

By-Laws of the
SECTION OF CRIMINAL LAW & PRACTICE
of the Maryland State Bar Association, Inc.

As of June 1988

ARTICLE I
Name and Purpose

SECTION 1. This Section shall be known as the Section of Criminal Law and Practice.

SECTION 2. The purposes of this Section are to stimulate interest of the members of the Maryland Bar in the administration of criminal justice and to seek improvements and reforms in the criminal law.

ARTICLE II
Membership and Dues

SECTION 1. Membership in this Section shall consist of all members of the Maryland State Bar Association in good standing who shall signify their desire in writing to become members of this Section, and who shall pay to the Association, or to the Section if authorized by the Association, annual Section dues as may from time to time be determined by the Section Council. Any member who ceases to be a member of the Maryland Bar in good standing shall no longer be a member of the Section of Criminal Law and Practice.

SECTION 2. The administrative and fiscal year of the Section shall run concurrently with the administrative and fiscal year of the Maryland State Bar Association.

SECTION 3. After the initial year of operation of the Section of Criminal Law and Practice a full year's dues shall be paid in advance of each new administrative and fiscal year. There shall be no proration of annual dues.

SECTION 4. Members so enrolled, whose dues are paid, shall constitute the membership of this Section. Any member of this Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section.

SECTION 5. All dues collected pursuant hereto shall be deposited in and credited to such accounts as may be established and shall be subject to withdrawal and expenditure only under regulations of the Board of Governors of the Maryland State Bar Association. Due accounting of all collections, deposits and withdrawals shall be made at times established by the Section and in accordance with policies of the Association.

ARTICLE III

Officers and Section Council

SECTION 1. The officers of this Section shall be the Chair, Chair-Elect, Vice-Chair, and a Secretary-Treasurer. The said officers shall be elected in the manner hereinafter set forth. The Chair-Elect shall succeed to the office of the Chair for a term of one year. The persons elected to each respective office shall hold office for a term of one year, or until a successor is duly elected commencing at the close of the annual meeting of the Association at which they are elected and continuing until the close of the annual meeting of the Association the following year.

SECTION 2. There shall be a Section Council consisting of the Chair, Chair-Elect, Vice-Chair, Secretary-Treasurer, and eighteen (18) other members chosen at large from the section as hereinafter provided. In addition, the immediate past Chair of the Section shall be a member of the Section Council without voting rights for a term of one year. No officer of the Section may be elected to consecutive terms in the same office.

SECTION 3. No officer of the Section shall serve in the same office for more than one consecutive year, nor shall any member of the Section Council be eligible to serve as a member at large for more than two consecutive terms.

SECTION 4. At the annual meeting of the Section Council in 1978, an additional seven (7) at-large members of the Section Council, shall be nominated and elected, one for a term of one year, three for a term of two years and three for a term of three years.

SECTION 5. If any elected member of the Section Council shall fail to attend two successive meetings of the Section Council, unless such absences shall be excused by the Chair, the office held by such member may be declared vacant by a majority vote of the Section Council in which event the Section Council shall fill the vacancy for the balance of the unexpired term by a majority vote of the Section Council members actually present at the meeting in which the vacancy is to be voted upon.

SECTION 6. At the annual meeting of the Section at which these By-Laws shall have been adopted four members of the Council at large shall be nominated and elected to serve for one year; three for two years; and three for three years ("Year" as herein used means a term beginning at the close of the annual meeting at which they have been elected and ending at the close of the first, second or third succeeding annual meeting of this Section, respectively). Thereafter, upon the expiration of each of these initial terms, members of the Council shall be elected at each annual meeting of the Section to serve for three years.

SECTION 7. Upon expiration of the Chair's term as an ex officio member of the Section Council, such member shall not be able to serve as a Section Council Officer or Section Council Member at Large for a period of three consecutive years.

ARTICLE IV

Nominations and Election of Officers

SECTION 1. A nominating committee of not fewer than three (3) nor more than five (5) persons shall be appointed by the Chairman at least two months prior to the Annual Meeting.

SECTION 2. Not later than thirty (30) days prior to the annual meeting of the Section following the appointment of the Nominating Committee, it shall make a report to the Section nominations for the positions of officers and Section Council members at large to the membership. Other nominations for the positions of officers and Section Council members at large to the membership. Other nominations may be made from the floor.

SECTION 3. In appointing the Nominating Committee there shall be selected persons from at least three (3) Appellate Circuits who are familiar with the affairs of the Section and with the capability and availability of possible nominees for the various positions open.

SECTION 4. Voting shall be by written ballot unless otherwise provided by resolution duly adopted by the Section at the Annual Meeting at which the election is held and unless no more than one nomination be made for any office.

SECTION 5. All elections shall be at a time and place to be fixed by resolution of the Section at the opening of the annual meeting of the Section unless otherwise ordered by resolution duly adopted by the Section.

SECTION 6. The election of officers and members at large of the Section Council shall be by a majority vote of those members of the Section present and duly qualified to vote at the annual meeting of the Section.

ARTICLE V *Duties of Officers*

SECTION 1. The Chair shall preside at all meetings of the Section and at all meetings of the Section Council. The Chair shall appoint all committees and Chairs of each committee with the advice and consent of the Section Council: be responsible for all reports to be submitted to the Maryland State Bar Association, to the Board of Governors of the Maryland State Bar Association and to the Section. The Chair shall perform such other duties as customarily pertained to the office. The Chair shall be an ex officio member of each committee of the Section. In addition, the Chair shall plan and superintend the program of the Section at its annual meeting subject to the directions and approval of the Section Council.

