AMERICAN COLLEGE OF TRIAL LAWYERS

Guide to

Leading a State or Province Committee

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Introduction

State and Province (S/P) Committees play an important role in identifying, investigating and nominating qualified candidates for Fellowship. They also serve as the College's local connection to the legal community and help foster engagement and collegiality among Fellows through local programs, outreach activities and social events.

Each Committee is led by a Chair and Vice Chair, with other Fellows appointed to serve as committee members. While the Committee's primary responsibility is the candidate nomination process, members also contribute to planning and carrying out local activities and initiatives.

The Committee's work is part of the broader governance structure of the College. The National Office provides administrative support and resources to help committees carry out their responsibilities.

Committee Selection

The State and Province Committees are central to the College's activities and health. Details of the responsibilities are discussed in the sections below, but perhaps the most important function of the Committees is the identification, investigation and nomination of new Fellows. The College is committed to diversity. To achieve that, it is important to have diversity in the Committee. In making recommendations for Committee membership, consider minority status, gender, age and length of time as a Fellow. The Committee should also have geographical representation and reflect different fields of practice.

Committees include a Chair, a Vice Chair, and as many additional members as appropriate for the given chapter. For most Committees, the Chair and Vice Chair typically serve 2-year terms, with the Vice Chair moving into the Chair position at the end of the two-year cycle and a new Vice Chair being appointed. Committee members are appointed for one-year terms, but can serve for up to five years, after which time they should rotate off the Committee and not serve again for at least two years. These terms begin at the same time other College office terms begin – at the conclusion of the Annual Meeting in the Fall each year.

For smaller jurisdictions, terms for Committee members are sometimes extended in order to maintain enough members to get the work done, or to ensure sufficient geographic representation.

The College Bylaws give the President-Elect the power to appoint the Chairs, Vice Chairs and Committee members.[1] As a practical matter, the College relies heavily on the recommendations of the current State or Province Chair for Committee positions, including who should serve as the Vice Chair.

The formal process for appointing committee members usually begins in June when the National Office sends a Recommendation Worksheet to the Chair and Regent. This will list current committee members, highlighting those that have served for five years and should be replaced.[2] The Chair should return the worksheet with his or her recommendations by the deadline, usually 3-4 weeks later. Along with the Worksheet, the National Office provides instructions for making the recommendations, including evaluating existing members, identifying new members, discussing the roster with the Regent, and confirming that each Fellow is willing to serve for the coming year. While it can be challenging to complete all these steps well in just a few weeks, the success of the State and Province Committees, and the health of the College, depends on having effective Chairs and Committee Members willing to commit their time to the job. These recommendations are of the utmost importance and should be made with care and deliberation. Here are some best practices to help identify those who should be nominated for service on a committee:

- Keep a record of committee member participation during the year (See Attachment A).
- During the year, ask Fellows who may be good candidates for committee service whether they would be interested in serving and keep a list of those who express interest.
- Begin discussions with your Regent in April or May, *before* you receive the Worksheet.
- For those members who you would like to serve again, reach out in May asking if they are willing to serve another year and whether they can commit the time necessary to get the work done.
- Identify those members that have not participated at an acceptable level and who, in addition to those who have served five years, should be replaced.
- Once you have determined how many vacancies you need to fill, call the Fellows you would like to recommend as new members to confirm their interest and willingness to join the Committee. Do not simply appoint a new member without first explaining the job and the expectations.

[1] Bylaws sec. 3.4

[2] For States and Provinces with relatively few Fellows, committee members may need to serve more than 5 years

- There is no defined committee size. It can be as large or as small as needed to get the work done.

Ideally, these steps should be taken *before* the end of May, before you get the Worksheet from the National Office.

To avoid any appearance of impropriety, the Board has determined that a Judicial Fellow is not eligible to serve on a State or Province Committee. Judicial Fellows can be interviewed as part of the investigation of a candidate, just like any other judge.

Responsibilities

State/Province Chair

The Chair has primary responsibility for ensuring the effective and timely execution of the Committee's mandate and, to that end, must distribute the work equitably among Committee members. Where appropriate, other Fellows can also be engaged. Communication and organization are essential to effective Committee performance. Recommendations for carrying out the various responsibilities are contained in the next section of this guide.

