

PARALEGAL DIVISION  
State Bar of Texas



STANDING RULES  
OCTOBER 2017

# TABLE OF CONTENTS

	Page
<b>INTRODUCTION</b>	
<b>A.    AUTHORITY</b>	4
<b>B.    PURPOSE</b>	4
<b>I. MEMBERSHIP CRITERIA, DUES AND RENEWALS</b>	
<b>A.    GENERAL</b>	5
<b>B.    CRITERIA FOR ACTIVE MEMBERSHIP</b>	6
<b>C.    CRITERIA FOR ASSOCIATE MEMBERSHIP</b>	7
<b>D.    CRITERIA FOR EMERITUS MEMBERSHIP</b>	7
<b>E.    CRITERIA FOR SUBSCRIBING MEMBERSHIP</b>	7
<b>F.    CRITERIA FOR SUSTAINING MEMBERSHIP</b>	8
<b>G.    CRITERIA FOR STUDENT MEMBERSHIP</b>	9
<b>H.    MEMBERSHIP DUES</b>	9
<b>I.    MEMBERSHIP RENEWAL; DELINQUENCY</b>	10
<b>II. PROCESSING OF MEMBERSHIP APPLICATIONS</b>	
<b>A.    PURPOSE OF MEMBERSHIP SUBCOMMITTEES</b>	12
<b>B.    PROCESSING MEMBERSHIP APPLICATIONS</b>	12
<b>C.    APPROVING MEMBERSHIP APPLICATIONS</b>	12
<b>III. DISCIPLINARY PROCEDURES</b>	
<b>A.    INTRODUCTION</b>	12
<b>B.    GENERAL CONSIDERATIONS</b>	13
<b>C.    DISCIPLINE</b>	13
<b>D.    PROFESSIONAL MISCONDUCT</b>	13
<b>E.    COMPLAINTS</b>	14
<b>F.    GRIEVANCE COMMITTEE</b>	14
<b>G.    DISCIPLINARY PROCEEDINGS</b>	14
<b>IV. ESTABLISHING ADDITIONAL DIRECTORSHIPS</b>	
<b>A.    COMPOSITION OF THE BOARD</b>	19
<b>B.    PROCEDURE</b>	20
<b>C.    FILLING ADDITIONAL DIRECTORSHIP</b>	20
<b>D.    TERM</b>	20
<b>V. PROCESS OF ELECTIONS</b>	
<b>A.    ELECTIONS SUBCOMMITTEES</b>	21
<b>B.    ELECTION PROCESS</b>	21
<b>VI. GUIDELINES FOR CAMPAIGNS FOR CANDIDATES AS DIRECTOR</b>	
<b>A.    GENERAL CONSIDERATIONS</b>	28
<b>B.    GUIDELINES</b>	28
<b>VII. RUN-OFF ELECTIONS FOR DIRECTOR</b>	29
<b>VIII. DISCIPLINE OF DIRECTOR</b>	

A.	FOR GOOD CAUSE	30
<b>IX.</b>	<b>RULES OF ORDER FOR BOARD MEETINGS</b>	
A.	OPEN MEETINGS	31
B.	SPECIAL MEETINGS AND E-MEETINGS	31
C.	MEMBERS ADDRESSING THE BOARD	32
D.	MOTIONS	32
E.	VOTING	33
F.	REPORTS	33
G.	MINUTES	33
H.	PARLIAMENTARY PROCEDURE	33
<b>X.</b>	<b>BOARD VOTE BY MAIL, E-MAIL, FACSIMILE OR TELEPHONE</b>	
A.	AUTHORITY	33
B.	PROCEDURE	33
<b>XI.</b>	<b>FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES</b>	
A.	GENERAL	35
B.	STANDING COMMITTEES	35
C.	SPECIAL COMMITTEES	37
D.	REPORTS	37
<b>XII.</b>	<b>RULES OF ORDER FOR ANNUAL MEETINGS</b>	
A.	AUTHORITY	37
B.	PURPOSE	37
C.	GENERAL RULES OF ORDER	38
D.	AGENDA	39
<b>XIII.</b>	<b>GUIDELINES FOR PUBLICATIONS</b>	
A.	AUTHORITY	40
B.	PURPOSE	41
C.	GUIDELINES	41
<b>XIV.</b>	<b>OFFICERS</b>	
A.	NOMINATIONS	42
B.	ELECTIONS	43
C.	ELIGIBILITY	43
D.	DUTIES	43
E.	VACANCIES	44
<b>XV.</b>	<b>GUIDELINES FOR CAMPAIGNS FOR PRESIDENT-ELECT</b>	
A.	GENERAL CONSIDERATIONS	44
B.	PRESIDENT-ELECT CAMPAIGN GUIDELINES	45
<b>XVI.</b>	<b>COMPUTATION OF TIME</b>	45

**APPENDIX A:        PARALEGAL DEFINITION AND STANDARDS**

# PARALEGAL DIVISION STATE BAR OF TEXAS

## STANDING RULES

*Adopted 6/30/83*

*Revised through October 2017*

### PREAMBLE

*Adopted June 13, 1987, amended April 2005*

A paralegal is a person, qualified through education, training, or work experience, who is employed or retained 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 an attorney, of specifically delegated substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts that, absent such assistant, the attorney would perform the task.

### INTRODUCTION

#### A. AUTHORITY.

1. Although many organizations have separate constitutions and bylaws, the more common practice today is to combine these in one document as the highest body of rules of the organization and refer to it as the bylaws. The Paralegal Division of the State Bar of Texas (the "Division") has adopted Bylaws as the fundamental instrument establishing the organization and these Bylaws define the primary characteristics of the Division, the limitations on the powers of the organization, and the rights of its members. However, in order to give an organization the greatest freedom to act within its purpose, bylaws should be made no more restrictive nor more detailed in specification than necessary.

2. Standing Rules are rules which are related to the details of the administration of an organization and may be adopted or changed as any ordinary act of the organization. Generally, they are adopted individually by the governing body at any business meeting, if and when the need arises. During the course of the Division's first year of existence, the Division Board of Directors (the "Board") adopted certain Board policies to carry out the Bylaws and the purpose of the Division, and it is the expressed desire of the Board to adopt these policies and others as Standing Rules.

3. Pursuant to Article III, Section 6.a of the Bylaws, the Board of the Division hereby adopts the following Standing Rules deemed necessary to carry out the Bylaws and to serve the purpose of the Division. These Standing Rules shall govern the operation of the Division where not inconsistent with the Bylaws and may be suspended, amended, rescinded, or expanded from time to time by a majority vote of the Board members present and voting at a duly noticed meeting.

#### B. PURPOSE.

1. As suggested in the current edition of ***ROBERT'S RULES OF ORDER NEWLY REVISED***, if an organization as a whole meets less often than quarterly, the entire administrative authority of the organization is best left to the Board of Directors between the organization's meetings. Due to the size and geographical distribution of the Division membership, it is impractical to hold a general membership meeting more often than annually. However, the business of the Division must be

conducted on a continuous basis and these Standing Rules are intended to provide the necessary guidance to the Board, the committees, and the general membership in the day-to-day activities of the Division.

2. Although the Board has the authority to adopt, suspend, amend, rescind, or expand these Standing Rules, the members of the Board are cognizant of their capacity as representatives of the general membership. The Board hereby expresses its desire that the members of the Division contact their respective Directors with comments, questions, and suggestions with respect to these Standing Rules.

## **I. MEMBERSHIP CRITERIA, DUES AND RENEWALS**

### **A. GENERAL.**

*Amended March 1985, June 1985, June 1986, March 1987, January 1992, April 1995, April 1996, June 2000, September 2001, February 2003*

1. For the purpose of determining eligibility for membership in the Division, Paralegal work by a Paralegal is considered to be legal work which can only be done in direct assistance to an attorney, distinguishing it from other types of work which can be performed directly for members of the general public.

2. Each application for membership shall contain:

a. applicant's consent to the Division to contact present and/or former supervising attorneys for verification or clarification of qualifications for membership;

b. a statement that the applicant has read the Definition of a Paralegal, as set forth in the Preamble of these Standing Rules, and has read and agrees to be bound by the Code of Ethics and Professional Responsibility;

c. an agreement to be bound by the Disciplinary Procedures adopted by the Division;

d. On active and associate membership applications there shall be included written verification by a duly licensed attorney that the applicant applying for active membership under Section I.B.1-4 or associate membership under Section I.C.1 works in the State of Texas under the direct supervision of a duly licensed attorney performing specifically delegated substantive legal work for at least 80% of the time for active and at least 50% of the time for associate membership;

e. certification by the applicant that he meets one of the criteria for membership as set out by Section I.B, C, D, E, or F of these Standing Rules; and

f. verification of whether the applicant has ever been convicted of any felony or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.

**B. CRITERIA FOR ACTIVE MEMBERSHIP.**

*Amended March 1985, March 1987, May 1990, January 1992, April 1994, February 2000, June 2000, June 2001, February 2003, February 2004, June 2006, November 2006, March 2007, June 2007, December 2011, June 2013*

An applicant is eligible and may apply for active membership if the applicant works in the State of Texas as a paralegal under the direct supervision of a duly licensed attorney performing specifically delegated substantive legal work at least eighty (80) percent of the time and also meets one of the following criteria:

1. Successful completion of a voluntary specialty certification examination administered by the Texas Board of Legal Specialization; or
2. Successful completion of the certification examination administered by the National Association of Legal Assistants/Paralegals, Inc. or the PACE (Registered Paralegal) examination administered by the National Federation of Paralegal Associations, Inc. and have one (1) year of employment experience as a paralegal under the direct supervision of a duly licensed attorney; or
3. A bachelor's or higher degree in any field and one (1) year of employment experience as a paralegal under the direct supervision of a duly licensed attorney; or
4. Successful completion of:
  - a. an ABA approved program/college of education and training for paralegals, and have one (1) year of employment experience as a paralegal under the direct supervision of a duly licensed attorney; OR
  - b. a paralegal program/college that consists of a minimum of sixty (60) semester credit hours (or equivalent quarter hours) of which fifteen (15) semester hours (or equivalent quarter hours) are substantive legal courses and have one (1) year of employment experience as a paralegal under the direct supervision of a duly licensed attorney; OR
  - c. a paralegal program/college that consists of fifteen (15) semester credit hours (or equivalent quarter hours) of substantive legal courses, and have two (2) years of employment experience as a paralegal under the direct supervision of a duly licensed attorney; OR
  - d. a paralegal program that requires an associate's degree, bachelor's degree or higher in any field and consists of a minimum of 15 semester credit hours or a minimum of 100 clock hours and have two (2) years of employment experience as a paralegal under the direct supervision of a duly licensed attorney.
5. A minimum of four (4) consecutive years of experience as a paralegal under the direct supervision of a duly licensed attorney.
6. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

**C. CRITERIA FOR ASSOCIATE MEMBERSHIP.**

*Amended June 1985, April 1986, March 1987, June 1987, January 1992, April 1994, April 1996, February 2000, June 2001, June 2002, February 2003, February 2004, June 2006, March 2007, December 2011, June 2013*

1. A paralegal who has not yet satisfied the requirement of employment experience as a Paralegal under Section B above or who works under direct supervision of a duly licensed attorney performing specifically delegated substantive legal work at least fifty (50) percent of the time, but who otherwise satisfies the criteria for active membership, is eligible and may apply for associate member status in the Division.

2. Anyone who is a coordinator or supervisor of a Paralegal program within a firm, corporation, or agency may apply for associate member status in the Division.

3. An associate member may apply for active membership at such time that he or she satisfies the criteria for active membership under Section B above by making application for a change of status on a form approved by the Board of the Division.

4. An associate member shall have all the privileges and prerogatives of an active member, except that an associate member may not vote, hold office, or serve as the chair on any committee.

5. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

**D. CRITERIA FOR EMERITUS MEMBERSHIP.**

*Adopted February 2004, June 2006, December 2011, November 2015*

1. Upon expiration of the membership year, a current active member of the Division who is no longer employed as a Paralegal and who has retired from the profession, moved out of state, taken a leave of absence or changed careers may renew as an emeritus member thereafter. Mandatory CLE is not required.

