

CRIMINAL JUSTICE SECTION BY-LAWS

Approved by the 2010 Board of Governors

Adopted December 2009

ARTICLE I. NAME AND JURISDICTION.

Section 1. Name. The name of the Section shall be the Section on Criminal Justice of the Philadelphia Bar Association.

Section 2. Purpose. The purpose of this Section is to concern itself with every aspect of the substantive and procedural criminal law and law enforcement and to further the achievement of fair, speedy and effective administration of criminal justice.

ARTICLE II. MEMBERSHIP AND DUES.

Section 1. Enrollment. Any attorney admitted to practice in Pennsylvania and practicing in the County of Philadelphia, any judge of the Supreme, Superior or Commonwealth Court of Pennsylvania, or of any Court of Philadelphia County, as well as any other person employed by or associated with any organization concerned in the criminal justice system in Philadelphia, upon payment of the initial dues prescribed in these By-Laws, shall be entitled to become a member or associate member in the Section. Once so enrolled, the member and associate member shall remain in the Section provided (s)he remains a member in good standing of the Philadelphia Bar Association and pays the annual dues of the Section as prescribed in these By-Laws. Members and associate members so enrolled shall constitute the membership of this Section.

Section 2. Dues.

(a) No member of the judiciary shall be required to pay dues to the Section. Any attorney applying for membership in this Section within the first three years of his admission to practice shall pay dues in his initial year in the Section in the sum of \$5.00. Annual dues for all other attorneys who are members in good standing of the Philadelphia Bar Association shall be \$30.00. Dues may be changed by Amendment of these By-Laws as provided hereinafter. Any member of the Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section, after reasonable notice from the Secretary of his delinquency.

(b) Any other person who is not an attorney may be an associate member of the Section by payment of the annual dues of \$30.00 provided that (s)he: is employed by or associated with any organization concerned with the criminal justice system; is a member in good standing of the Bar Association. Associate members may participate in discussions at all Section meetings, but shall not vote.

ARTICLE III. OFFICERS, EXECUTIVE COMMITTEE.

Section 1. Officers. The officers of this Section shall be a Chair, or co-Chairs, Chair-Elect, Secretary and Treasurer. Pending the first regular election, temporary officers shall be appointed by the Chancellor of the Philadelphia Bar Association. There shall only be co-Chairs of this section, if, and only if, there is consent of the Executive Committee by a majority vote of two-thirds. This vote, if made, shall take place only in the year immediately preceding the year in which the co-Chair is to serve.

Section 2. Term of Office. Each officer of the Section shall hold office for a term beginning on the first day of January next following the annual meeting of the Section at which he or she is elected and ending at the close of that calendar year, and until his successor shall have been elected and qualified. Officers elected in the course of such a term to fill a vacancy shall serve only until the close of the calendar year in which such election occurs, unless again elected for a regular term.

Section 3. Duties. Subject to the direction and control of the Chancellor and the Board of Governors of the Philadelphia Bar Association, the functions, duties and authorities of the officers of this Section shall be as follows:

(a) The Chair, or co-Chairs, shall preside at all meetings of the Section and of the Executive Committee, and shall perform the usual duties and functions of a Chair, or co-Chairs, including but not limited to keeping the Executive Committee duly informed and carrying out its policies and decisions.

(b) The Chair-Elect, or co-Chairs, shall automatically succeed to the office of Chair, or co-Chairs, upon completion of the Chair's, or co-Chairs', one-year term. In case of the death, resignation or disability of the Chair, the Chair-Elect shall immediately succeed to the office of Chair for the remainder of the Chair's term or disability, and shall continue in said office until the completion of his or her own term. He or she shall perform the usual duties and functions pertaining to his or her office or as may be designated by the Executive Committee or the Chair. In a year where there are co-Chairs serving, in case of the death, resignation or disability of one co-Chair, the other co-Chair shall immediately succeed to the office of Chair for the remainder of the Chair's term or disability, and shall continue in said office until the completion of his own term.

(c) The Secretary shall perform the usual duties and functions pertaining to his or her office. The Secretary shall be the custodian of all principal books and documents of the Section, but not of money. He or she shall keep records of all meetings of the Section and of the Executive Committee and make a record of all action that may be taken by consent without a meeting, and shall promptly forward copies thereof to the Chancellor and to the Chancellor Elect. He or she shall perform such further duties and have such further powers as may be designated by the Executive Committee or the Chair.

