

# **Criminal Law Section By-Laws Federal Bar Association**

## **Article 1: Name and Establishment**

The name of this organization is the Criminal Law Section (hereinafter "Section") of the Federal Bar Association (hereinafter "Association"). The Section is established under Article VIII of the Constitution and By-laws of the Association and there By-laws.

## **Article II: Purpose**

The purpose of this Section shall be to further the purposes of the Association as stated in its Constitution and to provide a forum for the stuffy and exchange of ideas among members of the bar, including the judiciary, defense counsel and prosecutors, and to improve the practice of criminal law in the Federal Court system.

## **Article III: Membership and Dues**

Section 1. Active and honorary membership. Any active member of the Association in good standing and any honorary member shall be eligible for membership in the Section. Active members shall be enrolled upon the payment of annual dues.

Section 2. Associates. Any associate members of the Association in good standing shall be eligible for associate status with the Section and shall be enrolled as an associate upon the payment of Section dues. No Associate members of the Section shall be eligible to hold office or vote.

Section 3. Dues. Section dues for active members and associates shall be collected annually at the same time Association dues are collected. The amount of dues shall be approved annually by the Section's Governing Board and by the National Council of the Association.

Section 4. Termination of Membership. Any active member or associate of the Section whose annual dues are more than ninety (90) days past due shall cease to be a member or associate of the Section. A lapsed membership may be reinstates upon payment of then current dues.

Section 5. Advisors. The Section and each component of the section may avail itself of non-member advisors and or advisory committees whose expertise can facilitate and further the goals and programs of the Section and Association. Such advisors shall pay no dues and will not be compensated for their services, but will be credited and publicized as appropriate. Section advisors shall not be eligible to hold elective offices in the Section or to vote on any matter on which the Governing Board or the Association requires a vote.

## **Article IV: Officers**

Section 1: Officers. The offices of the Section shall be Chairperson, the Chairperson Elect, the Secretary, the Treasurer and the National Outreach Coordinator. Only active or honorary member of the Section may serve as officers, and all active members are encouraged to seek office. No active or honorary member of the Section may occupy more than one Section office at any given time.

Section 2: Terms. All officers of the Section shall serve for a term of two (2) fiscal years coterminous with the fiscal years of the Section. The fiscal year of the Section shall be the same as that of the Association. In no event shall any office serve more than three (3) consecutive fiscal years.

Section 3: Election and succession in office. The Chair-Elect shall automatically assume the position of Chairperson upon the expiration of the previous Chairperson's term. At the outset, the Chair-Elect, Secretary, Treasurer and National Outreach Coordinator shall be designated by the Chairperson. Thereafter, the Chair-Elect, Secretary, Treasurer and National Outreach Coordinator shall be elected by a plurality vote of the active members of the Section at the annual meeting of the Section. The Chair shall appoint a nominating committee consisting of not less than three members among the active members of the section. The Nominating committee shall nominate one person for each office. The nominations of the Nominating Committee shall be submitted in writing to the members of the Section with the Notice of the Annual Meeting. Additional nominations may be made by any member in good standing by submitting a petition to the Secretary at least two (2) days prior to the Annual Meeting and endorsed by not less than ten (10) active members. No member shall hold more than one elective office at the same time. It shall be the duty of the Secretary to provide a ballot for the Annual Meeting in the event there are two or more nominees for any office.

Section 4: Duties.

**Chairperson.** The Chairperson shall be the chief executive officer of the Section and shall preside at all meetings of the section membership and the Governing Board. The Chairperson shall cause the Association and the Section's membership to be informed of the Section's activities (Chapter Contact), and shall perform such function as usually pertain to that office or may be designated by the Board. The Chairperson shall also designate the Committee Chairpersons.

**Chairperson Elect.** The Chairperson Elect shall assist the Chairperson in such manner and to such extent as the Chairperson may request. The Chairperson-Elect shall preside at meetings in the absence of the Chairperson. In the event of death, resignation, or disability of the Chairperson, the Chairperson-Elect shall perform the Chairperson's duties for the remainder of the Chairperson's term of disability.

