

BYLAWS OF THE CRIMINAL LAW SECTION

ARTICLE I NAME AND PURPOSE

Section 1. Name. The name is "Criminal Law Section, The Florida Bar."

Section 2. Purposes. The purposes of this section are to:

- (a) provide an organization within The Florida Bar open to all members in good standing of The Florida Bar who have a common interest in the practice of criminal law within the State of Florida;
- (b) provide a forum for discussion and exchange of ideas leading to the improvement of individual trial abilities in criminal law proceedings;
- (c) assist the courts in establishing methods for the more certain and expeditious administration of justice in criminal proceedings;
- (d) advise the Florida legislature as to recommendations which would benefit the criminal justice system;
- (e) advise the Supreme Court of Florida concerning modifications relating to standard criminal jury instructions and rules of criminal procedure so as to improve the administration of justice;
- (f) foster a high standard of ethical conduct by all members of the profession who participate in the criminal justice system;
- (g) explore methods of improving the Florida penal system;
- (h) explore methods to improve the manner of sentencing and make recommendations for alternative sentencing in Florida to improve the administration of justice;
- (i) assist The Florida Bar in the preparation and organization of educational programs relating to the Criminal Law Section; and
- (j) instill a desire in Florida Bar members to enhance effectiveness as lawyers with a view toward justice and better advocacy of the interests of their clients.

ARTICLE II MEMBERSHIP

Section 1. Eligibility. Any member in good standing of The Florida Bar interested in the purposes of this section is eligible for membership on application and payment of this section's annual dues. Any member who ceases to be a member of The Florida Bar in good standing will no longer be a member of the Criminal Law Section.

Section 2. Affiliate Membership. Law students and law professors with an interest in criminal law and lawyers engaged in the practice of criminal law in federal court but are not members of The Florida Bar are eligible for affiliate membership. Affiliate members must apply for membership and pay annual section dues. Affiliate members are non-voting members of the section.

Section 3. Membership Year. The membership year of the section runs concurrently with the administrative year of The Florida Bar.

Section 4. Annual Dues. The annual dues are in an amount fixed by the executive council and approved by The Florida Bar. Annual dues will not be prorated. On becoming a member, dues are payable in advance of each membership year. Any member whose dues are in arrears for a period of three months ceases to be a member of the section.

ARTICLE III OFFICERS

Section 1. Officers. The officers of this section are a chair, chair-elect, secretary and treasurer.

Section 2. Executive Council. The executive council is composed of 30 section members, including the chair, chair-elect, secretary, and treasurer, but not including the immediate past chair and all other past chairs of the Section, who are ex-officio members of the executive council. As ex-officio members, all past chairs have the same rights, privileges and obligations, except the attendance requirements set forth in Article VII, Section 3, as any other member of the executive council. Past chairs become permanent members automatically, on approval of this amendment by the Board of Governors, or on expiration of their term on the executive council, whichever is later. If, however, the term of the chair-elect or chair of the executive council expires before completion of service on the executive committee as enumerated in these bylaws, that officer will be an additional member of the executive council for that period of time.

Section 3. Executive Committee. The executive committee is composed of the chair, chair-elect, secretary, treasurer and immediate past-chair of the section.

Section 4. Duties of Officers. The duties of the officers are as follows:

(a) **Chair.** The chair presides at all meetings of the section and at all meetings of the executive council. The chair appoints all committees and committee chairs and is responsible for all reports submitted to The Florida Bar or the Board of Governors of The Florida Bar. The chair performs duties customary to the office of chair. The chair is an ex-officio member of each committee of the section.

(b) **Chair-Elect.** The chair-elect becomes chair in the event of death, resignation or failure of the chair to serve. In case of temporary disability or absence of the chair, the chair-elect serves as acting chair only for the duration of the chair's disability or absence. The chair-elect is responsible for other duties as the chair designates. The chair-elect is an ex-officio member of each committee of the section.

