

REVISED
May 26, 2004

BYLAWS
of the
JUDICIARY DIVISION
FEDERAL BAR ASSOCIATION

ARTICLE I: NAME AND PURPOSE.

Section 1. Name. This organization shall be known as the Judiciary Division of the Federal Bar Association (the Association).

Section 2. Authorization. The Judiciary Division ("the Division") is established by Article VII, Section 2 of the Constitution of the Association. The Division is governed by the Constitution and Bylaws of the Association and these Bylaws.

Section 3. Purpose. The purpose of this Division is to improve the administration of justice, including, but not limited to representing the interests of Division Members stimulating the interest of others in the work of the Division and the Association, conducting educational programs and activities, and assisting the Association and its chapters in the work of the Association.

ARTICLE II: MEMBERSHIP

Section 1. Active Membership. Any of the following members of the Association in good standing may become a member of this Division: (1) a present or past member of the Administrative, Federal, Military or State judiciary; (2) a present or past member of their legal staffs; and (3) persons involved in court administration.

Section 2. Associate Membership Any person who: (a) has an interest in the judiciary and is permitted by the bylaws of the Association to become an Associate of the Association; and (b) any active member of the Association who is not otherwise eligible to be a member of the Division may become an associate member of, and participate in the affairs of, the Division, but may not vote or hold office.

Section 3. Honorary Membership Any person eligible for honorary membership in the Association is eligible to be elected an honorary member of the Division. Additionally, any member of a court or administrative tribunal or their staffs of a country other than the United States is eligible to be elected an honorary member of the Division.

Section 4. Dues. Active and Associate Members shall pay such dues as shall be fixed from time to time by the Division Council.

ARTICLE III: OFFICERS AND DIVISION COUNCIL.

Section 1. Officers. The Officers shall be a Chair, a Chair-Elect, a Vice-Chair, a Secretary, and a Treasurer. The officers shall serve two-year terms.

Section 2. Division Council. There shall be a Council of the Division, which shall be comprised of the Division officers, the Chair of each of the Division's Committees, a Delegate from each of the Association's Divisions, and the immediate past three Judiciary Division Chairs. Division Delegates shall serve a term of one year.

Section 3. Election and Succession. At every other annual meeting of the Division there shall be elected a Vice-Chair, a Secretary, and a Treasurer whose terms shall commence at the close of the annual meeting of the Division at which such election occurred and extend for two years or until their successors have been elected and qualified. The Chair—Elect shall automatically succeed to the office of Chair and the Vice-Chair shall automatically succeed to the office of Chair-Elect at the close of their regular elective terms as Chair-Elect and Vice-Chair respectively. If the Chair-Elect shall be unwilling or unable to accept the office of Chair, or if either or both the office of Chair-Elect and Vice-Chair shall be Vacant, then either a Chair or a Chair and a Chair-Elect also shall be elected by the members of the Division present at the annual meeting.

Section 4. Past Division Chairs: Terms of Office. The first immediate-past Division Chair shall serve a term of three years on the Council; the second immediate-past Division chair shall serve a term of two years on the Council; the third immediate-past Division Chair shall serve a term of one year on the Council. Each term shall commence at the close of the annual meeting. Only the first immediate—past Division Chair shall have the right to vote on matters before the Council.

Section 5. Executive Committee. The Division Chair, Chair-Elect, Vice-Chair, Secretary, Treasurer and the immediate past Division chair shall constitute the Executive Committee of the Division. The Executive Committee may act for the Council and the Division when they are not in session. They may act by telephone conference, electronic conference, or written note. Four shall constitute a quorum.

ARTICLE IV: NOMINATING COMMITTEE AND PETITIONS.

Section 1. Nominating Committee. There shall be a Nominations and Elections Committee ("the Committee") to be appointed no later than March of the year of the election, chaired by the immediate past Division Chair with at least four members appointed by the Division Chair from the Division's Specific Membership Committees listed in Article VII, Section 1. *i*. Except for the Chair, Committee members cannot be current members of the Division Council. The names of the Committee members shall be duly published in the Division's official publication. The Committee shall supervise the election process and report the results.

Section 2. Nominations. The Committee shall make and report nominations of the Division for the offices of Chair, Chair-Elect (if such offices are to be filled by election for want of automatic succession), Vice—Chair, Secretary, and Treasurer to succeed those individuals whose terms will expire at the close of the Annual Meeting, and to fill vacancies then existing for unexpired terms. The report of the Committee shall be made and duly published in the Division's official publication at least ninety (90) days prior to the Annual Meeting.

