

ACTEC 2024 SUMMER MEETING
BYLAWS AND MANUALS COMMITTEE
Friday, June 21, 2024, 8:00 a.m.–9:30 a.m. Eastern Time
Saskatchewan, Mezzanine Floor, Fairmont Royal York
Toronto, Ontario, Canada

AGENDA

Exhibits

1. Welcome (**Felcoski**)
Welcome to new committee members: Cristina Papanikos and Stacy Beth Rubel
 - Committee Member List

1.
2. Minutes
 - Approve Annual Meeting Minutes, MARCH 9, 2024, JW Marriott Desert Ridge, Phoenix, AZ (**Felcoski**)
 - Appoint Secretary for This Meeting

2.
3. Recent Updates to the Policies, Practices and Procedures Manual (PP&P) (**McKinnon**)
 - Executive Committee Discretion re: Annual Dues

3.11 a) Each Fellow, International Fellow, Academic Fellow, and Retired Fellow shall pay annual membership dues for their respective membership categories as determined by the Board of Regents with the power in the Executive Committee to make a dues accommodation for exceptional circumstances as determined by the Executive Committee.
 - Ombudsperson Reference and Rotation of Terms

3.10 b) Reporting and Investigating Violations of this Code of Conduct: Perceived violations of this Code of Conduct should be communicated to one of the College Ombudspersons or to ACTEC's Executive Director who shall immediately forward the complaint to one of the College Ombudspersons. (<https://www.actec.org/about/actec-ombudspersons/>) Ombudspersons are appointed by the Executive Committee and serve a term of three years, with a rotation so that one ombudsperson rotates off each year.

3.
4. Review of the PP&P in 2024–2025 (**Felcoski**)
Link: <https://www.actec.org/help-document/policies-practices-and-procedures/> (2021)
Sub-committee: Kurt Sommer, Dick Woods, Lee Stautberg, Brian Felcoski, Cristina Papanikos, Stacy Beth Rubel, and Deb McKinnon
5. Recommendations From Administrative or Substantive Committees? (**All**)

6. Tips and Useful Information From the *Policies, Practices and Procedures Manual* for the ACTEC *Weekly Update*, published each Friday—“Did You Know?” **(Felcoski)**

- List of articles published in the ACTEC *Weekly Update*

Link: https://www.actec.org/wp-content/uploads/2024/01/ACTEC_WeeklyUpdate_DidYouKnow.pdf

Looking for the *Policies, Practices and Procedures Manual* or the *New Fellows Handbook*? Find these and other College Manuals and Guides under [Help](#) and [Fellow Services](#).

7. Other Business

8. Adjournment

Link included: <https://www.actec.org/help-document/policies-practices-and-procedures/> (2021)

2024 Bylaws and Manuals Committee

<p>Chair Brian J. Felcoski (Brian) Goldman, Felcoski & Stone, P.A. Coral Gables, Florida</p>	<p>Email: briancgables@aol.com Phone: (305) 446-2800</p>
<p>Member and EC Liaison Kurt A. Sommer (Kurt) Sommer Udall Law Firm P.A. Santa Fe, New Mexico</p>	<p>Email: kas@sommerudall.com Phone: (505) 982-4676</p>
<p>Member T. Randolph Harris (Randy) McLaughlin & Stern LLP New York, New York</p>	<p>Email: trharris@mclaughlinstern.com Phone: (212) 448-6272</p>
<p>Member Elizabeth Holland Hutchins (Liz) Dentons Sirote PC Birmingham, Alabama</p>	<p>Email: elizabeth.hutchins@dentons.com Phone: (205) 930-5381</p>
<p>Member Holly B. Norvell (Holly) Johnston, Allison & Hord, P.A. Charlotte, North Carolina</p>	<p>Email: hnorvell@jahlaw.com Phone: 7049982209</p>
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<p>Member Stacy Beth Rubel (Stacy) Virgil & Rubel LLP Coral Gables, Florida</p>	<p>Email: stacy@virgillaw.com Phone: 3054486333</p>
<p>Member Lynn B. Sassin (Lynn) Gordon Feinblatt LLC Baltimore, Maryland</p>	<p>Email: lsassin@gfrlaw.com Phone: (410) 576-4151</p>
<p>Member W. Donald Sparks II (Don) Richards, Layton & Finger Wilmington, Delaware</p>	<p>Email: sparks@rlf.com Phone: (302) 651-7758</p>

2024 Bylaws and Manuals Committee

Member Lee M. Stautberg (Lee) Dinsmore & Shohl, LLP Cincinnati, Ohio	Email: lee.stautberg@dinsmore.com Phone: (513) 977-8477
Member Richard D. Woods (Dick) Kirkland Woods & Martinsen LLP Overland Park, Kansas	Email: rwoods@kwm-law.com Phone: 9134690900
Member Glen A. Yale (Glen) Yale Law Firm, P.C. San Antonio, Texas	Email: glenyale@yalelawfirm.com Phone: (210) 663-8117
Staff Representative Deborah McKinnon (Deb) The American College of Trust and Estate Counsel Washington, District of Columbia	Email: domckinnon@actec.org Phone: (202) 684-8455

Minutes for ACTEC 2024 Annual Meeting
Bylaws and Manuals Committee Meeting
Saturday, March 9, 2024, 1:00 p.m.- 2:30 p.m.
Grand Sonoran “B”
J W Marriott Desert Ridge, Phoenix, AZ

1. The Chair, Brian J. Felcoski, called the meeting to order at 1:10 p.m. The Chair appointed Brian J. Felcoski as secretary to take minutes for the meeting. The Chair thanked retiring committee member, Chris Hunt, for his service on the committee.
2. The committee approved the minutes from its Fall meeting on October 28, 2023 in Louisville, KY. The Chair thanked Mr. Sparks for preparing those minutes.
3. Bylaws Amendment. Deb McKinnon discussed a possible Bylaws amendment to address ACTEC Executive Committee discretion concerning the payment of annual dues. After discussion, the committee agreed that something should be in writing concerning the authority of the Executive Committee to make a dues accommodation. The committee suggested that the best place to address the issue might be in the PPP Manual. The committee recommended that the PPP Manual be updated with a statement such as the following:

Each Fellow, International Fellow, Academic Fellow, and Retired Fellow shall pay annual membership dues for their respective membership categories as determined by the Board of Regents with the power in the Executive Committee to make a dues accommodation for exceptional circumstances as determined by the Executive Committee.

The committee believed that Section 3.11 of the PPP manual would be an appropriate place to add this language. The committee did not believe a Bylaws amendment was necessary to address the Executive Committee’s discretion to make a dues accommodation.

4. Upcoming Review of the PPP Manual in 2024–2025. The Chair addressed the need to form a subcommittee to work on a review and update of the PPP manual. It is the hope that this review can be completed by the time of the 2025 ACTEC annual meeting. Kurt Sommer, Dick Woods, Lee Stautberg, and Brian Felcoski agreed to serve on the subcommittee. In addition to revising the PPP Manual to address the dues issue above, the prohibition against recording of meetings and the Code of Conduct ombudsman should be addressed in the next update of the PPP Manual.
5. There were no recommendations from administrative or substantive committees.
6. Tips and Useful Information From the *Policies, Practices and Procedures Manual* for the ACTEC *Weekly Update*, published each Friday—“Did You Know?” - Deb McKinnon and the Chair updated the committee on the Tips and Useful Information concerning the PPP Manual that have appeared in the ACTEC Weekly Update.
7. Other Business. None.

8. The meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Brian J. Felcoski, Secretary for the Meeting

ACTEC 2024 Annual Meeting

Phoenix, Arizona

Bylaws and Manuals Committee

Saturday, March 9, 2024

1:00pm - 2:30pm

Chair	Brian J. Felcoski
EC Liaison, Member	Kurt A. Sommer
Member	T. Randolph Harris
Member	Elizabeth Holland Hutchins
Member	Lynn B. Sassin
Member	Lee M. Stautberg
Member	Richard D. Woods
Member	Glen A. Yale
Staff Representative	Deborah McKinnon
Staff Representative	Rebecca Vandall



ACTEC[®]

THE AMERICAN COLLEGE OF
TRUST AND ESTATE COUNSEL

**Policies, Practices
and Procedures Manual**

**The American College of Trust
and Estate Counsel
Washington, D.C.**

June 2021

ACTEC Policies, Practices and Procedures Manual – June 2021

2020 - 2021 Bylaws and Manuals Committee

Elizabeth Holland Hutchins, Chair

Brian J. Felcoski

T. Randolph Harris

Christopher B. Hunt

Margaret G. Lodise, Executive Committee Liaison

Thomas N. Masland

Janet Rae Montgomery

Lynn B. Sassin

W. Donald Sparks, II

Richard D. Woods

Glen A. Yale

Kurt A. Sommer

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PREFACE

Policies, Practices and Procedures Manual

The Bylaws state that the Board of Regents shall cause a manual containing the current policies and procedures of the College to be maintained and published. The Bylaws and Manuals Committee has been delegated this important undertaking. The *Policies, Practices and Procedures Manual* is revised regularly.

The Bylaws and Manuals Committee establishes neither policies nor procedures, but rather attempts to restate them in a current and accurate exposition in this Manual. In carrying out its function, the Bylaws and Manuals Committee carefully reviews minutes of the Board of Regents' and Executive Committee's meetings and other relevant committees, as well as forms and other written materials of the College. The date of the meeting is indicated in parentheses ().

References in the Manual to Articles are to the Bylaws of the College and are contained in brackets []. Other numerical references are to Sections or paragraphs within the Manual itself. The numbering of the Exhibits to the Manual corresponds to the Section number where reference is made to the applicable Exhibit.

Our final product is only as good as the information and suggestions received from those who assist in the governance of the College and those who read the Manual and find it either inaccurate or incomplete. We greatly value your contributions. Please contact the chair of the Committee with any of your comments or suggested revisions.

Elizabeth Holland Hutchins
Chair, 2021 Bylaws and Manuals Committee

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APPENDIX B: ORGANIZATIONAL DOCUMENTS ACTEC FOUNDATION on website

<u>CERTIFICATE OF INCORPORATION</u>	B-1
<u>BYLAWS</u>	B-1

1. NAME

1.1 FORMAL NAME

The legal name of the organization is The American College of Trust and Estate Counsel. It should always have the article “The” included in the formal name.

1.2 NAME: ACTEC

The organization may informally be referred to as ACTEC. It is unnecessary and considered improper for the article “The” to precede ACTEC. See Section 23.7 for the ACTEC trademark notice.

1.3 NAME: THE COLLEGE

The organization may also be informally referred to as “the College” or “College,” and the article “the” need not be capitalized unless it is proper to capitalize under capitalization rules.