(c) Secretary. The secretary is responsible for all permanent files and records of the section, including the minutes of the meetings of the section, the executive council and all committee reports. The secretary must keep accurate minutes of the proceedings of all meetings of the section and the executive council and furnish copies of the minutes to the Executive Director of The Florida Bar. The secretary becomes chair in the event of the death, resignation or failure of both the chair and chair-elect to serve. In the event of temporary disability or absence of the chair and the chair-elect, the secretary serves only for the duration of the disability or absence.

(d) Treasurer. The treasurer accounts for all funds of the section, approves all disbursements and prepares annual financial statements under the supervision of the executive council. The treasurer becomes chair in the event of the death, resignation or failure of the chair, chair-elect and secretary to serve. In the event of temporary disability or absence of the chair, chair-elect and secretary, the treasurer serves only for the duration of the disability or absence.

Section 5. Terms of Office.

(a) Chair. The term of office of the chair begins at the conclusion of each annual meeting of the executive council during which the chair was elected chair and ends at the conclusion of the next annual meeting of the executive council, at which time the chair is automatically succeeded by the chair-elect.

(b) Chair-Elect. The term of office of the chair-elect runs concurrently with that of the chair, beginning at the conclusion of the annual meeting of the executive council during which the chair-elect was elected chair-elect, and ending at the conclusion of the next annual meeting of the executive council when the chair-elect becomes chair.

(c) Secretary. The term of office of the secretary begins at the conclusion of the annual meeting of the executive council during which the secretary was elected secretary and ends at the conclusion of the next annual meeting of the executive council.

(d) Treasurer. The term of office of the treasurer begins at the conclusion of the annual meeting of the executive council during which the treasurer was elected treasurer and ends at the conclusion of the next annual meeting of the executive council.

(e) Executive Council. The 30 elected members of the executive council serve 3-year staggered terms so that 10 members take office at each annual executive council meeting, the terms commencing with the conclusion of the annual meeting of the executive council following their election and ending at the conclusion of the annual meeting of the executive council three years after.

ARTICLE IV DUTIES AND POWERS OF EXECUTIVE COUNCIL AND EXECUTIVE COMMITTEE

Section 1. Governing Body. The executive council is the governing body of the section. It has general supervision and control of the affairs of the section, subject to the provisions of the Rules Regulating The Florida Bar, standing board policies and the bylaws of this section. It authorizes all commitments or contracts which entail the payment of money and it authorizes the expenditures of all section funds. It cannot, however, authorize commitments, contracts or expenditures involving amounts of money in excess of the total amount which is anticipated as receipts from dues during the fiscal year plus the amount which has been previously collected from dues and remains unexpended. The executive council authorizes the chair to appoint committees in addition to the standing committees named to perform duties and exercise power as the executive council may direct. The executive council appoints officers required by these bylaws. As the governing body of the section, it is vested with the power and authority to formulate, fix, determine and adopt matters of policy concerning the affairs and purposes of the section which are consistent with the policies of The Florida Bar. The executive council must approve all recommendations of the section to The Florida Bar and The Florida Bar Board of Governors. The executive council and the bar must approve all recommendations made to any branch of the judiciary or to any other group or body. The executive council actions are binding unless provided elsewhere in these bylaws. A majority vote of those present and voting constitutes a quorum.

Section 2. Executive Committee. The executive committee will meet as directed by the chair. Its functions are to serve as a planning agency for the executive council and to take emergency actions on behalf of the executive council between regular meetings of the executive council.

Section 3. Authorization to Act Without Meeting. In addition to the provisions set forth in Article VII, Section 3, the chair and at least 2 other officers of the section may, and on the written request of a majority of the executive council will, submit or cause to be submitted in writing, including by e-mail, to each member of the executive council, any proposition on which the executive council may be authorized to act, and the members of the executive council may vote on the proposition submitted by communicating their vote, in writing, including by e-mail, to the secretary. The secretary will record in the minutes of the section the text of the proposition submitted, that it was submitted to all members of the executive council in writing, including by e-mail, without a meeting, the total number of votes and the numerical outcome of the vote. Binding action of the executive council will be by majority of the executive council.

ARTICLE V NOMINATION AND ELECTION OF OFFICERS AND EXECUTIVE COUNCIL

Section 1. Eligibility to Hold Office. Executive council members must be members of the Criminal Law Section of The Florida Bar.