Section 3. Nominations by Petition. Additional nominations may be made by petition signed by at least fifteen (15) Division members and filed with the Division's Secretariat at least forty-five (45) days prior to the Annual Meeting. Division members shall be notified of nominations by petition at least ten (10) days prior to the Annual Meeting, either by mail or in the Division's official publication.

Section 4. Restriction. Nominations for Division offices may not be made from the floor at the time Division officers are being elected.

V: DUTIES OF OFFICERS.

Section 1. Chair. The Chair is the Chief Executive officer of the Division. The Chair shall preside at all meetings of the Division and its officers and Council; shall represent the Division at meetings of the Association and the National Council; shall prepare reports on the Division's activities for the President, the National Council and its Executive Committee, and the Association; and shall perform such other duties and acts as usually pertain to the office.

Section 2. Chair-Elect. The Chair-Elect shall act for the Chair in the latter's absence or inability to discharge the duties of office; shall assume the position of Chair if the Chair resigns or is unable to complete the term of office; shall correspond with and be responsible for liaison with the Association's Circuits and Chapters; and shall perform such other duties as assigned by the Division Chair.

Section 3. Vice-Chair. The Vice Chair shall serve as Chair of the Division's Program Committee and shall perform such other duties as assigned by the Division Chair.

Section 4. Secretary. The Secretary shall keep the records of the Division and record and distribute minutes of the meeting of the Division's Executive Committee and Council; shall advise the National Council of the results of elections and any public reports or public positions taken by the Division's Council; and shall perform other duties as assigned by the Division Chair.

Section 5. Treasurer. The Treasurer shall, in coordination with the Association's Treasurer and Staff, keep a record of all moneys received, expended or committed; shall, after consulting with the chairs of Division Committees regarding their program budgets, prepare a proposed budget for the Division; and shall perform other duties as assigned by the Division Chair.

Section 6. Terms of Office. No individual may serve in any office, other than the offices of Chair or Chair—Elect, for more than two consecutive terms. Anyone who serves one year of the unexpired term of the officer's predecessor is considered to have completed a term in office.

ARTICLE VI: DUTIES AND POWERS OF THE COUNCIL.

Section 1. Powers. The council is the governing body of the Division. It establishes policies on behalf of the Division, which may not be inconsistent with the policies of the Association. It hears reports on the activities of the Division's officers and committees. The Council establishes the Division's budget and approves the expenditure of any funds available to the Division. The Council sponsors continuing legal education and other programs and activities, authorizes the Chair to appoint both standing and ad committees, and considers and acts upon resolutions and matters of interest to the Division membership.

Section 2. Meetings of the Division Council.

a. Meetings. The Council shall meet quarterly at the call of the Division Chair. The Division Chair shall give the Council members at least 48-hours notice of any meetings. Those unable to attend may participate through a phone-in conference call or through other electronic meeting format.

b. Quorum. One third of the voting members of the Council constitutes a quorum.

c. Rules of Procedure. The Council may adopt its own rules of procedure. In the absence of rules of procedure adopted by the Council, the latest edition of Roberts Rules of Order shall govern the Council's proceedings.

Section 3. Public Positions of the Division. Subject to the provisions of Article VII, Section 5 of the Association's Constitution, and Section 10 of the Association's By-Laws, the Council, on behalf of the Division or the Association, may issue a public report or take a public position on an issue that reflects the views of the members of the Division. However, no report or position may be inconsistent with any existing position of the Association.

Section 4. Interim Authority. During the interim between the annual meetings of the Division, the Council shall have full power and authority to do all acts and perform all functions which the Division itself might perform. This power and authority includes the power to fill vacancies in the offices or, in the event of a vacancy in both the office of Chair and Chair-Elect, then in the office of Chair, provided that the officers so elected shall serve until the close of the next annual meeting.

Section 5. Voting. All binding action of the Council shall be by a majority vote of all voting members of the whole Council. Members of the Council when personally present at a meeting of the Council shall vote in person, but when absent may communicate their vote, in writing or electronically, upon any proposition, to the Secretariat, and have it counted with the same effect as if cast personally at such meeting.

Section 6. Propositions. The Chair of the Division may, and upon the request of any member of the Council shall, submit or cause to be submitted in writing, to each of the members of the Council. any proposition upon which the Council may be authorized to act, and the members of the Council may vote upon such propositions so submitted, by communicating their vote thereon, in writing or electronically, to the Secretariat. The Secretariat shall record in the minutes each such proposition, when, how, at whose request the proposition was submitted, and the vote of each member of the Council thereon, and keep on file such votes.

ARTICLE VII. COMMITTEES.

