

**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 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, elected officials, the Legislature, the Judiciary 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;
- (c) to promote 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 active member of the State Bar of Michigan, 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 Dollars (\$20.00) shall be paid by each member in advance each year.

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, upon written request, shall 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.

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 so designated are:

- Civil Procedure and Courts Committee
- Criminal Defense Attorneys of Michigan
- Criminal Jurisprudence and Practice Committee
- Children's Law Section
- Michigan Judges Association
- Prisons and Corrections Section
- Prosecuting Attorneys Association of Michigan

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.

SECTION 4. The Chairperson and immediate past Chairperson shall be ex-officio members 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, the office held by such member 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. 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 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 Annual

Meeting and to fill existing vacancies, if any. Other nominations for the Council may be made from the floor.

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.

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

SECTION 3. At the end of his term in office, the Chairperson-Elect, shall automatically succeed to the office of Chairperson for a term of one (1) year.

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 each annual meeting of 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 and then only during such term as the disability continues. He or she 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.

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.

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 and the Bylaws of the State Bar of Michigan and the Bylaws of the Section. It shall especially 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 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 prior to the Annual Meeting and the mid-year meeting of the State Bar of Michigan 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 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 Secretary, Treasurer or Chairperson-Elect, or, in the event of a vacancy in both the office of Chairperson and Chairperson-Elect, then in the office of Chairperson. 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 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 in writing upon any proposition to the Secretary and have it counted, with the same effect as if cast personally at such meetings.

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 the request of any member of the Council shall, submit or cause to be submitted in writing to each of the members of the Council, any proposition or propositions so submitted, by communicating their vote thereon, by telegraph or in writing over their respective signatures, 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 telegrams and written and signed 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.

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.

SECTION 9. The Council shall designate the time and place of its regular meetings. Special meetings shall be called by the Chairperson or upon 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.

ARTICLE VII SECTION MEETINGS

SECTION 1. The annual meeting of the Section shall be held during the Annual Meeting of the State Bar of Michigan, in Michigan, with such program and order of business as may be arranged 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. Twenty-five (25) members of the Section present at any duly announced 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.

ARTICLE IX 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; further, that no amendment shall become effective until approved by the Board of Commissioners of the State Bar of Michigan, either before or after said vote of the Section.

SECTION 2. Any proposed amendment shall be submitted in writing to the Council in the form of a petition signed by at least ten (10) members of the Section, or by 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 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.

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