Requirements And Procedures
For The Election Of Fellows
July 25, 2019
# Requirements And Procedures For The Election Of Fellows

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A. Definitions.

1. For purposes of these Requirements And Procedures for the Election of Fellows ("these Requirements and Procedures"), "T & E" shall be synonymous with the words "estate planning, probate and trust" or "trust and estate" in the practice of law or serving as fiduciary counsel.

2. "Estate planning, probate and trust" or "trust and estate" law is the legal specialty or field with which ACTEC is concerned. With regard to the practice of law, this specialty or field includes the practice of law in the areas of:
   
   (a) the preparation of wills and revocable and irrevocable trusts,
   (b) probate,
   (c) trust, guardianship and conservatorship administration,
   (d) transfer taxation planning and administration (including estate, gift, inheritance and generation-skipping taxes),
   (e) integration of asset protection planning with the aforementioned practice areas,
   (f) fiduciary income taxation,
   (g) incapacity planning,
   (h) elder law,
   (i) employee benefit planning,
   (j) donative planning,
   (k) charitable planning,
   (l) advising exempt organizations, and
   (m) probate, trust and protective proceedings litigation.

3. With regard to those lawyers who are licensed to practice law in a country other than the United States, the areas of practice in that country, regardless of what they are called, that are comparable to the areas listed in Section A.2. above shall comprise “estate planning, probate and trust” or “trust and estate” law to the same extent as set forth in Section A.2. above.

4. Any reference in these Requirements and Procedures to the T & E field shall be to one or more of the areas that are described in Sections A.2. and A.3. above. Any reference to T & E legislation shall be to legislation in one or more of the areas that are described in Section A.2. above.

5. Any reference in these Requirements and Procedures to "private T & E practice" or "teaching T & E law" shall be to the practice or teaching of law in one or more of the areas that are described in Section A.2. above. A lawyer or teacher of T & E is not expected to be expert or to practice or teach in every area, and, in fact, it is recognized that in many cases, the lawyer or teacher will focus on only a few areas of the T & E
field.

6. A “fiduciary counsel” is a lawyer (a) who is employed by a fiduciary services company; (b) whose primary role is to provide T & E counsel comparable in breadth, tone and independence to the advice provided by a Fellow in the private practice of T & E law; and (c) who is known both in and beyond his or her own community, town, city, county, or metropolitan area as contributing to the field of T & E law. The lawyer’s designated title in his or her company can be relevant to his or her identification as a fiduciary counsel, but it is not dispositive. The T & E counsel provided by a fiduciary counsel may be provided directly to clients of the fiduciary services company, or to other employees of the fiduciary services company to help in considering and developing advice to clients, or both.

7. A “fiduciary services company” shall mean a bank or trust company that is authorized by law to serve as trustee, personal representative, guardian or conservator and that offers T & E fiduciary services.

8. “T & E fiduciary services” offered by a fiduciary services company (as defined in Section A.7. above) shall mean services involving one or more of the following areas:

   (a) probate, trust, guardianship and conservatorship administration, whether as the trustee, probate representative, guardian or conservator or as the custodian or in an advisory capacity to an individual fiduciary,

   (b) transfer taxation planning and administration,

   (c) employee benefit planning and administration for individual clients,

   (d) donative planning,

   (e) charitable planning, and

   (f) administration of exempt organizations, whether in a trust or corporate structure.

Trust and fiduciary services shall not mean services limited to investment advice.

B. Classes Of Membership.

1. Fellow.

To be eligible to be elected as a Fellow, a Nominee must be either:

   (a) A lawyer who is licensed to practice in the highest court of any state or jurisdiction of the United States, who practices in a jurisdiction within the United States, or

   (b) A lawyer who is licensed to practice in the highest court of any state or jurisdiction of the United States, who serves as fiduciary counsel with a fiduciary services company (as defined in Section A. above).

To be eligible to be elected as a Fellow, a candidate must meet all of the following criteria:

(i) The candidate must have a total of at least ten years’ experience (A) as a lawyer in the active
private practice of trust and estate law or (B) as fiduciary counsel with a fiduciary services company, or (C) a combination thereof, three of which immediately and continuously precede and are continuing at the time the nomination is submitted and the candidate elected,

(ii) The candidate must have a well-deserved outstanding reputation in the field of trusts and estates,

(iii) The candidate must have demonstrated exceptional skill in trust and estate law, and

(iv) The candidate must have contributed substantially to the field of trust and estate law by lecturing, writing, teaching, or being involved in bar activities or in the enactment of significant state or federal trust and estate legislation.

2. International Fellow.

To be eligible to be elected as an International Fellow, a Nominee must be:

(a) A lawyer who is licensed to practice in the highest court of any state or jurisdiction of the United States, who practices United States T & E law in a country other than the United States, or

(b) A lawyer who has been licensed in a country other than the United States after meeting licensing qualifications comparable to the licensing qualifications required to be a Fellow, and is a lawyer who has at least ten years’ experience in active private T & E practice, three of which immediately and continuously precede the submission of the nomination and continue through the time when the Nominee is elected.

3. Academic Fellow.

To be eligible to be elected as an Academic Fellow, a Nominee must (a) be a full time teacher of law at a duly accredited law school, (b) specialize in teaching T & E law, and (c) have at least ten years’ cumulative experience as a lawyer in active private T & E practice or as a teacher of T & E law, or a combination thereof. A “duly accredited law school” is one that, at the time of the nomination of the Fellow, is accredited or provisionally accredited by the American Bar Association.

4. Judicial Fellow.

A Fellow or Academic Fellow who becomes a judge may designate himself or herself as a Judicial Fellow.

5. Honorary Fellow.

To be eligible to be elected as an Honorary Fellow, a Nominee must be a notable lawyer, judge or justice of preeminent distinction in the United States, or a notable citizen of another country, who has made a substantial contribution to the T & E field.

6. Retired Fellow.

A Fellow, International Fellow or Academic Fellow or former Fellow or Academic Fellow who has retired may designate himself or herself as a Retired Fellow if he or she meets the criteria set forth in Section M.
7. Change of Membership Classification.

A Fellow, Academic Fellow or Judicial Fellow may change his or her classification of membership only in accordance with the procedures set forth in Section N. below.

C. Criteria For A Nominee To Be Elected A Fellow.

1. Active Private T & E Practice.

For a Nominee for Fellow to qualify as being in active private T & E practice, the Nominee must be predominantly in private law practice. For purposes of these Requirements and Procedures, the term "predominantly" means that the Nominee spends at least half of his or her activities in active private T & E practice. In evaluating the Nomination, the State Membership Committee and the National Membership Selection Committee will also consider the Nominee's other professional T & E law-related activities in which he or she is engaged while in active private T & E practice. Examples include teaching T & E law and legislative and rule-making activities related to the T & E field. The following Subsections (a) through (e) amplify the foregoing.

(a) The fact that a Nominee, while in active private T & E practice, also (i) does adjunct teaching at a law school, (ii) sits part-time as a Judge Pro Tem in a probate court, (iii) serves part-time as the editor of a widely respected T & E publication, or (iv) serves as a professional trustee, guardian, conservator or other similar fiduciary shall not detract from the Nominee's eligibility if he or she spends at least half of his or her activities in active private T & E practice.

(b) A Nominee's activities such as the sale of financial products or working for an employer who is not in the business of practicing law (e.g., a bank, trust company, or accounting firm) shall not qualify as T & E law-related activities, and they may be evidence that the Nominee is not predominantly engaged in active private T & E practice.

