

The Maryland Bar Center

520 West Fayette Street

Baltimore, MD 21201-1781

410-685-7878

800-492-1964

fax 410-685-1016

tdd 410-539-3186

www.msba.org

November 10, 2011

TO: Presidents for all applicable County Bar Associations and the Bar Association of Baltimore City
Executive Director, Anne Arundel County Bar Association
Executive Director, Baltimore County Bar Association
Executive Director, Bar Association of Baltimore City
Executive Director, Frederick County Bar Association
Executive Director, Harford County Bar Association
Executive Director, Howard County Bar Association
Executive Director, Bar Association of Montgomery County
Executive Director, Prince George's County Bar Association

FROM: Paul V. Carlin, Executive Director

RE: **Announcement Concerning Nominations and Elections for Board of Governors in 2012.**

Henry E. Dugan, Jr.
President

John P. Kudel
President-Elect

Michael J. Baxter
Secretary

Debra G. Schubert
Treasurer

Paul V. Carlin
Executive Director

This is the annual announcement regarding the nomination and election process for vacancies on the Maryland State Bar Association Board of Governors occurring in June 2012.

Only Class II Governors can be nominated and elected in 2012, since it is an even numbered year. Vacancies will be occurring in the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Districts as well as 1 Young Lawyer Governor. Please see the attached chart.

In order to provide you more familiarity with these procedures, enclosed you will find:

1. The Actual Bylaw;
2. A chart showing the breakdown by District, Entitlement and Classes;
3. The Regulations concerning the nomination and election procedures

November 10, 2011

Page 2

4. The actual dates for the 2012 Nominations & Elections procedures;
5. The Nomination Petition form;
6. The Biographical Sketch form;

Local Bar Associations and interested individuals should complete the Nomination Petitions and submit them to me at the MSBA Headquarters Office, The Maryland Bar Center, 520 W. Fayette Street, Baltimore, Maryland 21201, to be received no later than 5:00 p.m., Tuesday, February 14, 2012.

Additional forms may be obtained from the MSBA Headquarters on request.

Section 1, Article III of those regulations provides that a biographical sketch, prepared by the candidate and not exceeding 100 words, may be mailed with the ballots to the Electorate. If the candidate would like such information mailed to the membership, it should be submitted along with the Nominating Petition. (A form is enclosed for the candidate to prepare such a sketch.) Please inform the candidates to type and keep all information inside the box since it will be duplicated exactly as it is received.

**ALL BAR ASSOCIATIONS ARE ENCOURAGED TO GIVE THIS
INFORMATION WIDE PUBLICITY.**

PVC: dw

Enclosures as stated

Article III.
Officers

Section 1. The elective officers of the association shall be a President, a President-Elect, a Secretary, a Treasurer, one or more District Governors elected from each District, and three Young Lawyer Governors.

Section 2. The appointive officers of the Association shall be an Executive Director, and such other directors as deemed necessary and employed by the Board of Governors. The Board of Governors may appoint from the membership of the Association an Assistant Secretary and an Assistant Treasurer as it deems necessary.

Section 3. The Board of Governors, acting in executive session, shall constitute a Nominating Committee. It shall be the duty of this committee to nominate candidates for elective offices, except President and Governor. These nominations shall be mailed to all members not later than March 1 each year. Additional nominations may be made by petition filed with the Executive Director on or before April 1, signed by at least 30 members.

Section 4. The elective officers, except the President and Governors, shall be elected at the Annual Meeting for a term of one year or until their successors are elected, and their term of office shall begin at the close of the Annual Meeting at which they are elected. Governors shall be divided as equally as may be into two classes, Class I being elected in odd numbered years and Class II being elected in even numbered years, the members of each class to serve for a term of two years or until their successors are elected, said term beginning at the close of the Annual Meeting held immediately following their election.