(d) The Treasurer shall be the custodian of all funds of the Section, and shall keep an accurate record of all monies appropriated to and expended for the use of this Section. He or she shall prepare an annual budget which shall be submitted to the Executive

Committee for its approval, and shall present to the membership at its annual meeting a Financial Report, and to the Executive Committee such interim financial reports as it may request.

Section 4. Executive Committee.

(a) There shall be an Executive Committee of thirteen (13) members which shall consist of the four officers of this Section, together with the most recently retired and available Chair, or Co-Chairs, of the Section, and eight (8) elected members. The elected members shall serve for a two-year period, with four (4) being elected at each annual election, other than the 1995 election. In 1995 one (1) member of the Executive Committee shall be elected for a one-year term, and four (4) for a two-year term. No elected member of the Executive Committee shall be permitted to serve for more than two consecutive terms; however, any member elected for a one-year term, or appointed or elected to fill an unexpired term of one year or less, may thereafter be elected for two successive two-year terms. No person who has served four or more years as elected member of the Executive Committee shall be qualified to serve as an elected member of the Executive Committee until at least two years have elapsed from the expiration of the last term for which he was elected. Service as an Officer of the Section shall not preclude subsequent service on the Executive Committee.

(b) Ad Hoc members. The Section Chair, or Co-Chairs, may appoint subcommittee Chairs (e.g. Education Chair, Juvenile Justice Chair) to serve as ad hoc members of the Executive Committee. Ad hoc members may attend Executive Committee meetings, and participate in any discussion, but shall not vote. However, when any vote is taken, the Executive Committee may authorize ad hoc members to vote.

Section 5. Ex-Officio Members. The Chancellor, the Chancellor-Elect and the Vice Chancellor of the Philadelphia Bar Association and the four most recent past chairmen of this Section, not members of the Executive Committee in any other capacity (or past chairmen of the Criminal Law or Criminal Law and Justice Committee of the Philadelphia Bar Association) shall be ex-officio members thereof. As such, they shall be given notice of and shall have the right to attend any and all meetings of the Executive Committee and to participate in any discussion, but shall not vote.

Section 6. Vacancies. Vacancies during a term, including vacancies resulting from an increase in the size of the Executive Committee, occurring more than one month prior to the annual meeting, may be filled by the action of a majority of the Executive Committee remaining in office.

Section 7. Attendance. The Executive Committee shall adopt such rules as it deems appropriate with respect to attendance at meetings of the Executive Committee, and may provide that failure to comply with such rules shall result in removal from the Executive Committee.

Section 8. Duties. The Executive Committee shall, subject to action of the members taken at annual meetings of this Section and to any action of the Board of Governors of the Philadelphia Bar Association, have general supervision and control of the affairs of this Section, and shall set policy for the Section, but only in accordance with the provisions of the Constitution and By-Laws of the Philadelphia Bar Association and the By-Laws of this Section. The Executive Committee may create and terminate standing committees. The Executive Committee shall authorize the expenditure of all monies of this Section appropriated for its use, but it shall not authorize commitments or contracts involving the payment of money during any fiscal year in any amount exceeding the monies of the Section or appropriated for its use, or amounting to more than fifty per cent (50%) of the amount budgeted without approval of the membership of this Section.

Section 9. Executive Committee Meetings. The Executive Committee shall meet monthly from September through June at any place fixed from time to time by Resolution of the Committee and upon not less than five (5) days oral or written notice to all persons entitled to notice. The Executive Committee may meet in a special session at any time and place on the call of the Chair, or Co-Chairs, or any three (3) members of the Committee on not less than three (3) days oral or written notice to all members entitled to notice.

Section 10. Quorum. A majority of the Executive Committee shall constitute a quorum for the transaction of business. No business may be transacted at a meeting while a quorum is not present. All binding action of the Council shall be by majority vote of the members present. Ex-officio members shall not be counted in determining whether a quorum is present.

Section 11. Proxies. All action of the Executive Committee shall be by a majority vote of the whole Committee. Members of the Committee, personally present at any meeting, shall vote in person, but, if absent, may submit in writing a proxy authorizing any other member of the Executive Committee, or ex-officio member thereof, to vote in his stead. No voting member of the Executive Committee may exercise more than one proxy, and no ex-officio member may exercise more than two proxies.

