

WASHINGTON STATE B A R A S S O C I A T I O N

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 27, 2017.

ARTICLE 1. INTRODUCTION

1.1 Name and Creation

The name of this section is the Criminal Law Section (the "Section"). The Section was established pursuant to the Bylaws of the Washington State Bar Association (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, law professors, and law enforcement professionals 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, juvenile offenses, and the criminal justice system generally.
- 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 the fiscal year of the Bar.

ARTICLE 2. MEMBERSHIP

2.1 Enrollment

Any Active member in good standing of the Bar of the State of Washington may be enrolled as a voting member of the Section by the payment of annual Section dues in the amount set by a majority vote of the executive committee and approved by the Board of Governors of the Bar. Law students, members of the public, and law enforcement may be enrolled as a non-voting member (“subscriber”) by paying the annual dues established by the Section. Subscribers 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 determined by the executive committee and 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 subscribers 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 may be called at anytime by the Chair or a majority of the executive committee.

3.2 Quorum for Meetings of the Membership

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

3.3 Controlling Vote

With the exception of taking a position on legislation, action of the Section shall be by a majority vote of the executive committee members present.

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 Chair, the Chair-elect, and the Secretary/Treasurer; and
- b. The Immediate Past Chair; and
- c. Twelve At-Large 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; and
- d. The Young Lawyer liaison as a non-voting member.

4.3 Controlling Vote

A majority of the voting members of the executive committee constitutes a quorum needed for action. Action of the executive committee shall be by majority vote of the executive committee members voting on the action. Members of the executive committee may attend meetings and vote by telephone or by videoconference.

4.4 Amicus Briefs and Positions on Legislation

Actions of the executive committee authorizing amicus briefs shall be by a two-thirds vote of the members voting on the action, and requires approval from the Bar's Board of Governors to file such a brief. Positions on legislation shall require a super majority (75%) vote of the members of the executive committee, and must comply with the Bar's comment policy. The Chair shall vote only in the case of a tie vote or if the Chair's vote is necessary to authorize an amicus brief or commit the Section to a position on legislation.

4.5 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. The executive committee shall be expected to conduct regular meetings annually.

4.5 Removal

Any member of the executive committee may be removed by a two-thirds majority vote of the voting members of the executive committee. Grounds for removal include, but are not limited to, regular absence from executive committee meetings (two consecutive unexplained absences) or events, failure to perform duties, unprofessional or discourteous conduct or whenever, in the executive committee's judgment, the executive committee member is not acting in the best interest of the section membership.

ARTICLE 5. OFFICERS

5.1 Officers

The officers of the Section shall be the Chair, the Chair-elect, the Immediate Past-Chair and the Secretary/Treasurer.

5.2 Chair

The Chair shall preside at all meetings of the Section and of the executive committee. The Chair shall vote only to break ties or in the event that the Chair's vote is necessary to provide a supermajority for authorization of Amicus briefs and/or positions on legislation by the Section.

5.3 Chair-elect

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

5.4 Secretary/Treasurer

The Secretary/Treasurer shall take minutes at all meetings of the Section and of the executive committee, and provide approved minutes to the Bar for publication and record retention. The Secretary/Treasurer will work with the Bar to ensure that the Section complies with the Bar fiscal policies and procedures, work with the Bar to prepare the Section's annual budget, and review the Section's monthly financial statements for accuracy and comparison to budget. In conjunction with the Chair and as authorized by the executive committee, The Secretary/Treasurer shall attend generally to the business of the Section.

5.5 Immediate Past Chair

The Immediate Past Chair shall assist the current Chair by providing advice regarding the management of the Section.

ARTICLE 6. ELECTIONS

6.1 Elective Offices

Each year the membership shall elect a Chair-elect and a Secretary/Treasurer who shall serve one year terms and four At-Large members of the Executive Committee to serve staggered terms of three years. Two of the At-Large members elected shall be prosecution oriented and two shall be defense oriented.

6.2 Chair

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

6.3 Nominations

The Chair shall appoint a nominating committee consisting of three members, to be chaired by the Immediate Past Chair, or in the event that person is unable or unwilling to serve, another member of the executive committee. All applicants will apply through an electronic application process administered by the Bar. The nominating committee shall strive to assure diversity in its nominations, including regional diversity. The executive committee shall make and report nominations for the offices of Chair-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 sent to Section members at least two months prior to the annual election. 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 election of the Section and shall be specifically

designated as defense or prosecution oriented nominees. The executive committee will approve a list of nominees for each open position.

6.4 Voting

Nominations and elections for open executive committee positions will be held between March and May each year. The Bar will administer the elections by electronic means and certify the results, unless the Section develops its own equivalent electronic election process. In the event of a tie, the winner will be determined by the flip of a coin conducted by the Chair.

6.5 Term Of Office

All executive committee positions will begin October 1 each year.

6.6 Interim Appointments

In the event of a vacancy during the interim between annual elections, the voting members of the executive committee shall appoint, by majority vote, a successor to serve until the next annual election when an individual will be elected to serve the remainder of the vacated term. 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 Chair 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, or at an executive committee meeting by a majority vote of the voting executive committee members once a quorum is established, provided that no amendment shall become effective until approved by the Board of Governors of the Bar.

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

As amended and approved by the Bar 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.

As last amended and approved by the Bar Board of Governors on July 27, 2017.