

BYLAWS OF THE CRIMINAL LAW SECTION OF THE STATE BAR OF MICHIGAN

ARTICLE I NAME AND PURPOSES

SECTION 1. This Section shall be known as the Criminal Law Section of the State Bar of Michigan.

SECTION 2. The purposes of this Section shall be:

A. to study the criminal law and procedure of the State of Michigan, making recommendations to the State Bar of Michigan, the Executive, Legislative, and Judicial branches of Michigan government and the general public of this State concerning alterations, innovations, and improvements therein so as to promote justice and the efficient administration of justice, and to protect the public and the rights of each individual;

B. to promote means of reducing the volume of crime in the State of Michigan; and

C. to promote, in cooperation with other Sections or Committees of the State Bar of Michigan, the effective institutional and non-institutional correction and rehabilitation of individuals convicted of violating criminal laws of the State.

The Criminal Law Section of the State Bar of Michigan proposes to accomplish the above by promoting research projects, sponsoring meetings, institutes, and conferences of educational value, supporting publication of legal writings, and adopting positions on issues of public concern in the field of criminal law.

ARTICLE II MEMBERSHIP

SECTION 1. Any member of the State Bar of Michigan, including active, inactive, and emeritus, affiliate, legal administrators, and/or law students upon request to the State Bar of Michigan and upon payment of dues for the current year shall be enrolled as a member of this Section. Annual dues in the amount of Twenty Five Dollars (\$25.00) shall be paid by each member in advance each year. The amount of dues may be modified annually by a 2/3 majority vote of the Criminal Law Council. Members so enrolled and whose dues are so paid shall constitute the membership of this Section.

SECTION 2. Newly admitted members of the State Bar of Michigan shall automatically become members of the Section, without payment of dues to the Section, for the first two years following their original admission to practice, as provided in the Bylaws of the State Bar of Michigan, Article VII, Section 5. These non-dues paying members shall receive only e-mail newsletters. This section may be modified by a two-third (2/3) vote of the Council.

ARTICLE III ELECTION OF COUNCIL

SECTION 1. There shall be a Council of the Criminal Law Section consisting of not more than twenty-seven (27) members to be elected and/or designated as hereinafter provided.

SECTION 2. Fifteen (15) members of the Council shall be elected for three (3) year terms, five (5) expiring each and every year. Said terms shall begin at the close of the Annual Meeting at which they have been elected.

SECTION 3. In addition, each of the following named standing and special committees and Sections of the State Bar of Michigan and each of the following named recognized representative statewide organizations primarily concerned with criminal law and criminal justice shall elect and/or designate annually, as each shall determine, a member to serve on the Council of the Criminal Law Section of the State Bar of Michigan. The committees and organizations designated as non-voting liaisons and representatives of the State Bar are:

- The Representative Assembly
- The Board of Commissioners

Each of the following organizations may designate a representative who shall be a voting member:

- Criminal Defense Attorneys of Michigan
- Criminal Jurisprudence and Practice Committee
- Children's Law Section
- Michigan Judges Association
- Prisons and Corrections Section
- Prosecuting Attorneys Associate of Michigan
- Criminal Issues Initiative

These members of the Council are to be elected and/or designated by these committees and organizations immediately prior to the annual Section meeting each year. If any of the above designated committees or organizations ceases to exist, its representative shall cease to be a member of the Council and the total membership of the Council shall be appropriately reduced. Other Sections of the State bar and recognized groups shall be considered for membership based upon a 2/3 vote of Council members, and the size of the Council shall be adjusted accordingly.

SECTION 4. The immediate past Chairperson shall be an ex-officio member of the Council with full voting privileges.

SECTION 5. If any member of the Council shall fail to attend three (3) successive meetings of the Council, without excuse, that individual will be deemed to have resigned his position on the Council, and his position shall be declared vacant by the Council.

SECTION 6. No person shall be eligible for election to the Council who has served without interruption two (2) full consecutive terms, immediately preceding the term for which the election is held except that an officer preceding through progression of officers shall be permitted to complete his or her service through the office of ~~a~~ Chairperson irrespective of this provision. This term of office shall not include time served on the Council as a designated representative of one or more of the above- named committees or organizations.

