

# LOUISIANA STATE BAR ASSOCIATION

## CRIMINAL LAW SECTION BY-LAWS

### ARTICLE I: IDENTIFICATION

1.1 NAME. This Section shall be known as "The Criminal Law Section", and shall be hereinafter designated simply as "the Section".

1.2 PURPOSE. The general purposes of the Section shall be the promotion of the objectives of the Louisiana State Bar Association within the particular field designated by the name of this Section.

1.3 LIMITATIONS. These By-Laws have been adopted subject to the Constitution and By-Laws of the Association.

### ARTICLE II: MEMBERSHIP

2.1 ENROLLMENT. Any member in good standing of the Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section by the payment of annual Section dues.

2.2 THE MEMBERSHIP. Members so enrolled and whose dues are paid pursuant to the provisions of this Article shall constitute the Membership of the Section.

2.3 LAW STUDENTS. Any law student who is a member of the Law Student Division of the Association may become a law student member of the Section upon request and upon payment of annual dues set by the Board. Law Student members are entitled to such rights, privileges, responsibilities and duties as the Board shall from time to time determine. The term "member" as used in these By-Laws does not include law student members.

2.4 DUES. Dues for membership in the Section shall be in an amount set by the Section and approved by the Board of Directors payable upon enrollment and thereafter annually in advance each year, at the beginning of the Association's fiscal year following such enrollment.

2.5 DELINQUENCY. Any member of the Section whose annual dues shall be more than six months past due shall be notified of the delinquency. If the delinquency is not cured in 60 days, the member shall be dropped as a member of the Section.

### ARTICLE III: COMMITTEES (AND DIVISIONS)

3.1 COMMITTEES AND DIVISIONS. The Chairman of the Section may establish, such committees as he may deem necessary and desirable to promote effectively the activities of the Section within the jurisdiction of the Section. In establishing a committee, the Chairman shall state the scope of its proposed activities.

3.2 CHAIRMAN. The Chairman shall announce the membership and the chairman of each committee of the Section for the following Section year, no later than 30 days following the Annual Meeting of the Section.

#### ARTICLE IV: MEETINGS OF THE MEMBERSHIP

4.1 ANNUAL MEETING. The Section shall hold an Annual Meeting of members in conjunction with the Annual Meeting of the Association. The Section may, upon approval of the Board of Directors, hold special meetings of members throughout the year.

4.2 SPECIAL MEETINGS. Notice of Special Meetings shall be given not less than 30 days in advance of the meeting and shall include the purpose of the meeting.

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

4.4 CONTROLLING VOTE. Action of the Section shall be by majority vote of the members present.

4.5 VOTING ELIGIBILITY. Any member of the Section who is a member for thirty days prior to the time of voting shall be eligible to vote.

4.6 AGENDA. Among the matters of business to be transacted at the annual meeting of the membership shall be the election of officers and Board of Directors. The agenda shall consist of such other matters as decided by the Chairman and the Board of Directors.

4.7 MAIL VOTING. The Board of Directors may direct that a matter be submitted to the members of the Section for vote by mail. In that event, binding action of the Section shall be by a majority of votes received from members by the deadline set by the Board of Directors.

#### ARTICLE V: OFFICERS

5.1 OFFICERS. The officers of the Section shall be the Chairman, the Vice-Chairman, and the Secretary.

5.2 CHAIRMAN. The Chairman or the Vice-Chairman, in the absence of the Chairman, shall preside at all meetings of the Section and of the Directors. He shall appoint the chairmen and members of all committees of the Section who are to hold office during his term as Chairman. He shall plan and superintend the program of the Section during his term. He shall superintend the performance of all activities of the Section and shall keep the Board of Directors duly informed. He shall perform such other duties and acts as usually pertain to his office.

5.3 VICE-CHAIRMAN. (optional) The Vice-Chairman shall aid the Chairman in the performance of his responsibilities in the manner and to the extent the Chairman may request.

5.4 SECRETARY. The Secretary shall consult with and assist all the officers of the Section as to the work of the Section generally in the manner and to the extent they may request. The Secretary shall be the liaison between the Section and Association staff regarding the retention and maintenance of books, papers, documents, and other property pertaining to the work of the Section in the custody of the Association. He shall keep a true record of the proceedings of all meetings of the Section and of the Board of Directors, whether assembled or acting under submission.

5.5 OTHER DUTIES. Unless excused by the Chairman for good cause shown, officers shall attend all meetings of the Section. If an officer fails to attend two consecutive meetings without being excused, the Chairman shall declare the office vacant. If the offending officer is the Chairman, the Vice-Chairman shall declare the office vacant.

## ARTICLE VI: THE BOARD OF DIRECTORS

6.1 POWERS. The Board of Directors shall be vested with the powers and duties necessary for the administration of the affairs of the Section between Annual Meetings. It shall advise the Chairman on matters affecting the Section. The Board of Directors shall also have the power to create or terminate standing committees of the Section, determine the functions and duties of those committees, and specify the number and qualifications of the committee members.

6.2 COMPOSITION. The Board of Directors shall be composed of one person elected from each of the Supreme Court districts. The person shall reside in the district from which he is elected. At the Annual Meeting of the Section in the year 1980, the Section shall elect a person to serve for one year from each of the First and Second Supreme Court districts; to serve for two years, a person from each of the Third and Fourth Supreme Court districts; and to serve for three years, a person from each of the Fifth and Sixth Supreme Court districts. Directors elected to fill the office of a Director whose term has expired shall be elected for a term of three years.