Chairs should attend the two national meetings and any regional meetings during each year of their terms. It is especially important that the Chair attend national meetings when a new Fellow from their State or Province is being inducted. Inductees often know few, if any, of the Fellows attending the meeting. Chairs and Vice Chairs should make an effort to welcome them and help them build connections. A Fellow who attends only to be inducted and leaves without making those connections may never return – a lost opportunity for both the Fellow and the College.

The College holds a Leadership Workshop for Committee Chairs every year. Because the College views the Workshop as crucial to its continued vitality, the College pays the transportation and hotel costs for invited attendees. The sessions at the Workshop give Chairs an opportunity to obtain an in-depth understanding of College programs, focus on the importance of their Committee's work, meet with the leadership of the College, and exchange ideas with other attendees.

Beyond the Committee, the Chair is the leader of the Fellowship for his or her chapter. Through communication and organization, the Chair sets the tone for the College in the chapter. Good performance results in a vibrant Fellowship; while poor performance leads to a moribund Fellowship.

State/Province Vice Chair

The Vice Chair's primary responsibility is to support the Chair by participating in all meetings, setting an example for other Committee members, and learning the ropes. At the start of their two-year term together, the Chair and Vice Chair should decide how they will divide the Committee responsibilities. Vice Chairs are occasionally called on to attend the Leadership Workshop. It is excellent preparation for the job as Chair and every effort should be made to attend.

State/Province Outreach Liaison

Successful State and Province committees engage their local Fellows through outreach programs for other lawyers (especially newer lawyers and the judiciary), law students, and the community. This not only serves our mission to "enhance trial practice, civility, professionalism, and the administration of justice," but also provides value to our Fellows. If your Committee decides to engage in an outreach activity, you should consider appointing an Outreach liaison, and perhaps a subcommittee to support him or her. Tasks don't get done unless someone is appointed to do them.

Regent

The Regent is an ex-officio member of the Committee. The Regent presents a status report on the work of the Committee to the Board of Regents at each meeting of the Board. The Regent is the Board of Regents' representative to the Committee and the Committee's liaison to the Board; the Regent's role is to advise and render assistance to the Committee regarding its functions. As such, it is important that the Regent be made aware of all activities of the Committee. For example, the Regent should be invited to all Committee meetings (attendance will likely be virtual in many instances) and should be provided copies of all significant Committee correspondence in real time. In addition, when planning a chapter-wide meeting, coordinate with your Regent to ensure they can attend and add the event to the College's calendar so the President has the opportunity to attend as well.

Getting the Work Done

Required activities

Generating and processing nominations is the number one responsibility of the Committee. The *Guide to Successful Nominations* is available in the Committee Toolkit on the ACTL website. The Guide contains all the information you need for this activity.

In addition to handling nominations, the Committee is responsible for organizing at least one social event each year for the Fellows in your chapter. To help with this activity, two separate guides have been created and are available in the Toolkit: *Guide to Organizing a Fellows Dinner* and *Guide to Hosting a State or Province Retreat*. The National Office Meeetings Department needs to be given the details of your social event as soon as possible so that arrangements can be made for the College President to attend.

Additional activities

The Committee also has primary responsibility for other activities, which are discussed at greater length below:

Outreach. This includes CLE programs for lawyers, interacting with law school students, and interacting with the community. Resources for CLE programs like the Boot Camp are available on the ACTL website. Additional information is also available on the website for programs like the Reputation Project and our partnership with the National Constitution Center to engage in Civics Education with middle and high school students.

Public statements. From time to time the College issues public statements on important events or issues that affect the judiciary, our judicial system and the Rule of Law. Sometimes the event or issue is localized and it is more appropriate for a State or Province Committee to consider issuing a statement. The process and guidelines for issuing public statements is discussed more below.

Moot court/trial workshops. The College is involved in mock trial and moot court competitions in both the United States and Canada. State and Province Committees should actively support these programs and assist in recruiting Fellows to judge at regional competitions.