Section 12. Plebiscite of Executive Committee. The Chair, or co-Chairs, of the Section may, and upon the request of any member of the Executive Committee shall, submit or cause to be submitted in writing to each of the members of this Committee, any proposition upon which the Committee may be authorized to act, and the members of the Committee may vote upon such proposition or propositions so submitted by communicating their vote thereon, in writing over their respective signatures, to the Secretary, who should report upon his minutes each proposition so submitted, when, how, at whose request it was submitted, the votes of each member of the Committee thereof, and keep on file such written and signed votes. If the votes of two-thirds (2/3) of the members of the Committee so recorded shall be in favor of such proposition, such votes will constitute the binding action of the Executive Committee.

Section 13. Powers. Between meetings of the Section the Executive Committee shall have full power to do and perform all acts and functions which the Section itself might do or perform, not inconsistent with any action taken by the Section. Any action taken by the Executive Committee shall be reported to the Section at its next meeting.

ARTICLE IV. QUALIFICATIONS OF CANDIDATES, NOMINATIONS AND ELECTIONS.

Section 1. Qualification of Candidates. Any member of the Section in good standing, except a member of the judiciary, is eligible for any office. However, no more than a total of two of the four elected offices may be held either by prosecutors (any member of the Section employed by the District Attorney's office of Philadelphia, the Office of the United States Attorney, or the Office of the Attorney General of Pennsylvania, any office of special prosecutor, or any other prosecuting attorney, City, State or Federal) or by defenders (anyone employed by the Defender Association of Philadelphia), or by any combination of prosecutors and defenders. Furthermore, no more than three prosecutors and no more than three defenders may hold elective office (as officers or elected members of the Executive Committee) at the same time. Status shall be determined as of the date of each election, and subsequent change in employment status between elections shall not cause disqualification of such officer or elected member of the Executive Committee.

Section 2. Nominating Committee. At least sixty (60) days before the annual meeting of the Section, the Chair, or Co-Chairs,, with the advice and consent of the Chancellor-Elect, shall appoint and nominate a committee of five (5) members of this Section, who may not become candidates for office or the Executive Committee. The Chair, or Co-Chairs, shall designate one of the members of the Nominating Committee as the Chair of said Committee. The names and addresses of the Nominating Committee shall be circulated to the members of the Section within a reasonable time after the appointment of the Committee. The Nominating Committee shall seek out, select and report to the Chair, or Co-Chairs,, the Chancellor and the Chancellor-Elect nominations for the offices of Chair-Elect, Secretary and Treasurer, and for three (3) elected members of the Executive Committee to serve for a two-year term, together with such further nominations as may be necessary to fill vacancies then existing or to occur at the close of the calendar year. The Committee shall meet as often as necessary, at the call of its Chair, or Co-Chairs,, to receive suggestions from the membership and to select its slate. The Nominating Committee shall make a report of its nominees to the Section by written notice to members of the Section, and by publication in the Legal Intelligencer, not less than thirty (30) days before the annual meeting. Additional candidates may be nominated for any office by written nomination, signed by a member in good standing of the Section, and containing the signatures of not less than ten (10) members of the Section in good standing. Such written nominations must be delivered to the Secretary of the Section not later than fifteen (15) days before the annual election. Thereafter, the Secretary shall prepare a printed ballot, containing all nominees for each office, without specifying whether such candidates were elected by the Nominating Committee or by nomination of members as specified above. Such ballot shall be mailed to each member

of the Section at least ten (10) days prior to the annual meeting, and the full list of candidates shall be published in the Legal Intelligencer immediately thereafter. All ballots shall be returned to the Secretary of the Section at the annual meeting of the Section. All ballots shall be counted immediately following the conclusion of the annual meeting. The ballots shall be counted by five (5) tellers appointed by the Executive Committee prior to the annual meeting, none of whom shall be a candidate for office.