1.4 AFFILIATED ORGANIZATION NAME

Similar practice shall be followed when referring to the College’s affiliated organization, The American College of Trust and Estate Counsel Foundation. See Section 23, Affiliated Organizations.

1.5 USE OF NAME

The College policy on the use of the name is set forth in the ACTEC [Policy on Use of Name](#).

2. GOVERNANCE OF COLLEGE

2.1 BOARD OF REGENTS

- (a) The Board of Regents shall be the governing body of the College and shall conduct all affairs of the College [[Article IV, Section 1](#)].
- (b) The Board of Regents shall consist of between 39 and 42 members, called Regents.
 - 1. Six Officer Regents shall serve as Regent for the term during which each holds office as President, President-Elect, Vice President, Treasurer, and Secretary, or is the immediate Past President [[Article IV, Section 2](#)].
 - 2. Eleven Regents shall be elected annually, each to serve a term of three years or until a successor is elected and qualified.

3. One to three additional Executive Committee Regents shall serve as Regents for any period during which each is a member at large of the Executive Committee, but not an Elected Regent. See Section 4.1(a), Executive Committee, for the nomination and election of members at large.
- (c) An Elected Regent may serve for no more than two consecutive three-year terms. A Regent who has served two consecutive terms may again be elected after remaining out of office for one year [[Article IV, Section 3\(b\)](#)]. The period of service of a Regent who is elected to fill a vacancy on the Board of Regents of less than 14 consecutive months shall not constitute a term for this purpose [[Article IV, Section 3\(a\)](#)].
 - (d) Regents are expected to devote a reasonable amount of time annually to accomplish the duties of a Regent to further the work of the College, which includes time spent attending meetings of the Board of Regents. Nominees to the Board of Regents will be informed of this requirement before their acceptance of the nomination.
 - (e) Regents are expected to attend every scheduled meeting of the Board of Regents. The Board of Regents customarily meets twice a year (fall meeting and Annual Meeting), and the duties imposed on the Regents are of sufficient importance to the welfare of the College to require full attendance.

2.2 OFFICERS

- (a) Officers. The Bylaws provide for the following officers:
 1. President
 2. President-Elect
 3. Vice President
 4. Treasurer
 5. Secretary
- (b) Appointment of Additional Officers. The Board of Regents has authority as it deems necessary to appoint additional officers and agents for the College, designating their respective powers and duties [[Article VI, Section 1](#)].
- (c) Nomination and Election of Officers.

1. The President shall assume office at the end of the term as President-Elect and shall serve until the adjournment of the next Annual Meeting [[Article VI, Section 8](#)].
 2. The President-Elect, Vice President, Treasurer, and Secretary are elected to serve for a one-year term by the Board of Regents.
- (d) Commencement of Term. Officers elected at the Annual Meeting of the Board of Regents shall take office on adjournment of the Annual Meeting [[Article VI, Section 8](#)].

2.3 CODE OF CONDUCT

The College is committed to the furtherance of a welcoming and inclusive environment for all persons participating in ACTEC activities. The [Code of Conduct](#), implements the welcoming and inclusive environment described in Article I of the Bylaws. The Code of Conduct:

- (a) identifies actions that further a welcoming and inclusive environment and actions that are contrary to a welcoming and inclusive environment,
- (b) provides procedures for reporting, investigating and resolving violations of the Code, which may include sanctions against the offending person. The ombudspersons referenced in the Code will receive training regarding their authority and responsibilities and limits to their authority and responsibilities,
- (c) is prominently displayed on the public side of the website ([About Us / Code of Conduct](#)). All participants in national, regional, or state meetings and other ACTEC activities will be required to acknowledge this policy and their required compliance with the Code, and
- (d) prescribes procedures for implementing disciplinary action (See Section 3.10).

2.4 CONFLICT OF INTEREST POLICY

The College has a Conflict of Interest Policy that applies to all Regents, officers and employees of ACTEC. At the beginning of each fiscal year, ACTEC shall provide a copy of the Conflict of Interest Policy to each Regent, officer and employee for review, and all such persons shall complete a [Conflict of Interest Disclosure Form](#) to be on file with ACTEC. Additionally a copy of the [Conflict of Interest Policy](#) shall be posted on the private side of the ACTEC website.

2.5 WHISTLEBLOWER POLICY

This policy is designed to encourage Fellows, officers, and employees of the College to come forward with credible information on suspected illegal practices or violations of policies and to facilitate cooperation in any official inquiry or investigation by any court, agency, or other law enforcement or governmental body. The College will use its best efforts to protect any person who has in good faith raised a concern or reported any such violation from retaliation or threats of retaliation. The purpose of this policy is to support the College's goal of legal compliance and to identify where information regarding suspected violations can be reported ([Whistleblower Policy](#)).

3. FELLOWS

3.1 CLASSES OF FELLOWS

The Bylaws provide for six classes of Fellows of the College: Fellow, International Fellow, Academic Fellow, Judicial Fellow, Honorary Fellow, and Retired Fellow. "Fellow" is frequently used herein to describe all classes of Fellows.

3.2 FELLOWS

The procedure for nomination of Fellows is set forth in the [Requirements and Procedures for the Election of Fellows](#). Nomination of a Fellow shall be on the form entitled [Nomination Form for Fellow](#). [Instructions](#) for the nomination of a Fellow are on a form of that title.

3.3 INTERNATIONAL FELLOWS

The procedure for nomination of International Fellows is set forth in the Bylaws [[Article II, Sections 1\(b\) and 3\(e\)](#)]. Nomination of an International Fellow shall be on the form entitled [Nomination Form for International Fellow](#). [Instructions](#) for the nomination of an International Fellow are on a form of that title. [Requirements and Procedures for the Election of Fellows](#) is also applicable to International Fellows [[Article II, Sections 1\(b\) and 3\(e\)](#)].

3.4 ACADEMIC FELLOWS

Nomination of Academic Fellows shall be on the form entitled [Nomination Form for Academic Fellow](#). Instructions for the nomination of an Academic Fellow shall be on the form entitled [Nomination Form for Academic Fellow- Instructions to Nominator](#). [Requirements and Procedures for the Election of Fellows](#) is also applicable to Academic Fellows [[Article II, Sections 1\(c\) and 3\(d\)](#)].

3.5 JUDICIAL FELLOWS

A Fellow or Academic Fellow who becomes a judge may designate himself or herself a Judicial Fellow [[Article II, Section 1\(d\)](#)].

3.6 HONORARY FELLOWS

Honorary Fellows are provided for by the Bylaws [[Article II, Section 1\(e\)](#)].

3.7 RETIRED FELLOWS

Retired Fellows are provided for by the Bylaws for Fellows who have retired and who meet such terms as may be approved from time to time by the Board of Regents [[Article II, Section 1\(f\)](#)]. A Retired Fellow is entitled to all the rights and privileges of a Fellow, except that a Retired Fellow is not eligible to vote, to serve as a Regent or officer, or as a member of a committee. A Retired Fellow may participate as a visitor to a committee. (Board of Regents, 2005 Annual Meeting) Fellows satisfying the criteria established by the Board of Regents may elect Retired Fellow status by submitting the [Annual Certification for Retired Fellows Status](#) form to the ACTEC Membership Director.

3.8 REINSTATEMENT

A former Fellow may be reinstated by the Board of Regents upon such terms and conditions as the Board of Regents approve [[Article II, Section 6\(c\)](#)].

3.9 TERMINATION OF MEMBERSHIP

The procedure for termination of the membership of a Fellow is set forth in the Bylaws [[Article II, Section 6\(a\)](#)].

3.10 DISCRETIONARY DISCIPLINE FOR VIOLATION OF THE CODE OF CONDUCT

- (a) The [Code of Conduct](#) provides procedures for identifying, reporting, investigating and resolving alleged violations. Such procedures include the utilization of two or more ombudspersons who are appointed by the Executive Committee. The determination of whether a violation has occurred, and what sanctions, if any, shall be imposed is the responsibility of the Executive Committee. In the event of egregious violations of the Code, potential sanctions may include expulsion from the College. [[Article IX, Section 2](#)]
- (b) Reporting and Investigating Violations of this Code of Conduct: Perceived violations of this Code of Conduct should be communicated to one of the College Ombudspersons or to ACTEC's Executive Director who shall immediately forward the complaint to one of the College Ombudspersons. (<https://www.actec.org/about/actec-ombudspersons/>) Ombudspersons are appointed by the Executive Committee and serve a term of three years, with a rotation so that one ombudsperson rotates off each year.

3.11 ARREARS

- (a) Each Fellow, International Fellow, Academic Fellow, and Retired Fellow shall pay annual membership dues for their respective membership categories as determined by the Board of Regents with the power in the Executive Committee to make a dues accommodation for exceptional circumstances as determined by the Executive Committee.
- (b) Any Fellow, International Fellow, Academic Fellow, or Retired Fellow who fails to pay dues by March 1 of any year shall be dropped from membership, provided certified or registered mail notice was sent at least 30 days prior with an opportunity to respond to the proposed termination orally or in writing not fewer than five days before the termination of membership [[Article II, Section 6\(b\)](#)].

4. COMMITTEES

In addition to the committees created by the Bylaws, the President, the Board of Regents, and the Executive Committee are each authorized to create such standing committees and task forces as may from time to time be deemed advisable, as specified in Bylaws Article VIII, Sections 6 and 7. The President-Elect also may propose standing committees or task forces to be created when taking office as President. All standing committees shall continue in existence until expressly ended. All task forces shall exist for four years unless a shorter term is specified at the time of creation [[Article VIII, Section 8](#)]. The committees are further distinguished between Substantive Committees (those that address the practice of trust & estate law) and Administrative Committees (those that address the operations of the College). All committees created by the Bylaws shall be Administrative Committees. The responsibilities of an Administrative Committee shall be set forth in the resolution establishing that committee. Committee meetings, in-person or virtual, shall not be recorded with the exception of rare circumstances approved by the Chair and the ACTEC President.

4.1 COMMITTEES CREATED BY THE BYLAWS

- (a) Executive Committee. The Executive Committee shall consist of nine members of the Board of Regents, including the President, President-Elect, Vice President, Treasurer, Secretary, and the immediate Past President. It is the Steering Committee for the Board of Regents. In addition, there shall be three members at large elected for staggered terms of three years by a majority vote of the number of Regents then in office. A member at large is not eligible for immediate reelection unless such reelection would result in an aggregate term of not more than four years [[Article VIII, Section 1](#)]. The President-Elect shall nominate one member at large for a term of three years. A vacancy caused by the death of a member at large, or other cause, shall be filled for the unexpired term, by

election by the Board of Regents after nomination by the person who is or will be President when the vacancy occurs. The President shall be the chair of the committee. The Secretary shall be secretary of the committee. Except as set forth in Bylaws Article VIII, Section 1, between meetings of the Board of Regents, the Executive Committee shall conduct the affairs of the College.