Setting goals and creating a calendar

It is impossible to handle the responsibilities of the Committee well without organization. At the beginning of each year the Chair, preferably with the participation of the Vice Chair and Regent, should set the goals to be accomplished for at least the coming year, if not the entirety of the Chair's two-year term. Dates for all Committee meetings should be set so that members can get them calendared. It is preferable to hold meetings on the same day and time each month so that members get in the habit of attending. As soon as possible, dates should also be set for social events and other activities. Subcommittees may be appointed to accomplish some of these tasks, such as organizing a CLE program or organizing a retreat.

Attachment B to this guide is a template for a calendar. It should be sent to the National Office and your Regent. The calendar should include the dates of Committee meetings,

social events, mock trial and moot court competitions, CLE events, and any other activities you have decided to pursue.

Communicating expectations to Committee members

The Chair cannot handle all these responsibilities alone. It requires time and commitment from all the Committee members. At the beginning of each term, either during the first meeting or in an email, the Chair and Vice Chair should discuss with Committee members the tasks that need to be handled in the year, the expectations for members, and the assignment of responsibilities. As part of this conversation, the Chair should emphasize the importance of attending meetings so there is a quorum whenever needed.

Keeping track of participation

Keeping track of Committee members' participation is important for spreading the workload, deciding whether to recommend a committee member's reappointment, as well as deciding who might be a future State or Province Vice Chair. Participation includes not only attending Committee meetings, but also actively participating in making nominations, handling investigations, attending social functions and participating in other College (and Committee) activities or outreach efforts.

The College tracks attendance at national and regional meetings, as well as chapter dinners and retreats when registration is handled through the National Office. The College also tracks participation on General College Committees, task forces and other initiatives. Such participation indicates an interest in and commitment to the College and is generally an indicator that the Fellow will be an engaged committee member. You can get your chapter participation report by contacting the National Office.

In addition to the records kept by the College, the Chair should keep his or her own log of participation in State and Province Committee meetings, as well as the handling of assignments such as investigations. As for assignments, you might also keep track of the number of assignments, the timeliness of completion, and the quality of the work. This information should be passed on to successor Chairs so that there is a record to refer to when it comes time to choose the next Chair. Attachment A below is a sample template you can use.

Committee organization

Subcommittees: Each State and Province Committee is encouraged to engage in other activities consistent with the Mission of the College. It may be helpful to form subcommittees to manage the Committee's chosen activities. To increase engagement, Fellows who are not members of the full Committee should also be asked to serve on these

subcommittees. Appointments and terms of subcommittee memberships are at the discretion of the Chair. Activities for subcommittees could include planning CLE or organizing a Fellows social event like a retreat or luncheon. If you are hosting a regional meeting, you should definitely create a subcommittee.

Liaisons: For larger States and Provinces, the Chair should consider appointing Committee members as liaisons in larger cities/areas. The liaisons should be tasked with organizing one of more gatherings for Fellows in those cities, such as morning coffee, drinks after work, or even a lunch or dinner. In addition to socializing, the Fellows should spend time discussing potential nominees. If the Fellows agree that a candidate has support, the liaison should assign the responsibility for completing the Proposal for Fellowship Form (Form H), which includes two seconding Fellows, and submitting it to the State or Province Chair.

Welcoming and involving new Fellows

New Fellows are more likely to become active members of the College if they are welcomed and engaged by their State and Province colleagues immediately after they are inducted. The following are some ways to do that:

- Announce the induction of the new Fellows in a bar association publication. The College has created a sample announcement congratulating the new Fellows, which also lists the names of the Chair and members of the State or Province Committee members.
- Invite nominees who have not yet been inducted to social functions and recognize them at that gathering.
- Assign a Committee member to make sure the inductee is greeted and connected when they attend the National meeting for induction.
- Arrange a meeting, virtual or in person, explaining the forms and processes for nominating a candidate for Fellowship and encouraging the new Fellow to submit nominations or volunteer to serve on their State or Province Committee.

The inductee onboarding document posted in the Committee Toolkit on the College website provides suggestions for engaging and integrating Inductees into the Fellowship.