SECTION 7. Prior to each annual meeting of the Section, the Chairperson shall appoint a nominating committee of not more than five (5) members of the Section, which committee shall make and report nominations to the Section for such Council members as are scheduled to be elected at the Section's Annual Meeting and to fill existing vacancies, if any. Other nominations for the Council may be made from the floor.

The nominating committee shall verify the eligibility of proposed candidates and provide notice of the candidates and the time and place of the election to all section members at least thirty (30) days in advance of the said meeting.

SECTION 8. All elections shall be by written ballot unless otherwise ordered by resolution duly adopted by the Section at the Annual Meeting at which the election is held.

ARTICLE IV ELECTION OF OFFICERS

SECTION 1. The officers of the Section shall consist of a Chairperson, a Chairperson-Elect, a Secretary, and a Treasurer. The Council shall elect the Chairperson-Elect, Secretary, and Treasurer from its membership. No person shall serve as Chairperson or Chairperson-Elect more than one (1) year except as set forth in Article V Section 2.

SECTION 2. The officers shall be elected at a business meeting of the Council to be held at the annual meeting of the Section and serve until the following annual meeting or until their successors have been elected.

SECTION 3. At the end of his or her term in office, the Chairperson-Elect shall automatically succeed to the office of Chairperson for a term of one (1) year without the necessity of running for election for either the position they are to succeed or for a position as a council member; the Secretary shall automatically succeed to the office of Chairperson-Elect without the necessity of running for election for either the position they are to succeed or for a position as a council member; and the Treasurer shall automatically succeed to the office of Secretary without the necessity of running for election for either the position they are to succeed or for a position as a council member.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at a time designated by the State Bar of Michigan a report of the work of the Section for the then past year. The Chairperson shall perform such other duties and acts as usually pertain to the office.

SECTION 2. CHAIRPERSON-ELECT. Upon the death, resignation, or during the disability of the Chairperson, or upon his or her refusal to serve, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term. Except in the case of the Chairperson's disability, he or she shall serve only during such term as the disability continues. The Chairperson-Elect shall preside at all meetings in the absence of the Chairperson. In the event the Chairperson-Elect is required to fill a vacancy in the office of the Chairperson, the Chairperson-Elect shall become Chairperson for the period of both the vacancy and the term he or she normally would have served as Chairperson. Notwithstanding anything to the contrary stated in these By-laws, the Chair Elect shall not be required to run for re-election, but shall automatically ascend to the position of Chairperson, nor shall this person be required to run for re-election to the Council.

SECTION 3. SECRETARY. The Secretary shall be the custodian of all books, papers, documents, and other property of the Section, except money and financial records. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council. With the Chairperson, the Secretary shall prepare a summary or digest of the Section's Annual Meeting proceedings. Notwithstanding anything to the contrary stated in these By-laws, the Secretary shall not be required to run for re-election, but shall automatically ascend to the position of Chairperson elect, nor shall this person be required to run for re-election to the council.

SECTION 4. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and report thereon to the Council whenever requested. Annually, the Treasurer shall submit a financial report for presentation to the members of the Section.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. The Council shall have general supervision and control of the affairs of the Section, subject to the Supreme Court Rules concerning the State Bar of Michigan, the Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall expressly authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated by the Council for the use or benefit of the Section.

SECTION 2. The Council may authorize the Chairperson to refer matters to existing State Bar Committees or to appoint other committees and their chairpersons from Section members to perform such duties and exercise such powers as the Council may direct. The Chairperson, on direction from the Council, shall remove any Committee Chairperson or member from such appointed committees of the Section and fill vacancies on such committees.

SECTION 3. The Council shall request the representative of each of the named standing and special committees and organizations designated in Article III, Section 3, to present to the members of the Criminal Law Section annually a complete report of each committee's or organization's activities as these activities pertain to the Criminal Law Section. Further, the Council is to be advised throughout the year of the activities of the various sections and committees of the State Bar of Michigan as the Council may request.