(c) If a majority of a Nominee's practice involves the area of employee benefit planning, at least half of his or her activities in that area must be devoted to advising individual persons concerning their rights and interests in (i) Individual Retirement Accounts, (ii) employee benefit plans that are subject to the Employee Retirement Income Security Act of 1974, or (iii) other similar plans. A Nominee's experience in advising the sponsors of employee benefit plans (such as corporations and other organizations) as those sponsors create, amend, and administer such plans is valuable, but that experience cannot take the place of advising individual persons on matters that are discussed in the prior sentence.

(d) If a majority of a Nominee's practice involves the area of elder law, at least half of his or her activities in that area must be devoted to advising individual persons concerning matters primarily related to estate planning, health care, or asset protection. A Nominee's experience in advising organizations regarding (i) the administration of health care facilities, (ii) legislation
concerning governmental programs, or (iii) transactions relating to the financing of health care facilities or programs is valuable, but that experience cannot take the place of advising individual persons on matters that are discussed in the prior sentence.

(e) If a majority of a Nominee’s practice involves the area of charitable planning, at least half of his or her activities in that area must be devoted to advising individual persons concerning charitable planning matters. Such a Nominee’s experience in advising tax exempt organizations, or his or her experience with legislation concerning governmental programs affecting tax exempt organizations is valuable, but that experience cannot take the place of advising individual persons on charitable planning matters.

2. T & E Counsel

For a Nominee for Fellow to qualify as being fiduciary counsel, the Nominee must predominantly provide fiduciary counsel services. For the purposes of these Requirements and Procedures the term “predominantly” means that the Nominee spends at least half of his or her activities providing T & E counsel. T & E counsel given by fiduciary counsel must be comparable in breadth, tone and independence to the counsel provided by a Fellow in the private practice of T & E law in the areas listed under Section A.2. above. The following subsections (a) through (d) amplify the category:

(a) Making investment decisions or recommendations does not constitute the provision of T & E counsel. A Nominee’s activities such as the sale of financial products shall not qualify as T & E related activities and may be evidence that the Nominee does not provide T & E counsel.

(b) In the case of an employee of a fiduciary services company that provides services in the administration of probates, trusts, guardianships and conservatorships, the Nominee’s activities in the administration of such matters, shall not qualify as providing T & E counsel and may be evidence that the Nominee does not provide T & E counsel.

(c) In the case of an employee of a fiduciary services company that provides charitable planning services or handles the administration of exempt organizations, the Nominee’s counsel in those areas may be provided directly to individual clients of the fiduciary services company, to other employees of the fiduciary services company to help in considering and developing advice to individual clients, or both.

(d) In the case of an employee of a fiduciary services company that provides employee benefit planning or administration, at least half of the Nominee’s activities in that area must be devoted to advice concerning the rights and interests of the individual clients of the company in (i) Individual Retirement Accounts, (ii) employee benefit plans that are subject to the Employee Retirement Income Security Act of 1974, or (iii) other similar plans. A Nominee’s experience in advising the sponsors of employee benefit plans (such as corporations and other organizations) as those sponsors create, amend, and administer such plans is valuable, but that experience cannot take the place of advising the company with regard to their
individual clients on matters that are discussed in the prior sentence.

3. Ten-year Requirement.

To be eligible to be elected as a Fellow, a candidate must have a total of at least ten years’ experience (A) as a lawyer in the active private practice of trust and estate law or (B) as fiduciary counsel with a fiduciary services company, or (C) a combination thereof, three of which immediately and continuously precede and are continuing at the time the nomination is submitted and the candidate elected,

4. Other Requirements.

(a) In order for a Nominee who is in active private T & E practice to be considered favorably for election as a Fellow of the College, all of the following must be demonstrated to the satisfaction of the State Membership Committee(s) and the Membership Selection Committee:

(i) That the Nominee has a well-deserved outstanding reputation;
(ii) That the Nominee has demonstrated exceptional skill in T & E law;
(iii) That the Nominee has made substantial contributions to the T & E field by lecturing, writing, teaching, or being involved in bar activities or in the enactment of significant state or federal T & E legislation, commensurate with the Nominee's experience, the size of his or her firm, and the locality where the Nominee practices; and,
(iv) That the Nominee is a lawyer to whom the other Fellows in the Nominee's jurisdiction would readily refer a matter within the Nominee's field of expertise without reservation.

(b) In order for a Nominee who is fiduciary counsel to be considered favorably for election as a Fellow of the College, the nomination form must clearly describe the job performed by the Nominee to the satisfaction of the State Membership Committee(s) and the Membership Selection Committee, and must demonstrate that at least half of the Nominee's activities are providing T & E counsel, and all of the following must be demonstrated to the satisfaction of the State Membership Committee(s) and the Membership Selection Committee:

(i) That the Nominee is widely known to Fellows both in his or her immediate geographical area and over a wider area and has a well-deserved outstanding reputation in the field of T & E, both as a result of his or her active private practice of T & E (if applicable) and as a result of his or her performance as fiduciary counsel with one or more fiduciary services companies;

(ii) That the Nominee has demonstrated exceptional skill in T & E law, both during his or her active private practice of T & E (if applicable) and while serving as fiduciary counsel with one or more fiduciary services companies; and,
(iii) That the Nominee is known to a large number of Fellows as having contributed substantially to the field of T & E law by lecturing, writing, teaching, or being involved in bar activities or in the enactment of significant state or federal T & E legislation in a manner and at a level of sophistication comparable to that required in Section 5 below. The contributions made by the Nominee must have regularly reached audiences beyond his or her company’s clients and targeted prospective clients and their advisors, and it is expected that such contributions will have at least a statewide or regional, if not national, audience.

(iv) That the Nominee is a lawyer to whom the Fellows familiar with the Nominee would readily refer a matter within the Nominee’s field of expertise without reservation if he or she were in the private practice of T & E law.

5. Professional Contributions.

With respect to the Nominee’s contributions that are described in Section C.4. (a)(iii) and (b)(iii) above, it is emphasized that it is not sufficient that the Nominee merely excel in the active private T & E practice or in serving as fiduciary counsel. In addition, it must be demonstrated that the Nominee has made a substantial contribution to the T & E field. The State Membership Committee(s) and the Membership Selection Committee shall take into account the factors enumerated below for both a Nominee who is in the active private practice of T & E law and a Nominee who is fiduciary counsel.

(a) In the evaluation of the Nominee’s professional contributions, the following factors will be considered:

(i) The nature of those contributions. Highly-rated contributions include:

a. Lecturing or serving on continuing legal education panels in the T & E field, with particular weight given to contributions on those national panels that are most highly-respected by ACTEC Fellows as a whole and on those state and local panels that are most highly-respected by ACTEC Fellows in the Nominee’s state or community.

b. Writing or editing for those national T & E publications that are most highly-respected by ACTEC Fellows as a whole and those state or local T & E publications that are most highly-respected by ACTEC Fellows in the Nominee’s state or local community.

c. Leadership roles in T & E bar activities and estate planning councils; and,

d. Active involvement in the drafting and sponsoring of T & E legislation.

(ii) The population and the sophistication of the community where the Nominee practices and what opportunities exist for the Nominee to make sophisticated contributions; and
(iii) The consistency and length of time over which the Nominee’s contributions have been made, as well as the number of the Nominee’s recent contributions.

(b) Lectures given to lay groups are not considered as professional contributions, but may be relevant to the civic and charitable contributions that are discussed in Section C.6. below.

(c) Recent professional contributions are expected. It is commendable if the Nominee’s contributions started some time ago, but it is important that there be recent contributions as well.