Section 2. Election of Officers. The chair-elect, secretary and treasurer will be elected by the executive council at its annual meeting.

Section 3. Election of Executive Council. Each year, 10 members of the executive council will be elected to serve three-year terms. The executive council will elect 5 of these members and the section membership in attendance at the meeting will elect 5 members. All elections will be at the annual meeting of the section. All ballots must be marked for five nominees and the five nominees receiving the highest number of votes will be elected.

Section 5. Nominating Committee. The chair will appoint 5 members to the nominating committee for the purpose of presenting to the membership in attendance at the annual section meeting the names of not less than 10 nominees for the vacancies to be filled by the membership.

Section 6. Vacancies. Any permanent officer or executive council vacancy caused by death, resignation, ineligibility, or other reason will be filled for the balance of that term by vote of the executive council at the next meeting of the executive council unless otherwise provided by these bylaws.

ARTICLE VI COMMITTEES

Section 1. Standing Committees. The standing committees of the section are as follows:

- (a) Capital Cases Committee;
- (b) Legislative Committee;
- (c) Selig Goldin Committee;
- (d) P/PD Committee (Prosecutor/Public Defender Trial Advocacy Program);
- (e) CLE Committee;
- (f) Membership Committee;
- (g) Communications Committee; and
- (h) Long Range Planning Committee

Section 2. Special Committees. Special committees may be designated by the executive council or the chair with duties and powers as directed by the executive council or the chair.

Section 3. Eligibility to Chair Committees. Committee chairs must be members of the Criminal Law Section of The Florida Bar.

ARTICLE VII MEETINGS

Section 1. Annual Executive Council Meeting. The annual meeting of the executive council will be held in conjunction with the annual convention of The Florida Bar. All members of the Criminal Law Section may attend the annual executive council meeting.

Section 2. Other Meetings. Other regular or special meetings of the executive council or membership of the section are designated by the chair.

Section 3. Meetings.

(a) **General.** The executive council will conduct its meetings as provided for in these bylaws. Executive council business between regular meetings may be conducted by electronic or written correspondence, or telephonically, to the extent authorized by the chair. Members of the executive council must be present either physically, telephonically or by electronic face to face communication at a regular meeting in order to vote. The chair of the section may, and at the request of any member of the executive council will, submit or cause to be submitted by electronic or written correspondence, to each of the members of the executive council, any proposition on which the executive council may be authorized to act at scheduled regular or special meetings.

(b) **Quorum and Voting.** A majority of the executive council constitutes a quorum for the transaction of all business. A majority vote of the members of the executive council present and voting as duly recorded by the secretary will constitute the binding action of the executive council. Recommendations and resolutions on pending or proposed legislation or rules of court require a 2/3 majority of the members of the executive council present and voting, either physically, telephonically or electronically, as duly recorded by the secretary to constitute a position of the executive council.

(c) **Attendance.** All members of the executive council are required to attend all meetings of the general membership of the section and the executive council. Members of the executive committee, except ex officio members, must attend all meetings of the executive committee. If a member is unable to attend a meeting, the members must show good cause and be excused in advance by the chair. Any member who misses consecutive meetings will lose executive council membership. The section secretary will notify the member in writing within 10 days of the second consecutive unexcused absence. A member may appeal loss of membership to the executive committee. The appeal must be in writing within 30 days of notification. It must include good cause for the absence. The committee will review the appeal. The secretary will provide written notification of the committee's decision to the appellee.

ARTICLE VIII AMENDMENTS

These bylaws may be amended by a majority vote of the executive council members present and voting at any meeting of the executive council of the Criminal Law Section.

The executive council must be provided 30 days prior written or electronic notice of proposed amendments that will be acted on. The Board of Governors of The Florida Bar must approve all amendments.

ARTICLE IX MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the section is the same as that of The Florida Bar.

Section 2. Compensation and Expenses. Members of the section will not receive a salary or compensation for services to the section. The executive council may authorize payment for reasonable out-of-pocket expenses resulting from services.

Section 3. Preemption. The rules and policies of The Florida Bar will control if there is conflict with these bylaws.