1. Executive Committee Liasons: The President-Elect will appoint members of the Executive Committee to serve as a liaison with the committees and task forces of the College. The function of the liaison is to provide communication between the Executive Committee and each of the committees and task forces of the College. Liaisons to Administrative Committees should communicate requests for guidance from the Executive Committee and report on the activities of the committee to the Executive Committee; whereas liaisons with the Substantive Committees should report on ways the Substantive Committees might collaborate with the Executive Committee in addition to the communication responsibilities.
 - (A) The President-Elect shall serve as the Executive Committee Liaison to the State Chairs Steering Committee, State Chairs and State Chairs-Elect, Long-Range Planning Committee, and the Fellows' Institutes.
 - (B) The Vice President shall serve as the Executive Committee Liaison to the Audit Committee, the Financial Management Committee, and the Program Committee.
 - (C) The Immediate Past President shall serve as the chair of the Nominating Committee and the Executive Committee Liaison.
- (b) Nominating Committee. The Nominating Committee shall consist of at least seven members appointed by the President-Elect, inclusive of the outgoing immediate Past President, who shall serve as chair, and the incoming immediate Past President. The remaining members shall be appointed for a one year term and generally serve for two consecutive terms. For continuity, approximately one-half of the committee shall rotate off each year. Members of the Nominating Committee are not eligible for election to the Board of Regents or as an officer of the College. While current Regents may serve on the Nominating Committee, they may not be elected to a second three year term on the Board of Regents while serving on the Nominating Committee. [[Article IV, Section 3](#) and

[Article VI, Section 7](#)]. The duty of the Nominating Committee is to nominate Fellows for election as officers of the College and for election to the Board of Regents. The Nominating Committee conforms to the [Recommended Process for the Selection of College Leadership](#). The Nominating Committee shall review and update these recommendations annually for the ongoing use of the committee. Customarily the review is conducted during the Fall Meeting

- (c) Membership Selection Committee. The Membership Selection Committee consists of nine Fellows at least the majority of whom are present or past Regents. To ensure the impartiality of the nomination and selection process and to avoid the appearance of favoritism, State Chairs shall not serve on the Membership Selection Committee, nor shall members of the Executive Committee, except in the capacity of Executive Committee Liaison. The President-Elect shall appoint the members of the Membership Selection Committee. Members serve staggered, three-year terms, not to exceed two consecutive terms; however members serving an unexpired term as a result of a vacancy are not considered to have served a term for this purpose. The committee selects its own chair and other officers it deems advisable and sets its own parliamentary rules. The committee has the authority to draft and recommend for adoption by the Board of Regents [Requirements and Procedures for the Election of Fellows](#) and, when adopted by the Board, these *Requirements and Procedures* shall have the effect of bylaws. The notice requirement for changes in the Bylaws applies to proposals for changes in the *Requirements and Procedures*. The duties of the committee are specified in Bylaws Article VIII, Section 3. It has been customary for the Membership Selection Committee to meet immediately before the Annual Meeting and fall meeting of the Board of Regents to receive, review, and consider current nominations for membership and accompanying recommendations received from state membership committees, the Academic Membership Committee, and the International Membership Committee to decide who, of those nominated, are qualified for election to membership, and to report its recommendations in writing to the Board of Regents as to candidates it considers to be qualified for election to membership.
- (d) Financial Management Committee. The Financial Management Committee consists of six Fellows, three of whom are the Vice President, Treasurer and Secretary and three of whom are nominated by the Executive Committee and elected by the Board of Regents at an Annual Meeting. Elected members will serve staggered three-year terms, not to exceed two consecutive terms. The Executive Committee shall appoint the chair. The Financial Management Committee monitors and provides reports and recommendations to the Executive Committee and the Board of Regents on all matters pertaining to the financial management of the

College's affairs, including budget, risk management, fiscal policies, and investment policies and monitors the performance of the College's investment manager or managers and makes recommendations to the Board of Regents regarding selection, retention and termination of such manager or managers [[Article VIII, Section 4](#)].

- (e) Audit Committee. The Audit Committee consists of four Fellows, including the Vice President, and three other members who are not members of the Executive Committee or the Financial Management Committee, who are nominated by the Executive Committee and elected by the Board of Regents at an Annual Meeting. Elected members will serve staggered three-year terms, not to exceed four consecutive terms. The chair will be nominated by the Executive Committee and elected by the Board of Regents for a term not extending beyond the chair's term as a member of the Audit Committee. The Audit Committee shall keep full records and accounts of its proceedings and transactions. The Audit Committee shall: (1) recommend to the Board of Regents the selection, retention, and termination of a qualified firm of certified public accountants to perform annual fiscal audits; (2) approve specifications of the annual fiscal audits; (3) review the audits and assure that all observations and recommendations made in the audit are considered; and (4) review the implementation of and make recommendations to improve the financial controls of the College [[Article VIII, Section 5](#)].
- (f) International Membership Committee. The International Membership Committee is advisory in nature. The President-Elect, after consultation with the chair of the International Estate Planning Committee, shall appoint the members of the International Membership Committee to serve a one-year term; members may be reappointed. (Board of Regents 03/08/20) The International Membership Committee shall promote the nomination of the best qualified eligible persons for election as an International Fellow in accordance with procedures set forth in the Bylaws [[Article VII, Section 3\(d\)](#)].
- (g) Academic Membership Committee. The Academic Membership Committee is advisory in nature. The President-Elect, after consultation with the Academic Fellow who is chair or co-chair of the Legal Education Committee, shall appoint the members of the Academic Membership Committee, to serve a one year term; members may be reappointed. The Academic Fellow who is chair or co-chair of the Legal Education Committee shall serve as chair of the Academic Membership Committee. The Academic Membership Committee shall promote the nomination of the best qualified eligible persons for election as an Academic Fellow in accordance with procedures set forth in the Bylaws [[Article VII, Section 4](#)].

4.2 STANDING COMMITTEES AND TASK FORCES

(a) Substantive Standing Committees. The following committees have been designated or created by the Board of Regents, President or Executive Committee as Substantive Standing Committees:

1. Asset Protection
2. Business Planning
3. Charitable Planning and Exempt Organizations
4. Digital Property
5. Elder Law
6. Employee Benefits
7. Estate and Gift Tax
8. Fiduciary Income Tax
9. Fiduciary Litigation
10. International Estate Planning
11. Legal Education
12. Practice
13. Professional Responsibility
14. State Laws
15. Technology in the Practice
16. Transfer Tax Policy

(b) Administrative Standing Committees. The following committees have been designated or created by the Board of Regents, President or Executive Committee as Administrative Standing Committees:

1. *Amicus Curiae Brief Review Committee*. Members of the Amicus Curiae Brief Review Committee are appointed by the President-Elect to serve a term of one year. The chair of the Fiduciary Litigation Committee shall serve as a member of the committee. The committee oversees and implements the policies and procedures adopted by the College regarding

the submission of *amicus curiae* briefs. Requests for an amicus brief shall be directed to the chair of the Amicus Review Committee, who shall review the request with the committee and make a report to the Executive Committee. The Executive Committee shall decide what action should be taken. See [Amicus Curiae Policy and Procedure](#). (Board of Regents, 3/8/99) (Exhibit updated 09/19)

2. *Bylaws and Manuals.* The Bylaws and Manuals Committee shall, at the request of the President, Executive Committee or the Board of Regents, or upon its own action, review the Bylaws and shall prepare or assist in the preparation of any submission to the Executive Committee for changes to the Bylaws of the College. The committee is responsible for ensuring that the Bylaws and Articles of Incorporation are current and consistent with the mission, policies and organizational structure of the College. All proposed alterations or amendments to the Bylaws or the Articles of Incorporation shall be directed to the Bylaws and Manuals Committee for appropriate evaluation prior to implementing the proper approvals and submission to the Board of Regents for final approval. Pursuant to Article X, Section 4, the Board of Regents shall cause a manual containing the current policies and procedures of the College to be maintained and published. The Bylaws and Manuals Committee shall regularly review the ACTEC Policies, Practices and Procedure Manual, and shall submit to the Executive Committee for approval by the Board of Regents any changes to the Manual based on revisions to the Bylaws, Articles of Incorporation, practices or policies of the College made by the Board of Regents, Executive Committee or other College committee acting within the scope of its authority. The Bylaws and Manuals Committee also reviews manuals of other committees for consistency and compliance with governing documents of the College.
3. *Communications.* The Communications Committee is responsible for complementing and enhancing ACTEC's efforts to develop and maintain its standing within the legal profession and the public at large. The Communications Committee oversees the ACTEC website and all print and electronic publications of the College.

In consultation with the National Office, the Communications Committee shall carry out the policies of the Board of Regents and the Executive Committee with

respect to the publication, production, management and operation of College publications, public relations, media, social media, website and List Services. Fellows on Communications shall assume specific responsibilities with regard to college publications, media, website, and List Services as assigned by the chair.

The various functions for which the Committee is responsible include:

- (A) Website
- (B) ACTEC Law Journal
- (C) State Surveys
- (D) Pocket Tax Tables
- (E) Family Estate Planning Guide
- (F) ACTEC Podcasts
- (G) Social Media

4. *Diversity, Equity and Inclusivity.* The mission of the ACTEC Diversity, Equity and Inclusivity Committee is to develop strategies, recommendations and a comprehensive plan to help ACTEC become a more diverse and inclusive College (consistent with ACTEC's purposes as set forth in Article I of the ACTEC Bylaws). The Committee seeks to create a stronger and better College through implementation of such strategies, recommendations and a strategic plan, with the goal of promoting the full participation of groups historically underrepresented in the College and in the estates and trusts legal community. The Committee will work with the College to encourage women, racial and ethnic minorities, lesbian, gay, bisexual and transgender persons and persons with special needs who are candidates for election to the College to qualify for nomination and, if elected, to participate meaningfully in the activities of the College. The Committee will also work to encourage the elimination of bias in the College, and to foster and maintain a welcoming and inclusive environment within the College for all persons.