6. Civic Or Charitable Contributions.

Any civic or charitable contributions are commendable and may be taken into account. However, such civic or charitable contributions cannot take the place of the requisite showing of substantial expertise in the T & E field and substantial contributions of the nature described in Section C.5. above.

7. Attorney Ratings and Reports on Disciplinary Matters.

(a) In the case of nominees for Fellow who are admitted to practice in the United States, a Martindale Hubbell rating is not required and, if a nominee is rated by Martindale-Hubbell, no particular rating is required. If the nominee has been rated by Martindale-Hubbell or any other attorney-rating publication or service, that rating should be noted on the nomination form and should be included in the materials circulated for polling. The Membership Director shall determine whether the Nominee has a Martindale-Hubbell rating and, if so, the rating.

(b) Prior to the polling, the Membership Director shall verify that the Nominee has an active license to practice law in the highest court of any state or jurisdiction of the United States. If the Nominee does not have a license to practice law in the highest court of any state or jurisdiction of the United States, the nomination will be returned to the nominator, state chair, or both.

(c) Prior to the polling, the Membership Director shall verify that the Nominee has not been disciplined by the state bar or bars listed on the nomination form. If the Nominee has been disciplined, this information will be shared with the state chair or chairs reporting on the Nominee for additional consideration and reporting to the Membership Selection Committee. The Membership Director will also share the disciplinary information with the Membership Selection Committee prior to that committee’s vote on whether to recommend the Nominee for election as a Fellow to ACTEC.

D. Criteria For A Nominee To Be Elected An International Fellow.

1. Active Private T & E Practice.

For a Nominee for International Fellow to qualify as being in active private T & E practice (meaning that the Nominee spends at least half of his or her activities in active private T&E practice), the Nominee must be predominantly in private law practice and regularly involved in cross border T & E work between the
United States and another country that requires coordination and cooperation with lawyers of both countries. This requirement shall be defined and evaluated in the same manner as required for the election of a Fellow under Section C.1. above with the additional requirement in all cases that it involve cross-border work.

2. Cross-Border Requirement.

Cross-border work or practice shall mean practice that is affected by the laws of both the United States and another country and that requires the involvement of and coordination with lawyers licensed in both countries. To be eligible for election as an International Fellow, it shall not be sufficient that the Nominee is licensed in or practices in a country other than the United States, has an active T & E practice and meets the other technical requirements for the election of a Fellow. A minimum of 12.5% of the Nominee’s overall practice must be comprised of cross-border work with the U.S.

3. Ten-year Requirement.

To be eligible to be elected as an International Fellow, a Nominee must have, in the aggregate, ten years of experience in active private T & E practice (the “ten-year rule”) involving cross-border work between the United States and another country. This ten-year requirement shall be defined and evaluated in the same manner as required for the election of a Fellow under Section C.2. above.

4. Other Requirements.

In order for a Nominee to be considered favorably for election as an International Fellow of the College, all of the following must be demonstrated to the satisfaction of the International Membership Committee and the Membership Selection Committee:

(a) In the case of a Nominee who is licensed as a lawyer in a country other than the United States, that the qualifications for licensure as a lawyer, the level of practice and the ethical rules in the jurisdiction in which the Nominee practices are comparable to those found in the United States and expected to apply to a Nominee to become a Fellow;

(b) That the Nominee has a well-deserved outstanding reputation for cross-border work both in the country in which he or she practices and among the members of the College familiar with the Nominee, particularly among those involved in cross-border practice;

(c) That the Nominee has demonstrated exceptional skill in cross-border T & E law;

(d) That the Nominee has made substantial contributions to the cross-border T & E field that are highly-rated among cross-border lawyers and are comparable to the highly-respected contributions required for a Fellow. Such contributions may be by lecturing, writing, teaching, or being involved in bar activities or in the enactment of significant T & E legislation in the country in which the Nominee practices; and,

(e) That the Nominee is a lawyer to whom members of the College who have personal knowledge of the Nominee would readily refer a matter within the Nominee’s field of cross-border
practice expertise without reservation.

5. Professional Contributions.

With respect to the International Fellow Nominee’s cross-border contributions that are described in Section D.4. (d) above, it is emphasized that it is not sufficient that the Nominee merely excel in the active private T & E practice. In addition, it must be demonstrated that the Nominee has made a substantial contribution to the T & E field in the area of cross-border T & E practice. The guidelines and factors provided under Section C.3.(c) above shall be considered in evaluating the professional contributions of a Nominee for International Fellow, and it shall be the responsibility of the International Membership Committee to investigate and evaluate the quality of the contributions of the Nominee in the context of his or her cross-border T & E practice.

6. Civic Or Charitable Contributions.

Any civic or charitable contributions are commendable and may be taken into account. However, such civic or charitable contributions cannot take the place of the requisite showing of substantial expertise in the cross-border T & E field and substantial cross-border contributions of the nature described in Section D.4. (d) above.

7. Ethical and Professional Ratings.

A Martindale Hubbell rating is not required. If the Nominee has a Martindale Hubbell rating, please provide it. If the Nominee is rated by another attorney rating service(s), please include it and the rating.

E. Criteria For A Nominee To Be Elected An Academic Fellow.


For a Nominee for Academic Fellow to qualify as being a full time law teacher specializing in the teaching of T & E law, the Nominee must have a full time academic appointment at a duly accredited law school and must devote his or her activities predominantly to teaching, writing, or lecturing in the area of T & E law. For this purpose, “predominantly” means that the Nominee spends more than half of his or her activities teaching, writing or lecturing in the area of T & E law.

2. Ten-year Requirement.

To be eligible to be elected as an Academic Fellow, a Nominee must have at least ten years’ cumulative experience as a teacher of T & E law or as a lawyer in active private T & E practice or, a combination thereof (the “ten-year rule”).

3. Other Requirements.

In order for a Nominee to be considered favorably for election as an Academic Fellow of the College, all of the following must be demonstrated to the satisfaction of the State Membership Committee(s), the Academic Membership Committee, and the Membership Selection Committee:
(a) That the Nominee has a well-deserved outstanding reputation, either among academics in the T & E field on a national level, or among the T & E bar in the state(s) where the Nominee teaches, or both;

(b) That the Nominee has demonstrated exceptional knowledge of T & E law; and

(c) That the Nominee has made substantial contributions to the T & E field by lecturing, writing, teaching, or being involved in bar activities or in the enactment of significant state, federal or uniform T & E legislation.

4. Additional Considerations.

In the evaluation of the Nominee’s contributions, the following matters should be addressed as appropriate:

(a) The influence the Nominee has had on the improvement of T & E law at the state, federal or national level.

(b) The Nominee's publications in the T & E field.

(c) The Nominee's lectures outside the law school.

(d) The recognition of the Nominee by his or her academic peers.

(e) The Nominee’s effectiveness as a teacher and scholar.

(f) The Nominee’s efforts to encourage law students to enter the T & E field.

(g) The Nominee's position in the law school faculty. In this regard, tenure is not a prerequisite for election as an Academic Fellow, but the nomination form should indicate whether the Nominee has tenure.

(h) The number of years the Nominee has taught in the T & E field.

(i) The number of years, if any, the Nominee has practiced in the T & E field.

(j) The relationship of the Nominee with the practicing bar.

(k) The consistency and length of time over which the Nominee’s contributions have been made, as well as the number of the Nominee’s recent contributions.

5. Civic Or Charitable Contributions.

Any civic or charitable contributions are commendable and may be taken into account. However, such civic or charitable contributions cannot take the place of the requisite showing of substantial expertise in the T & E field and substantial contributions of the nature described in Sections E.3. and E.4. above.