2. An emeritus member shall have all of the privileges and prerogatives of an active member, except that an emeritus member may not vote, hold office, or serve as the chair on any committee. However, an emeritus member may serve as a district sub-chair of any standing committee.

3. An emeritus member may apply for active membership at such time that he or she satisfies the criteria for active membership under Section B above by making application for a change of status on a form approved by the Board of the Division.

4. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

**E. CRITERIA FOR SUBSCRIBING MEMBERSHIP**

*Adopted February 2004, amended June 2004, June 2006, December 2011, June 2013, November 2015*

1. Any individual, described below, who is interested in supporting the purposes and goals of the Division may be eligible for subscribing membership:

- a. is not currently employed as a Paralegal, but has completed a paralegal training program; or
- b. is **not** currently employed as a Paralegal, but has successfully become a Board Certified Paralegal through the Texas Board of Legal Specialization, successful completion of the voluntary certification examination administered by the National Association of Legal Assistants/Paralegals, Inc. or the National Federation of Paralegal Associations, Inc.; or
- c. is currently employed as a Paralegal in another state other than Texas, and is working under the direct supervision of an attorney; or
- d. has previously been employed as a Paralegal, but is not employed at the time of application; or
- e. is an instructor in a Paralegal program.

2. Subscribing members shall not be entitled to vote, hold office, or serve as the chair of any committee.

3. It is not the intent of the Division for subscribing members to use their membership in the Division for the purpose of marketing or supplying products or services to the legal profession.

4. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

5. A subscribing member may apply for active or associate membership at such time that he/she satisfies the criteria for active or associate membership under Section B or Section C above by completing an online application for a change of status on the Paralegal Division membership application.

**F. CRITERIA FOR SUSTAINING MEMBERSHIP.**

*Adopted April 19, 1986, Amended April 1992, February 2000, February 2003, February 2004, June 2006, December 2011*

1. Any law firm, corporation, agency, institutionally accredited or ABA approved paralegal training program, or entity interested in supporting the purposes and goals of the Division shall be eligible for Sustaining Membership by paying the membership dues established by the Board to the Division.

2. Sustaining members shall not be entitled to vote, hold office, or serve on a committee.

3. It is not the intent of the Division for sustaining members to use their membership in the Division for the purposes of marketing or supplying products or services to the legal profession.



4. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

**G. CRITERIA FOR STUDENT MEMBERSHIP.**

*Adopted January 1992, February 2000, February 2003, February 2004, June 2006, March 2007, June 2007, December 2011, June 2013*

1. An applicant is eligible and may apply for a student membership if the applicant is:

a. Currently enrolled in an ABA approved program/college of education and training for paralegals; OR

b. Currently enrolled in a paralegal program/college that consists of a minimum of sixty (60) semester credit hours (or equivalent quarter hours), which includes not less than fifteen (15) semester credit hours (or equivalent quarter hours) of substantive legal courses, OR

c. Currently enrolled in a paralegal program/college that consists of fifteen (15) semester credit hours of substantive legal courses.

d. Currently enrolled in a paralegal program that requires an associate's degree, bachelor's degree or higher in any field and offers a minimum of 100 clock hours.

2. A student may renew his or her student membership once, following the completion of the course of study, before having to apply as an associate or active member.

3. A student member shall have all the privileges and prerogatives of an active member, except that a student member may not vote, hold office, or serve as the chair of any committee or subcommittee.

4. Conviction of a felony or misdemeanor offense involving moral turpitude makes an applicant ineligible for membership in the Paralegal Division. However, felony offenses not involving moral turpitude will be reviewed by the Board of Directors on a case by case basis.

5. A student member may apply for active or associate membership at such time that he/she satisfies the criteria for active or associate membership under Section B or Section C above by completing an online application for a change of status on the Paralegal Division membership application.

**H. MEMBERSHIP DUES.**

*Amended April 1986, February 2000, February 2004, June 2007, June 2013*

1. The annual membership dues, as determined by the Board from time to time, shall apply to the fiscal year June 1 - May 31, and when paid shall entitle the member to all the privileges and prerogatives of the respective membership, either active, associate, subscribing, emeritus, sustaining, or student.

2. The membership dues are as follows:

a. Active, Associate: If applying March – November, dues are the annual amount determined by the Board; if applying December –February, pro-rated dues are one-half of the annual amount determined by the Board of Directors.

b. Student: If applying March – November, dues are the annual amount determined by the Board; if applying December –February, pro-rated dues are one-half of the annual amount determined by the Board of Directors

c. Subscribing: If applying March – November, dues are the annual amount determined by the Board; if applying December –February, pro-rated dues are one-half of the annual amount determined by the Board of Directors.

d. Sustaining: If applying March-November of each year, dues are the annual amount determined by the Board; if applying December-February, pro-rated dues are one-half of the annual amount determined by the Board of Directors.

## **I. MEMBERSHIP RENEWAL; DELINQUENCY**

*Amended April 1986, April 1993, February 2000, February 2004, October 2004, June 2005, November 2006, March 2007, February 2008, June 2008, November 2008, February 2010, October 2011, February 2013, February 2016, June 2017, October 2017*

1. Membership renewals are processed online through the website and shall be managed by the Paralegal Division Coordinator. Membership expires upon the last day of the fiscal year, and renewals of membership shall require processing the renewal application and paying the appropriate fee, both as established from time to time by the Board. Any member who has not filed a renewal application and paid the appropriate membership fee prior to the beginning of the new fiscal year shall be considered delinquent and not in good standing, therefore not entitled to vote.

2. Any member processing a renewal application after July 1 of the calendar year in which such membership expired shall pay a \$25 late fee, in addition to the membership fee, at the time of application. Any member who has not processed a renewal application and paid the appropriate fee on or before July 31 of the calendar year in which such membership expired shall be deleted from the membership rolls of the Division. Reinstatement will require the submission of a new application in accordance with the requirements then in effect, except at the discretion of the Board. Any applicant who has been an Active or Associate member within the previous twelve (12) months, and is re-applying for membership must show proof of completion of a minimum of six (6) CLE hours [up to 2 hours of self-study or pro bono service are allowed in order to satisfy the minimum six (6) hour requirement] in order to be eligible for Active or Associate membership status.

3. In the event a member has indicated a prior conviction of any felony or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property, the Paralegal Division Coordinator shall forward a copy of the renewal application to the President and provide a copy to the director for that member’s district and the President-Elect. The President shall then contact the member by letter giving explanation of the individual’s ineligibility to membership in the Paralegal Division pursuant to Standing Rules I.B.6, I.C.5, I.D.4, I.E.4, I.F.4, and I.G.4.

4. Renewing Active and Associate members must complete six (6) hours of substantive continuing legal education, at least one (1) hour of which must be legal ethics, by May 31 of the membership year. For purposes of this section only, the terms “Active” and “Associate” shall include any person who has been a member within the past twelve (12) months. Substantive continuing legal

education completed during any membership year, in which a person was an Active or Associate Member, in excess of the minimum six (6) hour requirement for such period may be applied to the following membership year's requirement. The carryover provision applies to one (1) year only. Members are allowed no more than two (2) hours of self-study or pro bono service whether carried over from the previous year or completed during each membership year, in order to satisfy the minimum six (6) hour requirement. The one (1) hour legal ethics CLE requirement cannot be counted as a self-study hour and must meet the criteria below for accepted CLE. Members must report their CLE through the member's online CLE records repository through the Paralegal Division's website. The Division will use the following criteria for approval of continuing education courses for credit towards mandatory CLE requirements for membership:

a. The Division will accept substantive law CLE presented or approved by the MCLE Department of the State Bar of Texas, the Texas Board of Legal Specialization, the National Association of Legal Assistants, the National Federation of Paralegal Associations, and/or presented by the Paralegal Division, local bar associations, paralegal associations, or law firms for credit towards the Paralegal Division mandatory membership renewal CLE requirement.

b. If the CLE course is not accredited by any of the above-referenced groups, the Division will accept a seminar, if it is a substantive law course offered by a qualified presenter that would qualify for approval if submitted to one of the above organizations. "Substantive Law Course" means an organized program of legal education dealing with:

- i. substantive or procedural subjects of law;
- ii. legal skills and techniques;
- iii. legal ethics and/or legal professional responsibility; or
- iv. alternative dispute resolution.

Additionally, law office management programs accredited by the State Bar of Texas will be accepted.

If the requested CLE hours are in connection with auditing or attending a substantive law class, the CLE hours allowed shall be limited to the number of semester hours (usually a three-hour course) rather than the number of clock hours attended.

A "Qualified Presenter" means an attorney, judge, or paralegal who is familiar with the topic presented, or an expert in the particular subject matter comprising the course.

c. Speaking and writing credit will be considered for approval under the same criteria as (a) and (b) above.

5. Members with extenuating circumstances who are not able to meet all the requirements for renewal of their membership may apply for a waiver of the requirements. Such extenuating circumstances may include a pro-longed medical disability, military deployment to a remote location, or some other serious hardship which would make it impossible to meet the requirements. A request for waiver of the renewal requirements should be directed to the President, the President-Elect, the PD Coordinator, and the Membership Committee Chair, and include a detailed explanation of the

member's circumstances with appropriate evidence to support the request by May 31st. For example, evidence for members with medical circumstances may include a letter from a doctor, and military members should include a copy of their deployment orders. Each request will be reviewed by the Board of Directors and decided on its own merit. The decision of the Board of Directors shall be final.

6. It is each member's sole responsibility to enter and update their CLE hours in the online PD member directory as well as maintaining their own CLE records, including keeping copies of all CLE proof of attendance certificates in order to comply efficiently should the member be audited. During a CLE audit, the member would be required to submit their CLE certificates upon request.

## **II. PROCESSING OF MEMBERSHIP APPLICATIONS**

### **A. PURPOSE OF MEMBERSHIP SUBCOMMITTEES**

*Amended June 1985, April 1992, February 2014*

The purpose of the Subcommittee shall be to promote the benefits of membership and distribute membership materials such as event flyers at paralegal programs and any legal association events.

### **B. PROCESSING MEMBERSHIP APPLICATIONS.**

*Amended March 1985, June 1985, March 1987, April 1989, June, 1991, September 1991, April 1994, April 1995, February 2000, February 2003, February 2004, February 2009, February 2014*

Membership applications are processed online through the website and shall be managed by the Paralegal Division Coordinator. A periodic review of the application shall occur and the online application can be updated upon approval of recommendations of the Membership Chair to the Board of Directors.

If an applicant is deemed to be ineligible for membership due to a Felony conviction, such applicant would be required to complete the Membership Felony Application to be considered for membership by the Paralegal Division Board of Directors.

### **C. APPROVING MEMBERSHIP APPLICATIONS.**

*Amended June 1985, June 1986, March 1987*

Applications for membership will be processed during the period June through May of each fiscal year. Approval cards received by the Membership Department of the State Bar after March 1 shall be processed to apply to the next fiscal year and the Chair of the Subcommittee in the applicant's district shall notify the applicant that his membership shall be effective as of the next fiscal year.

## **III. DISCIPLINARY PROCEDURES**

### **A. INTRODUCTION.**

*Amended January 1991, February 2000*

1. A Code of Ethics and Professional Responsibility (the "Code") was adopted by the Division's Board of Directors and ratified by the membership in June 1982. Each applicant for membership shall agree to be bound by the Code and the disciplinary procedures.

2. Membership in the Division is voluntary. The Code, grievance procedures and disciplinary sanctions apply only to Division members. Any reference to a "Paralegal" in this Standing Rule is a reference to a member of the Division unless otherwise stated.

3. A mere claim of misconduct cannot justify the imposition of discipline. Proof of misconduct must be shown.

**B. GENERAL CONSIDERATIONS.**

*Amended January 1991, October 1993, September 1996, February 2000*

A member may be expelled and membership thereby terminated or application for reinstatement of membership may be rejected if, while a member, any one of the following occurs:

1. A conviction of any felony;
2. A revocation or disciplinary suspension of a license or permit to practice or engage in a profession or occupation.
3. An expulsion from or disciplinary suspension of membership in a law related professional association.
4. A conviction of a misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
5. A permanent injunctive decree or a judgment granted in favor of the Unauthorized Practice of Law Committee of the Texas Supreme Court entered against the member.
6. A determination there has been a willful misrepresentation of a material fact upon the member's application for membership.