Section 5. For the purposes of this Association, the term "District" shall mean any of the following districts: District 1 - Baltimore City; District 2 - Dorchester, Somerset, Wicomico, and Worcester Counties; District 3 - Caroline, Kent, Queen Anne's, and Talbot Counties; District 4 - Calvert, Charles and St. Mary's Counties; District 5 - Prince George's County; District 6 - Montgomery County; District 7 - Anne Arundel County; District 8 - Baltimore County; District 9 - Harford and Cecil Counties; District 10 - Howard County; District 11 - Frederick and Carroll Counties; and District 12 - Washington, Allegany and Garrett Counties.

Section 6. Any member of the Association having that member's primary address within a District may be nominated for District Governor by a petition filed with the Executive Director in accordance with Regulations promulgated by the Board of Governors and not inconsistent with these Bylaws. The petition shall be (a) signed by an appropriate officer of the nominee's county Bar Association, or in the First District, the Bar Association of Baltimore City, certifying that the candidate was selected by the governing body of such Bar Association, or (b) signed by not less than ten members of the Association, each of whom has a primary address within such District.

Section 7. The District Governors shall be elected by plurality vote by mailed secret ballot as provided in the parliamentary authority adopted by the Association, except in cases where the number of nominees does not exceed the number of District Governors to be elected, in which case nomination shall constitute election at the close of nominations. The election shall be conducted in accordance with Regulations promulgated by the Board of Governors and not inconsistent with these Bylaws. The District Governors shall be elected on a district-wide basis.

Section 8. Representation of Districts by Governors shall be determined according to the following procedure.

a. The maximum number of District Governors of the Association shall be thirty-two (32). Each district shall be entitled to at least one (1) Governor.

b. On the first day of September of each calendar year, the Secretary of the Association shall determine the number of lawyers who are both in the State of Maryland and members of the Association. The Secretary shall divide this number of members by thirty-two (32) in order to establish the Base Number used to determine the minimum number of District Governors who shall represent each District. The Secretary shall certify to the Board of Governors the number of members whose primary addresses are in each District, and the number of additional District Governors who shall represent each District in accordance with the following formula:

1) The Secretary shall subtract the Base number from the total number of members whose primary addresses are in each District to establish a Secondary Total in each District, and rank each District in order from the largest to the smallest.

The Secondary Total from each District shall be added together to establish a Grand Secondary Total, which when divided by twenty (20), (the remaining number of Board Seats to be allocated) will provide the Secondary Divider.

2) After identifying the District with the largest Secondary Total, the Secretary shall divide the number of members in that District by the Secondary Divider. The whole number of the quotient shall equal the number of additional Governors for that District. The Secretary shall follow this procedure for the other Districts which have a Secondary Total greater than the Base Number, in descending order from largest to smallest, until the allocation of thirty-two (32) Governors has been completed.

3) A District with a zero (0) or a negative remainder shall not be entitled to an additional Governor.

4) If after the allocation pursuant to Paragraph two (2) above, the total number of Governors does not equal thirty-two (32), the Secretary shall then rank each District beginning with the District having the largest fraction in its quotient to the District having the smallest fraction in its quotient. The District having the highest fraction in its quotient shall be entitled to one additional District Governor. The Secretary shall follow this same procedure for succeeding Districts in descending rank according to the fraction value of the quotients until there are a total of thirty-two (32) Governors.

c. The Secretary shall certify the total number of District Gov-

ernors for each District. In those Districts with an even number of District Governors, one half will be Class I Governors, and the remainder will be Class II Governors. In those Districts with an odd number of Governors, one half of the Governors plus one (1) will be Class II Governors.

Section 9. Young Lawyer Governors shall be elected by the Section of Young Lawyers as provided in its bylaws, two in Class I and one in Class II, provided, however, that all such Governors shall qualify as, and be, members of the Section of Young Lawyers at the beginning of their terms as Governors.

Section 10. No District comprising two or more counties shall be represented by a Governor from the same county for more than four consecutive years, unless there are no candidates from the other county or counties in the District who run for election. No Governor shall be elected to a successive term as a governor until at least one intervening two-year term has expired.

Section 11. The officers shall perform the duties prescribed by these Bylaws, the parliamentary authority adopted by the Association, and as ordered from time to time by the Association or the Board of Governors. In the temporary absence of the President, the President-Elect shall perform the duties of that office.