F. Who May Not Nominate.

To ensure the impartiality of the nomination and selection process and to avoid the appearance of favoritism, the following rules and guidelines should be followed in connection with the nomination of a Fellow,
Academic Fellow or International Fellow (unless otherwise specifically limited, the term “Fellow” below shall mean Fellow, Academic Fellow and International Fellow):

1. A Fellow or International Fellow may not nominate a person from his or her own firm.
2. A Fellow may not nominate a person from his or her own fiduciary services company.
3. A Fellow may not nominate a person from his or her law school’s faculty.
4. While serving on the Membership Selection Committee, a Fellow may not submit a nomination.
5. While serving on the Executive Committee, a Fellow may not submit a nomination.

If a Fellow submits a nomination while serving on the State or Academic Membership Committee, that nominator shall recuse himself or herself from any vote relating to that nomination.

G. Multi-Memberships From The Same Firm, Company Or Faculty.

1. If a firm has one or more Fellows or International Fellows or if a fiduciary services company has one or more Fellows, additional memberships in the College from that firm or fiduciary services company are allowed if the State Membership Committee (or the International Membership Committee or Academic Membership Committee, if applicable) satisfies the Membership Selection Committee that other firms in the same locality, or other comparable companies, are not denied the opportunity to be appropriately represented.
2. If a law school’s faculty has one or more Fellows, International Fellows or Academic Fellows, additional memberships in the College from that faculty are allowed.

H. Non-Discrimination.

Membership in the College shall not be denied to any person by reason of race, religion, national origin, or sex. Except as provided in Section G. above, membership in the College shall not be denied to any person for any reason unrelated to the Nominee’s lack of professional qualifications, as set forth in Sections C., D. and O. above.

I. Confidentiality.

All nominations, ballots, writings, reports, comments and discussions related to a nomination shall be held in strictest confidence. No member of a State Membership Committee, the International Membership Committee, the Academic Membership Committee, the Membership Selection Committee, or the Board of Regents shall disclose any information concerning a nomination, the poll results, or any comments that are part of the poll, other than at a meeting at which such information may appropriately be discussed. Upon request of a state chair, the chair of the International Membership Committee, or the chair of the Academic Membership Committee, when applicable, the Membership Director may contact a member of the College who has commented adversely regarding a Nominee to determine whether that member is willing to discuss his or her concerns with the state chair, the chair of the International Membership Committee, or the chair of
the Academic Membership Committee, when applicable, or the chair of the Membership Selection Committee. If the member is willing to do so, he or she shall contact the state chair, the chair of the International Membership Committee, or the chair of the Academic Membership Committee, when applicable, or the chair of the Membership Selection Committee to discuss the matter further, with the same expectation of confidentiality except to the extent waived. If that member is unwilling to be identified, no further inquiry is permitted.


1. Solicitation Of Nominations.

In the months immediately following the annual and fall meetings, the President, by written communication, shall encourage members of the College to seek out for nomination individuals worthy of election to the College. Nomination forms and copies of these Requirements and Procedures shall be included with that communication, and they may also be obtained from the ACTEC office.

2. Who May Nominate And The Time Frame For Doing So.

   (a) Subject to the provisions of Section F. above, a Fellow, International Fellow or Academic Fellow in good standing may nominate a person meeting the requirements for election as a Fellow, International Fellow or Academic Fellow. It shall be a responsibility of each State Membership Committee and the International Membership Committee to seek out and encourage the nomination of those persons in its jurisdiction or who have an active cross-border T & E practice who are best qualified for membership in the College. Each state chair and the Academic Membership Committee shall seek out and encourage the nomination of those persons who are best qualified for membership in the College as Academic Fellows.

   (b) Nominations for Fellow should be submitted to the state chair or the Membership Director at least sixty days before the next meeting of the Membership Selection Committee; nominations for International Fellow should be submitted to the International Membership Committee at least ninety days before the next meeting of the Membership Selection Committee; nominations for Academic Fellow should be submitted to both the state chair and the Academic Membership Committee, or to the Membership Director, at least sixty days before the next meeting of the Membership Selection Committee. The Membership Director will notify the state chairs, the International Membership Committee chair, and the Academic Membership Committee chair of the deadline for submitting nominations. Whenever possible, nominations should be submitted well in advance of the deadline to allow for an orderly handling of the nomination, and to permit correction or investigation when necessary.

   (c) For purposes of this Section J, the state chair to whom the nomination of a person who is fiduciary counsel should be submitted shall be the state chair of the jurisdiction in which the Nominee has his or her principal office as identified in the nomination form.

(a) If a Fellow wishes to nominate someone as a Fellow, it is best to speak to the state chair first, although this procedure is not required. This procedure enables the state chair to advise the Nominator of any potential problem with the nomination.

(b) If a Fellow wishes to nominate someone as an International Fellow, it is best to speak to the International Membership Committee chair first, although this procedure is not required. This procedure enables the International Membership Committee chair to advise the Nominator of any potential problem with the nomination.

(c) If a Fellow wishes to nominate someone as an Academic Fellow, it is best to speak to both the state chair and the chair of the Academic Membership Committee first, although this procedure is not required. This procedure enables the state chair and the Academic Membership Committee chair to advise the Nominator of any potential problem with the nomination.

4. Preparation Of Nomination Form.

In preparing the nomination form, the Nominator should use the current form and carefully follow the instructions that accompany that form. Since it is not always possible to supply all the information without contacting the Nominee or a colleague, such a contact is permitted, but the Nominator should be sure to emphasize that no commitment can be made regarding the timing or the result of the nomination.

5. Submission and Preliminary Processing Of Nomination Form – Fellow.

The Nominator may send the completed form for the nomination of a Fellow either to the state chair or to the ACTEC office, but it is generally preferred that it be sent first to the state chair for the reasons set forth in Section (a) below.

(a) If the Nominator sends the nomination form directly to the state chair, the state chair shall consider it promptly. This is the preferred method, because if the state chair sees a problem with the nomination, he or she can discuss it with the Nominator more quickly. In that case, the Nominator will either have more time to provide additional information or, if warranted, to consider withdrawing the nomination before a poll is taken. If the state chair suggests that a nomination be withdrawn, the Nominator may insist, regardless of the opinion of the state chair, that it be processed further by sending the nomination form to the ACTEC office for processing pursuant to Subsection (b) below.

(b) If the Nominator sends the nomination form directly to the ACTEC office, the Nominator should also send a copy of the nomination form to the state chair. Upon receipt of the nomination form at the ACTEC office, the following procedures shall be followed:

(i) The Membership Director shall immediately send a copy of the nomination form to the state chair;

(ii) The Membership Director shall review the form to determine:
a. That it is complete;

b. That the nomination has no technical defect (e.g., that the Nominator is from the same firm as the Nominee); and,

c. That, on the face of the nomination form, the Nominee satisfies the ten-year rule and other technical minimum qualifications for membership.

(iii) If the state chair sees a problem with the nomination (whether because of a technical defect or because the Nominee appears not to satisfy the other requirements for election), he or she may informally contact the Nominator and suggest either that additional information be supplied or that the nomination be withdrawn; however, such informal contact shall not delay the processing of the nomination by the Membership Director and shall not prevent the Membership Director from proceeding with the poll unless the Nominator formally withdraws the nomination or requests a delay in taking the poll.

(iv) If the Membership Director identifies any technical defect with the nomination, the Membership Director shall send a letter to the Nominator (with a copy to the state chair) pointing out each defect and notifying the Nominator that no poll will be taken unless either each defect is corrected or the Nominator submits a request in writing that the poll be taken regardless of the defects noted by the Membership Director. If the Nominator responds in writing that he or she requests that the necessary poll or polls be taken, the Membership Director shall conduct a poll in accordance with Sections K.1(a) and K.1(b) below, but the polling materials shall include a copy of the letter of the Membership Director to the Nominator and a copy of the Nominator’s written response requesting the poll.