6.3 CONTROLLING VOTE. Action of the Board shall be by majority vote of those members present at any meeting. A quorum shall consist of the members present at any meeting.

6.4 MEETINGS. The Board shall hold at least one regular meeting each year at the time and place of the Annual Meeting of the Association to decide any necessary business. The Chairman may call special meetings of the Board between Annual Meetings. The Chairman shall call special meetings upon request of three members of the Board.

6.5 POLL OF BOARD. In matters requiring immediate attention, the Chairman may, and upon request of three members of the Board shall, submit in writing to each of the members of the Board a proposition upon which the Board is required to act, and the members of the Board may vote upon the proposition either by written ballot or by telephone vote, confirmed in writing, to the Secretary, who shall record the votes in the matter.

6.6 BOARD AUTHORITY. Between meetings of the Section, the Board shall have full power to do and perform all acts and functions which the section itself might perform. Any such action taken by the Board shall be reported to the Section at its next meeting.

6.7 NO COMPENSATION. No salary or compensation for services shall be paid to or by any officer, member of the Board, or member of any committee, except as may be specifically authorized by the Board of Governors.

6.8 REFERENDUM. The Board may direct that a matter be submitted to the members of the Section for vote by mail. In such event, binding action of the Section shall be a majority of the votes received in reply.

6.9 ATTENDANCE AT MEETINGS. Unless excused by the Chairman for good cause shown, directors shall attend all meetings of the Board. If a director fails to attend two consecutive meetings without being excused, the Chairman shall declare the office vacant.

6.10 VACANCIES. Vacancies on the Board caused by the death, resignation, or declaration, as aforesaid, shall be filled by the election of a person from the same Supreme Court district by the remaining members of the Board. The person elected shall fill the unexpired term of the vacancy. If the vacancy occurs between Annual Meetings, the Chairman shall appoint a member to fill the vacancy until the next Annual Meeting.

## ARTICLE VII: ELECTIONS

7.1 ELECTIVE OFFICES. At each annual meeting of the Section, the membership shall elect:

- (i) A Vice Chairman;
- (ii) a Secretary;
- (iii) Board members to fill vacancies upon the Board.

7.2 ELIGIBILITY FOR OFFICE. Any member of the Association and the Section whose good standing can be certified by official Association records for thirty days prior to the time of election shall be eligible for office.

7.3 NOMINATIONS. At any time not later than ninety days prior to the Annual Meeting, the Chairman shall appoint a Nominating Committee of three members of the Section who are not candidates for office. The Nominating Committee shall make and report one nomination for each position which is to be filled by election as provided elsewhere in these By-Laws. The Committee shall submit its report to the Chairman of the Section within thirty days. The petition shall be sent to the Chairman of the Section and be received by him not less than 40 days prior to the Annual Meeting. At least 30 days before the Annual Meeting the Chairman shall mail the report of the Nominating Committee and a list of any additional nominations that he may have received to the members of the Section.

7.4 VOTING. Election shall be held at the Annual Meeting at the business session. Elections for contested offices shall be by written ballot, unless otherwise ordered by unanimous consent of the members present. Each contested office shall be voted upon separately. Election shall be by a majority of the votes cast and a run off election to choose between the leading candidates shall be held in the event of a tie.

7.5 TERM OF OFFICE. The term of office shall begin with the adjournment of the Annual Meeting following the election, and shall end following the adjournment of the Annual Meeting at which a successor has been duly elected. If at the close of any term of office a successor has not been elected, then the term shall be extended until a successor shall have been elected.

7.6 VACANCIES. Vacancies in any office caused by death, resignation, or declaration, shall be filled by the Board of Directors.

#### ARTICLE VIII: AMENDMENTS

8.1 These By-Laws may be amended at any Annual Meeting of the Section by a majority vote of the members of the Section present and voting. Notice of proposed amendments shall be given by mail to the members of the Section at least 30 days prior to the Annual Meeting.

#### ARTICLE IX: EFFECTIVE DATE

9.1 These By-Laws will become effective if adopted by the majority of a quorum as established herein at the commencement of the business meeting of the Section held in the year 1980.

RESOLUTION APPROVING BY-LAWS ADOPTED BY THE  
CRIMINAL LAW SECTION AT ITS ANNUAL MEETING  
ON APRIL 24, 1980

WHEREAS, the Criminal Law Section adopted a new set of By-Laws to govern and manage the affairs of the Criminal Law Section; and

WHEREAS, these By-Laws have been presented to the House of Delegates for approval;

NOW, THEREFORE, BE IT RESOLVED, that the House of Delegates of the Louisiana State Bar Association ratifies and approves the By-Laws adopted by the Criminal Law Section on April 24, 1980, copy of which is attached hereto and made a part of this Resolution subject to said By-Laws being modified by any Amendments to the Articles of Incorporation of the Louisiana State Bar Association that may be adopted hereafter.

Respectfully submitted,

(original signed by Gerard H. Schreiber)  
Gerard H. Schreiber, Chairman  
Criminal Law Section