5. *Long Range Planning.* The Long Range Planning Committee shall consist of approximately fifteen members. The committee shall reflect both gender and geographic diversity. The Chair shall be appointed by the President-Elect for a term of one year and may serve for up to three consecutive terms. Three officers of the College shall serve on the committee, including the President-Elect, the Vice President, and the Treasurer. Other members shall include active members of the College, including Past Presidents and current and former Regents, State Chairs, and Committee Chairs. The “categories of membership” are listed below, along with the number of members on the committee to represent each category. A committee member can and probably will fulfill more than one category of membership. Members shall be appointed by the President-Elect for one-year terms, not to exceed four consecutive terms. For continuity, three or four members shall rotate off each year to be replaced with members who are in the same “category of membership.” Categories of membership: (i) Three officers of the College; (ii) Two Past Presidents; (iii) At least one new Fellow (five years or less of membership); (iv) Representatives from small firms and mid-size/large firms (a balance from each); (v) At least one Fiduciary Counsel; (vi) Current or former members of the Membership Selection Committee; (vii) Current or former State Chairs; (viii) At least one Academic Fellow; and (ix) At least one current or former Committee Chair. The Long Range Planning Committee shall consider topics essential to the fulfillment of ACTEC’s mission and those deemed necessary to ACTEC’s long-term success, including vision, values, membership, budget and financial, meetings, continuing legal education, committees, publications, technology, and sponsorships. The committee may determine topics for consideration at the request of the Board of Regents, the Executive Committee, or upon its own action.

6. *New Fellows Steering.* The New Fellows Steering Committee is responsible for organizing and monitoring the activities of the New Fellows. The Steering Committee includes (among others) Fellows who, when appointed, are members of the following Committees or groups: (i) Long Range Planning Committee; (ii) Program Committee; (iii) Board of Regents; (iv) is or has been a State Chair, including one who is on the State Chairs’ Steering Committee; (v) New Fellows group (Fellows who have been admitted to the College for five years or less); and (vi) Active Fellows who

have been members of the College for six to ten years. The New Fellows Steering Committee maintains a manual for the use of the new Fellows. (Executive Committee, 10/18/2013)

7. *Program.* [See Section 9.](#)
8. *Sponsorship Advisory.* The President-Elect shall appoint members of the Sponsorship Advisory Committee to terms of one year. The President, President-Elect and the Immediate Past President shall be members without the necessity of being appointed formally. To maintain continuity, approximately one-third of the members shall rotate off each year. (Executive Committee, 07/23/2015)

The purpose of the Sponsorship Advisory Committee is to promote the sponsorship program for the College. Specifically, the committee will recruit and assist in the recruitment of sponsors; monitor sponsor activities and suggest revisions to the [Sponsorship Policies](#) of the College as appropriate; assist the Executive Director, the officers, and the Regents in maintaining cordial relations with sponsors and address specific issues with sponsors as they arise; monitor the activities of sponsor representatives at College meetings to ensure they have an enjoyable experience that meets their expectations while strictly observing the College's guidelines; monitor and encourage the sponsorship program at the state and regional level and coordinate the activities for the maximum benefit of the College as a whole; and draw the attention of Fellows in an appropriate manner to the importance of sponsors to the operation of the College and encourage Fellows to welcome sponsor representatives and treat them with a level of courtesy and friendliness that is similar to the way that Fellows regard each other. (Regents, 2004 Fall Meeting)

9. *State Chairs Steering.* The State Chairs Steering Committee shall be appointed by the President-Elect and will consist of one representative from each of the ACTEC Regions, hereby known as Region Chairs. Region Chairs shall be a State Chair at the time of appointment. Region Chairs are appointed for a term of one year and may serve for up to three consecutive terms; however, service on the steering committee is limited to just one year past a Region Chair's term as State Chair. In order to maintain continuity, approximately one-third of the membership shall rotate off each year. The President-Elect shall appoint the Chair from

among the Region Chairs; customarily the Chair serves for two consecutive terms. The State Chairs Steering Committee oversees the State Chair organization, facilitates communication between the State Chair organization and the Board of Regents and the Executive Committee, and assists State Chairs in fulfilling their duties by identifying and promoting best practices. The State Chairs Steering Committee is responsible for the upkeep of the State Chairs Manual and conducts an Orientation for incoming State Chairs at each Annual meeting.

10. *Washington Affairs.* See Section 21.2.

- (c) Task Forces. A task force shall terminate at the end of the fourth Annual Meeting following the creation of the task force, unless specifically provided otherwise by the person or entity creating the task force or by the Executive Committee. Ordinarily, all appointments of members to task forces are to be made by the President-Elect at least 45 days prior to the Annual Meeting after which the President-Elect takes office as President, except that the person or entity creating a task force will ordinarily appoint the initial members and officers of such task force. The term of office for members of task forces shall be one year. Membership on a task force shall not count as membership on a substantive Committee for purposes of the two Committee Rule. See paragraph 4.d below.
- (d) Appointments. At least 45 days before taking office as President, the President-Elect shall appoint committee chairs, other committee officers, and all committee members, except as provided in the Bylaws. All appointments shall be for one year except as otherwise provided in the Bylaws and shall take effect at the adjournment of the Annual Meeting after which the President-Elect takes office as President. The President shall fill any vacancy occurring in any committee as deemed necessary.
- 1. *Committee Chairs and Vice-Chairs.* Substantive committee chairs may serve for up to three consecutive terms as chair, although it is customary for chairs of some administrative committees to serve for one term or two terms. A vice-chair is customarily appointed to serve during the chair's final year of service. When deemed appropriate, a subcommittee of substantive chairs shall be appointed by the President to conduct an orientation for incoming substantive chairs and a review of the Substantive Committee Chairs Manual.
- 2. *Committee Members.* There is no limit to the number of terms a member may serve on a substantive committee. Committee members are expected to actively participate in the work of the committee. It is the expectation that each member of a committee shall attend at least two out of the three regular meetings of the committee to which such member has been

appointed. Since the administrative committees are responsible for the business and operations of the college, with membership determined by the Bylaws, terms will vary for members.

3. *Reappointments and New Appointments.* Members who would like to remain on their substantive committees do not need to submit annual requests for reappointment; however, continued service on the committee is subject to the member having met attendance and participation requirements. Requests for new appointments or to be dropped from a committee may be submitted using the online Committee Appointment Request form. If a member is interested in serving on an administrative committee or wants to be dropped, a request must be sent to [Director of Committees](#).
4. *Limitation on Committee Appointments.* Fellows who are currently serving on two or more substantive committees may not serve on an additional substantive committee, in order to ensure that there is room on committees for other Fellows to serve. For purposes of this limitation, the Legal Education Committee and task forces shall not be considered substantive committees. Administrative Committees members are not subject to a limitation of service.
5. *Retired Fellows Appointment.* A Retired Fellow may participate as a Visitor to a committee meeting but may not be appointed to serve on a committee.

4.3 TASK FORCES, DELEGATES, LIAISONS AND COORDINATORS

- (a) The task forces in existence are: (i) the FATF Task Force; (ii) the [Joint National College of Probate Judges and ACTEC Task Force](#), (iii) Family Law Task Force; and (iv) Artificial Intelligence Task Force
- (b) The following delegates, liaisons, editors and coordinators appointed by the President-Elect are in existence:
 1. Three delegates to the Joint Editorial Board for Uniform Trust and Estate Acts (JEB-U TEA), each to serve a four-year term that is renewable one time (Board of Regents, 2007 Annual Meeting) (Uniform Law Commission),
 2. One Liaison to the Uniform Law Commission to serve a three-year term (Board of Regents, 2007 Fall Meeting),
 3. Two or more delegates to the Financial Action Task Force (FATF),

4. One delegate to the National Guardianship Network to serve a one- year term,
 5. ACTEC Observers to participate in drafting committee meetings of Acts being developed by the Uniform Law Commission (Board of Regents, 2007 Annual Meeting),
 6. Editors for the *ACTEC Law Journal*, State Surveys, and the Pocket Tax Tables,
 7. ACTEC ALI CLE Teleconference Coordinator, whose duties are described in paragraph (d), and
 8. Coordinators for various events during the Annual Meetings.
 - (A) Craig R. Webber Memorial Golf Tournament Coordinator
 - (B) Tennis Tournament Coordinator
 - (C) John L. Sullivan Fun Run Coordinator
- (c) The President of the College or a designee serves as the liaison to the National College of Probate Judges (NCPJ).
1. It is the custom and practice for ACTEC and the NCPJ to mutually extend invitations to the others' current President to attend the respective organization's fall meeting
 2. ACTEC is invited to vote for the NCPJ's annual Treat Award recipient. The Treat Award for Excellence was established by the NCPJ at its 1978 annual conference. Nominees are submitted by September 1 each year and the recipient is announced at the NCPJ fall meeting in November. Based on the location of the nominees, the ACTEC Executive Director will contact the State Chair to solicit Fellows of the state for background regarding the nominees. The Executive Director will compile comments for the Executive Committee's deliberation. The Executive Director will communicate ACTEC's recommendation to the NCPJ's Treat Award Coordinator. ([Organizing Document](#))
- (d) *ACTEC / ALI CLE Teleconference/Webinar*. The Teleconference Coordinator working in conjunction with staff shall be ACTEC's main point of contact with ALI CLE for arranging ACTEC sponsored teleconferences and, when required, negotiating a new agreement with ALI CLE.

1. The Teleconference/Webinar Coordinator shall be appointed for a term of one-year and may serve for up to three consecutive terms.
2. The Teleconference/Webinar Coordinator will arrange with ALI CLE for seven to nine dates each calendar year and will coordinate content for special practice development teleconferences/webinars. Staff will develop and prepare in conjunction with ALI CLE the program calendar.
3. The Teleconference/Webinar Coordinator will assign each open date to a particular substantive committee with that substantive committee being responsible for presenting the teleconference/webinar on that date, giving all substantive committees an approximately equal opportunity to present.
4. One year prior to the teleconference date, the Teleconference/Webinar Coordinator, in consultation with the substantive committee chair, will select: (i) a topic of interest to practitioners, (ii) a title that will draw interest to the teleconference,/webinar and (iii) potential presenters among ACTEC Fellows

4.4 VISITORS AT COMMITTEE MEETINGS

- (a) The following College committees and task forces shall have their meetings closed to visitors: Executive Committee, Program Committee, Membership Selection Committee, Academic Membership Committee, International Membership Committee, Long Range Planning Committee, Nominating Committee, Audit Committee, Financial Management Committee, Sponsorship Advisory Committee, State Chairs Steering Committee, and New Fellows Steering Committee.
- (b) The Executive Committee is authorized to determine in the future whether the meetings of any other College committee or task force should be closed to visitors.
- (c) Generally, unless the committee chair objects to the sponsor representative attending, sponsor representatives are welcome to attend any committee meeting of the College that is otherwise open to Fellows upon submitting an attendance request to the Executive Director. The Executive Director shall notify the chair of the committee of the attendance request. The chair of the committee shall introduce any invited sponsor representatives.

- (d) Visitors attending a committee meeting do not have the privilege of the floor. The chair may recognize visitors once all members have had the floor.
- (e) Non-Fellow speakers may be invited to present to a committee meeting; however, prior approval is required from the President. Requests for the reimbursement of travel expenses must also be approved in advance by the President. See Section 10.1, Topics and Speakers, for an explanation of the ACTEC policy regarding speakers, and Section 11, Expense Reimbursement and Registration Fee Policy.