SECTION 2. Upon the death, resignation or disability of the Chair, or upon the refusal to act, the Chair-Elect shall perform the duties of the Chair, for the remainder of the term or disability, as the case may be. The Vice-Chair shall do likewise in the event of similar incapacitation of the Chair-Elect.

SECTION 3. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the Section and the Section Council, whether assembled or acting under submission. The Secretary-Treasurer shall perform such other duties as may be requested by the Chair of the Section. The Secretary-Treasurer shall also be the custodian of and be responsible for all permanent files, books, records, papers, documents, and other property of the Section including all committee reports. The Secretary-Treasurer in conjunction with the Chair, as authorized by the Section Council shall attend generally to the business of the Section. The Secretary-Treasurer shall also be accountable for all finances of the Section.

ARTICLE VI

Duties and Powers of the Section Council

SECTION 1. The Section Council shall have general supervision and control of the affairs of the Section subject to the provisions of the By-Laws of this Section. During the interval between the meetings of the Section, the Section Council shall have full authority to act for the Section to any way in which the Section itself would be authorized to act, and any such action taken by the Section Council pursuant to this provision shall be reported to the members of the Section at the next annual meeting of the Section. The Section Council shall especially authorize all commitments or authorize the contracts which shall entail the payment of money, and or benefit the Section. It shall not, however, authorize commitments, contracts or expenditures which would entail the payment of more money during any fiscal year than the funds currently available to the Section.

SECTION 2. The Section Council shall meeting at or about the time and at the place of each annual meeting of the Maryland State Bar Association and may meet in regular special session at any other time or place as may be scheduled by the Section Council or on the call of the Chair or three members of the Section Council.

SECTION 3. The Section Council may authorize the Chair to make commitments or expend money and to appoint various committees of Section members to perform such duties and exercise such powers as the Section Council may direct, subject to the limitations of these By-Laws and the By-Laws of the Maryland State Bar Association.

SECTION 4. Except as otherwise provided in these By-Laws the Section Council, during the interim between annual meetings of the Section, shall fill vacancies in its own membership and in Section offices. Members and officers so selected shall serve until the adjournment of the next annual meeting of the Section or until the successors shall have been elected and qualified.

SECTION 5. Unless otherwise specifically provided all actions of the Section Council shall be by a majority vote of the members of the Section Council actually present at the meeting at which such action may be taken. The quorum to conduct business shall be seven (7) members of the Section Council, and no action shall be taken in the absence of a quorum other than to register the calling of the meeting.

SECTION 6. Proxy voting shall not be permitted.

ARTICLE VII

Vacancies

SECTION 1. In the event of a vacancy of any office or in the Section Council, other than the Chair, the vacancy shall be filled for the balance of the term by the Section Council by a majority vote of the Section Council members actually present at the meeting in which the vacancy is to be voted upon.

ARTICLE VIII

Meetings

SECTION 1. The meetings of the Section shall be held in one or more sessions at or about the time of the semi-annual meetings of the Maryland State Bar Association, in the same place that such meetings are held, and with such program and order of business as may be arranged by the Chair with the advice and consent of the Section Council.

SECTION 2. There shall be an annual meeting of the Section Council following as soon as practicable the annual meeting of the Section at such times and places as the Chair shall designate, Special meetings of the Section Council may be called by the Chair.

SECTION 3. Special meetings of the Section may be called by the Chair upon arrival of the Section Council, at such time and place as the Section Council may determine, provided that notice of such other meetings shall be given at least ten (10) days in advance thereof to the membership of the Section.

SECTION 4. The members of the Section actually present shall constitute a quorum for the transaction of any business at any regular or special meeting of the Section.

ARTICLE IX

Committees

SECTION 1. The Chair upon advice and consent of the Section Council, may appoint such committees as shall be deemed necessary and desirable.

ARTICLE X

Effective Date

SECTION 1. These By-Laws shall become effective immediately upon their approval by the Board of Governors of the Maryland State Bar Association.

ARTICLE XI

Amendments

SECTION 1. These By-Laws may be amended at any meeting of the Section Council by two-thirds vote of the Section Council; or at any regular or special meeting of the Section by a majority vote of the members of the Section actually present at such meeting. Any proposed amendment to be considered for action by the entire Section shall first be referred to the Section Council for review and report to do the Section not later than 30 days prior to the meeting at which the proposed amendment is to be considered by the Section. If any member of the Section shall send the Chair a proposed amendment the Chair shall refer the proposed amendment to the Section Council for review and report to the Section as set forth herein.

ARTICLE XII

Section Action

SECTION 1. The Section shall be organized and concluded in all respects subject to the By-Laws of the Maryland State Bar Association and no action of this Section shall be contrary to the policies of the Maryland State Bar Association as established by its Board of Governors.

SECTION 2. Before any action of this Section may be considered as a position of the Maryland State Bar Association, such action shall be submitted to the Board of Governors of the Maryland State Bar Association for approval. Any resolution adopted or action taken by this Section may, on request of the Section be reported by the Chair of the Section to the Board of Governors or to the annual meeting, or any other meeting of the Maryland State Bar Association for Association action thereon.

SECTION 3. All bills incurred by the Section or its officers, before being paid shall be approved by the Chair or the Secretary-Treasurer, or, if the Section Council shall so direct, by both of them.

SECTION 4. No salary or compensation may be paid to any member of the section for performance of services to the Section, but the Section Council may authorize the payment of reasonable out-of-pocket expenses resulting from performance of such services.