(v) If the Membership Director does not identify any technical defect with the nomination, the Membership Director shall conduct a poll in accordance with Sections K.1(a) and K.1(b) below unless the Nominator first formally withdraws the nomination (e.g., because of his or her discussions with the state chair).


The Nominator may send the completed form for the nomination of an Academic Fellow either to (i) the state chair and the chair of the Academic Membership Committee or (ii) to the ACTEC office, but it is generally preferred that it be sent to the state chair and the chair of the Academic Membership Committee first, for the reasons set forth in Subsection (a) below.

(a) If the Nominator sends the nomination form directly to the state chair and the chair of the Academic Membership Committee, the state chair and the chair of the Academic Membership Committee shall consider it promptly. This is the preferred method, because if
the state chair or the chair of the Academic Membership Committee sees a problem with the nomination, he or she can discuss it with the Nominator more quickly. In that case, the Nominator will either have more time to provide additional information or, if warranted, to consider withdrawing the nomination before a poll is taken. If the state chair or the chair of the Academic Membership Committee suggests that a nomination be withdrawn, the Nominator may insist, regardless of the opinion of the state chair or the chair of the Academic Membership Committee, that it be processed further by sending the nomination form to the ACTEC office for processing pursuant to Subsection (b) below.

(b) If the Nominator sends the nomination form directly to the ACTEC office, the Nominator should also send a copy of the nomination form to the state chair and to the chair of the Academic Membership Committee. Upon receipt of the nomination form at the ACTEC office, the following procedures shall be followed:

(i) The Membership Director shall immediately send a copy of the nomination form to the state chair and to the chair of the Academic Membership Committee;

(ii) The Membership Director shall review the form to determine:
   a. That it is complete;
   b. That the nomination has no technical defect (e.g., that the Nominator is from the same law school as the Nominee); and,
   c. That, on the face of the nomination form, the Nominee satisfies the ten-year rule and other technical minimum qualifications for membership.

(iii) If the state chair or the chair of the Academic Membership Committee sees a problem with the nomination (whether because of a technical defect or because the Nominee appears not to satisfy the other requirements for election), he or she may informally contact the Nominator and suggest either that additional information be supplied or that the nomination be withdrawn; however, such informal contact shall not delay the processing of the nomination by the Membership Director and shall not prevent the Membership Director from proceeding with the poll unless the Nominator formally withdraws the nomination or requests a delay in taking the poll.

(iv) If the Membership Director identifies any technical defect with the nomination, the Membership Director shall send a letter to the Nominator (with copies to the state chair and the chair of the Academic Membership Committee) pointing out each defect and notifying the Nominator that no poll will be taken unless either each defect is corrected or the Nominator submits a request in writing that the poll be taken regardless of the defects noted by the Membership Director. If the Nominator responds in writing that he or she requests that the necessary poll or
polls be taken, the Membership Director shall conduct a poll in accordance with Section K.1 (b) below, but the polling materials shall include a copy of the letter of the Membership Director to the Nominator and a copy of the Nominator’s written response requesting the poll.

(v) If the Membership Director does not identify any technical defect with the nomination, the Membership Director shall conduct a poll in accordance with Sections K.1 (b) below unless the Nominator first formally withdraws the nomination (e.g., because of his or her discussions with the state chair or the chair of the Academic Membership Committee).


(a) The Nominator shall send the completed form for the nomination of an International Fellow to the International Membership Committee chair.

(b) Upon receipt of the nomination form by the International Membership Committee chair, the chair shall promptly send a copy to the Membership Director at the ACTEC office for a review to determine:

(i) That it is complete;

(ii) That the nomination has no technical defect (e.g., that the Nominator is from the same firm as the Nominee); and,

(iii) That, on the face of the nomination form, the Nominee satisfies the ten-year rule and other technical minimum qualifications for membership.

(c) If the International Membership Committee chair or the Membership Director sees a problem with the nomination (whether because of a technical defect or because the Nominee appears not to satisfy the other requirements for election), he or she shall contact the Nominator and suggest either that additional information be supplied or that the nomination be withdrawn. Such contact shall be deemed a part of the preliminary investigation required under Section J.7. (d), and until that investigation is complete to the satisfaction of the chair and the Membership Director, the Poll required under Section K.1 (c)(i) below shall not be processed.

(d) When the Membership Director and the International Membership Committee chair are satisfied that there are no technical problems with the nomination, the chair shall notify the other members of the International Membership Committee of the nomination and proceed with an investigation into the professional, ethical, personal and other qualifications of the Nominee outlined in Section D above. Among other things, this investigation shall seek to determine the following information:

(i) In the case of a Nominee who is licensed in a country other than the United States, the qualifications for licensure of a lawyer in the country (or other
jurisdiction) in which the Nominee is licensed to practice and whether the Nominee has met all those qualifications;

(ii) The level of practice and expertise for International Fellows and Fellows with cross-border practices in comparison with the Nominee;

(iii) How the quality of the professional contributions of the Nominee in the context of his or her cross-border T & E practice can be evaluated in comparison with the professional contributions of International Fellows and Fellows with cross-border practices in the practice area of the Nominee;

(iv) How the civic and charitable contributions of the Nominee in the context of his or her cross-border T & E practice can be evaluated in comparison with the civic and charitable contributions of International Fellows and Fellows with cross-border practices;

(v) In the country in which the Nominee practices, what are the methods for making a determination regarding the ethical qualifications of the Nominee, whether those qualifications are comparable to those expected in the United States and whether the Nominee appears to meet those qualifications.

(e) Upon the request of the International Membership Committee chair, the Nominator should be prepared to submit additional information to assist in the investigation described in Section J.7 (d) above.

(f) Upon conclusion of the investigation, if the International Membership Committee chair concludes that there are no technical defects and that the nomination form and the results of the investigation warrant taking the Poll described in Section K.1 (c)(i) below, the chair shall request the Membership Director to conduct the Poll.

(g) Upon conclusion of the investigation, if the International Membership Committee chair requests that the Nominator withdraw the nomination before the Poll is taken, the Nominator may insist, regardless of the opinion of the chair, that it be processed further by notifying the Membership Director of the Nominator's desire that the Poll be taken. In doing so, however, the Nominator should keep in mind that the Plenary Survey required before the nomination is sent to the Membership Selection Committee cannot be taken unless the International Membership Committee recommends the Nominee to the Membership Selection Committee after its investigation is completed and the Poll has been taken.

(h) The Membership Director shall conduct the Poll in accordance with Section K.1 (c)(i) below upon the request of the International Membership Committee chair, or, if the chair refuses to make the request, upon the written request of the Nominator.

K. Election Procedure: Fellow, International Fellow and Academic Fellow:
1. Poll and Plenary Survey.

(a) Fellow.

(i) In the case of a Nominee who is in active private T & E practice, the following poll or polls shall be taken:

a. If the Membership Director and the state chair conclude that there is no defect with the nomination for Fellow, or if the Nominator insists that a poll be taken regardless of any defect identified by the Membership Director or the state chair, the Membership Director shall conduct a poll in each jurisdiction where the Nominee for Fellow practices.

b. If the Nominee practiced in a jurisdiction other than his or her present jurisdiction during any of the ten years that are required under Section C.3. above, a poll shall also be conducted in each other jurisdiction where the Nominee practiced during that ten year period.