4.5 CORRESPONDENCE

Copies of all committee correspondence to parties outside the College should be sent to the Executive Director.

4.6 COMMITTEE MATERIALS

Committee materials for the national meetings shall be distributed electronically and posted to the ACTEC website and Meetings App.

4.7 COMMITTEE SURVEYS

Committee-based surveys of a membership class or of the entire College must receive prior approval from the Executive Committee. Committees conducting a State Survey should see Section 18, State Surveys.

4.8 CREATION OF NEW SUBSTANTIVE COMMITTEE

Prior to establishing a new committee, sufficient support for the committee should be demonstrated through the submission of a written proposal for the committee supported by at least 40 Fellows who indicate they are interested in becoming a member of such new committee. Proponents of the new committee must establish that the function of the new committee cannot be accomplished within the structure of a current substantive committee, and that the function is within the purview of the trust and estate practice. The new committee will be a task force for the first two year period to ensure there are a sufficient number of Fellows interested in the new committee. At the end of the first two years as a task force, consideration will be given as to whether there is a long term need for the additional committee before it is approved as a standing committee of the College.

5. COLLEGE STAFF

5.1 EXECUTIVE DIRECTOR

- (a) The Executive Director employed by the College shall have charge of the National Office of the College and shall receive such remuneration as determined by the Executive Committee from time to time. The Executive

Director shall not be an officer of the College. The employment agreement with the Executive Director may be oral or in writing and for such period as is agreed upon between the Executive Director and the Executive Committee. The Executive Director is responsible for the day-to-day administration of the affairs of the College and ongoing management of the National Office with the approval of the Board of Regents. The Executive Director shall report regularly to the President and to the other officers on those matters that require advance approval.

- (b) The Executive Director shall perform all duties delegated by the Board of Regents or the officers of the College [[Article X, Section 12](#)]. The Executive Director shall confer, from time to time, with the Executive Committee or its delegate, in carrying out such duties and responsibilities. The Executive Director shall provide for the maintenance and safekeeping of all records and files on the activities of the College and shall provide appropriate support service for affiliated organizations.
- (c) The Executive Director may employ staff as authorized by the Executive Committee.
- (d) The Executive Director shall attend all national meetings of the College and shall specifically attend the annual business meeting and all meetings of the Board of Regents. [[Article X, Section 12](#)].
- (e) The Executive Director is authorized to attend state or regional meetings at the discretion of the President, at the expense of the College in the absence of other reimbursement.

5.2 EMPLOYEE HANDBOOK

An [employee handbook](#) is maintained and updated from time to time under the direction of the Executive Director, with Executive Committee approval. A copy of the handbook is attached to this Manual. [[Exhibit 5.2](#)]

6. NATIONAL OFFICE FUNCTIONS

6.1 INSURANCE

The College shall procure and maintain all appropriate insurance, including, without limitation, general liability insurance, directors' and officers' liability insurance, adequate insurance on all property and records of the College, and all insurance required by the District of Columbia law, such as worker's compensation and unemployment insurance.

6.2 QUALIFIED RETIREMENT PLAN

The College has adopted a qualified retirement plan for eligible full-time employees of the College.

6.3 OFFICE SPACE AND EQUIPMENT

The Executive Director shall arrange for rental of adequate office space and obtain equipment to enable the staff to carry out its duties and responsibilities. All contracts for more than \$10,000, including those for office space, shall be subject to the approval of the Executive Committee.

6.4 DIGITAL MEMBERSHIP ROSTER

A digital Membership Roster listing the Fellows of the College together with the Board of Regents, State Chairs, committees and committee members, shall be maintained by the College and shall be updated following each Annual Meeting.

- (a) Each Fellow shall be listed in the digital [Membership Roster](#); printed copies of the roster are provided to Fellows upon request at a price determined by the Executive Committee. A downloadable copy is available on the private side of the Website at no cost.
- (b) The Membership Roster is confidential and for the sole use of the Fellows and it shall not be supplied for any commercial purpose.
- (c) A Fellow elected to membership in one state who has moved office or residence to another state may select the new location for listing in the Membership Roster but in doing so must give up the previous listing except as provided in paragraph 6.4 (d).
- (d) A Fellow may be listed in the Membership Roster in only one location, except that a Fellow who spends at least one-third (1/3) of one's professional time present in or working on matters in each of two locations may have a listing in the membership roster in each of those two locations. However, if such Fellow is not licensed in the second location, the roster must indicate the fact with an asterisk or other appropriate designation. There is a one-time fee of \$150 for a new, second listing to cover the set-up charges, with an annual fee of \$100 thereafter.
- (e) Portions of the Membership Roster are listed on the public side of the ACTEC website. Each listing shall contain the Fellow's name, the Fellow's firm name and office address, a designated office telephone number, and the county in which the Fellow's office is located. A Fellow may opt in or opt out of the website listing at any time by contacting the National Office. (Board of Regents, 2000 Annual Meeting)

6.5 RESPONSE TO INQUIRIES

The Executive Director shall be responsible for dealing with inquiries to the College regarding trust and estate lawyers in a particular geographical area and shall respond only to written requests. Upon written request, a list of Fellows in a specific state(s) will be provided. Since it is not the policy of the College to recommend a specific attorney, a list from the entire state is sent with a cover letter stating the College policy. These lists are generated from the membership database with name, address, and office phone number being the only information provided. Names and addresses of Judicial and Academic Fellows are not included. It is the policy of the College never to disclose personal information of Fellows to the general public. This service is free of charge. All requests are kept on file, sorted by state, for one year.

6.6 MAILING LABELS AND EMAIL LIST

It is the policy of the College not to provide mailing labels or the email list from the database to Fellows or non-Fellows for any purpose other than to the President, Executive Director, State Chairs and committee chairs. Exceptions to this policy must be approved by the Board of Regents.

7. STATE ORGANIZATION

7.1 STATE CHAIR

The State Chair is appointed by the President-Elect annually. In the interest of developing leadership, a State Chair shall serve a term of one year, and ordinarily not serve for a period of more than five consecutive years, subject to a successor being appointed any time after a one-year period of service [[Article VII, Section 1](#)]. A State Chair-elect is customarily appointed to serve during the incumbent State Chair's final year of service. Guidance may be found in the [State Chairs Manual, Exhibit A](#).

7.2 DUTIES OF THE STATE CHAIR

The principal duties of a State Chair are described in the [State Chairs Manual](#), (latest Revision March 2020). Each State Chair shall be familiar with the contents of the Manual. The duties include: chairing the State Membership Committee and encouraging the nomination of new Fellows; planning and facilitating State Meetings; representing the State on regional matters, including the responsibility for planning Regional Meetings; recommending appointments to committees and nominees for Regents and officers when asked to do so; communication with the State's Fellows; and handling special assignments for College committees. The State Chairs and State Chairs-Elect are expected to attend the State Chairs meeting held at the Annual Meeting and Fall meeting of the College.

7.3 STATE MEMBERSHIP COMMITTEES

- (a) The State Chair shall from time to time appoint the members of the state membership committee and shall serve as chair of the committee. Members of the state membership committee shall have no fixed term and shall serve at the pleasure of the State Chair; however, State Chairs are encouraged to rotate the members of the state membership committee. For continuity, it is customary for the most recent former State Chair to serve on the committee.
- (b) The state membership committee shall identify and promote the nomination of the best qualified eligible persons for election as Fellows or Academic Fellows.
- (c) The state membership committee shall receive, review, consider, and make a recommendation to the Membership Selection Committee regarding each nomination for membership received by it. Each recommendation is to be written and is to be timely delivered to the Membership Selection Committee, pursuant to guidelines periodically published by the Membership Selection Committee, The “[Requirements and Procedures for the Election of Fellows.](#)”
- (d) The District of Columbia is deemed a state. Canada is divided into two districts (Eastern and Western) and New York State is divided into Upstate and Downstate New York. There is a “State Chair” for each of these divided jurisdictions.

7.4 STATE AND REGIONAL MEETINGS

- (a) The State Chair is responsible for participating in the planning and organization of State Meetings, and with the other State Chairs in the Region, the Regional Meetings.
- (b) Each State Chair has the discretion to invite selected non-Fellows such chair is interested in recruiting as new Fellows to attend state or regional meetings. (Executive Committee, 04/11/2011)
- (c) The Board of Regents has adopted a [Sponsorship Policy](#) with respect to corporate or law firm sponsorship of events or receptions at state and regional meetings.
- (d) The State Chairs are encouraged to invite winners of the Mary Moers Wenig Writing Competition and the winner’s professor to attend a state or regional meeting at either the winner’s law school location or state of residence or both. The National Office will provide this information to the applicable State Chair.

- (e) The State Chairs are encouraged to invite members of the ACTEC Young Leaders whose residence is in the respective state or region to attend state or regional meetings. See [Authorizing Document, ACTEC Young Leaders](#).
- (f) A duty of the President shall be to maintain close communication with all of the State Chairs and, when feasible and where possible, to attend state and regional meetings. The President may delegate such duties to members of the Executive Committee. When appropriate, the visitor's spouse/guest also may be invited. The expenses including that of a spouse/guest shall be reimbursed by the College. (See Section 11) (Executive Committee 06/26/2003)

7.5 REIMBURSEMENT FOR EXPENSES

The ACTEC office will assist with all significant mailings, such as mailings for regional/state meetings, study groups and newsletters. State Chairs shall be reimbursed for out of pocket expenses, not to exceed \$5 per Fellow per State Chair, with a minimum allowance of \$100 per State Chair per College year as established by the ACTEC office. These expenses might include postage, copy and telephone charges (including charges for conference calls) incurred while conducting College business. Reimbursement requests may be submitted on the [State Chair Reimburesment form](#) in advance or at the end of the year; all requests must be received prior to April 30 for the previous College year.

8. COLLEGE MEETINGS

8.1 GENERAL

All national, regional and state meetings shall be held, to the extent possible, at locations that conform to the provisions of Article I [of the Bylaws] by providing “a welcoming and inclusive environment” for Fellows, their guests and ACTEC staff.

The [ACTEC Code of Conduct](#) provides the framework for expected behaviors at ACTEC sanctioned events. All Fellows, guests, sponsors, ACTEC employees, and other participants in ACTEC activities are expected to act with respect, professionalism and civility towards all. Each ACTEC meeting registration requires affirmative action acknowledging the purpose and guidance of the Code.

8.2 NATIONAL MEETINGS

- (a) There are three national meetings of the College: the Annual Meeting, the Summer meeting, and the Fall meeting. [ACTEC National, Regional, and State Meeting Guidelines](#) provide criteria for meeting site selection.

