

Article 5
BYLAWS OF THE CRIMINAL LAW SECTION

§1. Name

This organization shall be known as the "Criminal Law Section of the State Bar of California," hereinafter referred to as the section.

(Source: Board of Governors' Resolution, March 1977.)

§2. Purposes and Duties

The purposes of the section shall be (a) to further the knowledge of the members of the section in federal and state criminal law, which shall include but not be limited to, substantive and procedural law, the confinement of persons in correctional and other facilities, the rehabilitation of offenders, and in matters relating to the prosecution and defense of persons accused of crimes, (b) to assist, when called upon by the Board of Governors of the State Bar of California, in the formulation, administration and implementation of programs, forums, and other activities for the education of members of the State Bar in criminal law, (c) to act upon all matters germane to its purposes as so described or referred to it by the Board of Governors, and (d) to make recommendations to the Board of Governors.

(Source: Board of Governors' Resolution, March 1977, April 1994.)

§3. Membership

The term of membership in the section shall be for a period of one (1) year commencing on January 1, and ending on December 31. Upon request and upon payment of the prescribed fee for such yearly period, a member of the State Bar or judge of a court of record shall be enrolled as a regular member of the section. In addition, a law student enrolled in a law school, an attorney who is not a member of the State Bar, and a paralegal, upon request and the payment of the prescribed fee, shall be enrolled as an associate member of the Section. The annual fee for a regular or an associate member shall be prescribed by the Board of Governors shall be paid into the treasury of the State Bar to be used for the purposes of defraying costs and expenses for the section.

Limitations on Associate Membership: Associate members shall have all of the privileges of section membership except they may not: (a) hold office as an elected or appointed officer of the section or of any section committee; (b) become a member of the executive committee; or (3) participate in the selection of officers or in the nomination of members of the executive committee.

(Source: Board of Governors' Resolution, March 1977, May 1990, April 1994.)

§4. Executive Committee

a. Duties: The section shall be governed by an executive committee. The executive committee shall assist the Board of Governors in matters relating to the section and all other matters referred to the executive committee by the Board of Governors. The executive committee shall supervise and direct the affairs and policies of the section, subject to and in accordance with these bylaws, policies of the Board of Governors, the

Rules and Regulations of the State Bar and the State Bar Act.

- b. Members: The executive committee shall consist of fifteen (15) members appointed by the Board of Governors. The Board of Governors may in its discretion appoint to the executive committee persons nominated by the section. Nominations for such appointments may be made by the executive committee acting as a nominating committee or by a petition signed by at least fifteen (15) members of the section. Petitions for such nominations shall be submitted to the executive committee on or before June first, of each year. Each member of the executive committee shall take an oath of office and shall receive no compensation for services.

The executive committee may appoint, for one year terms, one law student from Northern California and one law student from Southern California as nonvoting, law student liaisons to the executive committee.

The executive committee may, from time to time, appoint nonvoting advisors to the executive committee for such terms and purposes as it may determine. Advisors shall serve at the pleasure of the executive committee.

The immediate past chairperson of the section, if not otherwise serving, shall be an ex-officio member of the executive committee for the year immediately following his or her term as chairperson.

- c. Term of Office: Five (5) members of the executive committee shall be appointed each year for terms of three (3) years each except to permit service as a chair, vice-chair or chair-elect in a fourth year, or as chair in a fifth year. The executive committee may recommend to the Board of Governors the removal of any executive committee member, upon notice and with an opportunity to be heard, who has failed without reasonable cause, to attend three or more executive committee meetings within a calendar year and recommend to the Board of Governors a replacement for any vacancy caused by a removal. Any vacancy in membership occurring prior to the normal expiration of the term shall be filled by the Board of Governors for the unexpired term.

The term of office of each member of the executive committee shall commence on the last day of the Annual Meeting of the State Bar.