SECTION 4. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of Treasurer or Secretary, Chairperson-Elect or, Chairperson if there is no successor under Article IV, Section 3. Members of the Council so selected shall serve until the close of the next annual meeting of the Section, at which time the vacancies shall be filled for the remainder of their respective terms by a special election conducted concurrently with the regular elections as provided in Article III herein. Vacancies in an appointed membership will be filled by the organization whose representation is affected.

SECTION 5. A majority of the elected and/or appointed members of the council present at a meeting shall constitute a quorum for the transaction of business. In the event that less than a quorum of the Council attends a meeting, those present shall have the right to adjourn the meeting to a later time, and if a quorum is present at the adjourned time, the Council may proceed with action at such time without further call or notice.

SECTION 6. Members of the Council, when personally present at a meeting of the Council, shall vote in person, but when absent may communicate their vote, via regular mail, telegraph, telephone, facsimile or electronic mail upon any proposition to the Secretary and have it counted, with the same effect as if cast personally

at such meetings. The secretary shall retain a copy of all written proxy votes with approval of the Council, attendants may be achieved by teleconference or video conference.

SECTION 7. When an issue arises which must be determined within a limited period of time so that the calling of a formal council meeting is not practical, the Chairperson of the Section may, and upon request of any member of the Council shall, submit or cause to be submitted by regular mail, telegraph, facsimile or electronic mail to each of the members of the Council, any proposition or propositions so submitted, by communicating their vote thereon, by any of the aforementioned means to the Secretary, who shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such votes. If a majority of the members of the Council shall be in favor of such proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. With prior Council approval, a meeting may be conducted by means of conference call.

SECTION 8. The Council of the Criminal Law Section, during the interim between meetings of the Section, 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 such action taken by the Council shall be reported to the Section at its next meeting. The secretary shall record such actions in the minutes.

SECTION 9. The Chair shall designate the time and place of its regular meetings, with the concurrence of the Council. Special meetings shall be called by the Chairperson or upon regular or electronic written request to the Secretary by any five (5) members of the Council. Seven (7) days notice of special meetings shall be given to all members of the Council. The Council shall designate a seminar coordinator who shall be responsible for editing the newsletter, and other duties as assigned by the Council. This shall be a paid position.

SECTION 10. The Council shall be empowered, if so desired by a majority of the council members, to sell advertising space in journals, newsletters, e-mails and the like as a means of raising revenue for section goals and purposes.

SECTION 11. The Council shall be empowered by a two-thirds (2/3) vote to investigate any officer for in appropriate activity that prevents or diminishes his or her ability to perform the duties of that office. Upon such vote the Council may take any appropriate steps including removing this person from office.

ARTICLE VII SECTION MEETINGS

SECTION 1. The Annual Meeting of the Section shall be held in Michigan in conjunction with State Bar annual meeting unless another date and time is designated by the Council, with such programs and order of business as may be arranged by the Council. Notice shall be given at least thirty (30) days in advance of the meeting to all section members by any reasonable means as approved by the Council.

SECTION 2. Special meetings of the Section may be called by the Chairperson upon approval of the Council, at such time and place as the Council may determine.

SECTION 3. Fifteen (15) members of the Section present at any duly announced Section meeting shall constitute a quorum for the transaction of business.

SECTION 4. All action of the Section shall be by majority vote of members present except as provided in Article VIII.

ARTICLE VIII AMENDMENTS

SECTION 1. These bylaws may be amended at any Annual Meeting of the Section by a two-thirds (2/3) vote of the quorum of the Section present and voting, provided such proposed amendments shall first have been submitted to the Council for its recommendation. No amendment shall become effective until approved by the Board of Commissioners of the State Bar of Michigan.

SECTION 2. Any proposed amendment shall be submitted in ordinary or electronic writing to the Council in the form of a petition signed by at least ten (10) members of the Section, or by such written motion of two (2) members of the Council, at least sixty (60) days before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment and shall prepare the recommendations thereupon, which recommendations, together with a complete and accurate text of said proposed amendments, shall be published in

the Michigan State Bar Journal or by such written or electronic communication as the Council shall direct at least fifteen (15) days prior to the annual meeting of the Section at which it is to be voted upon.

Adopted by Council April 19, 2011
Submitted to membership September 16, 2011