

WASHINGTON STATE BAR ASSOCIATION

CRIMINAL LAW SECTION

BYLAWS

(This document of the Bylaws of the Criminal Law Section of the Washington State Bar Association includes amendments approved by the Section and Board of Governors through July 2010).

1.1 Creation

The Criminal Law Section of the Washington State Bar (the "Section") was established pursuant to Article IX, Section 1 of the Bylaws of the Washington State Bar (the "Bar").

1.2 Purpose

The purpose of the Section shall be to seek the participation of interested members of the Bar including prosecutors, defense counsel, and law professors, and of state and local associations, in order to benefit such members, their clients and the general public:

- a. By providing the opportunity and forum for the interchange of ideas in the areas of criminal law and procedure, including corrections, penology and juvenile offenses.
- b. By initiating and implementing common projects.
- c. By review of pending legislation and development of proposed statutory enactments to improve and to facilitate the administration of justice within the Section's area of interest.
- d. By undertaking such other service as may be of benefit to the members, the legal profession and the public.

In order to facilitate the purpose of this Section, participation in the Section by members of the Bar who are engaged in prosecution and defense shall be encouraged.

1.3 Limitations

These Bylaws have been adopted subject to the applicable Washington Statutes and the Bylaws of the Bar.

1.4 Principal Office

The Principal Office of the Section shall be maintained in the offices of the Bar.

1.5 Fiscal Year

The fiscal year of the Section shall coincide with that of the Bar.

ARTICLE 2. MEMBERSHIP

2.1 Enrollment

Any active member in good standing of the Bar of the State of Washington may, upon the request of the Secretary of the Bar, be enrolled as a member of the Section by the payment of annual Section dues in the amount and for the purpose proposed by a majority vote of the Executive Committee and approved by the Board of Governors of the Washington State Bar. Attorneys who are not active members of the Bar, law students, and members of the public may be enrolled as a non-voting ("subscriber") member by paying the annual dues established by the Section. Subscriber members may not hold a section office.

2.2 The Membership

Members enrolled as provided in Section 2.1 shall constitute the Membership of the Section.

2.3 Dues

Dues in the amount approved by the Board of Governors of the Bar shall be paid annually in advance. Any person who shall fail to pay the annual dues shall cease to be a member of the Section. With the exception of law students, the Section dues fee for non-voting ("subscriber") members shall be the same amount as that established for voting members. The Section dues fee for law students shall be set at a standard amount annually determined by the Board of Governors.

ARTICLE 3. MEETINGS OF THE MEMBERSHIP

3.1 Annual Meeting

The annual meeting of the Section shall be held in conjunction with the annual meeting of the Bar, unless the Executive Committee otherwise designates.

3.2 Quorum

The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

3.3 Controlling Vote

Action of the Section shall be by a majority vote of the members present.

3.4 Agenda

Among the business to be transacted at the annual meeting by the membership shall be the election of Officers and Executive Committee.

3.5 Special Meetings

Special Meetings of the Membership of the Section may be called by any officer at such time and place as the officers may determine.

ARTICLE 4. THE EXECUTIVE COMMITTEE

4.1 Powers And Duties

The Executive Committee shall be vested with the powers and duties necessary for the administration of the affairs of the Section and perform duties assigned to it by the Board of Governors.

4.2 Composition

The Executive Committee shall be composed of the following persons:

- a. The Officers, including the current Chairperson, the Chairperson-Elect, and the Secretary-Treasurer;
- b. The last retiring Chairperson; and
- c. Twelve members elected to the Executive Committee, six of whom shall have a significant defense practice or defense orientation; six of whom shall have a significant prosecution practice or orientation.

4.3 Controlling Vote

Action of the Executive Committee shall be by majority vote of the Executive Committee members voting on the action. A member of the Executive Committee may vote in absentia by instructing the Secretary-Treasurer in writing of the manner in which such vote is to be cast or in the alternative, the Secretary-Treasurer or other designee may take votes by polling all available members of the Executive Committee by telephone. Actions of the Executive Committee authorizing Amicus briefs shall be by a two-thirds vote of the members voting on the action. Positions on legislation shall require a super majority (75%) vote of the members of the Executive Committee. The Chairperson shall vote only in the case of a tie vote or if the Chairperson's vote is necessary to authorize an Amicus brief or commit the Section to a position on legislation.