- d. Meetings and Action without a Meeting: Meetings of the executive committee may be called by the chairperson or by a majority of the members of the executive committee. Written notice of such meetings shall be mailed to members of the executive committee at least five (5) days prior to such meeting or shall be given by telephone, telecopier or telegraph at least two (2) days prior to such meeting.

At meetings of the executive committee, the majority of its voting members shall constitute a quorum for the transaction of any business of the committee.

The executive committee may act without a meeting by a poll of its voting members. In such event, no less than eight (8) members must agree on any action taken. A poll of the members of the executive committee may be conducted by the chairperson by telephone, telecopier, telegraph or mail.

Notwithstanding the provisions of this section, amendments of these bylaws shall be governed solely by the provisions of section 7, below.

- e. Officers: The Board of Governors shall appoint the chairperson, vice-chairperson and secretary. The executive committee shall recommend to the Board of Governors a vice-chairperson, secretary and treasurer from among the committee members who shall at the time of assuming such office have served at least one year as a member of the committee. The newly appointed chairperson, vice-chairperson, secretary and treasurer shall assume the duties of their respective offices on the last day of the Annual Meeting of the State Bar following their appointment, and shall continue in office until their successors are appointed and assume office. In the event of a vacancy among the officers, the executive committee may recommend to the Board of Governors a successor to fill the unexpired term.

The chairperson shall preside at all meetings of the section and the executive committee and shall administer the affairs of the section and committee subject to and in accordance with the State Bar Act, the *Rules and Regulations of the State Bar*, the policies of the Board of Governors, and these bylaws.

The vice-chairperson shall perform all the duties of the chairperson during the latter's absence or inability to act, and when so acting shall have all the powers of the chairperson and be subject to all the restrictions upon the chairperson.

The secretary shall keep minutes of meetings of the section and executive committee and make suitable arrangements for annual meetings. The treasurer shall be responsible for the fiscal matters of the section including preparation of budgets, approval of expenses incurred and disbursement of funds. The offices of secretary and treasurer may be combined into a single officeholder or may be bifurcated by the executive committee.

(Source: Board of Governors' Resolutions, March 1977, April 1990, April 1994; *Rules and Regulations of the State Bar*, art. XIII, §4E.)

§5. Committees

- a. Standing Committees: The executive committee shall have the power to create standing committees from time to time and such other standing committees shall serve at the pleasure of the executive committee.
- b. Officers: Each standing committee shall have a chairperson and vice-chairperson, and such other officers as may be required who shall be selected by, and serve at the pleasure of, the executive committee. Such officers shall have such powers and duties as the executive committee may from time to time determine.
- c. Ad Hoc Committees: The chairperson of the executive committee shall have the power, without the need for executive committee approval, to appoint such ad hoc committees as are necessary for the purpose of furthering the objectives of the section.
- d. Members of the Committees: The members of the standing and ad hoc committees shall be selected from members of the section.

(Source: Board of Governors' Resolution, March 1977, April 1994.)

§6. Section Meetings

- a. Meetings and Notices: There shall be a section meeting at the time and place of the Annual Meeting of the State Bar. The section may also hold such other meetings as may be called by the executive committee upon notice given to the members of the section at least twenty (20) days prior to the meeting. Notice of meetings shall be given by mail or in an official publication of the State Bar.
- b. Quorum: The members of the section present at any meeting shall constitute a quorum for the transaction of business.
- c. Rules of Order: All meetings of the section shall be conducted in accordance with *Robert's Rules of Order, Revised*.

(Source: Board of Governors' Resolution, March 1977.)

§7. Amendments to Bylaws

These bylaws may be amended by the executive committee by two-thirds (2/3) vote of its entire membership at a meeting duly called for the purpose of considering such amendment provided that no amendment shall take effect until approved by the Board of Governors. The bylaws and any amendments thereto shall be filed with the Secretary of the State Bar at its San Francisco office.

(Source: Board of Governors' Resolution, March 1977.)