

BY-LAWS
CRIMINAL JUSTICE SECTION
NORTH CAROLINA BAR ASSOCIATION

ARTICLE I

Name and Purpose

Section 1. Name. This Section shall be known as the Criminal Justice Section of the North Carolina Bar Association.

Section 2. Purpose. The purpose of the Section shall be to further the purposes of the North Carolina Bar Association as stated in Article 1.2 of its By-Laws and to bring together members of the North Carolina Bar Association with a special interest in criminal justice.

ARTICLE II

Membership

Section 1. Eligibility. Any member in good standing of the North Carolina Bar Association shall be eligible for membership in the Section.*

Section 2. Admission to Membership. Admission to membership shall be by application and by payment of the Section dues.

Section 3. Quorum for Meeting of Membership. Those members present at meetings duly called as provided for in the By-Laws shall constitute a quorum.

* Article 7.5 of the By-Laws of the N.C. Bar Association provides: "Ex-Officio Members. The President, President-Elect and Executive Director shall be ex-officio members of all sections and section councils."

ARTICLE III

Officers

Section 1. Chair and Vice-Chair. The Chair and Vice-Chair of the Section shall be appointed by the President of the North Carolina Bar Association. The Council must nominate two persons for both the office of Chair and Vice Chair and submit these names to the President-Elect in writing by no later than March 1 of each year. The Chair shall perform the duties and have the responsibilities of the Chief Executive Officer of the Section. The Chair shall preside at meetings of the Council and at meetings of the Section. The Chair shall have such other and further duties as the Section, from time to time, may provide. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair and shall have such other and further duties as the Chair or the Section, from time to time, may provide.

Section 2. Secretary. The Council may elect a Secretary who shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the rolls and records of the Section and shall have the further responsibility of preparing and maintaining such other records and reports of the Section as may become necessary. The Secretary shall have such other duties as the Chair or the Section, from time to time, may provide.

Section 3. Treasurer. The Council may elect a Treasurer who shall, in consultation with the Director of Section Activities of the North Carolina Bar Association, maintain the financial records of the Section and shall provide such reports and records of the Section as may become necessary. The Treasurer shall have such other duties as the Chair or the Section, from time to time, may provide.

Section 4. Term. Officers of the Section shall serve a one-year term which shall coincide with the terms of office of the officers of the North Carolina Bar Association. No Section officer shall serve more than two consecutive terms in the same office except upon application to and approval by the Board of Governors of the North Carolina Bar Association.

Section 5. Eligibility for Officer Positions. Only members in good standing with the Criminal Justice Section shall be eligible for consideration as an Officer under Article III or as a Council member under Article IV, and such members shall remain in good standing with the Criminal Justice Section during their tenure as an Officer or Council member hereunder.

ARTICLE IV

Council

Section 1. Composition. The Section shall have a Council composed of the officers of the Section and fifteen (15) members who are elected by the membership of the Section plus the following additional 5 ex-officio members all of whom must be members of the Association and Section: The Appellate Defender of the Office of the Appellate Defender, Director of the North Carolina Resource Center, the President of the North Carolina Public Defenders' Association, the President of the North Carolina District Attorney's Association and the Chairman of the Superior Court Judge's Conference.

Section 1.a. Young Lawyers. At least one voting member on the Council shall be 36 years of age or younger at the time of election.

Section 2. Nomination. The Chair of the Section shall appoint a nominating committee of at least three members of the Section who shall prepare a report of the nominating committee to be presented at the annual meeting of the Section. The report of the nominating committee shall contain nominations for the fifteen (15) members of the Council. The initial report of the nominating committee shall include nominations for five (5) members of the Council who shall serve a one-year term, five (5) members of the Council who shall serve two-year terms and five (5) members of the Council who shall serve three-year terms.

Section 2.a. Vacancy. The nominating committee shall make nominations to fill any vacancies which may occur on the Council. Additional nominations may be made from the floor in accordance with the election procedures to be specified by the Section.

Section 3. Powers. The Council shall be the governing body of the Section subject to the control of the Board of Governors of the North Carolina Bar Association.

Section 4. Regular Meetings. The Council shall hold an annual meeting and other meetings as needed.

Section 5. Quorum. One-third of the members of the Council shall constitute a quorum for the purpose of transacting business.