4.4 Meetings

The annual meeting of the Executive Committee shall be held in conjunction with the annual meeting of the Section unless the Executive Committee otherwise directs. Special meetings shall be held at the time and place as may be designated by the Chairperson or a majority of the Executive Committee provided response is elicited from all members of the Executive Committee. The Executive Committee shall be expected to conduct a minimum of four meetings annually.

4.5 Absences

Three consecutive unexplained absences will subject a member or officer to removal from the Executive Committee by a majority vote of the Executive Committee.

ARTICLE 5. OFFICERS

5.1 Officers

The officers of the Section shall be the Chairperson, the Chairperson-Elect, and the Secretary-Treasurer.

5.2 Chairperson

The Chairperson shall preside at all meetings of the Section of the Executive Committee. The Chairperson shall vote only to break ties or in the event that the Chairperson's vote is necessary to provide a super majority for authorization of Amicus briefs and/or positions on legislation by the Section.

5.3 Chairperson-Elect

Upon the death, resignation, or during the disability of the Chairperson, or upon his/her refusal to act, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's disability and then only during so much of the term as the disability continues. The Chairperson-Elect shall succeed the outgoing Chairperson as the Chairperson for the next term of office.

5.4 Secretary-Treasurer

The Secretary-Treasurer shall be the custodian of all books, papers, documents, and other property of the Section. He/She shall keep a true record of all accounts and of the proceedings of all meetings of the Section and of the Executive Committee whether assembled or acting under submission. In conjunction with the Chairperson and as authorized by the Executive Committee, he/she shall attend generally to the business of the Section.

ARTICLE 6. ELECTIONS

6.1 Elective Offices

Each year the membership shall elect a Chairperson-Elect and a Secretary-Treasurer who shall serve one year terms and four members of the Executive Committee to serve terms of three years. The orientation of these four members shall be consistent with Section 4.2.

6.2 Chairperson

The Chairperson-Elect shall automatically succeed to the office of the Chairperson. In the event the office of Chairperson-Elect shall be vacant, then a Chairperson shall be elected in the same manner as set forth in Section 6.1 hereinabove.

6.3 Nominations

The Chairperson shall appoint a nominating committee consisting of three members of the Executive Committee to be chaired by the last retiring Chairperson, or in the event that person is unable or unwilling to serve, another member of the Executive Committee. The nominating committee shall strive to assure diversity in its nominations. The Executive Committee shall make and report nominations for the offices of Chairperson-Elect, Secretary-Treasurer, and for members of the Executive Committee to succeed those whose terms will expire at the close of the annual meeting, and to fill vacancies then existing for unexpired terms. The orientation of nominees shall be consistent with Section 4.2. The nominations shall be mailed to Section members at least two months prior to the annual meeting of the Section. Other nominations for the same offices must be supported by the signatures of at least ten Section members submitted to the Executive Committee at least one month prior to the annual meeting of the Section and shall be specifically designated as defense or prosecution oriented nominees.

6.4 Voting

All elections shall be by written ballot mailed to the Section membership at least three weeks prior to the annual meeting of the Section.

6.5 Term Of Office

The term of office shall begin with the adjournment of the annual meeting following election and shall end following the annual meeting at which a successor has been duly elected and qualified.

6.6 Interim Appointments

In the event of a vacancy during the interim between annual meetings, the Executive Committee shall appoint a successor to serve until the next annual meeting and until his/her successor is duly qualified. Interim appointments to fill a vacancy for a non-officer position shall be filled in order to achieve or maintain the defense/prosecution composition as set forth in Section 4.2.

ARTICLE 7. SUBSTANTIVE RESPONSIBILITIES

7.1 Committees

The Chairperson may appoint committees to perform such duties and exercise such powers as the Executive Committee may direct.

ARTICLE 8. AMENDMENTS

These Bylaws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided that no amendment so adopted shall become effective until approved by the Board of Governors of the Washington State Bar Association.

As last amended and approved by the Section and the WSBA Board of Governors, September 1993.

As last amended and approved by the WSBA Board of Governors on July 23, 2010. Article 2. Membership, amended to allow for law students and other "subscriber" types to enroll in the Section.