Education and outreach

Existing law school competitions: The National Moot Court and National Trial Competitions in the U.S., and the Gale Cup and Sopinka Cup competitions in Canada, are the preeminent competitions of their kind. The College's sponsorship of those events brings great prestige while also serving its core mission. State and Province Committees are expected to support the

Competitions, in conjunction with the General Committees that administer each competition, by helping to enlist the Fellows, judges and witnesses necessary to stage the events. Fellows in the State or Province may already be serving on the competition's General Committee. You can find information about each of these competitions on the College website. Chairs should communicate with the Fellows from their State or Province who serve on these committees to offer support with recruiting Fellows to volunteer as judges. If the State or Province does not have anyone on the competition committees, consider appointing a member of the State or Province Committee to serve as a liaison with the relevant Competition Committee(s).

Law School/School Liaisons: Law Schools (and schools in general) provide excellent outreach opportunities and State and Province Committees should develop and encourage Fellows to volunteer in professionalism, ethics, advocacy and civility programs at law schools, postgraduate education courses, high schools and local bar programs. The Committee should try to identify local school(s) where opportunities are likely to arise and also consider assigning members to be the liaison with whichever school(s) are selected. The College also has developed the Reputation Project, designed to help law students and young lawyers understand the importance of a professional reputation. Instructions and resource materials to be used for these presentations are also posted on the website.

CLE programs: The College encourages State and Province Committees to host CLE programs. Appointing a subcommittee is an effective way to organize a program and engage Fellows who are not on the State or Province Committee, especially new Fellows. There are a multitude of resources available on the ACTL website to help you plan and execute a successful program. Boot camps and the legal ethics video vignettes are two examples.

Report Fellows deaths

State and Province Chairs should advise the National Office of the death of a Fellow as soon as known. The Chair should attempt to provide a copy of the deceased Fellow's obituary and other published information to the National Office. Information received becomes a part of the College archives and is provided to the Editor of the *Journal* and the *eBulletin*.

Committee Finance

Bank account

When local or regional functions are planned, it is typically necessary to collect fees from attendees. The National Office has a relationship with Bank of America that allows it to set up accounts for a State or Province Committee. The Chair of the State or Province Committee will

be given signature authority on the account, and provided a checkbook. When payments are made through the account, the National Office will receive notice of the payment and the National Office Administrator will ask the Chair to provide a copy of the invoice, receipt or other documentation for the payment. This process helps ensure that all State or Province funds are used for proper purposes. Registration for local events can also be set up to use the ACTL website for credit card payments. Registration fees will be credited to the State or Province Committee account.

Some State or Province Committees have created their own bank accounts in the name of "The [*State or Province*] Committee of ACTL" or "The [*State or Province*] Fellows of the American College of Trial Lawyers." For such accounts, funds should not be held in the name of the American College of Trial Lawyers itself since that could create tax issues and affect the College's non-profit status. If a State or Province sets up their own accounts, the National Office should be provided with information about the account.

Raising funds

State and Province Committees may not assess dues. However, a committee may solicit *voluntary* contributions from local Fellows on a special or annual basis to subsidize specific projects and activities or to defray expenses. It is also permissible to charge an amount in excess of the actual cost of a social event, and to use any excess funds defray the costs for public service Fellows and Judicial Fellows to attend, or to pay for other chapter activities.

Use of funds

Funds should only be used for legitimate State or Province Committee purposes. Since the funds are held in the name of the Committee, the Chair should get approval from the Committee for expenditures. When the Committee has a bank account through the National Office, the ACTL Office Administrator will ask the Chair for an invoice or receipt for each check written.

Records

Confidentiality

The Chair should maintain all records generated by the Committee's work, except for any investigation reports or other documents containing details of investigations. Investigation reports should be deleted or destroyed after final action on a candidate. Trial lists and nomination forms generally contain only public, non-confidential information and may be retained. The College's rules regarding the confidentiality of nomination records must always be followed.

Retention

Other documents, such as expense records, calendars, details of subcommittees' work and the State or Province Committee watchlist or candidate tracking forms should be passed along to the Vice Chair when he or she assumes their role as Chair.