- (b) Attendance by a Fellow at any portion of a national meeting requires the Fellow to register for the meeting. The President can make exceptions on a case by case basis.
- (c) Publicly acknowledged corporate or law firm sponsorship of events or receptions at the national meetings of the College is authorized in accordance with the [sponsorship policy](#) adopted by the Board of Regents (March 13, 2006).
- (d) No sponsorship of any ancillary event held in conjunction with national ACTEC meetings shall be permitted without first obtaining the approval of the President who shall act after consultation with the President-Elect; and sponsors of any ancillary event shall have no standing to participate in any national meeting activities beyond their own sponsored event. (Executive Committee, 02/22/2005)

8.3 NATIONAL MEETING RESPONSIBILITY

- (a) The Secretary plans the location of the national meetings for the year the Secretary will serve as President. The President plans the spouse/guest programs and the social programs with such assistance from the Executive Director and meeting staff. The President selects the Trachtman lecturer.
- (b) The Program Committee selects topics and speakers for the professional programs at the national meetings of the College, subject to the advice and consent of the President.
- (c) The Executive Director and the meeting staff have responsibility for oversight of on-site personnel in their execution of meeting facilities preparation, including but not limited to meeting rooms, signs, necessary equipment, etc., each day for every meeting. Before the Annual Meeting, at least one visit to the meeting site usually shall be made by the President, Executive Director, and meeting staff representative.
- (d) The committee schedule is prepared by the national office under supervision of the Executive Director and is subject to approval by the President. Requests for joint committee meetings or special sessions may be submitted to the Executive Director for approval by the President.

8.4 ANNUAL MEETING

- (a) The Annual Meeting of the College is held in the first quarter of the year. The annual business meeting shall be held at a time and place set by the Board of Regents which normally takes place during the Annual Meeting of the College.

- (b) The election of members of the Board of Regents is held at the annual business meeting. The Board of Regents is required to meet during the Annual Meeting (which meeting may be referred to as the Annual Meeting of the Board of Regents) and at such meeting elects the officers of the College for the coming year.
- (c) The Joseph Trachtman Lecture is presented at the Annual Meeting. The lecture is devoted to a timely and useful subject of more than ordinary or routine importance. It is intended that the lecturer cover the subject in depth and in a scholarly manner. The paper is generally published in the *ACTEC Law Journal*. The stipend for the lecture is set by the President with the approval of the Executive Committee, currently set at \$5,000. Fifty percent of this amount may be paid upon delivery of the lecture and the balance upon completion of the manuscript. Travel and other expenses for the Trachtman lecturer may be reimbursed when approved by the President. All registered Fellows, spouses/guests, and sponsor representatives may attend the Trachtman Lecture.
- (d) A dinner for all committee members is usually held as part of the Annual Meeting. A dinner function for all Fellows and their spouses/guests is usually held. Other social and recreational activities are recognized as an appropriate part of the Annual Meeting. Substantial activities are also planned for the spouses/guests.
- (e) A dinner is customarily held for the Board of Regents, the State Chairs and their spouses/guests.
- (f) Orientations for incoming State Chairs and incoming Substantive Chairs are customarily conducted during the Annual Meeting.
- (g) The professional programs at the Annual Meeting are presented over three successive days and customarily consist of two or three plenary sessions (one or more symposia and a session on Hot Topics), and a number of seminars that are presented concurrently. All registered Fellows and sponsor representatives may attend the symposia, Hot Topics, and the seminars. Fellows are asked to indicate in advance which seminars they plan to attend so that adequate seating may be arranged.

8.5 STAND ALONE PROGRAM

A professional program is customarily conducted prior to the summer meeting consisting of two-half day sessions. The program customarily consists of an in-depth examination of a topic affecting the field of trusts and estates. The stand alone program is open to Fellows and sponsor representatives. Registration is required for the stand alone; however, registration for the summer meeting is not required, if attending only the stand alone program.

8.6 SUMMER MEETING

- (a) The Summer meeting is held annually, usually in June or July.
- (b) The College customarily holds a dinner for the committee chairs and their spouses/guests.
- (c) Meetings of the Executive Committee and other committees are usually called as needed to conduct business.
- (d) The professional program conducted during the summer meeting customarily consists of a half-day session. Registration for the summer meeting is required, and there is an additional registration for the professional program. The professional program is open to registered Fellows and sponsor representatives.

8.7 FALL MEETING

- (a) The Fall meeting is held annually, usually in October or November.
- (b) The College customarily holds a dinner for the State Chairs and their spouses/guests.
- (c) Meetings of the Executive Committee and other committees are customarily called as needed to conduct business.
- (d) The Professional Program conducted during the fall meeting customarily consists of two half-day sessions. Registration for the fall meeting is required, and there is an additional registration for the professional program. The Professional Program is open to registered Fellows and sponsor representatives.

8.8 NOTICE

Written notice of the annual business meeting of the College or any special meeting shall be given to all Fellows at least 10 days before the meeting [[Article III, Section 1\(b\)](#)].

8.9 ATTENDANCE AT NATIONAL MEETINGS

(a) GENERAL

Attendance at a national meeting is limited to registered Fellows, their registered spouses, family members, guests, and sponsor representatives for the meeting.

(b) PROFESSIONAL PROGRAM

Attendance at professional programs and committee meetings is limited to registered Fellows, unless otherwise specified by the President as set forth in Section 8.2. Members of a speaker's family may attend that speaker's professional program if seating is available.

(c) **SUBSTITUTIONS**

A Fellow who has registered for a national meeting, but who does not attend the professional program, may not have an unregistered Fellow attend the professional program in the Fellow's place.

(d) **CLARIFICATION**

The President shall have the authority to make a clarification or to grant an exception to these guidelines for a particular meeting or program.

(e) **COMPETING ACTIVITIES**

ACTEC has a policy against competing or non-ACTEC activities, including but not limited to the sale of books, computer programs, software or other similar competing programs, at any ACTEC national meeting. (Executive Committee, 03/08/2011) The activities of sponsors of ACTEC meetings are governed by the [sponsorship policy](#) and not this provision.

9. **PROGRAM COMMITTEE**

The Program Committee is responsible for planning the professional programs held during the national meetings and for planning the Stand Alone program. The committee identifies topics, confirms speakers, prepares the titles and descriptions for the meeting brochure, and oversees the development of the presentations in conjunction with the speakers.

9.1 **PROGRAM COMMITTEE MEETINGS**

The Program Committee customarily meets at each national meeting to plan the professional programs for upcoming meetings. Committee meetings are usually scheduled for the first or second day of the national meeting so that members may have the remaining time at the national meeting to discuss issues with Fellows that have been identified for follow-up. In-person attendance at committee meetings by the members of the Program Committee is vital for the success of the committee in completing its work.

9.2 **APPOINTMENT AND TERM OF PROGRAM COMMITTEE**

The President-Elect shall appoint the members of the Program Committee, inclusive of the nominee for Vice President of the College, and the nominee for Treasurer. The chair of the committee shall be appointed by the President-Elect and approved by the Executive Committee, and shall serve a term of one year, and may serve up to three consecutive terms; provided that the Vice President and nominated

Treasurer shall not serve as chair or vice-chair. The vice-chair of the committee shall be appointed by the President-Elect and shall serve a term of one year as vice-chair, commencing at the beginning of the chair's third year. The incoming chair may recommend members for appointment to the President-Elect. For continuity, generally two-thirds of the committee shall be comprised of continuing members and the remainder of the committee will be new members. Members shall be appointed for one-year terms and may serve for up to three consecutive terms. Both the outgoing and incoming members shall meet together during the Annual Meeting to transition work on the upcoming programs.

9.3 PROGRAM COMMITTEE PLANNING PROCESS

At each meeting, the Program Committee generally works on professional programs for the three national meetings that will follow. The agenda and speakers are finalized for the next national meeting; the committee hears reports on sessions being planned for the following meeting; and topics and possible speakers are identified for the meeting that will be held one year out. Thus, at the Annual Meeting, the Program Committee finalizes the agenda and speakers for the Stand Alone and the Summer meeting professional program; reviews the status of sessions being planned for the Fall meeting; and identifies topics and possible speakers for the Annual Meeting. While the committee may work ahead of this schedule, it is recommended that the committee not fall behind this schedule.

10. PROFESSIONAL PROGRAMS

10.1 TOPICS AND SPEAKERS

Symposia topics are of general interest. Seminar topics are of more specialized interest. It is the policy of the College that the best speaker for the desired presentation is always preferred; however, when equally qualified speakers are under consideration: (i) Fellows are preferred to non-Fellows; (ii) non-practicing Fellows from sponsor entities are preferred to non-practicing Fellows who are from non-sponsor entities; (iii) non-Fellows from sponsor entities are preferred to non-Fellows from non-sponsor entities; and (iv) there is no category of speakers who would be precluded from speaking if that speaker is truly the best speaker and only one who could do the presentation. "Sponsor entity" for purposes of this policy means any entity that sponsors at any level at any national meeting. The President must approve the identity, compensation, and reimbursement of any speaker who is not a Fellow of the College. (Executive Committee, 04/27/2014)

10.2 PROFESSIONAL PROGRAM MATERIALS

- (a) Each speaker (or team of speakers) is responsible for preparing written materials for the speaker's symposium or seminar. Written materials must meet the content guidelines set forth in Section 10.3. Content Guidelines for Written Materials.

- (b) Written materials for all symposia and seminars are reproduced under the direction of the Executive Director, and shall be made available to each registrant prior to the program either electronically or by loose leaf notebooks, distributed upon check in at the ACTEC Registration desk.
- (c) A deadline for written materials will be established so that the materials may be printed and shipped to the meeting site in a cost efficient manner. The materials must be submitted to the national office by email prior to the deadline. Speakers will be required to bear the responsibility and the costs of reproducing and shipping their materials to the meeting site if the materials are not delivered to the ACTEC office on a timely basis.
- (d) The outline must be prepared as follows:
 - 1. Acceptable formats are Word (.doc) and Adobe (.pdf). Power Point presentations are acceptable if they meet the guidelines set forth in Section 10.3, Content Guidelines for Written Materials. Scanned documents should be avoided as this results in large files of diminished quality whose content cannot be accessed via a search of the website.
 - 2. Speakers are encouraged to include a Table of Contents in their materials.
 - 3. Each page should be numbered at the center bottom and the author's initials should be added to each page number (i.e., 1-XYZ, 2- XYZ, etc.). All pages except the title page should be numbered, including tables of contents, exhibits and appendices.
- (e) After the meeting, program materials are listed on the ACTEC website for sale to Fellows who did not attend the meeting, and after two years those materials are available to all Fellows without charge.
- (f) Symposia, seminars, and other educational activities planned by the Program Committee and the Joseph Trachtman Lecture (with the speaker's consent) will be recorded and sold to attendee and non-attendee Fellows.

