. The Section may adopt internal rules to allow for email voting on noncontroversial matters, provided that the rule allows for any member to request verbal debate or discussion, which would stop all email voting. All internal rules must be approved by the Office of the General Counsel.

## ARTICLE V

### Section Executive Committee

**Section 1:** The Section Executive Committee shall consist of the Officers of the Section and other Section members who may be appointed to any committee.

**Section 2:** Any Section member appointed to any committee, and the committees themselves, shall have only such powers, duties, and responsibilities as may be delegated to them by the Officers, unless otherwise expressly provided for herein.

**Section 3:** All committees shall be appointed or removed by majority vote of the Officers, except as otherwise provided herein. Members of the Section Executive Committee, other than the Officers and any other members of the Section, may serve as Chairperson of appointed committees.

## ARTICLE VI

### Elections

**Section 1:** Annual elections for new officers shall occur between the mid-year meeting of the State Bar of Georgia and the annual meeting of the State Bar of Georgia, except in unavoidable circumstances. Prior to each election, the Officers shall nominate one or more members of the Section as qualified to hold each of the offices of the Section for the ensuing terms of office. The nominations shall be presented to the Section membership at the Section's annual meeting, or may be presented in advance by email or publication of a newsletter, if any. Thereafter, and before the election of any new or subsequent Officers, any member of the Section may nominate any other member of the Section for election to fill any of the Officer positions by communicating said nomination to the Secretary-Treasurer. Nominations shall be closed prior to voting, and may be closed upon motion to close the nominations made at the meeting during which elections will be held.

**Section 2:** The names of all members of the Section nominated for each office either by the Officers or from the floor shall be submitted to the membership and ballots shall be cast until there shall be a majority of the members of the Section present favoring the election of a designated member to an office. Voting shall be viva-voce

and the nominee for an office with the lowest number of votes in any ballot shall be dropped from consideration on the next succeeding ballot, provided that, by majority vote of the members of the Section present, written, secret ballots may required--or the procedure governing any election may be modified.

## ARTICLE VII

### Finances

**Section 1:** Funds of the Section shall be deposited in the treasury of the State Bar of Georgia. All expenses and accounts payable of the Section shall be approved by two (2) Officers and paid by the Chief Financial Officer of the State Bar of Georgia. The Secretary-Treasurer of the Section shall communicate with the Sections Director to obtain financial information necessary to create financial reports to be delivered to the members of the Section.

**Section 2:** Funds of the Section shall be expended for such purposes related to the Section's activities as authorized by the Section's Executive Committee.

**Section 3:** Officers and members of the Section shall not be compensated for services to the Section but may be reimbursed for reasonable expenditures incurred on behalf of the Section. Reimbursement of expenditure will require a receipt of the expense incurred on behalf of the Section and submitted to the Sections Director. The Sections Director will report the expense to the Section's Officers, which will either approve, or deny, the reimbursement.

**Section 4:** A financial report of the funds of the Section shall be reported by the Secretary-Treasurer at each meeting of the Section upon request by any member of the Section. The Sections Director will assist the Treasurer in preparing a financial report for the Section. This Section shall have the same fiscal year as the State Bar of Georgia.

## ARTICLE VIII

### The Pursley Award

**Section 1:** The Section's lifetime achievement award (named for its first recipient and prominent member of the Section, Charles Pursley) shall be bestowed by the Section at the Section's annual meeting.

**Section 2:** Notwithstanding anything to the contrary contained herein, there shall be a standing committee to nominate the annual recipient of this Award. This Committee shall consist of three members in good standing of the Section. The Officers shall appoint annually, by majority vote of the Officers, one member who represents primarily condemnors and one member who represents primarily condemnees. The third member shall be a former recipient of the Award. The initial member who formerly received the Award shall be Charles Pursley. Mr. Pursley shall hold this position for so long as he is willing and able. The successor member of this committee who formerly received this award shall be appointed by the outgoing member who formerly received this award. The three members of this committee shall deliberate and nominate one individual to the Officers for receipt of the Award on an annual basis. The Officers may then accept or reject the nomination by majority vote of the Officers. In the event that a nominee is rejected by the Officers, the Committee shall then nominate another recipient until such time as the recipient put forth by the Committee is accepted by the Officers.

## ARTICLE IX

### Miscellaneous

**Section 1:** The Section shall conduct continuing education programs at least once each Bar year (which may be held at the same time and in conjunction with the Section's annual meeting). Continuing education programs that are more than six (6) hours in credit-hour length shall be conducted through the Institute of Continuing Legal Education of the State Bar of Georgia in the area of law and field of practice of this Section. Any continuing legal education program that is six (6) hours or less may be conducted by the Section without the Institute of Continuing Legal Education of the State Bar of Georgia. All continuing education programs must be approved by the Commission on Continuing Lawyer Competency. The Section may

coordinate its continuing legal education efforts with the other sections of the State Bar of Georgia.

**Section 2:** The Section, subject to the rules, bylaws, and Standing Board Policies of the State Bar of Georgia, may study or review proposed legislation. The Section may submit any proposed legislation to the Advisory Committee on Legislation for consideration by the Committee. The Section shall report or submit a report in writing of any legislative activities to the State Bar of Georgia at or prior to the Annual Meeting of the State Bar of Georgia. Written reports shall be submitted at least six weeks in advance of the Annual Meeting for publication in the Annual Meeting Board Book.

**Section 3:** The Section will not engage in actions and activities or promote positions that are not germane to the scope and purpose of the State Bar of Georgia. A section shall not do any act or take any action contrary to the rules, bylaws and standing policies of the State Bar of Georgia.

## ARTICLE IX

### Effective Date and Amendment

**Section 1:** These Bylaws shall become effective upon approval by the Board of Governors of the State Bar of Georgia.

**Section 2:** These Bylaws may be amended by a majority vote of the members of the Section present at any properly called meeting at which a quorum is present, provided the proposed amendment has first been approved by a majority of the Executive Committee.

**Section 3:** No amendment to these Bylaws shall become effective until approved by the Board of Governors of the State Bar of Georgia.

Signed, sealed and subscribed before the undersigned this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*[Signature Page Follows]*

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**CHAIRPERSON**

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**VICE-CHAIRPERSON**

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**SECRETARY-TREASURER**

Approved by the Board of Governors the \_\_\_ day of \_\_\_\_\_, 20\_\_.

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**SECRETARY**