Section 3. Counting of Ballots . The tellers shall first count the ballots cast for the office of Chair-Elect, then for Secretary, then for Treasurer, then for the Executive Committee. If there be more than two candidates for office, then the one receiving the highest number of votes shall be elected, unless he is disqualified from holding that office because of employment status, as set forth in Section 1 of Article IV of these By-Laws. In such case, the candidate receiving the next highest number of votes who is not so disqualified by reason of employment status shall be elected.

ARTICLE V. MEETINGS OF THE SECTION.

Section 1. Annual Meeting. The annual meeting of the Section shall be held during the month of November at a time and place in the City of Philadelphia to be designated by the Executive Committee. At least fifteen (15) days' notice by publication in the Legal Intelligencer shall be given to the membership of the time and place of the annual meeting, and written notice thereof shall be mailed at least fifteen (15) days in advance thereof.

Section 2. Special Meetings. Special Meetings of the Section may be called by the Chair, or Co-Chairs, upon approval of the Executive Committee at such time and place as the Executive Committee may determine and when such program and order of business as may be arranged by the Chair, or Co-Chairs,, subject to the direction and approval of the Executive Committee.

Section 3. Quorum and Proxies. The members of the Section present at any meeting shall constitute a quorum for the transaction of business. All binding action of the Section shall be by a majority vote of the members present. Proxy votes shall be permitted in accordance with Rules established by the Executive Committee.

Section 4. Plebiscite of Section. The Executive Committee may direct that a proposition be submitted to the members of the Section for vote. In such event, adoption by the Section shall be by a majority of votes received, or such greater proportion of the vote as the Executive Committee may fix for the purpose, in accordance with Rules fixed by the Executive Committee; otherwise, the proposition shall be rejected.

ARTICLE VI. STAFF.

Section 1. Executive Secretary. With the prior approval of the Executive Committee and the Board of Governors of the Philadelphia Bar Association, the Chair, or Co-Chairs, is authorized to employ a whole or part-time Executive Secretary to assist in attending to

the business and affairs of the Section, with such duties and responsibilities, and at such salaries, as the Chair, or Co-Chairs, may, from time to time, designate.

Section 2. Other Staff. With like prior approvals, the Chair, or Co-Chairs, is authorized to employ or to appoint his Executive Secretary to employ such additional secretarial, stenographic and clerical and other services and to arrange for such facilities as the business of the Section may require.

ARTICLE VII. MISCELLANEOUS.

Section 1. Fiscal Year. The fiscal year of the Section shall be the same as that of the Philadelphia Bar Association.

Section 2. Bills. All bills incurred by the Section, before being forwarded to the Treasurer of the Philadelphia Bar Association for payment, shall be approved by the Chair, or Co-Chairs, or the Treasurer, or if the Executive Committee shall so direct, by both of them.

Section 3. Salaries. No salary or compensation shall be paid to any officer of this Section, member of Executive Committee, or member of any other Committee.

Section 4. Approval of Bar. No action by this Section shall become effective as the action of the Philadelphia Bar Association until it is approved by the Philadelphia Bar Association. Any Resolution adopted or action taken by the Section may, on request of this Section, or the Chair, or Co-Chairs, be reported by the Chair, or Co-Chairs, of the Section to the Board of Governors of the Philadelphia Bar Association for approval or other necessary action.

Section 5. Effective Date. These By-Laws shall become effective upon approval by the Board of Governors of the Philadelphia Bar Association.

Section 6. Temporary Officers. Immediately upon approval of these By-Laws, the Chancellor of the Philadelphia Bar Association shall appoint an acting Chairman, Chairman-Elect, Secretary and Treasurer, and three (3) members of the Executive Committee. The Chairman shall immediately thereafter appoint four (4) additional members of the Executive Committee. All such officers and members of the Executive Committee shall serve until the first officers and Executive Committee of the Section shall be elected and qualified.

ARTICLE VIII. AMENDMENTS.

These By-Laws may be amended at any annual or special meeting of the Section by a majority vote of the members of the Section present and voting, provided that such proposed amendment shall first have been approved by a majority vote of the Executive Committee and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Philadelphia Bar Association. No

amendment shall be permitted that creates a conflict with the Constitution or By-Laws of the Philadelphia Bar Association.

ARTICLE IX. TERMINATION.

The existence of this Section is automatically terminated whenever the total membership shall fall below fifty (50) or whenever the Board of Governors of the Philadelphia Bar Association shall, by Resolution, so determine.