**C. DISCIPLINE.**

*Amended January 1991, February 2000*

1. Records Secret. The permanent records of grievance matters shall remain confidential and be maintained under strict security.
2. Sanctions. Sanctions may include:
  - a. Private Reprimand;
  - b. Public Reprimand;
  - c. Suspension of Membership for a stated period; or
  - d. Expulsion from Membership in the Division.
3. Resignation. The Board may accept the resignation of a Paralegal who has agreed to a disciplinary sanction and may set conditions for subsequent reinstatement.

**D. PROFESSIONAL MISCONDUCT**

*Amended January 1991, September 1996, February 2000*

For purposes of the disciplinary procedures set out herein, the following shall constitute professional misconduct:

1. Any of the grounds for expulsion described in Section III.B.; or
2. Violation of any Canon contained in the Paralegal Division Code of Ethics.

**E. COMPLAINTS**

*Amended January 1991, January 1993, September 1996*

1. Definition. A "complaint" is defined as a written allegation from any person, agency or entity of professional misconduct as defined in III.D. Allegations which do not show probable cause of professional misconduct shall not be classified as complaints. All pertinent information to aid the investigation and determination of the complaint shall be included.

2. Expeditious Action. Each complaint shall be acted on expeditiously.

**F. GRIEVANCE COMMITTEE.**

*Amended January 1991, April 1995, September 1999, February 2012, November 2012*

1. Professional Ethics Committee. The Chair of the Professional Ethics Committee shall serve also as the Grievance Committee Chair (the "Committee Chair") during the term of appointment by the President.

a. Upon receipt of a written complaint, the Committee Chair shall request the President to request the Board to appoint a Grievance Committee (the "Grievance Committee").

b. The Grievance Committee shall be composed of the Ethics Committee Chair and representatives from the districts to comprise an odd number of members on the committee, as follows:

(1.) if the grievance is filed against a person in an even numbered district, a member from each of the odd numbered districts;

(2.) if the grievance is filed against a person in an odd numbered district, a member from each of the even numbered districts;

(3.) if there is no representative from a district and the committee has an even number of members, the Ethics Committee Chair and the Board Advisor for the Ethics Committee shall appoint a person to serve on the committee in order to achieve an odd number of committee members.

The Grievance Committee shall exercise the power and perform the duties conferred on it herein as well as any other powers and duties imposed by the Board.

2. The Grievance Committee shall investigate any complaint and shall submit a written recommendation to the Board Advisor for the Ethics Committee for consideration by the Board.

**G. DISCIPLINARY PROCEEDINGS.**

*Amended September 1990, January 1991, April 1996, September 1996, February 2000, November 2012, February 2015*

1. General. No Paralegal shall be disciplined herein, until the Grievance Committee has made a final determination of professional misconduct.

2. Filing Complaint. Any allegation of wrongdoing shall be in writing and shall be forwarded to the Paralegal Division Coordinator who shall then forward it to the Committee Chair for investigation.

a. If an investigation reveals that there is no probable cause for the allegation of professional misconduct, the Committee Chair shall so advise the complainant.

b. If an allegation of professional misconduct is received jointly involving an attorney and a Paralegal, the Committee Chair shall forward a copy of the allegation to the General Counsel of the State Bar of Texas, without comment.

c. If an allegation is made against a non-member, the Committee Chair shall advise the complainant that the Division has no jurisdiction. The matter shall remain confidential.

3. Confidentiality. All proceedings involving such complaint shall be confidential. Any envelope containing a notice of complaint, investigative report, notice of hearing, or any other matter pertaining to the complaint or the proceedings related thereto shall be clearly marked "**PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY**" (hereinafter referred to as "restricted delivery").

4. Formal Proceedings.

a. To initiate formal proceedings, the Committee Chair shall forward a copy of the complaint by certified mail, return receipt requested, along with a copy of the Disciplinary Proceedings as set out in these Standing Rules, to the Paralegal and the complainant.

b. If the complaint alleges professional misconduct by the Committee Chair or any committee member, the Paralegal Division Coordinator shall forward a copy of the complaint to the President. The Paralegal shall be immediately removed from the Committee and the President shall appoint a replacement.

5. Investigation.

a. The Grievance Committee shall conduct a complete and confidential investigation to determine all acts and circumstances relevant to the allegations of the complaint.

b. The following guidelines shall be followed by the Grievance Committee in an investigation:

(1) Interview the complainant to obtain details of the allegation including the names and addresses of persons with knowledge of relevant facts.

(2) Schedule an interview with the Paralegal advising that it may be necessary to interview the verifying attorney on the Paralegal's membership application/renewal.

(3) Interview the Paralegal to obtain details of the allegations including the names and addresses of persons with knowledge of relevant facts.

(4) Interview all persons identified by the complainant and Paralegal.

(5) Conduct any and all other investigation as necessary.

c. Not less than five (5) days prior to the hearing the Committee Chair shall prepare and deliver to the Grievance Committee members a written report of the investigation.

d. If during the investigation, allegations surface involving both an attorney and Paralegal, the proceedings concerning the Paralegal shall not be delayed.

e. If at anytime during the investigation, it is determined by the Committee Chair that the Paralegal has pled guilty or nolo contendere to any felony, or to the offense which is under investigation by the Committee, such Paralegal shall immediately become subject to any sanctions allowable under Section III.C. or Section III.G.12.

f. In lieu of conducting an investigation, the Grievance Committee may vote to accept the findings of the UPL Committee or the employer of a PD member when either conducts an ethics investigation of a PD member. The Grievance Committee shall then proceed to vote on its recommendations pursuant to Section III.G.7.

## 6. Hearing

a. Scheduling. The Committee Chair shall schedule and preside at a hearing to be held within ninety (90) days of receipt of the complaint. The Committee Chair must include no fewer than two (2) additional Grievance Committee members to attend the hearing with the Committee Chair.

b. Notice. At least thirty (30) days before the hearing, the Committee Chair shall notify the Paralegal by certified mail return receipt requested, of the date, time and place of said hearing. Copies shall be mailed to the complainant and members of the Grievance Committee. The notice shall give the Paralegal twenty (20) days from the date of receipt of said notice within which to respond in writing to the allegations. The Committee Chair shall provide copies of any response to the aforementioned parties.

c. Extension of Time. For good cause shown, the time for the Paralegal to respond in writing and the hearing date may be extended for no more than thirty (30) additional days. Notice of extension and rescheduled hearing shall be sent by certified mail, return receipt requested, to the Paralegal and the complainant, with copies to members of the Grievance Committee.

d. Guidelines. The following guidelines shall be followed by the Grievance Subcommittee in conducting hearings.

(1) The hearing may be held via video conference or in person



(2) All persons testifying at the hearing shall be sworn to tell the truth.

(3) Any party may present witnesses to testify and present evidence relevant to the allegations contained in the complaint.

(4) The Paralegal has the right to be present during all testimony, with counsel if so desired. Counsel shall be at the Paralegal's expense.

(5) The Committee Chair shall determine the order of appearance of witnesses. Each witness shall be heard privately and out of the presence of other witnesses.

(6) The Committee Chair shall make an electronic recording of the full hearing and shall immediately reduce such recording to a written record. The recording, written record, and all pertinent documentation shall be forwarded to the Paralegal Division Coordinator who shall keep such record in the confidential files of the Division. Such recording and written record shall be available only for the use and inspection of the Grievance Committee and the Board sitting as the Disciplinary Committee pursuant to Section G.12 below.

7. Grievance Committee Recommendations. The Committee Chair shall within 30 days of the hearing forward copies of the written record of the hearing to the Grievance Committee and the Paralegal Division Coordinator.

Committee members shall have fifteen (15) days from receipt to cast their votes in writing. The Committee members shall vote by email to the Committee Chair either (i) a finding of "No Professional Misconduct"; (ii) a finding of "Professional Misconduct" and the recommended disciplinary sanction; or (iii) a request for a new hearing before a special Appeals Subcommittee.

a. A majority finding of "No Professional Misconduct" shall be final, and the Committee Chair shall so notify the Paralegal and the complainant by certified mail, return receipt requested, with copies to the Grievance Committee members and the Paralegal Division Coordinator.

b. Notice of a majority finding of "Professional Misconduct," shall be sent to the Paralegal by certified mail, return receipt requested. That finding will become final unless, within ten (10) days after receipt of the notice the Paralegal files an appeal in writing with the Committee Chair and submits additional information relevant to the allegations contained in the complaint.

(1) If the Paralegal fails to file an appeal in writing and to submit additional information, the Grievance Committee's finding of "Professional Misconduct" shall be final, and the Committee Chair shall, pursuant to Section III.G.9., recommend to the Grievance Committee appropriate disciplinary sanctions.

c. If the Paralegal files an appeal in writing and submits additional information, the Committee Chair shall furnish a copy of the additional information to the Complainant by certified mail, return receipt requested. The Complainant may respond to the Committee Chair within ten (10) days of receipt. The appeal process shall be conducted as set out in Section III.G.8.

d. If a majority of the Grievance Committee votes a request for a new hearing before a special Appeals Subcommittee, the Committee Chair shall proceed under Section III.G.8.

e. If the vote of the Grievance Committee fails to show a majority, a finding of "No Professional Misconduct" shall be made and is final. The Committee Chair shall notify the Paralegal and the complainant by certified mail, return receipt requested, with copies to the Grievance Committee members and the Paralegal Division Coordinator.

8. Appeals Subcommittee. If a majority of the Grievance Committee votes to request a new hearing before a special Appeals Subcommittee, or if the Paralegal files an appeal, the Committee Chair shall appoint four other members of the Grievance Committee, including the Committee Chair as the Appeals Subcommittee.

a. Notice. Within thirty (30) days from the request for rehearing or appeal, notice of the date, time, and place of the hearing shall be sent by certified mail, return receipt requested, to the Paralegal and the complainant, with copies to the Appeals Subcommittee and the Paralegal Division Coordinator.

b. Hearing. The hearing shall be held in the Paralegal's District on a date not less than thirty (30) nor more than forty-five (45) days from the date of notice of said hearing. The hearing shall be conducted as set forth in Section III.G.6.

c. Vote. The Appeals Subcommittee shall vote a finding of (i) "No Professional Misconduct" or (ii) "Professional Misconduct" and recommend appropriate disciplinary sanctions to the Grievance Committee.

(1) If the vote of the Appeals Subcommittee fails to show a majority recommending a finding of "Professional Misconduct," a final finding of "No Professional Misconduct" shall be entered for the Committee. The Appeals Subcommittee Chair shall so notify the Paralegal and the complainant by certified mail, return receipt requested, with copies to the Grievance Committee members and the Paralegal Division Coordinator.

(2) If a majority of the Appeals Subcommittee votes to recommend a finding of "Professional Misconduct" and appropriate disciplinary sanction, said finding shall be final. The Appeals Subcommittee Chair shall so notify the Paralegal and the complainant by certified mail, return receipt requested.

9. Recommendations for Sanction. The Committee Chair shall report to the Board in writing the disciplinary sanctions recommended by the Committee and the Appeals Subcommittee for determination by the Disciplinary Committee. Copies of said report shall be mailed to the Grievance Committee and the Paralegal Division Coordinator.

10. Notice. The Committee Chair shall notify the Paralegal by certified mail, return receipt requested, of the date, time and place of the next Board meeting which will be at least twenty (20) days but not more than one hundred eighty (180) days after the date of the notice. The notice shall advise the Paralegal that he may appear and present any testimony or evidence relative to the disciplinary action.

11. Disciplinary Committee. Pursuant to notice given in Section III.G.10, the Board shall meet in executive session as a Disciplinary Committee to determine the appropriate disciplinary

sanction. The Paralegal, the Paralegal's counsel, if any, and the Committee Chair may appear. The Board may consider any testimony or evidence presented.

a. Vote in Executive Session. The Disciplinary Committee shall by majority vote determine an appropriate disciplinary sanction and impose such sanction on the Paralegal.

b. Disciplinary Subcommittee. If the vote fails to show a majority of the Board for a single disciplinary sanction, the Executive Committee of the Board shall meet in executive session as a Disciplinary Subcommittee. The Disciplinary Subcommittee shall by majority vote determine an appropriate disciplinary sanction. The Board Chair shall announce the decision of the Disciplinary Subcommittee to the Disciplinary Committee, and by majority vote the Board shall ratify the decision which shall be final.