Section 12. Vacancies in elective offices shall be filled as follows:

(a) Should the office of President become vacant, the President-Elect shall immediately become President and, for the remainder of the term, shall hold both the office of President and the office of President-Elect. Should the office of President become vacant again during the same term, the Board of Governors, at its next meeting, shall elect a President who shall serve as President during the remainder of the term and the vacancy in the office of President-Elect shall be treated in accordance with Subsection (b) of this Section.

(b) Should the office of President-Elect become vacant, the vacancy shall not be filled. However, if such vacancy occurs prior to February 1, the Board of Governors shall, under Section 3 of this Article, nominate a candidate for President as well as candidates for the other elective offices to be filled and a President shall be elected with the other officers at the Annual Meeting. If such vacancy occurs after February 1, the Board of Governors shall nominate a candidate for President at the Annual Meeting and nominations from the floor shall be permitted.

(c) A vacancy in any other elective office shall be filled within the District by the Board of Governors at its next meeting. In the case of District Governors, any vacancy shall be filled by election of a member from the District or County within the District in which the vacancy occurs. In the case of Young Lawyer Governors, any vacancy shall be filled by the Section of Young Lawyers.

III. REGULATIONS

A REGULATIONS GOVERNING THE NOMINATION AND ELECTION OF DISTRICT GOVERNORS

Article I.

Entitlement to Representation

Section 1. In September of each year the Board of Governors shall declare the number of governors to be elected from each district as determined in accordance with the Association's Bylaws, and notice of such declaration shall be given to all members of the Association by publication in the Maryland Bar Journal or Bar Bulletin. Such notice shall identify any county ineligible for representation.

Section 2. All elections shall be conducted on a district wide basis.

Article II. Nominations

Section 1. The number of candidates nominated by any county bar association or by the Bar Association of Baltimore City shall not exceed the number of Governors to which their district is entitled.

Section 2. A uniform form of nominating petition shall be prepared and furnished upon request by the Executive Director. All nominating petitions shall be filed with the Executive Director not later than 120 days before the opening day of the Annual meeting of the association. In addition to giving general publicity thereto, the Executive Director shall give due notice of the dates on or before which nominating petitions must be filed to all local bar associations.

Section 3. The Executive Director shall reject the nomination of any Association member whose primary address is not within the district entitled to representation.

Section 4. In the event that no nominating petitions are received from within a district within the time prescribed, no election shall be held in such district and, immediately following the annual Meeting, the resulting vacancy shall be filled by a member of the Association from such district selected by the board.

Section 5. Should the Executive Director be uncertain of the qualifications of any nominee or of the

validity or timeliness of any nominating petition or if his decision with respect thereto is challenged, the matter shall be referred to the Executive Committee of the Association which shall immediately rule on the question.

Article III.

Election Procedure

Section 1. Immediately after the expiration of the time within which nominations must be made, the Executive Director shall (a) appoint, with the approval of the President, not less than three tellers to conduct the various elections; (b) cause to be printed and mailed to all Association members entitled to vote thereon within the respective districts a notice of nominations providing adequate instructions to the voters, such as biographical information (not to exceed 100 words) as may be submitted by each nominee, and a ballot which shall contain the names of the nominees, listed in alphabetical order in vertical arrangement, and which shall make no provision for write-in voting; (c) mail with the ballot an envelope addressed to the Executive Director on which there shall be provision made for the signature of the voting member. Each voter shall be directed to mark the ballot, to seal it inside the ballot envelope and, after signing and completing the necessary information contained on the envelope, to mail it to the Executive Director with a postmark not later than 75 days before the opening day of the Annual Meeting of the Association.

Section 2. All ballots, to be valid, must be postmarked not later than 75 days and received by the Executive Director not later than 70 days before the opening of the Annual Meeting.

Section 3. Upon receipt of the ballots, the Executive Director shall check off the signatures of the voters against the current list of qualified voters and shall deposit the unopened ballot envelopes in sealed ballot boxes segregated as to district. Any Association member whose primary address is located in Maryland shall be eligible to vote in elections held in the

district in which that primary address is located. An Association member whose office is located outside of Maryland, but whose residence is located in Maryland shall be eligible to vote in elections held in the district if that residence is designated as the member's primary address.