Section 6. Special Meetings. Special meetings of the Council shall be held at any time at the call of the Section Chair, any three members of the Council or of the President or the Board of Governors of the North Carolina Bar Association.

Section 7. Notice of Meetings. All meetings of the Council, except the annual organizational meeting, shall be upon not less than ten (10) days notice by mail.

Section 8. Successive Terms. In no event shall a member of the Council elected by the membership or appointed to fill a vacancy be re-elected after two consecutive complete 3-year terms within 1 year of completion of said service.

Section 9. Executive Committee. There shall be a standing committee, appointed by the Section Chair and shall be denominated the Executive Committee. It shall be chaired by the Chair of the Section and shall have as its other members the Immediate Past Chair and Vice Chair of the Section and at least four other members of the Council made up of at least one member of the Judiciary; one defense attorney and one prosecuting attorney. It shall have the power to act in the place and the stead of the Council in the intervals between meetings of the Council. Five of the seven members shall constitute a quorum, and all action shall be by a majority vote of those present. The Chair of the Section may call a meeting of the Executive Committee upon reasonable notice to all committee members. Any action of the Executive Committee shall be reported at the next meeting of the Council.

Section 10. Attendance at Meetings. If any elected member of the Council fails to attend three

(3) successive meetings of the Council without good cause, such member's office or a committee appointment, as the case shall be, shall automatically be vacated. Such vacancies shall be filled by the Chair of the Section.

Section 11. Eligibility for Council Positions. Only members in good standing with the Criminal Justice Section shall be eligible for consideration as an Officer under Article III or as a Council member under Article IV, and such members shall remain in good standing with the Criminal Justice Section during their tenure as an Officer or Council member hereunder.

ARTICLE V

COMMITTEES

Section 1. Standing Committees. The Council may designate such standing committees as it may deem appropriate.

Section 2. Special Committees. The Chair or the Council may appoint special committees as either may deem appropriate.

Section 3. Jurisdiction. The Council shall establish the jurisdiction of the Section committees and shall resolve any disputes among its committees. The Board of Governors of the North Carolina Bar Association shall govern any disputes concerning the jurisdiction of the Section committees in relation to the jurisdiction of the various Sections, Standing and Special Committees of the North Carolina Bar Association.

ARTICLE VI

Miscellaneous Provisions

Section 1. Annual Meeting of the Section. The Section shall have at least one meeting for the entire membership of the Section. The Section may have such other meetings of the entire Section as the Council or Chair may deem necessary. The annual meeting of the Section shall be held at such time and

place designated by the Council. The nominating committee of the Section shall make its report and the Section shall hold elections for the members of the Council at its annual meeting.

Section 2. Amendments. Any amendments or additions to these By-Laws shall be upon the approval of a majority of the members of the Section present and voting at the annual meeting. Upon such approval by the Section, such amendments or changes shall be presented to the Board of Governors of the North Carolina Bar Association for approval. No changes or amendments shall be effective until approved by the Board of Governors of the North Carolina Bar Association.

Section 3. Publications. The Section may produce and distribute a newsletter or other publications in furtherance of its objectives. Any such publications shall be produced in consultation with the President and Executive Director of the North Carolina Bar Association.

Section 4. Continuing Legal Education. In order that the North Carolina Bar Association may continue to coordinate Continuing Legal Education programs so as to provide the greatest possible benefit to all members of the North Carolina Bar Association, all Continuing Legal Education programs, except such publications as the Section may be authorized to publish, shall be conducted in consultation with the Continuing Legal Education Committee of the North Carolina Bar Association Foundation.

Section 5. Budget. The Section shall, upon request, submit its budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Section 6. Reports. The Section will submit an annual report to the Board of Governors and the President of the North Carolina Bar Association. The Section shall submit such other reports as may be requested by the Board of Governors or the President of the North Carolina Bar Association.

Section 7. Expenditure of Funds. Except as otherwise provided herein or in the By-Laws of the North Carolina Bar Association, the Section may expend the funds it collects through the payment of dues in the manner that it sees fit. However, the Section is not empowered to spend funds in excess of those actually on hand, nor may it obligate the North Carolina Bar Association in any financial matter.

Section 8. Authentication. These By-Laws were approved by the Board of Governors of the

North Carolina Bar Association on January 22, 1981 revised on April 20, 1991, October 8, 1993,
April 16, 1999, October 12, 2001, April 11, 2003, and January 19, 2006.