12. Implementation of Sanctions.

a. Private Reprimand. If the disciplinary sanction is a Private Reprimand, the Disciplinary Committee shall call the Paralegal, if present, to appear and hear the reprimand and any conditions in connection therewith. The identification of the Paralegal shall remain confidential.

b. Public Reprimand. If the disciplinary sanction is a public reprimand, the Board Chair shall return to open session and shall announce the sanction. The name and county of place of business of the Paralegal and the sanction imposed shall be published to the general membership in the Division's official publication.

c. Suspension or Expulsion of Membership. If the sanction involves Suspension or Expulsion of membership, the Board shall return to open session and the Board Chair shall announce the sanction. The name and county of place of business and the sanction imposed shall be published to the membership in the Division's official publication.

d. Notice of Sanctions. The Board Chair shall promptly notify the Paralegal by certified mail, return receipt requested of the sanction imposed. In the case of suspension or expulsion of membership, written notice shall also be sent to the attorney who verified the Paralegal's application renewal.

**IV. ESTABLISHING ADDITIONAL DIRECTORSHIPS**

*Amended March 1985, June 1985, April 1995, September 1996, February 2000, November 2015, February 2016, June 2016, February 2017*

**A. COMPOSITION OF THE BOARD.**

1. The governing body of the Division consists of a board of directors composed of one elected representatives from each District of the Division. The Board may establish and eliminate an additional Directorship for a District; however, each District has one vote on the Board of Directors, regardless of the number of Directors, which vote shall be cast by the Director in the District with the most seniority as a Director on the Board. In the event of no Director with seniority, the Directors from that District will designate which Director will cast the District's vote by advising the President.

2. Directorships in Districts having more than one Director shall be designated by numbered Places.

**B. PROCEDURE.**

1. A District must have 400 or more members from that District for a minimum of two consecutive fiscal years, as determined by the membership count provided by the State Bar of Texas as of September 1 prior to submitting a request under B.2.

2. If a District meets the criteria of B.1., and upon request by the Board Member of that District the President shall notify the Board that the subject of an additional Directorship for a District will be on the agenda for the Fall Board of Directors meeting.

3. Nothing in these Standing Rules shall require or mandate an additional Directorship; any compliant request is subject to consideration and determination of the Board.

4. The Director submitting the request for an additional Directorship in their District shall provide the Board with the following information prior to the fall Board meeting: the number of members in the District, the active volunteers, (calculated by sub-chairs and volunteers for specific events or projects), the size of the geographic area and population of the District, the number of CLE programs held in the past year, and the number of local paralegal associations within the District.

5. At the fall Board of Directors meeting, in deliberating any such request, the Board will consider the data presented by the requesting Director as listed in B.4., as well as any other information brought before it including the estimated cost of an additional Directorship and assessment of whether a new *District* should be composed in lieu of an additional Directorship.

6. By majority affirmative vote of the Board members present and voting at the Fall meeting, an additional Directorship may be established and shall be designated by a Place numbered immediately consecutive to the existing Place numbers in that District. If only one Directorship exists in that District, the existing Directorship shall be designated by Place 1. The next additional Directorship shall be designated as Place 2, and consecutively numbered thereafter, in the event of additional directorships.

**C. FILLING ADDITIONAL DIRECTORSHIP.**

1. When an additional Directorship for a District has been established by the Board, the President shall call for an election to be held at the same time as other elections of Directors that fiscal year, as provided in Article III, Section 5 of the Bylaws.

2. The President shall cause to be sent notice of the election to all active members of the Division whose principal places of business are in the District wherein the new Directorship has been established.

**D. TERM.**

1. Any additional Directorship so established by the Board shall have a term of office commencing at the Board meeting immediately following the Annual Meeting and expiring in the year following the term expiration of the Place 1 Director existing in that District; except that if that

Place 1 Director takes office at the same time as the new Place 2 Director, then the new Place 2 Director shall serve for one year, with an election for Place 2 for a two-year term to be held the next year, so that the directorships are staggered in elections.

2. Any additional Directorship established by the Board will continue until completion of the added Director's two-year term.

3. If the number of members in the District where an additional Directorship has been added, drops below 400 members for two consecutive fiscal years, as determined by the membership count provided by the State Bar of Texas on or after September 1, the President shall place on the agenda for the fall Board meeting the topic of elimination of the additional Directorship, for determination by a majority vote of the Board.

4. If by majority vote, the Board eliminates the additional Directorship, then no election would be held for the Director's Place in the next election.

## **V. PROCESS OF ELECTIONS**

*Adopted June 1985; Amended June 1986, March 1987, January 1989, April 1992, April 1993, January 1994, April 1995, September 1996, September 1998, February 2000, June 2002, September 2003, February 200, June 2004, June 2005, October 2011, June 2013, February 2017, October 2017*

### **A. ELECTIONS SUBCOMMITTEES.**

1. The Elections Committee of the Division is composed of one member from each District within the State. In each District required to hold an election, the District Committee Member shall form an Elections Subcommittee of at least one other active member. The District Committee member appointed by the Board will chair such Subcommittee. No Division member seeking the office of Director shall be eligible for membership on an Elections Subcommittee.

2. The purpose of the Subcommittees shall be to carry out the election process for the Director of each respective District and any run-off elections for Director that may be necessary.

3. In the event of the failure to have a volunteer willing to serve as Subcommittee Chair for any District holding an election, the President may appoint that District's Director, an officer of the Board, or any other person not seeking the office of Director for the District as Subcommittee Chair for the District.

### **B. ELECTION PROCESS.**

The following procedure shall be followed in the election process:

1. **Defined Terms.** All defined terms used herein shall have the same meanings ascribed to such terms as set forth in these Standing Rules.

2. **Notice of Election.** The appropriate committees shall coordinate the preparation and transmittal of the Notice of Election pursuant to Article IX, Section 2 of the Division Bylaws.

3. **List of Registered Voters.** The Paralegal Division Coordinator shall prepare and transmit an alphabetical List of Registered Voters by District to the Elections Committee Chair and

each District Subcommittee Chair for each District holding an election pursuant to Article IX, Section 3 of the Division Bylaws.

4. **Transmittal of List of Registered Voters to the Districts.** Upon receipt of the List of Registered Voters from the Paralegal Division Coordinator, the Elections Committee Chair shall immediately forward a copy of the List of Registered Voters for each District to all Elections Subcommittee Chairs representing Districts holding an election. With respect to Director Elections, the Elections Committee Chair shall immediately forward a copy of the List of Registered Voters for each District to all Elections Subcommittee Chairs representing Districts holding an election prior to the commencement of the Nominating Period.

5. **Preparation of Sample Nominating Petitions.** The Elections Committee Chair shall cause to be prepared a sample nominating petitions for the nomination of candidates for the office of Director on or before the Voter Registration Deadline Date.

a. Requirement for Nominating Petitions and Invalidation. Every Registered Voter executing a nominating petition must provide the following; failure to do so will cause the Registered Voter's signature to be invalidated:

- (1) The printed name of each Registered Voter;
- (2) The Registered Voter's Division membership number; and
- (3) The Registered Voter's signature.
- (4) The following statement: **“FAILURE TO DO SO WILL RESULT IN THE INVALIDATION OF YOUR PETITION.”**

(5) The following statements upon the face of the petition regarding return thereof:

(a). **“RETURN PETITION TO THE ELECTIONS SUBCOMMITTEE CHAIRPERSON FOR YOUR DISTRICT”**; and

(b). **“NOMINATING PETITIONS MUST BE FILED NO LATER THAN [insert date (30 days prior to the date ballots will be mailed or posted)]”**.

(6) The candidate and or any member of the Elections Committee may sign as one of the members nominating the candidate.

b. Electronically Submitted. The Elections Subcommittees must be in receipt of a candidate's petition 30 days prior to the date ballots are due to be posted in order for the nominating petition to be valid. Petitions with electronic signatures (email and fax) may be accepted as proof of a candidate's eligibility for nomination.

c. Eligibility Requirements. No Active Member's name shall be printed on the official ballot as a candidate for Director unless such Active Member has satisfied the eligibility requirements pursuant to Article IX, Sections 1 and 4 of the Division Bylaws and the candidate has submitted a resume.

d. Transmittal of Sample Nominating Petition by the Elections Committee Chair to Elections Subcommittee Chairs. The Elections Committee Chair shall be responsible for transmitting the form of a sample nominating petition to every Elections Subcommittee Chair in Districts holding Director elections.

e. Voter Registration Deadline. The Voter Registration Deadline shall be February 1 of each year or date(s) to be determined by the Board.

6. **Transmittal of Materials to Prospective Candidates for Director by the Elections Subcommittees.** The Elections Subcommittee Chairs shall prepare and forward, upon request, the following materials to potential candidates for Director in their respective Districts at any time during the Nominating Period:

a. A copy of the List of Registered Voters for their District;

b. A sample nominating petition; and

c. A copy of Section VI of these Standing Rules entitled “GUIDELINES FOR CAMPAIGNS FOR CANDIDATES AS DIRECTOR.”

7. **Verification of Nominating Petitions by the Elections Subcommittee and Notification to Prospective Nominees.** Thirty (30) days prior to the date ballots are due to be posted, each Elections Subcommittee shall verify the signatures on the nominating petitions for the candidates in the respective Districts pursuant to Section V.B.5a, b and c of these Standing Rules and the number of signatures pursuant to Article IX, Section 4c of the Division Bylaws. Each Elections Subcommittees shall notify every nominee of the approval or rejection of such candidate's petition. Such approval or rejection shall be in writing and shall be transmitted to the nominee via electronic mail. The original nominating petitions will be retained by the Subcommittee Chair until ordered destroyed by a majority vote of the Board. The President will notify the Elections Committee Chair who shall direct the Subcommittee Chairs to destroy the Nominating Petitions.

8. Petitions for Proposed Amendments to Bylaws.

a. Petitions. Active Members may propose amendments to the Bylaws by submitting the proposed amendment(s) on one or more petitions to the Parliamentarian. A separate petition shall be submitted to the Parliamentarian for each Article of the Bylaws that is the subject of the proposed amendment(s).

b. Form and Content of Petitions. Every petition proposing an amendment to the Bylaws shall contain the following:

(1) Revisions to Existing Bylaws. The exact article number, section number and wording of the existing Bylaw provision to be revised together with the proposed amendment language either underlined or sidlined so that the amendment is clearly identifiable; and/or

(2) Deletion of Existing Bylaws. The exact article number, section number and wording of the existing Bylaw provision to be deleted together with the deletion clearly indicated in the text of the existing Bylaws; and/or

(3) Additions to Existing Bylaws. The full text of the Bylaw provision(s) to be added together with a clear indication as to the exact article number and section number of the existing Bylaws where such addition(s) shall be inserted; and

(4) Additional Bylaws Affected. A full statement indicating all other Bylaw provisions that may be affected by the proposed amendment; and

(5) Supporting Statement. A statement explaining why the proposed amendment(s) to the Bylaws is/are needed along with a brief explanation of the concepts underlying such proposed amendment(s); and

(6) Petitioning Member's Contact Person. The name and address of one of the petitioning Active Members designated as the individual who will receive all communications for and on behalf of the petitioning Active Members; and

(7) Active Member Signatures. A minimum of 35 Active Member's signatures, comprised of members from at least three different Districts of the Division. Every Active Member executing a petition for proposed amendment(s) to the Bylaws must provide the following:

- (a) The printed name of each Active Member;
- (b) The Active Member's Division membership number; and
- (c) The Active Member's signature.