10.3 CONTENT GUIDELINES FOR WRITTEN MATERIALS

- (a) Materials should be current/up-to-date and should cover the subject matter in such a way as to thoroughly instruct attendees on the topics being covered and assist participants in improving their legal competence.

- (b) Materials should serve as a general resource after course completion. They should be sufficient to assist the course participant when questions regarding the subject matter are raised at a later date.
- (c) Distribution of primary sources, such as statutes, regulations, cases, briefs, pleadings, or motions may supplement thorough, high quality instructional written materials; however, such primary sources alone are not adequate to satisfy the written materials requirement. Similarly, compilations of articles and informational resources may also supplement thorough, high quality instructional materials. Such compilations alone, which require the attendee to research through the documentation in order to discern, ascertain or search for, the information conveyed during the program, will not satisfy the written materials requirement.
- (d) Brief outlines without citations or explanatory notations are not acceptable.
- (e) Answers to hypotheticals are required. There needs to be a thorough discussion and/or response to each hypothetical presented. To facilitate learning, the answers may be provided to attendees separately at any time up to the time of the conclusion of the course. References to the ethics rules alone are not sufficient.

10.4 COPYRIGHT

Copyright policy is set forth in Section 22.

10.5 SAMPLE MEMORANDUM

A [sample of a memorandum](#) sent to all symposium and seminar speakers is posted on the website.

10.6 AUTHOR AND SPEAKER RELEASE

The approved [Author and Speaker Release](#) and Grant of Non-Exclusive License is posted on the website.

11. EXPENSE REIMBURSEMENT AND REGISTRATION FEE POLICY

11.1 MEETINGS

- (a) National Meetings
 - 1. *Committee Reimbursements.* Committee Reimbursements for Regular and International Fellows were discontinued beginning with the 2012 Summer meeting in Colorado Springs (Board of Regents, 2012 Annual Meeting)

2. *Academic Fellow Committee Members.* Academic Fellows who serve on a committee shall be reimbursed for travel expenses incurred while attending their committee meetings during the summer and fall meetings of the College. Reimbursement is subject to current College standards and is limited to \$600 to each Academic Fellow, less any reimbursement to the Fellow from another source, direct or indirect, except reimbursements from the Fellow's employer.
3. *Academic Fellow Speakers.* Academic Fellow speakers whose appearance is arranged by the Program Committee will be reimbursed round-trip airfare for the speaker not to exceed coach class; mileage for use of personal vehicle at IRS mileage rate for business use; cost of ground transportation other than personal vehicle use; and cost of meals and lodging for a total of two nights.
4. *Non-Fellow Speakers.* Reasonable travel expenses for a speaker at a College meeting who is not a Fellow and whose appearance is arranged by the Program Committee will be reimbursed. Committee chairs who would like to invite non-Fellow speakers to present during their meetings must receive approval in advance from the President; reimbursement of reasonable travel expenses may be possible if approved in advance by the President.

(b) State and Regional Meetings.

1. *Representatives of the College Attending State or Regional Meetings.* Fellows representing the College or observing for the College at a state or regional meeting receive reimbursement from the College for otherwise unreimbursed reasonable travel expenses related to College activity.
2. *Spouses Attending State or Regional Meetings.* Whenever a spouse accompanies an officer or designated visitor of the College to a state or regional meeting, the officer or designated visitor shall be reimbursed for the reasonable expenses of a spouse. Section 1.2(d). (Executive Committee, 06/26/2003)

11.2 ALLOWABLE EXPENSE REIMBURSEMENTS

- (a) Travel Expenses. Reasonable travel expenses where allowable as set forth in 11.1 above and subject to proper substantiation, include actual:

1. Plane fare to and from a meeting, but not in excess of coach class fare;
 2. Mileage for personal automobile use, multiplied by the current mileage rate allowed by the IRS;
 3. Cost of ground transportation other than personal car use;
 4. Cost of hotel or other lodging at the meeting location for a total of two nights; and
 5. Other reasonable and necessary expenses.
- (b) Materials Expense. Materials expense costs will be reimbursed only upon prior approval by the President, President-Elect, or Executive Director; however, committee materials and professional program materials for national meetings are distributed electronically and therefore no approval shall be granted for such costs on site.
- (c) State Chairs. State Chairs shall be reimbursed for out of pocket expenses, including mailing and duplicating costs, as provided in Section 7.5 of this Manual and Section VI (C) of the [State Chairs Manual](#).

11.3 FORMS

Claims for reimbursement under the policies enunciated in this Article 11 shall be submitted on forms on which the reimbursement policy appears provided by the College.

- (a) Claims relating to Section 11.1 (a) 2. *Committee Reimbursements* shall be submitted on the [Committee Reimbursement Form](#).
- (b) Claims relating to Section 7.5 *State Organization, Reimbursement for Expenses* and 11.2 (c) *State Chairs* shall be submitted on the [State Chair Expense Reimbursement Form](#) (November 2003).
- (c) All other claims shall be submitted on the [Request for Reimbursement of Expenses](#) (November 2003).

11.4 WAIVER OF REGISTRATION FEES

- (a) The meeting and seminar registration fees shall be waived for every seminar speaker who is a speaker or panel member participating in a program that is a Program Committee responsibility at a national meeting of the College.
- (b) The registration fee for Academic Fellows attending a summer meeting or fall meeting of the College is reduced by \$100.00 (Executive

Committee, 03/7/2006) and the registration fee for Academic Fellows is waived for the Annual Meeting. (Board of Regents, 2007 Annual Meeting).

- (c) The registration fee for a newly elected Fellow shall be waived for either the first fall meeting or the first summer meeting following election. The seminar fee is not waived.
- (d) The registration fee for the summer meeting and the fall meeting shall be waived and one-half of the registration fee for the Annual Meeting shall be waived for Retired Fellows who have been invited by a committee chair to present at a committee meeting. Requests for the waiver must be submitted in advance by the committee chair and approved by the President. No other expenses shall be provided. (Executive Committee, 12/17/2014)

11.5 REFUND OF REGISTRATION FEES

- (a) A request for a refund of the registration fee paid by a Fellow for a national meeting will usually be honored if the request is submitted prior to the published deadline for refunds, except for the published processing fee.
- (b) A refund request after the published deadline may be made only at the discretion of the Executive Director of the College in consultation with the Executive Committee for reasons of health-related causes or death in the family, but not business-related reasons.

12. FINANCES

12.1 GENERAL

The financial management of the College is vested in the Board of Regents. Investment policies of the College are recommended to the Board of Regents by the Financial Management Committee. It is the policy of the College to retain a qualified firm of certified public accountants to make a regular review of the books and financial records of the College and to perform an annual audit.

The College shall operate on a fiscal or calendar year that may be fixed from time to time by the action of the Board of Regents. Currently, the College operates on a fiscal year ending April 30. Monthly financial statements shall be prepared by the Executive Director and submitted to the Financial Management Committee.

12.2 BANK ACCOUNTS

The Executive Director, subject to the supervision and approval of the Treasurer, shall establish and maintain bank accounts for the College. All checks for payment by the College of its obligations shall be approved by the Treasurer and signed or

endorsed by the person or persons designated in writing by the President with the approval of the Board of Regents. Checks over the amount of \$5,000 require two signatures, one of which must be an officer's signature. Rent checks for the National Office do not require an officer's signature.

12.3 INVESTMENTS

The Board of Regents has determined that funds of the College available for investment may be placed in equities or fixed income investments. The Financial Management Committee shall recommend investment policies to the Executive Committee. The Executive Director shall monitor the investment accounts of the College.

12.4 BOND

In accordance with the requirements of the Bylaws, the Treasurer and all employees receiving, or handling funds of the College shall be covered by fidelity insurance in amounts determined by the Board of Regents. [[Article VI, Section 5\(c\)](#)]

12.5 CONTINGENCY FUND

A contingency fund is provided for the President to be used at their exclusive discretion for purposes related to the conduct of that office. The amount of the fund shall be determined by the Board of Regents and included as part of the budget of the College.

13. SUPPORT POLICIES

13.1 SUPPORT OF THE JEB-UTEA

The College appoints one-third of the members of the Joint Editorial Board for Uniform Trust Estate Acts (JEB-UTEA). Moreover, the College, as a matter of policy, has annually made a substantial monetary contribution to the JEB-UTEA.

14. PUBLICATIONS AND CIRCULATION

14.1 CIRCULATION AND SALE OF COLLEGE PUBLICATIONS

- (a) College publications are for the use of the Fellows of the College, educational institutions, libraries and the general public.
- (b) College publications may be sold to Fellows, educational institutions, libraries, and the general public.
- (c) The price for all college publications shall be set to cover the costs of publication, mailing, handling, and administrative overhead as determined by the Executive Director.

14.2 REPUBLICATION

- (a) Requests for republication of College publications, except for state surveys (see Section 18), shall be submitted to, and approved by, the Executive Director (Board of Regents 1981 Fall Meeting).
- (b) Authors are permitted on an unlimited basis to republish their original materials. Authors of articles for *ACTEC Law Journal* shall be given permission to publish elsewhere (Board of Regents, 1997 Summer Meeting).
- (c) Authors are encouraged to reserve the copyright to such materials before submission to the College for publication.

14.3 STYLE RULES

Suggested style rules for materials published by the College are set forth [here](#). These rules are intended to be guidelines.

15. ACTEC WEBSITE

15.1 GENERAL

The College maintains a website—www.actec.org. Fellows may access all parts of the website, and the public may access certain parts of the site.

15.2 WEBSITE POLICY

The ACTEC website and the List Services exist to support the dissemination and exchange of information, ideas and opinions concerning the College, its meetings, the work of its committees, estate planning, probate and trust law and developments and issues of interest to the College's Fellows. All communications on the ACTEC website and on its List Services should be consistent with these purposes. The College is committed to providing a welcoming and inclusive environment for all persons as provided in the ACTEC Bylaws and expects all participants in ACTEC activities to act with respect and civility towards all. [The Code of Conduct](#) offers guidance for conduct online or via social media in connection with an ACTEC event, activity or project. Violations of this Code of Conduct by ACTEC employees are governed by the procedures, sanctions and other related provisions set forth in the ACTEC Employee Handbook. Violations by non-employees of ACTEC, are subject to this Code of Conduct.

15.3 RESPONSIBILITY FOR WEBSITE

The Communications Committee and its subcommittees, in conjunction with the ACTEC Communications Director, are responsible for oversight of the College website. College staff are responsible for the management of the website.

16. PUBLICATION OF THE HISTORY OF ACTEC

The College will publish a history of the College from time to time. The most recent history of the College is available [here](#).

17. ACTEC LAW JOURNAL

17.1 GENERAL

The *ACTEC Law Journal* is the professional journal of the College. It is published in three issues: winter, spring, and summer. Upon publication, the College currently sends issues to the Fellows by mail. The editor sets deadlines each year for submissions of material.