**Secretary.** The Secretary shall issue notices of all meetings of the Section's membership and the meetings of the Board and shall accurately record the minutes of those meetings. The Secretary shall perform record keeping and correspondence functions as are

requested by the Chairperson or the Board and shall perform other such functions as usually pertain to that office.

**Treasurer.** The Treasurer shall keep accurate records of all income and expenditures of the Section and shall periodically report the financial condition of the Section to the Board and to the Association. The Treasurer shall consult with the Chairpersons of Section entities concerning activity budgets. The Treasurer shall also perform Membership duties.

**National Outreach Coordinator.** The National Outreach Coordinator shall perform the Section's Communications, Publications and Newsletter duties. The National Outreach Coordinator shall also coordinate CLE and programming for the Section.

Section 5. Governing Board. The Governing Board of the Section shall consist of the Chairperson, Chairperson-Elect, the Secretary, the Treasurer, the National Outreach Coordinator, and Committee Chairs of the Section, plus two (2) additional members appointed by the Chairperson.

#### **Article VI: Committees**

Section 1. The Section shall have the following committees:

- a. Corrections and Sentencing
- b. Defense Function
- c. Prosecution Function
- d. Military Justice
- e. Administration of Justice
- f. White Collar Crime
- g. Rules of Criminal Procedure and Evidence
- h. Science and Technology
- i. Solo and Small Practitioners
- j. Law School Outreach

The Chairperson shall also have the authority to establish such Ad Hoc Committees as necessary.

#### **Article VII: Meetings**

Section 1. Annual Meeting. The Section shall have one annual meeting to conduct the business of the section.

Section 2. Board meetings. The Board shall meet from time to time at the call of the Chairperson as needed, but not less than quarterly, to carry out administrative functions of the Section, and to plan section activities. Such meetings may be conducted by telephone conference.

Section 3. Notice. The Secretary shall give the membership of the Section at least ten (10) days notice of Annual Meeting. Board members shall be given 24 hours notice of any Board meeting. Notice shall be deemed waived by attendance at the meeting.

Section 4. Action without meeting. Any action required or permitted to be taken at any meeting of the Board may be taken without a meeting if subsequent written consent is obtained from a majority of the Board and filed with the minutes of the next subsequent board meeting.

Section 5. Rules of Order. The rule of order shall consist of (in order stated):

- a. The Constitution and By-Laws of the Association
- b. These by-laws
- c. Standing resolutions passes by the Section board
- d. The current edition of “Robert’s Rules of Order.”

### **Article VIII: Public Positions**

The Section, in the name of or on behalf of the Association, may issue public reports, statements, or position or publicly advocate positions on issues of concern to the Section, only with the prior approval of the National Council and only if public reports, statement, or positions generally reflect the views of the Section membership. Without prior approval of the National Council, the Section may take a public position, issue a public report or statement or publicly advocate positions only if such position, report, statement, or advocacy generally reflects the views of the Section membership and includes a disclaimer that indicates that the position, report, statement or advocacy is in the name of the Section only and not on behalf of the Association. In the event that the Section takes a public position, issues a public statement or report or publicly advocates a position, the Section shall report such action immediately to the Executive Committee of the National Council.

The Section shall not endorse any organization, product or service not formally affiliated with the FBA or accept the endorsement of any such organization without obtaining the prior written approval of the Section Coordinator, in consultation with the Executive Director.

### **Article IX: By-laws**

Section 1. Effective Date. These By-laws shall be effective immediately upon approval of the National Council.

Section 2. Amendment. These By-laws may be amended at any regular meeting of the Board and by vote of three fourths of the Board members present and voting, provided each Board member shall have been given at least fourteen (14) days notice of the meeting and the proposed amendment. The amendment shall not become effective until approved by the National Council.