**FAILURE TO DO SO WILL CAUSE THE ACTIVE MEMBER'S SIGNATURE TO BE INVALIDATED.**

c. Electronically Submitted Petitions. The Parliamentarian must be in receipt of the petitions containing electronic signatures in order for the petition to be valid. Electronic signatures may be accepted as proof of the proposal's eligibility for placement on the ballot.

d. Transmittal of Sample Petition by the Parliamentarian to Prospective Petitioners. The Parliamentarian shall be responsible for transmitting the form of a sample petition to any Active Member at such member's request.

e. Verification of Petitions by the Parliamentarian and Notification to the Petitioning Active Members. The Parliamentarian, or his designee, shall request an alphabetical list of all Active Members by District dated as of the most recent date practical from the Paralegal Division Coordinator. The Parliamentarian, or the designee, shall verify the signatures on the petition within 30 days of the receipt of such petition pursuant to Section V.B. 8a, b and c of these Standing Rules. The Parliamentarian shall notify the petitioning Active Members though such members' designated contact person of the approval or reasons for rejection of the petition(s) within 45 days of the receipt of such petition(s). Such approval or rejection shall be in writing and shall be transmitted to the designated contact person via electronic mail.

f. Notification of Division Board of Directors. Upon verification of the petition(s) by the Parliamentarian, the Parliamentarian shall furnish a copy of the petition(s) to the Paralegal Division Coordinator for immediate dissemination to the Board of Directors of the Division.



g. Drafting of Ballots. The ballots for the proposed amendments to the Bylaws shall be prepared pursuant to Rule V.B, Section 9.b. of the Standing Rules.

h. Deadline for Placement on the Ballot. All petitions verified on or before 30 days prior to the next regularly scheduled Voter Registration Deadline Date shall appear on the next regularly scheduled election ballot.

9. Preparation of Ballots.

a. Election of Directors.

(1) Every ballot prepared for the election of Directors shall contain the following:

(a) The District number (and position number, if applicable) of each candidate for Director;

(b) The name of each candidate, including any professional accreditation, in alphabetical order by last name and the city and county of such candidate's principal place of business; and

(c) A conspicuous and clearly identified space for a write-in candidate.

(2) Twenty days (20) prior to the date ballots will be posted, each Elections Subcommittee Chair shall:

(a) Online Voting: forward copies of the Verified Nominating Petitions by electronic mail, fax, or regular mail to the Elections Committee Chair.

(3)The Elections Committee Chair shall:

(a) Online Voting: compile a listing of verified candidates who meet the requirements of this Section and forward to the Paralegal Division Coordinator no later than 10 days prior to the date ballots being posted.

b. Amendment(s) to Bylaws.

(1) Every ballot prepared for Bylaws amendment(s) shall contain a reference to the Article and Section by number and title, and a reference to the publication of said amendment(s).

(2) Twenty (20) days prior to the date ballots are due to be posted, the Parliamentarian shall:

(a) draft a proposed ballot for the amendment(s) to Bylaws; and,

(b) shall cause the final draft of the ballot for the amendment(s) to Bylaws to be electronically delivered to the Paralegal Division Coordinator no later than 10 days prior to the date ballots are due to be posted.

c. Referendum.

(1) Every ballot for proposed measures that are the subject of a referendum shall contain each proposed measure that is the subject of the referendum.

(2) Twenty (20) days prior to the date the ballots are due to be posted, the Elections Committee Chair, shall draft a ballot for the measures that are the subject of the referendum and shall electronically deliver same to the President or his/her designee for final review and approval.

(3) The President or his/her designee shall review and approve the proposed ballot for the measure(s) that is/are the subject of the referendum and shall cause the final draft of the ballot for the referendum to be electronically delivered to the Paralegal Division Coordinator no later than 10 days prior to the date the ballots are due to be posted.

d. All Ballots. Every ballot shall contain on the face thereof the following:

(1) The words "Official Ballot" prominently displayed;

(2) The full name of the Division and the Division's logo;

e. Deadline. The deadline for voting shall be 15 days after the date the ballots are posted (the "Marked Ballot Deadline Date"). Each ballot shall also conspicuously set forth on the face thereof the following statement:

THE DEADLINE FOR VOTING IS [insert the Marked Ballot Deadline Date].  
ONLINE BALLOTS CAST BY MIDNIGHT ON [insert the Marked Ballot Deadline Date] SHALL BE TALLIED.

10. Posting Ballots by the Paralegal Division Coordinator. On the date designated to post ballots, the Paralegal Division Coordinator shall cause to be posted on the Division's website, the following:

a. Ballot. The ballot for that District prepared pursuant to Section V.B.9 of these Standing Rules;

b. Brochures. In the case of an election of Directors, the brochure or resume of each candidate who provides one pursuant to Section VI.B.1 of these Standing Rules; and

11. Security of Ballots. The Paralegal Division Coordinator shall keep online voting results received by the webmaster in a secure location.

12. Tallying the Votes. Each District's Elections Sub-Chair will count and tally all votes case in his/her respective district.

a. Verification.

(1) Online Voting. Each Elections Committee Sub-Chair will serve as his/her District's counting team with the Paralegal Division Coordinator. The Counting Team will compare the membership numbers that voted in each District's election to the membership numbers for that District to ensure that the votes cast are valid. Any online votes improperly cast shall be deleted from the tally received from the webmaster.

b. Voting.

(1) Directors. The Registered Voter receiving a majority of the votes cast for the office of Director shall be declared Director-Elect for that office pursuant to Article IX, Section 8a of the Division Bylaws.

(2) Amendment(s) to Bylaws. Any proposed Bylaw amendment receiving a two-thirds majority of the votes cast pursuant to Article IX, Section 8b of the Division Bylaws shall become an amendment to the Division Bylaws effective as of the date specified in the Notice of Election pursuant to Article IX, Section 2.C.3.d.

(3) Referendum(s). Any proposed measure that is the subject of a referendum receiving a majority of the votes cast for such measures shall be enacted as of the date specified in the Notice of Election pursuant to Article XI, Section 2.C.3.d.

c. Ballots Not Counted. The following ballots may not be counted:

(1) Online ballots cast by members who do not work in the District for which they cast a vote for Director; and,

(2) Online ballots cast past the date and time set out herein.

If the ballot is not counted, the counting team member shall indicate on the printout from the webmaster for online ballots, the reason for not counting it.

13. Ballot Register.

The Paralegal Division Coordinator shall prepare a ballot register stating the following:

a. The total number of ballots received;

b. The total number of invalidated ballots;

c. The total number of ballots received by District;

d. In the case of an election of Directors, the total number of votes counted for each candidate by District; and

e. In the case of an election to amend the Division Bylaws and/or referendum, the total number of votes counted for each proposed amendment and/or measure by District.

The Paralegal Division Coordinator shall sign the printout from the webmaster, to the President of the Board of Directors of the Division.

14. Announcement of Vote Results. The announcement of the vote results shall be in accordance with Article IX, Section 10 of the Division Bylaws.

## **VI. GUIDELINES FOR CAMPAIGNS FOR CANDIDATES AS DIRECTOR**

### **A. GENERAL CONSIDERATIONS.**

Experience has demonstrated that campaign rules would be helpful to all candidates for the position of director or officer, whether by election of the membership, election by the board, or appointment by the board. These rules can effectively restrain campaign tactics and practices preventing any problems. With this in mind, the following specific guidelines are hereby established.

### **B. GUIDELINES.**

*Amended June 2002, September 2003, June 2004, February 2017*

1. A brochure or resume pertaining to each candidate for director may be enclosed or posted with the ballots and shall be prepared and furnished to the Paralegal Division Coordinator at each candidate's own expense. Such brochure or resume shall be received by the Paralegal Division Coordinator at least 7 days prior to the date designated to mail or post ballots or it will not be included with the ballot or posted on the website. Such brochure or resume shall not exceed two 8-1/2" x 11" pages or one 8-1/2" x 14" page.

2. The excessive use of telephone solicitation by persons other than candidates is discouraged.

3. Solicitation by mail, electronic mail or other support by individual Paralegals is proper, provided that:

a. Such mailing or communication must be on personal stationery or employer letterhead (provided that the employer's permission has been obtained).

b. Such mailing or communication by electronic mail is conducted by a member of the Paralegal Division. No mailing or communication can be conducted by any individual/entity not a member of the Paralegal Division.

4. Candidates themselves, in addition to the mailing/electronic mail authorized in paragraph 1 above, may campaign by personal solicitation. The full expense of such mail solicitation shall not exceed the sum of \$500.00. However, to the fullest extent possible, all communications and solicitations, whether by letter, card, telephone or electronic mail, should concentrate on the candidate's merits and should avoid criticism of the other candidate or candidates.

5. Directors running for re-election cannot use Director communication as a form of campaigning. Any incumbent director must conduct his/her campaigning by personal, separate communication.

6. Candidates shall avoid personal campaigning prior to 30 days before the date designated to post ballots or the next following business day when the signatures on the nominating petitions for Director have been verified.

7. Nomination to the office of Director is an expression of confidence and trust in the candidates by their peers. Each candidate and his supporters should make a reasonable effort to present his candidacy in a dignified manner.

8. The Elections Subcommittee in each District where an election is to be held shall serve as the election supervisory committee to assure compliance with these rules.

## **VII. RUN-OFF ELECTIONS FOR DIRECTOR.**

*Amended April 1992, September 1996*

1. No Majority Vote. If no candidate shall have received a majority of the votes cast for a particular office of Director in the general election of a particular District pursuant to Article IX, Section 8a of the Division Bylaws, a run-off election shall be conducted and only the names of the two candidates who received the highest number of votes for such office shall be placed on the run-off ballot.

2. Tie-Vote.

a. If no candidate shall have received a majority of the votes cast pursuant to Article IX, Section 8A of the Division Bylaws and there is a tie for the highest number of votes received, a run-off election shall be conducted, and the names of all candidates in the tie position shall be placed on the run-off ballot.

b. If no candidate shall have received a majority of the votes cast pursuant to Article IX, Section 8A of the Division Bylaws and there is tie for the second highest number of votes received, a run-off election shall be held, and the name of the candidate receiving the highest number of votes and the names of all candidates in the tie position shall be placed on the run-off ballot.

3. Authority to Call a Run-Off Election. The President shall have the authority to order the Elections Committee Chair to coordinate one or more run-off elections to be held no later than 30 days after the general election votes have been tallied.

4. Procedure. Each Elections Subcommittee Chair shall cause the preparation of the ballots for the run-off election in such Subcommittee Chair's District in accordance with Sections V.B.9 9.a.1., 9.a.2, 9.d., 9.e., 9.f., 10 and 11 of these Standing Rules, as modified by a run-off elections timeline prepared by the Elections Committee Chair, subject to the approval of the President of the Division.

5. Tally of Votes. The tally of the votes for run-off elections shall be pursuant to Section V.B.13 of these Standing Rules, as modified by a run-off elections timeline prepared by the Elections Committee Chair, subject to the approval of the President of the Division.

6. Announcement of Run-Off Election Results. The announcement of run-off election results shall be pursuant to Article IX, Section 10 of the Division Bylaws, as modified by a run-

off elections timeline prepared by the Elections Committee Chair, subject to the approval of the President of the Division.

## **VIII. DISCIPLINE OF DIRECTORS**

*Amended September 1996, June 2003, June 2013*

### **A. FOR GOOD CAUSE.**

1. The Board shall have the power to discipline or remove Directors, including any Board officer, for good cause, that is, Professional Misconduct, neglect of duty in office, or failure to attend two duly noticed Board meetings during his term. Neglect of duty in office includes, but is not limited to, failure to timely report to the district membership the actions taken by the Board of Directors, failure to timely file written reports to the Board when required, and failure to monitor actions of district subcommittee members.

2. Sanctions may include private reprimand, fine, suspension or removal from the Board.

3. When there appears to be good cause for the discipline of a Director, the President shall call a meeting of the Executive Committee, excluding the person who is subject to potential discipline if a member of the Executive Committee, to consider the matter. If the President is subject to potential discipline, the President-Elect shall call the meeting, excluding the President, and shall fulfill the responsibilities of the President under this Standing Rule until such matter is resolved by the Board.

4. The Director who is subject to potential discipline shall be notified in writing by the President of the date, time, and place of the Executive Committee meeting no less than ten (10) days prior to said meeting. The notice shall set forth the specific nature of the conduct or neglect of duty which appears to be good cause for removal, and shall be clearly marked, "PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY" (hereinafter "restricted delivery").