National Office Assistance

Upon request, the National Office will provide College letterhead templates to the State and Province Chairs for Committee correspondence during each Chair's term. The National Office offers assistance for local and regional functions, such as negotiating contracts for retreats and regional meetings, providing mailing lists, providing name badges for all social events and local meetings, etc. The College does not release registration lists or mailing lists of members for any purpose other than official College mailings unless specifically approved by the Board of Regents. But contacting your Fellows is official business and the National Office can provide you with your listserv or other contact information for Committee members or area Fellows.

The College typically does not reimburse Committees or Chairs for miscellaneous office expenses or travel and travel-related expenses incurred on behalf of the College or its Committees.

State and Province Committee Awards

The Fellows in a State or Province may wish from time to time to honor a practicing lawyer or retired judge whose career has exemplified the qualities of ethics and professionalism embodied in the College's Codes of Trial and Pretrial Conduct and whose actions and accomplishments manifest a lifetime commitment to advancing the administration of justice through service in the legal profession, the judiciary, government or public service.

The Fellows in a State or Province may make an award to an individual meeting the foregoing criteria subject to the following guidelines:

- The award may be made only to a practicing or retired lawyer, a retired judge or a judge who has taken senior status or been certified to continue sitting for a stated number of years after reaching a specified age. To avoid the potential embarrassment of recognizing one judge and not another, *the award may not be given to a judge in active service.* The Committee may wish to give the award to a Fellow but should also consider candidates who are not Fellows.
- The award may take any appropriate form but may not include a cash component.

- The award may be given in the name of the Fellows of a State or Province, or a State or Province Committee, but it must be made clear that the award is not being made by or in the name of the College as a whole.
- The award may be given at a Committee Meeting or dinner or on some other suitable private or public occasion.
- A State or Province Committee wishing to make such an award shall inform its Regent. The Committee shall submit a written explanation to the Regent stating the reasons for selecting the recipient. The Regent may either approve the selection, in which event the Fellows or Committee may proceed, or refer the selection to the Executive Committee for its approval or disapproval.
- If the Committee wants to publicize the award, the announcement shall be tasteful and shall state the mission of the College. It may identify the Fellows or members of the Committee conferring the award. Before making the announcement, the Committee shall submit its text for review by its Regent.

Issuing Public Statements and Defense of the Judiciary

From time to time, events may occur that implicate the Mission of the College: "The American College of Trial Lawyers strives to preserve and enhance trial practice, civility, professionalism, and the administration of justice through support of an independent judiciary, the rule of law, trial by jury, and access to justice." The Board of Regents has adopted *Guidelines for Public Statements by the College and Its Fellows*, which can be found on the College's website. Regarding statements by State or Province Committees, the Guidelines provide "A statement by a committee does not require approval of every Fellow in the chapter, and, therefore, any statement by a committee should note that it is only the members of the committee who approve of the statement."

The process that must be followed is set forth in a "Decision Tree" that is part of the same document. The steps include unanimous agreement by the members of the State or Province Committee that a statement should be issued; the drafting of a statement following the template provided by the Guidelines, entitled "Points for Response by the American College of Trial Lawyers to Attacks on Judges and Justices"; and submission of the proposed statement to the Regent and the Executive Committee for approval.

Attachment A

State Committee Participation Log

Committee member name	Meetings attended (date)	Investigations assignment/ completion (date)	Nominations submitted	Other tasks accomplished

Attachment B

State/Province Committee Activities for _____ (year)

Activity or Event	Date	Location	Deadlines
Committee meetings	(insert all dates)		
Luncheon			Contract with venue_____ Notice to Fellows_____ Create Budget and attendance cost _____
Dinner or Retreat			Contract with venue_____ Notice to Fellows_____ Create Budget and attendance cost _____
Outreach events			
Newsletter dates			

State/Province Calendar for ____ (year)

Month	Event		
October	Date	Activity	Location
November	Date	Activity	Location
December	Date	Activity	Location
January	Date	Activity	Location
February	Date	Activity	Location
March	Date	Activity	Location
April	Date	Activity	Location
May	Date	Activity	Location
June	Date	Activity	Location
July	Date	Activity	Location
August	Date	Activity	Location
September	Date	Activity	Location