Each Fellow, International Fellow and Academic Fellow in each jurisdiction in which a poll is taken shall receive a copy of the nomination form and a ballot.

(ii) In the case of a Nominee who is fiduciary counsel, if the Membership Director and the state chair conclude there is no defect with the nomination for Fellow, or if the Nominator insists that a poll be taken regardless of any defect identified by the Membership Director or the state chair, the Membership Director shall conduct a poll in each of the following jurisdictions:

a. In each jurisdiction in which the nominee has or had a principal office as fiduciary counsel in the prior ten years, and each jurisdiction in which the nominee practiced within the prior ten years.

Each Fellow, International Fellow and Academic Fellow in each jurisdiction in which a poll is taken shall receive a copy of the nomination form and a ballot.

(iii) In the case of a Nominee who is fiduciary counsel, if the polls described under Section K.1.a. (ii) above are taken, the Membership Director shall also conduct a survey of the remaining Fellows, Academic Fellows and International Fellows of the College (referred to as the “Plenary Survey”) as follows:

a. The Plenary Survey shall consist of an electronic inquiry of all Fellows, Academic Fellows and International Fellows of the College (other than those previously polled under Section K.1. (a)(ii) (above) primarily soliciting a response based on personal knowledge, but also inviting information learned from a reliable third party.
b. The Plenary Survey shall be accompanied by a copy of the nomination form and the information supplied to the recipients of the Poll under Section K.1.(a)(ii) above.

c. The Membership Director shall conduct the Plenary Survey in electronic form by e-mail sent to and received from the members of the College surveyed, but a member of the College who wishes to respond by fax or in other than electronic form may do so.

(iv) Signed ballots and signed responses to the Plenary Survey are preferred and will be given greater consideration by the Membership Selection Committee than will unsigned ballots and responses, particularly those containing negative votes or comments.

(b) Academic Fellow.

(i) If the Membership Director, the state chair, and the chair of the Academic Membership Committee conclude that there is no defect with the nomination for Academic Fellow, or if the Nominator insists that a poll be taken regardless of any defect identified by the Membership Director, the state chair, or the chair of the Academic Membership Committee, the Membership Director shall conduct a poll in each jurisdiction where the Nominee teaches.

(ii) If the Nominee practiced or taught in a jurisdiction other than his or her present jurisdiction during any of the ten years that are required under Section E.2. above, a poll shall also be conducted in each other jurisdiction where the Nominee practiced or taught during that ten year period. Each Fellow, International Fellow and Academic Fellow in each such other jurisdiction shall receive a copy of the nomination form and a ballot. For purposes of determining whether a poll is required in a jurisdiction other than the jurisdiction where the Nominee currently teaches, academic appointments or visitorships of one year or less will be disregarded.

(iii) The poll shall also be sent to all Academic Fellows at the same time.

(iv) Signed ballots are preferred and will be given greater consideration by the Membership Selection Committee than will unsigned ballots, particularly those containing negative votes or comments.

(c) International Fellow.

Before a Nominee may be elected as an International Fellow, the Membership Director must conduct a poll of selected members of the College identified under Subsection (i) b. below and a survey of the remaining Fellows and Academic Fellows of the College.
(i) Poll.

a. Upon request of the International Membership Committee chair, or, if the chair refuses to make the request, upon the written request of the Nominator, the Membership Director shall conduct the poll by ballot described in this Subsection (referred to as the "Poll").

b. The Poll shall be taken of (i) all Fellows who are currently on the International Estate Planning Committee, (ii) all Fellows who served on the International Estate Planning Committee during the prior two years, and (iii) all International Fellows of the College.

c. The Poll shall be accompanied by a copy of the nomination form and information from the International Membership Committee that it deems likely to be helpful to those being polled in evaluating the qualifications of the Nominee. The information shall include the licensing and ethical standards of the country (other than the United States) in which the Nominee practices and examples of the kinds of professional, civic and charitable contributions expected of an International Fellow.

d. The Membership Director may conduct the Poll in electronic form by e-mail sent to and received from the members of the College polled.

(ii) Plenary Survey.

a. If the International Membership Committee recommends the Nominee to the Membership Selection Committee, the Membership Director shall conduct the electronic survey described in this Subsection (referred to as the "Plenary Survey").

b. The Plenary Survey shall consist of an electronic inquiry of all Fellows and Academic Fellows of the College (other than those previously polled under Section K.1. (c)(i) above) primarily soliciting a response based on personal knowledge, but also inviting information learned from a reliable third party.

c. The Plenary Survey shall be accompanied by a copy of the nomination form and the information supplied to the recipients of the Poll under Section K.1. (c)(i)c. above.

d. The Membership Director shall conduct the Plenary Survey in electronic form by e-mail sent to and received from the members of the College surveyed, but a member of the College who wishes to respond by fax or in other than electronic form may do so.

(iii) Disclosure of Identity.
a. Ballots submitted by those members of the College polled who are willing to reveal their identity to the chair of the International Membership Committee or the Membership Selection Committee Chair are preferred and will be given greater consideration by the International Membership Committee and the Membership Selection Committee than will ballots where the person polled is not willing to reveal his or her identity, particularly those containing negative votes or comments.

b. Plenary Survey responses submitted by members of the College who are willing to reveal their identity to the Membership Selection Committee Chair are preferred and will be given greater consideration by the Membership Selection Committee than will Plenary Survey responses where the person surveyed is not willing to reveal his or her identity, particularly those containing negative votes or comments.

2. Dissemination Of The Poll And Plenary Survey Results.

   (a) Fellow.

   Following the expiration of thirty days after the poll was sent out, the results of the poll for Fellow shall be sent to the appropriate state chair(s) for distribution among the members of his or her State Membership Committee. In the case of a Nominee who is fiduciary counsel, the results of the Plenary Survey shall be sent to the state chair of the jurisdiction in which the Nominee has his or her principal office as identified in the nomination form.

   (b) Academic Fellow.

   Following the expiration of thirty days after the polls were sent out, the results of the polls from both the state poll(s) and the poll of the Academic Fellows shall be sent to the appropriate state chair(s) for distribution among the members of his or her State Membership Committee and to the Chair of the Academic Membership Committee for distribution among the members of the Academic Membership Committee.

   (c) International Fellow.

      (i) Poll.

      Following the expiration of fifteen days after the Poll was taken, the results of the Poll shall be sent to the International Membership Committee chair for distribution among the members of the International Membership Committee.

      (ii) Plenary Survey.

      The results of the Plenary Survey shall be sent to both the chair of the International Membership Committee and to the Membership Selection Committee; provided, however, that the comments of those members of the
College who indicate that they do not want their comments to be given to the International Membership Committee shall be given only to the Membership Selection Committee. The identity of those members of the College who submit a negative comment and who indicate that they do not want to have their identities revealed to the chair of the International Membership Committee or to the Membership Selection Committee Chair shall remain anonymous.

3. State Membership Committee Review And Reports To The Membership Selection Committee – Fellow.

(a) The nomination and the polling results of each nomination for Fellow shall be reviewed by the State Membership Committee for each jurisdiction in which a poll has been taken. If necessary, further inquiry may be made on any aspect of a nomination. Each state chair, on behalf of the State Membership Committee, shall send a written report to the Membership Selection Committee at least fourteen days before the Regents' Meeting, containing an evaluation of each Nominee who was considered, and stating specifically whether the State Membership Committee approves or disapproves each nomination, and by what margin. The report of the state chair should contain details regarding the familiarity of the members of the State Membership Committee with any Nominee, any additional information that bears on any nomination, and, if appropriate, a response to comments in the poll. If the recommendation of the State Membership Committee is favorable, the state chair should be certain if the Nominee comes from a firm or company that is already represented in the College, that other firms or companies in the same locality are appropriately represented. These matters can be dealt with on the nomination form itself or in the state chair's written report to the Membership Selection Committee.