Section 4. Immediately after the expiration of the time within which ballots must be received, the tellers of election shall open the sealed ballot boxes and the ballot envelopes, shall supervise the counting of the ballots and shall certify the results in writing to the Executive Director, setting forth in their report the total number of ballots cast by district and the number of votes received by each candidate by district. The tellers shall also deliver to the Executive Director, appropriately segregated, all of the ballots cast in each of the elections and all of the ballot envelopes received for each of the elections, which records shall be held in custody until after the final adjournment of the Annual Meeting of the Association or as otherwise directed by the Board of Governors.

Section 5. The candidates receiving the greatest number (a plurality) of votes shall be elected to the office or offices for which nominated. When two or more candidates receive an equally high number of votes and all cannot serve, the winner or winners shall be determined by lot under the supervision of the tellers.

Section 6. The rules contained in the parliamentary authority of the Association regarding secret mailed ballot voting shall govern the elections insofar as they may be applicable. The decisions of the tellers of election and of the Executive Director shall be subject to review by the Executive Committee of the Association.

2011 Board of Governors
DISTRICT, ENTITLEMENT AND CLASSES

<u>District</u>	<u># of Governors to which Entitled</u>	<u>Class I</u>	<u>Class II</u>
First District Baltimore City	6	4	2
Second District Dorchester/Somerset Wicomico/Worcester	1	1	
Third District Caroline/Kent Queen Anne's/Talbot	1	1	
Fourth District Calvert/Charles St. Mary's	1		1
Fifth District Prince George's	2	1	1
Sixth District Montgomery	8	2	6
Seventh District Anne Arundel	3	2	1
Eighth District Baltimore County	5	3	2
Ninth District Harford/Cecil	1		1
Tenth District Howard County	2	1	1
Eleventh District Carroll/Frederick	1		1
Twelfth District Allegany Garrett/Washington	1	1	
Young Lawyers	3	2	1

NOMINATION AND ELECTION OF THE BOARD OF GOVERNORS

The following dates will be used in accordance with the Bylaws and Regulations Governing the Nomination and Election of the Board of Governors:

Opening Day of Annual Meeting	June 13, 2012
Nomination petitions must be filed with the Executive Director no later than:	February 14, 2012
Ballots must be postmarked or cast no later than:	March 30, 2012
If paper, Ballots must be received by the Executive Director no later than:	April 4, 2012

NOMINATION PETITION

**On behalf of Candidate for Member of Board of Governors of the
Maryland State Bar Association, Inc.**

1. Nomination by Association Members. We, the undersigned members of the Maryland State Bar Association, Inc., being in good standing and entitled to vote for such nominee, hereby nominate _____ who maintains his or her primary address at _____ County of _____, State of Maryland, for the office of Governor from the _____ District. We and each of us, do hereby certify that we are members of the Association and that our respective primary addresses are located as set opposite our names below.

2. Nomination by a Local Bar Association. I, the undersigned, being the _____ of the Bar Association of _____ (County) or (City), do hereby certify that by action of its governing body duly taken in accordance with its Bylaws, the Bar Association of _____ (County) or (City) hereby nominates _____, who maintains his or her primary address at _____, County of _____, State of Maryland, for the office of Governor from the _____ District.

(Signature of Officer)

(Type or Print Name of Officer)

(Type or Print Name of Bar Association)

ACCEPTANCE OF NOMINATION

I, the above-named candidate, hereby accept the nomination to the office of Governor from the _____ District, and I hereby certify that I am a member of the Association and that my primary address is as set forth above.

(Signature of Candidate)

(Type or Print Name of Candidate)

BIOGRAPHICAL SKETCH

NAME _____ ADDRESS _____

COUNTY _____ DISTRICT _____

Please do **not** exceed 100 words.

Please type - this form will be reproduced **exactly** as you submit it.

Please keep your information in the box.

This information will be sent to the membership in the case of a contested election.