

Proposed Bylaw Amendment Section 8.4(a-3)

Changing the Governance, Duties and Rights of NLG Entities Requires Consultation

This amendment would add the following new (italics) section to the Bylaws.

8.4 (a-3) Any proposed resolution, bylaw amendment, or constitutional amendment which would directly impact the governance structure, duties, or rights of any NLG entity (including any chapter, committee, caucus, project, or office) must in contain in its proposal an indication that the impacted parties were consulted and that the proponent attempted to obtain the express consent of the entity or entities to be so impacted. The proposal shall include a statement on the face of the proposed resolution or proposal for the amendment that 1) the proponent has obtained the express consent of the entities directly impacted, or 2) that the proponent attempted to obtain consent and was denied or 3) consultation was impracticable, with an explanation as to why it could not be completed or 4) the proponent informed the obligated persons or entities of the proposal and requested approval, but this request was neither expressly granted or denied, before presentation to the membership. If the proposed resolution or amendment is sponsored by the entities to be impacted, it must so state expressly in the proposal.

Comments on Proposed Bylaw Amendment Section 8.4(a-3):

The Implementation Clause in Bylaw (8.4(a)) was passed in response to the frequency of resolutions that could not be implemented. Since 2008 or 2009, the Resolutions Committee has been interpreting the Implementation Clause in Bylaw (8.4(a)) as the basis for an uncodified “obligations rule” whereby proposers of resolutions and amendments must obtain the consent of any affected entities before presentation to the national convention. This interpretation was previously felt serve the spirit of the implementations clause by preventing Guild entities from being placed with tasks that they did not want to or were unable to do. However a problematic consequence of this interpretation has been to grant Guild entities a veto over the national convention which is inconsistent with the Guild’s constitutional structure and democratic principles. This bylaw proposal supersedes the “obligations rule” and replaces it with a system that balances the interests of affected entities with the membership at large to govern the entire organization. Under this new bylaw affected entities must be consulted and have a clear opportunity to inform all members voting on proposals whether they agree or disagree with a proposal, but the membership as a whole has the opportunity to make the final decision.

Endorsers:

- National Executive Committee of the National Lawyers Guild
- Executive Council, National Lawyers Guild
- Dan Gregor, Interim Executive Director, Former Resolutions Committee Member
- Caitlin Kelly Henry, Anne Befu, Matt Kellegrew, Resolutions Committee Members
- Samantha Godwin, Next Generation Committee Chair (Proposer)

Questions and Comments: nlgbylaws@gmail.com

Statement of Implementation and Consent

The Resolutions Committee shall be tasked with review of all proposed resolutions and tasked with enforcement of this amendment under the Resolutions Committee’s mandate from section 10 of the Bylaws. This amendment has the consent of the Resolutions Committee, the body tasked with enforcing the amendment’s mandate, should it pass. However, as this is an amendment that obligates the entirety of the membership, and is not targeted to impact a discrete entity within the guild, it is with the voting process itself that proponents will evaluate if member consent exists.