5. If the Executive Committee determines by majority vote that there are sufficient grounds to present the matter to the Board for a hearing, the matter will be scheduled for executive session at the next regular meeting of the Board, and the Director who is subject to potential discipline and the other members of the Board shall be so notified (restricted delivery).

6. If two-thirds of the Board vote in favor of discipline of the Director, the President shall call for a vote by the Board as to the appropriate sanction. If two-thirds of the Board vote in favor of removal of the Director from the Board, the President shall declare the removed Director's office vacant, and a successor shall be appointed by the Board pursuant to Article III, Section 9.b of the Bylaws.

7. If a majority of the Board members present vote in favor of a sanction other than removal, that sanction shall be imposed by the Board. If no single sanction receives a majority vote, the President shall announce the two sanctions other than removal which received the most votes and a tie in the most votes cast for other sanctions receiving the next highest total). The Board shall again vote for one of the two (or several) sanctions, and the sanction receiving a majority of the votes cast shall be imposed by the Board.

## **IX. RULES OF ORDER FOR BOARD MEETINGS**

### **A. OPEN MEETINGS.**

*Amended June 1985, September 1996*

1. All meetings of the Board shall be open to members of the Division and to visitors (except at those times when executive sessions may be held for matters of a confidential nature) provided that only the Directors shall be entitled to vote.

2. Visitors may address the Board only upon invitation by the President after written request. Any such request shall identify the name and place of business of the person requesting to address the Board and shall specify the subject matter to be addressed.

### **B. SPECIAL MEETINGS AND E-MEETINGS.**

*October 2016*

1. **Authority.** As authorized by Article III, Section 8.b of the Bylaws.

2. **Categories.** All special meetings of the Board can be conducted by telephone, e-mail or facsimile as determined by the President.

3. **Policy.** If any items for Board action are best addressed before the next regular board meeting, the following factors will be considered by the President.

a. How soon a decision is required.

b. Whether the decision would be better made after further discussion and/or whether alternatives should be considered.

c. Whether a conference call meeting can be scheduled and held for discussion purposes.

d. Whether the directors have indicated they will waive the discussion period regarding the issue at hand and if they will be available to transmit vote.

e. If after considering the above factors, the President determines it would be best to proceed with the e-meeting and e-vote, then the following procedure should be followed.

4. **Procedure.**

a. The President shall send an e-mail to all board members stating the reason for calling the special meeting and providing an agenda or outline of the issue to be discussed. The special meeting/e-meeting procedures shall be attached to this e-mail.

b. Motions shall be presented, seconded and the President shall open the issue for discussion by following the same rules and procedures in regular meetings with the exception of motions to table or motion to call question rule. Motion to table or motion to call question rule are suspended during this special meeting time.

c. The President shall allow for a discussion period to be open for a reasonable time frame as determined by the President, such as 1-5 days, unless discussion will take place via telephone.

d. Once the discussion period has ended, the President shall start the voting period by calling for a vote. The voting period should last 1-2 days. As set forth in the Standing Rule X.B.4.a.; two-thirds majority vote of the Board shall be required to approve any item of business conducted by special meeting/e-meeting.

e. Each Director shall send his/her e-mail vote to the President only. The President shall tally the votes and announce the results at the end of the voting period. During the voting period, there should be no amendments, motion to table or other dilatory or procedural motions, such as set forth in Standing Rule X.B.4.b.

f. Once the voting results are announced by the President, he/she will declare the special meeting/e-meeting closed.

g. A written record of the vote shall be ratified in the minutes of the next board meeting.

**C. MEMBERS ADDRESSING THE BOARD.**

*Amended September 1996*

1. A member of the Division who wishes to address the Board shall register with the Secretary of the Board, giving name, District, and item of business or other matter to be addressed. The President shall acknowledge the presence of members attending Board meetings and shall, as time permits, recognize members who have registered to address the Board. Any address by a visiting member shall be limited to three (3) minutes.

2. Visiting members will not be allowed to speak once a motion is on the floor. However, Committee Chairs (or their duly authorized representatives) who are on the Agenda to make a report to the Board may speak on motions arising out of the committee's report.

3. Written communications to the Board from members of the Division shall either be read or copies distributed to the Board and entered in the official minutes of the meeting.

**D. MOTIONS.**

*Amended June 1987, September 1996*

1. Motions and seconds to motions may be made only by voting members of the Board. A Board member shall be recognized by the President before making a motion or second and should speak up for the benefit of all Board members and other members present. At the President's discretion, any motions or amendments shall be presented to the Secretary in writing before action is taken.



2. The three-minute rule shall not apply to Board members, nor shall the limit of speaking only once on the same motion. However, Board members should limit discussion to a "reasonable" length of time and to the motion or discussion on the floor at the time. If discussion by one Board member extends to considerable length, the President or the Parliamentarian shall call for time on the discussion, unless by majority vote of the Board the time is extended.

**E. VOTING.**

*Amended September 1996*

Unless otherwise required by the Bylaws or these Standing Rules, a majority vote of the Directors present and voting shall be required to approve items of business brought before the Board. In case of a tie vote, a second vote shall be taken, and if the second vote results in a tie, the motion is lost. Voting on any motion may be by written ballot upon announcement by the President.

**F. REPORTS.**

1. Reports to the Board shall be made orally unless waived by majority vote of the Board. Committee reports shall also be submitted in writing to the Board and shall be included as attachments in the minutes of the meeting.

2. No motion is required for acceptance of committee reports, but any recommendation of a committee for Board action shall be put in the form of a motion by a member of the Board.

**G. MINUTES.**

*Amended September 1996*

The only official minutes of Board meetings are those taken by whatever means by the Secretary or person designated by the President. Other verbatim recordings, electronic or otherwise, will be allowed only upon majority approval of the Board.

**H. PARLIAMENTARY PROCEDURE.**

Except as otherwise provided in the Bylaws or these Standing Rules, all meetings of the Board shall be conducted in accordance with the current edition of ROBERT'S RULES OF ORDER NEWLY REVISED and in particular the chapter therein concerning Boards and Committees.

**X. BOARD VOTE BY MAIL, E-MAIL, FACSIMILE OR TELEPHONE**

*Amended January 1989, September 1996, June 1999, October 2014, October 2016*

**A. AUTHORITY.**

As authorized by Article III, Section 8.d of the Bylaws, the Board may conduct a vote by mail, e-mail, facsimile or by telephone. The following procedures shall govern such a vote.

**B. PROCEDURE.**

A notice or call for a vote shall not be presented to the board without a special meeting or a time frame allowing for an open discussion period regarding the matter to be voted upon as set forth in the Standing Rule IX. B. Unless the majority of the board of directors agree that no special meeting or open discussion period is necessary for the item upon which a vote is to be taken.

1. Notice/Vote By Telephone.

The President shall contact each Director by telephone and clearly explain each item upon which a vote is to be taken and inform each Director of a time frame, as determined by the President according to instant need, during which votes will be accepted.

2. Notice/Vote by Mail or Facsimile.

a. The President shall prepare a written explanation of the matter to be voted on along with instructions for the time frame for voting. The President shall prepare a ballot and transmit same to each Board member.

b. The Directors shall be required to return the ballot to the President in accordance with the instructions prescribed by the President.

c. A ballot returned by a Director may be transmitted to the President in the same manner as it was transmitted to the Director or in any other manner acceptable to the President.

3. Notice/Vote by E-Mail.

a. The President shall prepare a written explanation of the matter to be voted on and transmit such written explanation by e-mail to each Board member, with notification of the date set by the President, on which an open discussion period will take place and a vote will be taken by e-mail.

b. The Directors shall be required to return their email vote to the President only, in accordance with the instructions prescribed by the President.

4. Notice By Mail, E-mail or Facsimile/Vote By Telephone.

The President shall prepare a written explanation of the matter to be voted on and transmit such written explanation to each Board member, with notification of the date set by the President, on which a vote will be taken by telephone.

5. General.

a. A two-thirds majority vote of the Board shall be required to approve any item of business which is the subject of a mail, e-mail, facsimile or telephone ballot. This section shall not apply when voting by mail or e-mail for President-Elect elections for which only a simple majority vote of the Board shall be required.

b. The President shall immediately inform each Director in writing of the results of the mail, e-mail, facsimile or telephone ballot.

c. Any Board vote by mail, e-mail, facsimile or telephone shall be recorded by the President and canvassed by the Board at its next meeting.

d. Any Director wishing to call a vote by mail or by telephone shall be responsible for contacting other Directors to obtain the required one-third approval for such vote. The Director who has polled the other Directors shall report to the President the names and all Directors who are requesting the vote and designate the method by which the vote shall be taken. If the report to the President is by telephone, it shall be followed by a written report to the President.

e. No amendments, motions to table or other dilatory or procedural motions will be allowed in the period from the notice of a vote by mail, e-mail, facsimile or telephone until the vote is taken.

## **XI. FUNCTIONS AND RESPONSIBILITIES OF COMMITTEES**

### **A. GENERAL.**

*Amended June 1985, June 1986, September 1991, September 1996*

1. The standing committees listed in this Standing Rule are authorized in Article V, Section 1.a of the Bylaws.

2. The President, in accordance with the Bylaws and Standing Rules, shall appoint committee members from among the active members who have requested appointment as a chair to a committee by completing and forwarding to the President the Request for Committee Appointment form and such other active members as the President shall deem appropriate to appoint. Such form shall be published in the Division's newsletter or distributed to the membership by such other method as is deemed to be acceptable by the President.

3. The President shall, with the advice and consent of the Board, designate the chairs of such committees in accordance with the Bylaws and Standing Rules.

4. Membership on committees shall include representation from as many Districts as is practicable. In addition, a balance should be maintained between members who have previously served on a particular committee and those who have not. The terms of office shall expire at the close of the Annual Meeting.

5. The Executive Committee shall be comprised of the elected officers of the Board, authorized by the Bylaws, Article III, Section 1.d, and shall perform such duties as from time to time may be delegated by the President or by the Board. Meetings may be called by the President or by a majority of the officers. Business to be conducted may include matters of a pressing, complex, or confidential nature that require study and recommendation for action(s) to be reviewed by the Board. Minutes of such meetings shall be recorded and distributed to the Board prior to the meetings of the Board together with written reports or recommendations that will assist the Board in its determinations.

### **B. STANDING COMMITTEES.**

*Amended June 1985, June 1986, January 1989, April 1989, September 1991, April 1995, February 2000, June 2004, June 2013, June 2014, November 2015*

1. Annual Meeting. This committee shall plan the Annual Meeting of the general membership of the Division. The Chair and Board Advisor of this committee each year shall be eligible members from the District in which the Annual Meeting will be held the following year.

2. Continuing Education. This committee shall be composed of at least one eligible member from each District who shall chair a subcommittee of three to five eligible members of the Division in the respective District. This committee shall be responsible for planning and presenting at least three hours of continuing legal education in each district per year. The committee shall also implement and manage an online continuing legal education program. The Continuing Education Committee shall also implement and monitor compliance with the six-hour mandatory continuing legal education requirement in conjunction with the Membership Committee.

3. Elections. This committee shall be composed of at least one eligible member from each District who shall chair a subcommittee of three or five eligible members of the Division in the respective District and shall fulfill the responsibilities set forth in these Standing Rules and the Bylaws. This committee will be concerned with the process of elections for Directors and with the process of balloting on proposed amendments to the Bylaws and shall assure compliance with the guidelines for each such process.

4. Membership. This committee shall be composed of at least one eligible member from each District who shall chair a subcommittee of three or five eligible members in the respective District, and shall fulfill the responsibilities set forth in Section II of these Standing Rules. This committee will be concerned with qualifications for membership and the criteria to be used in determining eligibility, and shall promote membership and growth within the Division.

5. Professional Development. This committee shall be comprised of at least one eligible member from the Division who will assist in various projects for enhancing the professional development of Paralegals. This committee shall also monitor any bills introduced in the Texas legislature which would affect the paralegal profession and members of the Division, and shall be prepared to inform the general membership of the pros and cons of any such bills. This committee shall also monitor nationally the following: (a) articles published regarding the activities and profession of Paralegals; (b) legislative action regarding the activities and profession of Paralegals; and (c) court cases relative to the ethical considerations in the use of Paralegals and any other relevant information regarding the activities and profession of Paralegals. This committee shall recommend to the Board any legislation which it deems to be in the best interest of the general membership of the Division; and it shall recommend to the Board the dissemination to the general membership of the Division of any national articles, legislative action or court cases which it deems appropriate.