Section 1. Committees. The Division has the following committees each of which shall have a chair and at least one vice chair, all of whom shall be appointed by the Division Chair:

a. Bylaws. The Bylaws committee shall consider and report on proposed changes to these Bylaws prior to presenting such changes to the Division Council. At least two members of the Committee shall be past Chairs of the Division.

b. Legislation. The Legislation Committee shall monitor legislative proposals pending before Congress and under consideration within the Administration pertaining to Division members' interests and shall, in coordination with any affected committees, recommend any public positions that should be adopted by the Division's council or the

Association. At least one member shall be a past Division Chair.

c. Long-range Planning. The Long-range Planning Committee shall consider the future growth, direction and activities of the Division and shall develop a Five-year Plan for the Division.

d. Membership. The Membership Committee shall develop and implement the Division's annual membership recruitment and retention programs.

e. Nominations and Elections. The Nominations and Elections Committee shall perform the duties described in Article IV, above.

f. Publications. The Publications Committee shall develop and publish the Division's publications, including The Federal Jurist.

g. Programs. The Programs Committee shall administer the Division's continuing legal education programs pursuant to the guidance of the Division Council.

h. Resolutions. The Resolutions Committee shall consider and report on all resolutions prior to their presentation to the Division Council.

i. Specific Membership Committees. The Division shall have the following committees.

- (1) Administrative Appeals Judges;
- (2) Administrative Judiciary;
- (3) Article III Appellate Judges;
- (4) Article III Trial Judges;
- (5) Bankruptcy Judges;
- (6) Judicial Administration;
- (7) Judicial Legal Staff;
- (8) Lawyers;
- (9) Magistrate Judges;
- (10) Military Judges; and
- (11) Special Court Judges.

Section 2. Ad Hoc Committees. The Division Chair may appoint such ad hoc committees as he or she deems advisable. The term of every ad hoc committee shall be one year unless affirmatively reauthorized for an additional year or years.

Section 3. Committee Meetings.

a. Meetings. Each committee shall meet at least once each year. The committee's chair shall schedule the meetings and give each member at least 10-days notice of any meeting.

b. Three members shall constitute a quorum for a regular committee meeting.

c. Rules of Procedure. Each committee may adopt its own rules of procedure. If

rules of procedure are not adopted, the latest version of Roberts Rules of Order shall control the proceedings.

Section 4. Public Positions Prohibited. A committee may not issue a public report or take a public position on an issue either in its own name or on behalf of the Division. All proposals must be submitted to the Division Council for consideration.

ARTICLE VIII: SECRETARIAT.

The senior staff member of the Association assigned to the Division shall serve as Secretariat for the Division. The Secretariat shall be the custodian of all books, papers, documents, and other property of the Division, except money, although he or she may permit such property of the Division as he or she deems appropriate to remain in the actual custody of other Association staff. The Secretariat shall, with the Division Secretary, keep, or cause to be kept, a true record of the proceedings of all meetings of the Division, the Council, and the Executive Committee; shall perform such other duties and acts as usually pertain to the role of Secretariat; and shall generally assist the Chair, the officers, and the Council in attending to the business of the Division.

ARTICLE IX. MEETINGS OF THE DIVISION.

Section 1. Annual Meeting. The annual meeting of the Division shall be held at or about the time of, and in the same city or place as, the annual meeting of the Association. The meeting shall consider such programs and order of business as may be arranged by the Council. The members of the Division present at any meeting shall constitute a quorum for the transaction of business. The latest edition of Roberts Rules of Order shall govern Division meetings.

Section 2. Special Meetings. Special meetings of the Division may be called by the Division Chair, upon approval of the Council, at such time and place as the Council may determine.

Section 3. Vote. All binding action of the Division shall be by a majority vote of the members present.

ARTICLE X: MISCELLANEOUS PROVISIONS.

Section 1. Fiscal Year. The Fiscal Year of the Division shall be the same as that of the Association.

Section 2. Payments. All bills incurred by the Division, before being forwarded to the Treasurer of the Association for payment, shall be approved by the Chair or by the Secretariat if the Chair shall so direct.

Section 3. Expenses. No salary or compensation shall be paid to any officer, Council member, or member of a committee, but they shall be entitled to reimbursement of expenses authorized under the Association's Expense Reimbursement Rules.

Section 4. Division Actions. Any action by this Division is solely that of the Division unless approved by the Association. Any resolution adopted or action taken by this Division may on request of the Division be reported by the Chair of the Division to the annual meeting of the

Association for the Association's action thereon.

ARTICLE XI: AMENDMENTS.

These Bylaws may be amended by a two-thirds vote of the members of the Division Council who are present and voting. No amendment or amendments so adopted shall be effective until approved by the National Council of the Association.