17.2 EDITOR AND ASSOCIATE EDITOR

ACTEC Law Journal shall have an editor and associate editor. The term of each shall be for two years. The associate editor normally succeeds to the office of editor.

17.3 BASIC MATERIAL

It is anticipated that all work published in the *ACTEC Law Journal* will be the original work of the submitting authors. While republication of the work of others is not prohibited, it should be limited to those situations of particular interest, or where reasonably obtainable for an issue. The editors will solicit papers for publication from other members of Communications, from the Fellows of the College at large, and other sources deemed appropriate by the editors. Timely articles concerning recent developments of interest to members of the College may be submitted to the editor at any time for consideration for publication.

17.4 COMPENSATION AND REIMBURSEMENT

No compensation shall be paid to the editors or any contributing author other than the Joseph Trachtman Lecturer. The editor and the associate editor are authorized to submit expense vouchers to the College for reimbursement of telecommunication charges, postage, copy charges, and other reimbursable expenses incurred.

17.5 THE JOSEPH TRACHTMAN LECTURE MATERIAL

The Joseph Trachtman Lecture, as revised by the lecturer for publication, generally is published in the *ACTEC Law Journal*.

18. STATE SURVEYS

18.1 GENERAL

The purpose of the State Surveys is to provide a state summary analysis of certain specific aspects of various selected topics of continuing interest to Fellows of the College. In nearly all instances (and as a matter of general policy), the subject of each survey is limited to a narrow and carefully defined issue (or series of related issues) that can be answered with reasonable certainty under state law. While the State Surveys are intended to be complete and accurate in the answers shown, within the limitations of their framework, they are intended as a guide to the user and do not necessarily represent a definitive statement of the applicable law in all circumstances. The Communications Committee and State Laws Committee shall collaborate on the revision of existing surveys and the formulation of new State Surveys. All State Surveys shall be posted to the private side of the College website. State Surveys may be added the public side of the website in the discretion of the chair of the Communications Committee. Surveys posted to the public side of the website shall include the following disclaimer:

The reader is cautioned to confirm the information provided in this Survey by independent research and analysis to ensure that it is accurate, complete, and current. The publication and dissemination of this Survey by any means by The American College of Trust and Estate Counsel (ACTEC) does not constitute the rendering of legal, accounting, or other professional advice. ACTEC disclaims any liability with respect to the use of this Survey.

18.2 EDITORS

There shall be a Communications Committee State Surveys Editor and a State Laws Committee State Surveys Editor. The term of each shall not exceed five years. Procedures for revision of existing surveys and formulation of new ones shall be within the discretion of the State Surveys Editors. It is customary to email the State Chairs to request their assistance in finding a volunteer from their respective states to assist with gathering information needed for the survey.

18.3 RESPONSIBILITY

Neither the College nor the individual editors and reporters shall be responsible for the accuracy of the information contained in any survey.

18.4 REVISIONS

The College publishes revisions to each survey as circumstances dictate, either by the substitution of an updated version of the entire survey or by the substitution of selected revised pages. Previously published surveys which are deemed obsolete shall be moved to an “archive” section of the private side of the website.

18.5 COMPENSATION AND REIMBURSEMENT

No compensation shall be paid to Survey editors. Each editor is authorized to submit expense vouchers to the College for reimbursement of telecommunication charges, postage and copy charges.

19. COMMENTARIES

[*The Sixth Edition of the ACTEC Commentaries on the Model Rules of Professional Conduct*](#) was adopted by the Board of Regents at the 2023 Annual Meeting. Copies are available on the ACTEC website or from the National Office.

20. ENGAGEMENT LETTERS

Forms of engagement letters were adopted by the Board of Regents at the 2017 Annual Meeting. [*Engagement Letters: A Guide for Practitioners*](#), Third Edition 2017 (for use with [*The Sixth Edition of the ACTEC Commentaries on the Model Rules of Professional Conduct*](#)) was published by the ACTEC Foundation in 2017. This publication is a practice tool and does not establish a standard of practice. Copies are available on the ACTEC website or from the National Office.

21. GOVERNMENTAL POLICY

21.1 POLICY ON GOVERNMENTAL RELATIONS

The [Policies and Procedures for Government Submissions](#) affirms ACTEC’s commitment to improvement of the law as expressed in its bylaws, to the establishment of a dichotomy between social, economic, or political objectives (“political objectives”) and to the evaluation of how any particular measure serves political objectives and affects the simplicity and stability of tax administration (“technical issues”). The policy holds that ACTEC’s expertise extends to technical issues but does not extend to political objectives. Accordingly, the policy permits and encourages ACTEC’s comment on technical issues but forbids comment in the name of ACTEC on political objectives. ([Exhibit 21.1](#)).

21.2 THE WASHINGTON AFFAIRS COMMITTEE AND THE IMPLEMENTATION OF POLICY ON GOVERNMENTAL RELATIONS

Most of the work on ACTEC government submissions is done by ACTEC's Substantive Standing Committees. The Washington Affairs Committee is responsible for reviewing proposed submissions and working with the substantive committee chair (or chairs) to ensure the quality and effectiveness of ACTEC's government submissions and to ensure that the government submissions comply with ACTEC's Policy on Governmental Relations. Requests may be submitted on the [Government Submission Request for Approval](#) form.

21.3 STATE ACTION

Generally, State ACTEC groups will not publicly support positions on matters of legislation and related matters. However, subject to the [Statement of Policy on Governmental Relations](#) and in rare circumstances, ACTEC Fellows in a particular state may take public positions related to (a) legislation, regulations or rulings in that state about the probate, trust and tax laws; or (b) related matters governed by applicable state laws affecting trust and estate practice. "[Guidelines for State Action](#)" provide the guidelines under which a position (which is not inconsistent with a position or policy of the College as a whole) may be formulated and, subject to the approval of the ACTEC President, be taken. (Board of Regents, 1983 Fall Meeting)

22. COPYRIGHT AND TRADEMARK POLICY

22.1 COLLEGE POLICY

All College Publications shall be copyrighted to the extent permitted by the U.S. copyright laws. (Executive Committee, 03/06/2007).

22.2 SPEAKER COPYRIGHT

A speaker may copyright the speaker's material subject to the nonexclusive right of ACTEC to: (1) reproduce and publish the written materials prepared for presentation at the ACTEC meetings; (2) record, edit, transcribe, duplicate, and distribute the presentation(s) without compensation to the speaker, in any and all media now existing or hereafter developed; and (3) use the speaker's name, voice, biography, and photograph or other recorded image in connection with the speaker's appearance at a meeting.

22.3 AUTHOR COPYRIGHT

Authors are encouraged to reserve the copyright to such materials before submission to the College for publication. The editor of the *ACTEC Law Journal* shall check with each author for consent to the publication of the article and to ask the author if a copyright mark is not part of the submission. Authors of

accepted articles are required to grant to the College a royalty-free, worldwide nonexclusive license to publish, reproduce, display, distribute, and use the article in any form, either separately or as a part of a collective work, including but not limited to a nonexclusive license to publish the article in an issue of the *ACTEC Law Journal*, copy and distribute individual reprints of the article, authorize reproduction of the entire article in another publication, and authorize reproduction and distribution of the article or an abstract thereof by means of computerized retrieval systems (such as Lexis and Westlaw). The author retains ownership of all rights under copyright in the article, and all rights not expressly granted in this agreement. The Nonexclusive License and Warranty is included in the [Information for Authors and Author's Agreement](#).

22.4 ACTEC LAW JOURNAL COPYRIGHT

It is the policy of the College to have an overriding copyright for the entire issue of the *ACTEC Law Journal*.

22.5 COPYRIGHT NOTICE

All published works, written, audio, visual works and software of the College, shall contain the notice:

© [Year] The American College of Trust and Estate Counsel. All Rights Reserved.

Where space is limited, such as on brochures, the following notice may be used:

© [Year] ACTEC ®. All Rights Reserved.

22.6 COPYRIGHT REGISTRATION

It is the policy of ACTEC to register all copyrights of works produced by or for the College. Registration will be handled by the National Office.

College publications to be registered include *ACTEC Law Journal*, *Pocket Tax Tables*, the Membership Roster, and meeting materials. Applications to be registered include the ACTEC meetings app.

22.7 ACTEC TRADEMARK NOTICE

ACTEC is a registered trademark of the College and should be shown with the registered trademark symbol ®. Where the initials ACTEC are used frequently throughout a publication, the symbol need not be used each time if the following legend is set forth in the editorial box of the ACTEC publication.

“ACTEC” is a registered trademark of The American College of Trust and Estate Counsel and ACTEC Wealth Advisor is a registered trademark of ACTEC.”

23. AFFILIATED ORGANIZATIONS

The College is affiliated with The American College of Trust and Estate Counsel Foundation (the “Foundation”).

24. CONFLICT OF INTEREST POLICY

The College has a [Conflict of Interest Policy](#) that applies to all Regents, officers and employees of ACTEC. At the beginning of each fiscal year, ACTEC shall provide a copy of the Conflict of Interest Policy to each Regent, officer and employee for review, and all such persons shall complete a [Conflict of Interest Disclosure Form](#) to be on file with ACTEC.

25. POLICIES, PRACTICES AND PROCEDURES MANUAL

25.1 MAINTENANCE AND PUBLICATION OF MANUAL

The Board of Regents shall cause a manual containing the current policies and procedures of the College to be maintained and published. Bylaws Article IX, Section 4. The manual so maintained shall be known as the ACTEC Policies, Practices and Procedures Manual (the “PPP Manual”). Primary responsibility for the maintenance of the PPP Manual shall be with the Bylaws and Manuals Committee which shall produce an updated PPP Manual regularly for publication on the private side of the College’s website.

25.2 REVIEW OF CURRENT MANUAL BY COMMITTEE CHAIRS; PROCEDURE FOR UPDATING MANUAL

Periodically, and as appropriate, the chairs of the respective administrative committees of the College shall review the PPP Manual to ensure that the provisions relating to such committee in the PPP Manual are accurate. To the extent modifications of the PPP Manual are required, the chair shall send to the Bylaws and Manuals Committee and the Executive Committee proposed revisions to the policies, practices and procedures of such committee for consideration by both Committees and approval by the Executive Committee. Upon approval by the Executive Committee, the Bylaws and Manuals Committee shall include such changes in the PPP Manual for its next publication.

25.3 REVIEW OF MINUTES BY BYLAWS AND MANUALS COMMITTEE

The minutes of the Executive Committee and the Board of Regents shall be reviewed for any action that should result in a change in the PPP Manual. The Bylaws and Manuals Committee shall work with the Executive Committee, Board of Regents and staff to assure that the PPP Manual remains up-to-date and accurate in the best interests of the College.