6. Professional Ethics. Upon receipt of a complaint, the Professional Ethics Chair shall request the Board to appoint a Committee to be composed of at least one eligible member from each district and a Subcommittee which shall fulfill the respective responsibilities set forth in Section III of these Standing Rules. The Professional Ethics Chair shall also interpret and recommend amendments to the Code of Ethics and Professional Responsibility, and make recommendations to the Board with respect to disciplinary procedures.

7. Public Relations. This committee may be composed of at least four eligible members including the Chair of the Committee. The purpose of this committee shall be to study and develop various means to better inform the legal profession and the general public about the Paralegal profession, and shall nurture positive relationships with local and national associations of paralegals and

other associations throughout the country. In addition, this Committee shall inform both members and non-members of the activities of the Paralegal Division using social media and other means of communication.

8. Publications. This committee shall be comprised of at least one eligible member from the Division who shall be responsible for reviewing and submitting various items for publication in the Texas Bar Journal. This committee shall also be responsible for publishing the Division's official publications. It shall also study and recommend to the Board any other publications which will be beneficial to members of the Division and shall also be responsible for soliciting articles from as many members as possible.

**C. SPECIAL COMMITTEES.**

1. Special committees may be established from time to time as may be deemed necessary by the Board President or a two-thirds vote of the Board members present and voting at a Board meeting.

2. The tenure of a special committee shall not extend beyond the next Annual Meeting of the general membership following the creation of the committee.

**D. REPORTS.**

*Amended April 1995, September 1996*

1. All committees shall submit written reports to the Board at each regular meeting of the Board. The committee chairs should submit the written report to the President, with a copy to the Paralegal Division Coordinator, no later than two (2) weeks prior to the Board meeting in order that copies may be distributed to the Board.

2. Oral reports may be given at the Board meeting, at the request of the President, by the committee chair or designee, or by the Board Advisor to the committee. If action by the Board is to be recommended by the committee, the committee chair should submit the recommendation in the form of a motion to the Board Advisor who will make the motion to the Board.

3. All committees shall submit a written annual report to the President, with a copy to the Paralegal Division Coordinator, no later than June 1 of each year. Summaries of these annual reports shall be made available to the general membership at the Annual Meeting.

**XII. RULES OF ORDER FOR ANNUAL MEETINGS.**

**A. AUTHORITY.**

*Amended September 1996*

1. The stated parliamentary procedure which governs the Annual Meeting of the general membership of the Division is the current edition of **ROBERT'S RULES OF ORDER NEWLY REVISED** (Article VI, Section 3 of the Bylaws). However, **ROBERT'S RULES OF ORDER** also provides that an assembly is free to adopt any rules it may wish, even rules deviating from parliamentary law.

2. Article VI, Section 6.a of the Bylaws authorizes the Board to establish, adopt, and amend Standing Rules, including the right to suspend or rescind such Rules, when such are deemed necessary to carry out the Bylaws and to serve the purpose of the Division.

**B. PURPOSE.**

1. Rules of order for an assembly are the written rules of parliamentary procedure related to the orderly transaction of business in meetings. Ordinarily, the general parliamentary authority designated in the Bylaws governs the conduct of business at meetings, but special rules of order are sometimes necessary due to the nature of a society, the infrequency of meetings of the general membership, the amount of business to be conducted, and the limitations of time in which that business may be completed.

2. The Board is of the opinion that it is in the best interest of the Division to establish General Rules of Order for Annual Meetings of the Division, which rules will be published in the notice of Annual Meeting each year.

**C. GENERAL RULES OF ORDER.**

*Amended April 1995, September 1996*

1. The Annual Meeting of the Division shall be governed by the Division Bylaws when applicable, the current edition of **ROBERT'S RULES OF ORDER NEWLY REVISED**, these General Rules of Order, and any Special Rules of Order adopted by the assembly.

2. *Unless otherwise required by the Bylaws, **ROBERT'S RULES OF ORDER**, or these Rules, all motions shall require a simple majority vote of the members present and voting to be passed.*

a. Introduction of business, motions, and seconds to motions may be made by any active member of the Division in good standing. Any person wishing to be recognized must register with the Secretary, address the President, state his name, city of employment and District number, and the matter to which the member wishes to speak. If the subject to be addressed is a motion before the assembly, the member shall also inform the Secretary whether he is to speak for or against the motion. No member shall be permitted to speak until recognized by the President.

b. The President may limit time for debate on any subject, and no speaker shall be permitted to speak more than twice on any one subject and not more than three (3) minutes each time, except by permission of the President. Provided, however, that no member shall be permitted to speak a second time on the same subject as long as any member who has not spoken on the subject desires to do so. Two (2) timekeepers shall be appointed by the President to assist the Secretary in enforcing this rule.

c. Debate or discussion on a motion shall be limited to six (6) speakers, three (3) for the motion, including the member who made the motion if that member wishes to speak, and three (3) against the motion. The President shall let the floor alternate, as far as possible, between those favoring and those opposing the motion.

d. At the close of debate as declared by the President, the question shall be put to a vote. Voice vote shall be determined by the President unless more than a simple majority vote is

required on a matter on the floor, in which event the vote shall be taken by a show of hands, division of the assembly (standing vote), or written ballot. The President shall appoint a judge and four (4) tellers to supervise and tally all votes cast in this manner, and the judge shall certify the results to the President, who shall announce the results to the assembly.

e. Should members desire to confer with others from their District before casting their votes, a recess of not more than five (5) minutes may be allowed by the President upon request of at least three (3) members from the particular District. If the members present from at least three (3) Districts desire a recess, the President may grant such a request.

f. No proxy voting shall be permitted, and no member shall be permitted to speak to any motion on behalf of other members in the speaking member's District.

**D. AGENDA.**

*Amended September 1991, April 1995, September 1996*

Unless otherwise deemed necessary and announced by the President, the business of the assembly shall be conducted in the following order:

1. Call to Order. When the appointed time of the meeting has arrived, the President shall determine that a quorum is present and call the meeting to order.

2. Code of Ethics. The Chair of the Professional Ethics Committee, or his designee, shall be recognized to read the Code of Ethics and Professional Responsibility of the Division.

3. Welcome Address. The Director(s) of the host District and the President of a local association of Paralegals may be recognized by the President to give brief welcoming remarks.

4. Introduction of Special Guests. The President may recognize any special guests who are in attendance.

5. Introduction of Officers and Directors. The President may introduce to the general membership the Officers and Directors of the Division.

6. Appointment of Special Officers. The President may appoint such special officers as are deemed necessary for the orderly conduct of the business of the assembly.

7. Rules of Order. The President shall recognize the Parliamentarian to read the Rules of Order set forth in Section C of this Standing Rule. In the event Special Rules of Order for the meeting are proposed, the Parliamentarian shall read the proposed rules and move for their adoption.

8. Minutes of the Previous Annual Meeting. The President shall recognize the Secretary to read the minutes of the Annual Meeting of the previous year, and shall entertain a motion to approve those minutes. Upon motion, reading of the minutes may be waived, provided written copies of the minutes are available to the assembly.

9. Report of the Board. The President shall report to the assembly any action taken by the Board not previously reported to the general membership. If the Board has by majority vote

requested ratification by the general membership of any action taken by the Board, a member of the Board other than the President shall move for its ratification.

10. Annual Report for Preceding Fiscal Year. The President shall recognize the Treasurer to give the annual report required by Article VII, Section 4 of the Bylaws.

11. Reports of Standing Committees. The President may recognize the committee chair or designee, or the Board Advisor to a committee, to give the annual report of the various Standing Committees.

12. Reports of Special Committees. If there is a report from any Special Committee, the President may recognize the committee chair or designee, or the Board Advisor to the committee, to give the report. If the committee is recommending action by the assembly, the President shall entertain a motion at the conclusion of the report.

13. New Business. The President shall call for New Business, and members may introduce new items of business to the assembly.

14. Welfare of the Division. Time permitting, the President may recognize any members who have registered with the Secretary at Arms for the purpose of offering informal observations regarding the work of the Division pursuant to its purpose. Any member desiring to do so should consult with the President sufficiently ahead of time which this item may be called in order to determine the propriety of the matter and any time constraints.

15. Announcements. The President may make, or call upon other members to make, any necessary announcements. The placing of general announcements at this point in the order of business does not prevent the President from making an urgent announcement at any time.

16. Program. If there is to be a program of an educational nature, or a guest speaker, the program or talk will be presented before the Annual Meeting is adjourned. If, in courtesy to a guest speaker who is present, the President wishes the talk to be located at an unscheduled point within the business portion of the meeting, he may call for unanimous consent of the assembly to hear the speaker's address out of order. If there is no objection, the action is decided. If there is objection, the President may entertain a motion to Suspend the Rules for the purpose of hearing the speaker's address out of order.

17. Adjourn. The President shall entertain a motion to adjourn the Annual Meeting and upon second and simple majority vote, the meeting shall be adjourned until the next Annual Meeting of the Division.

### **XIII. GUIDELINES FOR PUBLICATIONS**

*Amended September 1996*

#### **A. AUTHORITY.**

1. Canon 2 of the Division Code of Ethics and Professional Responsibility provides in part that "A Paralegal shall not...do things which attorneys themselves may not do." The Preamble of the Code states in part, "Although the Code of Professional Responsibility of the State Bar of Texas does not directly govern Paralegals, except through a supervising attorney, it is incumbent upon the members



of the Division to know the provisions of the attorneys' code and avoid any action which might involve an attorney in a violation of that code or even the appearance of professional impropriety."

2. Ethical Consideration 9-6 of the Code of Professional Responsibility of the State Bar of Texas provides in part, "Every lawyer owes a solemn duty to uphold the integrity and honor of his profession; to encourage respect for the law and for the courts and the judges thereof;...to conduct himself so as to reflect credit on the legal profession and to inspire the confidence, respect, and trust of his clients and of the public; and to strive to avoid not only professional but also the appearance of impropriety.

3. Article III, Section 6.a of the Bylaws gives the Board the authority to adopt such Standing Rules as are necessary to carry out the Bylaws and serve the purpose of the Division. It is the stated purpose of the Division to enhance Paralegals' participation in the administration of justice, professional responsibility and public service in cooperation with the State Bar of Texas, and information published by the Division should be consistent with its stated purpose.

## **B. PURPOSE.**

1. This Standing Rule is intended to provide guidance to those who submit information for publication and to those who must decide what information is to be published by the Division. It is not intended to stifle the expression of various viewpoints and opinions; however, it is in the best interest of the Division and its members not to publish information which is unduly critical of the judicial system, the legal profession, or the Paralegals profession.

2. In order that the membership be aware of the procedure for getting information published by the Division, these guidelines, adopted by the Board, are published and made a part of these Standing Rules.

## **C. GUIDELINES.**

*Amended April 1995, September 1996*

### **1. Editorial Subcommittee.**

a. The Chair of the Publications Committee shall appoint from among the committee members an Editorial Subcommittee consisting of three (3) active members, including the Committee Chair who shall chair the subcommittee.

b. An article for publication shall be submitted to the Publications Committee Chair, who shall furnish a copy of the article to any two members of the Editorial Subcommittee, the Board Advisor to the committee, and the President.

c. The Editorial Subcommittee shall make a determination of the propriety of publishing the article. If said article is not approved by the Editorial Subcommittee in its first draft, the Publications Committee Chair shall have the following options:

(1) Returning the article to the author with any editorial comments or suggestions for redraft that the Editorial Subcommittee may have, if the subcommittee has determined that the subject matter of such article is publishable; or

(2) Disapproving the article in its entirety; or  
(3) Submitting said article to the Board for review if approval for publication is or remains in question. The decision of the Board as to whether such article may be published shall be final.

d. Articles submitted for publication in the Texas Bar Journal must also meet the requirements of the Bar Journal Committee of the State Bar of Texas.