(b) The Plenary Survey results for each Nominee who is fiduciary counsel shall be reviewed by the State Membership Committee of the jurisdiction in which the Nominee has his or her principal office, and the state chair for that jurisdiction shall take into account and address the results of that Plenary Survey in his or her report to the Membership Selection Committee.

4. State Membership Committee and Academic Membership Committee Review And Reports To The Membership Selection Committee – Academic Fellow.

(a) The nomination and the polling results of each nomination for Academic Fellow shall be reviewed both by the Academic Membership Committee and by the State Membership Committee for each jurisdiction where the Nominee practices or teaches and has practiced or taught within the prior ten years. If necessary, further inquiry may be made on any aspect of a nomination. The chair of the Academic Membership Committee and the state chair(s) shall consult with each other concerning the nomination.

(b) The Chair of the Academic Membership Committee shall send a written report to the Membership Selection Committee and to the relevant State Chair(s) at least fourteen days before the Regents' Meeting, containing an evaluation of each Nominee who was considered,
and stating specifically whether the Academic Membership Committee approves or disapproves each nomination, and by what margin. The report of the chair of the Academic Membership Committee should contain details regarding the familiarity of the members of the Academic Membership Committee with any Nominee, any additional information that bears on any nomination, and, if appropriate, a response to comments in the poll.

(c) Each state chair, on behalf of the State Membership Committee, shall also send a written report to the Membership Selection Committee and to the Chair of the Academic Membership Committee at least fourteen days before the Regents' Meeting, containing an evaluation of each Nominee who was considered, and stating specifically whether the State Membership Committee approves or disapproves each nomination, and by what margin. The report of the state chair should contain details regarding the familiarity of the members of the state committee with any Nominee, any additional information that bears on any nomination, and, if appropriate, a response to comments in the poll.

5. International Membership Committee Review and Report To The Membership Selection Committee - International Fellow.

(a) The International Membership Committee shall review the results of the Poll and determine whether any additional investigation is appropriate into the professional, ethical, personal and other qualifications of the Nominee, and if further investigation is required, shall make that investigation.

(b) Based on the Poll and any further independent investigation deemed appropriate by the International Membership Committee, the International Membership Committee shall determine whether to recommend or not recommend the Nominee to the Membership Selection Committee. If the determination is made to recommend the Nominee, the International Membership Committee chair shall submit the committee's written recommendation and a detailed report to the Membership Selection Committee no later than thirty days prior to the next meeting of the Membership Selection Committee in order to permit sufficient time for the Plenary Survey described in Section K.1 (c)(ii) above.

(c) The detailed report described in Subsection (b) above shall describe the investigation made by the International Membership Committee, its conclusions regarding the professional, ethical, personal and other qualifications of the Nominee and the basis for those conclusions, and the reasons why the committee recommends this Nominee for election.

(d) If the Nominee comes from a firm that is already represented in the College, the chair of the International Membership Committee should certify that other firms in the same locality are appropriately represented.

6. Membership Director's Report To The Membership Selection Committee.

(a) Fellow.
Before each meeting of the Board of Regents, the Membership Director shall deliver to the Membership Selection Committee the names of all Nominees for Fellow for whom a poll was conducted together with (i) the Nominator’s written nomination, (ii) the action on the nomination (e.g., approved, not approved, deferred) by the State Membership Committee, (iii) if approved, the State Membership Committee’s written evaluation of the Nominee, (iv) the results of the polls, and (v) the results of the Plenary Survey, if any.

(b) Academic Fellow.

Before each meeting of the Board of Regents, the Membership Director shall deliver to the Membership Selection Committee the names of all Nominees for Academic Fellow for whom a poll was conducted together with (i) the Nominator’s written nomination, (ii) the action on the nomination (e.g., approved, not approved, deferred) by the Academic Membership Committee, (iii) the action on the nomination (e.g., approved, not approved, deferred) by the State Membership Committee, (iv) if approved by the Academic Membership Committee, the Academic Membership Committee’s written evaluation of the Nominee, (v) if approved by the State Membership Committee, the State Membership Committee’s written evaluation of the Nominee, and (vi) the results of the polls.

(c) International Fellow.

Before each meeting of the Board of Regents, the Membership Director shall deliver to the Membership Selection Committee the names of all Nominees for International Fellow for whom the Plenary Survey was conducted together with (i) the Nominator’s written nomination, (ii) the recommendation of the International Membership Committee (iii) the written report of the International Membership Committee described in Section K.5(b), (iv) the results of the Poll, and (v) the results of the Plenary Survey.

7. Membership Selection Committee Review.

(a) The Membership Selection Committee meets twice a year, immediately before the annual and fall meetings of the Board of Regents. It carefully reviews each nomination submitted to it, together with the related poll and survey results, comments, and report(s) of the state chair(s), Academic Membership Committee chair, and International Membership Committee chair.

(b) The endorsement of a Nominee for Fellow by the State Membership Committee is very important, but not conclusive, since the Membership Selection Committee has the responsibility to evaluate all nominations in the light of uniform national standards, and to ensure that all requirements have been met. On the other hand, a lack of endorsement by the State Membership Committee is almost always conclusive, since it is in the best position to evaluate the Nominee as viewed among his or her local peers. For this reason, when a Nominee has not received the endorsement of at least a majority of the State Membership
Committee, the state chair should contact the Nominator to suggest that the nomination be withdrawn, or, in the case of a nomination by the state committee, the state chair should withdraw it. This approach will reduce embarrassment to the affected parties and avoid unnecessary efforts of the Membership Director and Membership Selection Committee. Nevertheless, a Nominator may insist that the nomination for Fellow be considered by the Membership Selection Committee despite a negative recommendation by the State Membership Committee.

(c) The endorsement of a Nominee for Academic Fellow by the Academic Membership Committee and the State Membership Committee is very important, but not conclusive, since the Membership Selection Committee has the responsibility to evaluate all nominations in the light of uniform national standards, and to ensure that all requirements have been met. On the other hand, a lack of endorsement by both the State Membership Committee and the Academic Membership Committee is almost always conclusive, since they are in the best position to evaluate the Nominee as viewed among his or her local and national peers. For this reason, when a Nominee has not received the endorsement of at least a majority of the State Membership Committee and also has not received the endorsement of at least a majority of the Academic Membership Committee, the state chair or the chair of the Academic Membership Committee should contact the Nominator to suggest that the nomination be withdrawn, or, in the case of a nomination by the state committee, the state chair should withdraw it. This approach will reduce embarrassment to the affected parties and avoid unnecessary efforts of the Membership Director and Membership Selection Committee. Nevertheless, a Nominator may insist that the nomination for Fellow be considered by the Membership Selection Committee despite negative recommendations by both the State Membership Committee and the Academic Membership Committee. On the other hand, if a Nominee has not received the endorsement of a majority of the State Membership Committee but has received the endorsement of the majority of the Academic Membership Committee, or vice versa, the National Membership Selection Committee will weigh the recommendations of both.

(d) A Nominee for International Fellow will be considered by the Membership Selection Committee only if recommended by the International Membership Committee. A Nominator of an International Fellow may not insist that the nomination be considered by the Membership Selection Committee without the recommendation of the International Membership Committee.

8. Board of Regents Review.

After reviewing all of the nominations that were submitted to it, the Membership Selection Committee shall present to the Board of Regents the names of the Nominees that it recommends be elected. The Board of Regents, after considering the recommendations of the Membership Selection Committee, shall elect to membership those it deems qualified.
9. Notification of Results.