## 2. Articles.

a. Articles submitted for publication by the Division should be informative, educational, of interest to Paralegals, and enhancing to the professionalism of Paralegals. If possible, they should be written with a positive and optimistic attitude. Articles including constructive criticism and articles of a controversial nature should not personalize the critical remarks or the controversial issue and should clearly state both sides of the question.

b. Presenting one side only will be allowed in instances where there will be two articles published simultaneously, one representing each side of an issue. If the length of the articles prohibits publishing both at the same time, the first article published shall include an editorial comment that the other side of the question will be published in the next available publication, and the second article published shall include an editorial comment referring to the previous publication of the other article.

## 3. News Items and Reports.

a. The Publications Committee Chair shall work closely with the Paralegal Division Coordinator in compiling news items of interest to the Division membership, such as schedules of events, notices, capsule reports of Board meetings and Annual Meetings, committee reports, etc.

b. News items from local associations of Paralegals shall be submitted to the Publications Committee Chair, and the same procedure followed as set forth for articles under C.1 above.

## **XIV. OFFICERS**

*Adopted October 1994; Amended April 1995, February 2000, February 2004, June 2005, June 2015, February 2016, February 2017, June 2017*

### **A. NOMINATIONS**

*Adopted February 2016, October 2016*

1. At the Fall meeting, the President shall appoint a Nominating Committee. Committee shall be composed of Board members who either are not eligible for election as an officer for the ensuing year or have expressed a desire not to serve as an officer, or in the alternative, should there be no Board member willing to serve, former Board of Director members can serve as Committee members.

2. Once the Nominating Committee has published the dates for the nomination period until the end of the nomination process, there cannot be any motions presented regarding nominee

eligibility or revisions to the rules pertaining to the nomination or election process. These types of motions may only be presented or discussed during a board meeting.

3. This Committee shall consider all eligible Board members as possible candidates for Board offices, and before the nomination period begins shall announce to the President the Board members who are eligible to run. Eligibility of any candidate shall be confirmed by the Nominating Committee once notification of a candidate's intent to run or acceptance by a candidate of nomination is received by the Nominating Committee. Eligibility confirmation must occur before voting occurs.

**B. ELECTIONS**

*Amended February 2016*

1. A President Elect shall be elected by electronic mail in January by the current Board of Directors. Notice of the President Elect election will be given to the membership in the Winter Issue of the official publication of the Paralegal Division. A Secretary, Treasurer, and Parliamentarian shall be elected at the Spring Board Meeting by the current Board of Directors. Such officers shall take office immediately following the adjournment of the Annual Meeting and shall serve for a term of one full year, or until their successors are elected. The President Elect shall automatically serve as President the following year.

2. The President shall declare a vacancy for District Director immediately in the District in which the President Elect represents. An election for Director of that District shall be held along with the other Director elections or as soon as practicable.

3. The President Elect shall serve upon the absence or removal of the President.

**C. ELIGIBILITY**

*Amended June 2015, February 2016, June 2017*

1. Any current or past Director who is currently an active member of the Division and who has completed at a minimum a full term (two (2) consecutive years) as Director is eligible to be elected as President or President-Elect.

2. Officers shall not be eligible for re-election after service of two consecutive one-year terms in the offices of Secretary, Treasurer or Parliamentarian.

3. A candidate for the offices of President and President-Elect cannot be serving concurrently (dual serving) as the President or President-Elect of another paralegal-related association.

**D. DUTIES.**

*Amended February 2017*

1. President. It shall be the responsibility of the President to preside at all meetings of the Division and to perform such other duties as ordinarily pertain to this office. The President shall appoint committee chairmen and committee members subject to the approval of the Board of Directors. The President shall be an ex-officio member of all committees. The President serves as the spokesperson for the Division. The President shall perform such special duties, powers or authority as shall be fixed by the Board of Directors or the Standing Rules.

2. President-Elect. It shall be the responsibility of the President-Elect to act in the absence of the President and to perform such other duties as may be designated by the President or the Board of Directors. The President-Elect shall oversee the maintenance and revision of the Procedures Manual.

3. Secretary. It shall be the responsibility of the Secretary to accurately record the proceedings of all meetings of the Division and of the Board of Directors and maintain them in a permanent form. The Secretary shall preserve in a permanent file all records and letters of value to the Division and its officers. All records, letters and the minute book and permanent files shall be delivered to the Paralegal Division Coordinator with a copy to the successor at the close of the term. The Secretary shall perform such other duties as may be designated by the President, Executive Committee, or Board of Directors or the Standing Rules.

4. Treasurer. The Treasurer shall be the chair of the Budget and Finance Committee. Under the direction of the Treasurer, the Budget and Finance Committee will: (i) be responsible for analyzing financial information of the Division including but not limited to monthly balance sheets, monthly summaries of expenses and revenue, and quarterly reports; (ii) provide regular reports to the Board; (iii) analyze trends, suggest investments of Division funds in obligations of the U.S. Treasury or the State of Texas, certain U.S. agencies, certificates of deposit, money market savings accounts, certain municipal securities, repurchase agreements, common trust funds and other investments specifically allowed by Chapter 2256 Public Funds Investment Act and Chapter 2257 Collateral for Public Funds of the Government Code; (iv) consider requests by committees for budget increases; (v) make recommendations to the Board, the committees or the membership for funding projects; (vi) propose amendments to the current year's budget when deemed necessary; and, (vii) prepare the annual budget request for presentation to the Board if so requested by the Chair. The Treasurer shall perform such other duties as may be designated by the President, the Board of Directors or the Standing Rules.

5. Parliamentarian. It shall be the duty of the Parliamentarian to receive all written suggested amendments to the Bylaws, and to study such suggested amendments to be proposed and submitted to the general membership for a vote. The Parliamentarian may also initiate suggested amendments to the Bylaws and Standing Rules, and shall make recommendations to the Board concerning these Standing Rules and Rules of Order for the Conduct of the Annual Meeting and shall participate in the process of ballots for proposed amendments to Bylaws as set out in these Standing Rules. The Parliamentarian shall maintain the Bylaws.

**E. VACANCIES**  
*Adopted February 2000*

When the office of Secretary, Treasurer, or Parliamentarian becomes vacant, the Board shall appoint, by majority vote, a replacement from among the eligible members of the current Board of Directors, who shall serve the remainder of the term of office in which the vacancy occurred.

**XV. GUIDELINES FOR CAMPAIGNS FOR PRESIDENT-ELECT**  
*Adopted February 2017*

**A. GENERAL CONSIDERATIONS.**

Experience has demonstrated that campaign rules would be helpful to all candidates for the position of president-elect, whether election by the board, or appointment by the board. These rules can

effectively restrain campaign tactics and practices preventing any problems. With this in mind, the following specific guidelines are hereby established.

**B. PRESIDENT-ELECT CAMPAIGN GUIDELINES.**

1. A brochure or resume along with a letter of intent pertaining to each candidate for President-Elect may be enclosed or posted with the ballots and nomination letters which shall be furnished to the President-Elect Nominations Committee Chair at each candidate's own expense. Such brochure or resume shall be received by the President-Elect Nominations Committee Chair the deadline designated to receive such nominations. Such brochure or resume shall not exceed two 8-1/2" x 11" pages or one 8-1/2" x 14" page.

2. The excessive use of telephone solicitation by persons other than candidates is discouraged.

3. Solicitation by mail, electronic mail or other support by individual Paralegals to their District Director is proper, provided that:

a. Such mailing or communication by electronic mail is on personal stationery or employer letterhead (provided that the employer's permission has been obtained).

b. Such mailing or communication by electronic mail is conducted by a member of the Paralegal Division to their District Director. No mailing or communication can be conducted by any individual/entity not a member of the Paralegal Division.

5. Candidates themselves, in addition to the mailing/electronic mail authorized in paragraph 1 above, may campaign by personal solicitation. The full expense of such mail solicitation shall not exceed the sum of \$500.00. However, to the fullest extent possible, all communications and solicitations, whether by letter, card, telephone or electronic mail, should concentrate on the candidate's merits and should avoid criticism of the other candidate or candidates.

5. Nomination to the office of President-Elect is an expression of confidence and trust in the candidates by their peers. Each candidate and his supporters should make a reasonable effort to present his candidacy in a dignified manner.

6. The President-Elect Nomination Committee Chair shall serve as the nomination supervisory committee to assure compliance with these rules.

**XVI. COMPUTATION OF TIME**

*Adopted September 1998*

When computing time deadlines, holidays and weekends shall not be included for those deadlines consisting of 14 days or less. For those deadlines consisting of 15 days or more, holidays and weekends shall be included.

**APPENDIX A**

**PARALEGAL DEFINITION AND STANDARDS ADOPTED BY  
THE STATE BAR OF TEXAS**



# PARALEGAL DIVISION

## STATE BAR OF TEXAS



### **Paralegal Definition and Standards Adopted by the State Bar of Texas**

In 2005, the State Bar of Texas Board of Directors, and the Paralegal Division of the State Bar of Texas, adopted a new definition for “Paralegal.”

*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 be required to perform the task.*

On April 21, 2006, the State Bar of Texas Board of Directors approved amending this definition by including the following standards, which are intended to assist the public in obtaining quality legal services, assist attorneys in their utilization of paralegals, and assist judges in determining whether paralegal work is a reimbursable cost when granting attorney fees:

#### **A. Support for Education, Training, and Work Experience:**

1. Attorneys are encouraged to promote:

- a. paralegal attendance at continuing legal education programs;
- b. paralegal board certification through the Texas Board of Legal Specialization (TBLS);
- c. certification through a national paralegal organization such as the National Association of Legal Assistants (NALA) or the National Federation of Paralegal Associations (NFPA); and
- d. membership in the Paralegal Division of the State Bar and/or local paralegal organizations.

2. In hiring paralegals and determining whether they possess the requisite education, attorneys are encouraged to consider the following:

- a. A specialty certification conferred by TBLS; or
- b. A CLA/CP certification conferred by NALA; or
- c. A PACE certification conferred by NFPA; or
- d. A bachelor's or higher degree in any field together with a minimum of one (1) year of employment experience performing substantive legal work under the direct supervision of a duly licensed attorney AND completion of 15 hours of Continuing Legal Education within that year; or
- e. A certificate of completion from an ABA-approved program of education and training for paralegals; or
- f. A certificate of completion from a paralegal program administered by any college or university accredited or approved by the Texas Higher Education Coordinating Board or its equivalent in another state.

3. Although it is desirable that an employer hire a paralegal who has received legal instruction from a formal education program, the State Bar recognizes that some paralegals are nevertheless qualified if they received their training through previous work experience. In the event an applicant does not meet the educational criteria, it is suggested that only those applicants who have obtained a minimum of four (4) years previous work experience in performing substantive legal work, as that term is defined below, be considered a paralegal.

**B. Delegation of Substantive Legal Work:**

"Substantive legal work" includes, but is not limited to, the following: conducting client interviews and maintaining general contact with the client; locating and interviewing witnesses; conducting investigations and statistical and documentary research; drafting documents, correspondence, and pleadings; summarizing depositions, interrogatories, and testimony; and attending executions of wills, real estate closings, depositions, court or administrative hearings, and trials with an attorney.

"Substantive legal work" does not include clerical or administrative work. Accordingly, a court may refuse to provide recovery of paralegal time for such non-substantive work. *Gill Sav. Ass'n v. Int'l Supply Co., Inc.*, 759 S.W.2d 697, 705 (Tex. App. Dallas 1988, writ denied).

**C. Consideration of Ethical Obligations (See Note\* below):**

1. Attorney. The employing attorney has the responsibility for ensuring that the conduct of the paralegal performing the services is compatible with the professional obligations of the attorney. It also remains the obligation of the employing or supervising attorney to fully inform a client as to whether a paralegal will work on the legal matter, what the paralegal's fee will be, and whether the client will be billed for any non-substantive work performed by the paralegal.

2. Paralegal. A paralegal is prohibited from engaging in the practice of law, providing legal advice, signing pleadings, negotiating settlement agreements, soliciting legal business on



behalf of an attorney, setting a legal fee, accepting a case, or advertising or contracting with members of the general public for the performance of legal functions.

\*\*\*\*\*

\*Note: a more expansive list is included in the "General Guidelines for the Utilization of the Services of Legal Assistants by Attorneys" approved by the Board of Directors of the State Bar of Texas, May 1993.