Immediately following the Regents' Meeting, the chair of the Membership Selection Committee shall advise the appropriate state chairs, the International Membership Committee chair, and the Academic Membership Committee chair of the disposition of the nominations by the Board of Regents. Each Nominee who was elected will receive a written notification of his or her election from the President. Each nomination that was not acted on favorably by the Regents shall be remanded to the state chair, the International Membership Committee chair, or the Academic Membership Committee chair for such further disposition as the State Membership Committee, International Membership Committee, or Academic Membership Committee deems appropriate. Within a reasonable time after the Regents' Meeting, the chair of the Membership Selection Committee shall advise the appropriate state chair, International Membership Committee chair, or Academic Membership Committee chair in writing of the reasons for which each nomination that was not recommended favorably to the Board of Regents was remanded. Upon receiving that communication, the state chair, International Membership Committee chair, or Academic Membership Committee chair shall see that each Nominator of a Nominee who was not elected is promptly advised of the outcome, if that has not been done already.


A State Membership Committee, the International Membership Committee, or the Academic Membership Committee may resubmit a remanded nomination for consideration by the Membership Selection Committee before the next meeting of the Board of Regents. In this situation, no additional poll or Plenary Survey is necessary. However, the state chair, International Membership Committee chair, or Academic Membership Committee chair should consider and comment in writing on the deficiencies mentioned in the remand letter from the Membership Selection Committee before making such resubmission. If the Nominee is not elected on such resubmission, he or she shall be considered for election only after being nominated anew, as if he or she had not been nominated previously.

L. Nomination And Election Of Honorary Fellows.

1. Who May Nominate.

A Fellow, International Fellow or Academic Fellow in good standing or a State Membership Committee may nominate a person meeting the requirements for election as an Honorary Fellow.

2. Nomination Form.

The nomination form shall set forth in detail the qualifications of the Nominee and shall describe how the Nominee has made a substantial contribution to the T & E field. The Nominator shall send the completed nomination form to the ACTEC office.

3. Election.

(a) The Membership Director shall give thirty days' written notice of the nomination to the Board of Regents.
(b) The Nominee shall be elected as an Honorary Fellow if, after consideration of the nomination, not fewer than three-quarters of the Board of Regents vote in favor of his or her election.

M. Criteria for Retired Fellows.

1. A Retired Fellow must be a Fellow, International Fellow or Academic Fellow in good standing or a former Fellow or Academic Fellow whose membership was terminated before January 1, 2006, by resignation or nonpayment of dues and who was in good standing (other than in the payment of dues, if membership was terminated for nonpayment of dues) at the time of termination.

2. A Retired Fellow must be at least 68 years old or unable to practice law by reason of disability.

3. A Retired Fellow must have been a Fellow, International Fellow and/or Academic Fellow in good standing for a period totaling at least ten years.

4. A Retired Fellow must not be engaged in the practice of law or in service to the public as a fiduciary, arbitrator, or mediator or in any similar role and must not serve as a judge or member of a faculty (in a teaching position related to the law), except on a part-time adjunct or honorary basis. A Retired Fellow must not hold himself or herself out to the public as engaged in any activity forbidden by the preceding sentence.

5. A Retired Fellow must not regularly receive earned income from services currently rendered exceeding $25,000 per year. A Retired Fellow may receive income without limit related to services in past years, including residual receivables, income from any qualified retirement plan or arrangement (including an IRA), and income from any nonqualified plan or arrangement denominated by the payor as a retirement or deferred compensation payment and not dependent on the current performance of services.

6. A Retired Fellow must prospectively elect Retired Fellow status and must annually certify continued satisfaction of the criteria for Retired Fellow status. A Retired Fellow who ceases to meet the criteria of Retired Fellow status shall revert to Fellow, International Fellow or Academic Fellow status (and may again elect Retired Fellow status if the criteria are again met). A Retired Fellow who continues to meet the criteria of Retired Fellow status may not, without approval of the Board of Regents for good cause, elect to return to Fellow, International Fellow or Academic Fellow status.

N. Changing to a Different Membership Class.

1. Fellow Or Academic Fellow To Judicial Fellow.

   A Fellow or Academic Fellow who, while in good standing, meets the requirements of Judicial Fellow, automatically succeeds to the Judicial Fellow classification upon submitting a letter of self-designation in accordance with Section N.7. below.

2. Fellow, International Fellow Or Judicial Fellow To Academic Fellow.

   A Fellow, International Fellow or Judicial Fellow who, while in good standing, meets the requirements of an Academic Fellow, may succeed to the classification of Academic Fellow only after meeting the
nomination and election procedure requirements set forth in Sections J. and K. above.

3. Academic Fellow To Fellow.

An Academic Fellow who, while in good standing, meets the requirements of a Fellow, may succeed to the classification of Fellow only after meeting the nomination and election procedure requirements set forth in Sections J. and K. above.

4. Fellow, International Fellow, former Fellow, Academic Fellow or Judicial Fellow to Retired Fellow.

A Fellow, International Fellow, Academic Fellow or former Fellow or Academic Fellow, who, in accordance with criteria set forth in Section M. above, has retired, automatically succeeds to the Retired Fellow classification upon submitting a letter of self-designation in accordance with Section N.7. below.

5. Return To Earlier Classification Of Membership.

A Fellow, Academic Fellow, or Judicial Fellow who was previously elected as a member of the College under a different classification of membership may, by a letter of self-designation that is submitted in accordance with Section N.7. below, change his or her membership classification back to the classification under which he or she was previously elected to the College.

6. Former Fellow to Fellow.

A former Fellow, who, having been separated from the College for three years or fewer, may be reinstated as a full Fellow after (1) verification that the former Fellow has an active license to practice law; (2) verification that the former Fellow has no public record of disciplinary history; (3) the former Fellow pays in full dues which would have been assessed during the separation from the College; and (4) submitting a letter of self-designation in accordance with Section N.7. below. A former Fellow who has been separated from the College for longer than three years, may be reinstated as a Fellow only after meeting the nomination and election procedure requirements set forth in Sections J. and K. above.

7. Self-designation Procedure.

Whenever a letter of self-designation is required for a member of the College who is currently classified under one membership classification to change to another membership classification, that letter of self-designation shall be addressed to the Membership Director at the ACTEC office, with a copy to the state chair of each state in which the member practices or is sitting as a judge, and shall contain the following information:

(a) A statement that the member wishes to change his or her membership classification from the current classification to a different designated classification.

(b) If the Fellow or Academic Fellow seeks to change his or her classification of membership to that of a Judicial Fellow, the statement that the Fellow, or Academic Fellow is now a judge;

(c) If the Fellow, International Fellow or Judicial Fellow or former Fellow or Judicial Fellow seeks to change his or her membership classification to Retired Fellow, the statement that the
Fellow, International Fellow or Academic Fellow is now retired and meets the criteria set forth in Section M. above, and;

(d) If the Fellow, Academic Fellow, Judicial Fellow or Retired Fellow seeks to change his or her membership classification back to one for which he or she was previously elected, a statement setting forth (1) the previous classification of membership to which the member seeks to change and (2) the year and state in which the previous election occurred, or, if previously an International Fellow, the year in which the previous election occurred and the country in which the International Fellow practiced.

(e) If the former Fellow who has been separated from the College for fewer than three years seeks to return to the College as a Fellow, a statement setting forth (1) the state and year in which the previous election occurred; (2) the reason for separation from the College; and (3) a brief description of the former Fellow’s current practice.