

**BYLAWS OF THE
PRISONS AND CORRECTIONS SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1.1. NAME. The Section shall be known as the Prisons and Corrections Section (the “Section”) of the State Bar of Michigan.

SECTION 1.2. PURPOSES. The purposes of the Prisons and Corrections Section are to:

- a) study and debate
 - 1) the operation of the criminal justice system as it affects incarcerated persons, their families, and the public;
 - 2) alternatives to incarceration;
 - 3) the functioning of jails, prisons and parole; and
 - 4) post-incarceration issues;
- b) educate its members and the general public; and
- c) make recommendations to the State Bar, public officials, the Legislature and the Judiciary regarding the adoption of rational, effective and fair policies in these areas.

The Section will seek to achieve these purposes by publishing a newsletter, sponsoring and conducting conferences and training programs, educating the public, adopting positions on public policy decisions affecting matters within its jurisdiction, and promoting the development of a cohesive corrections policy through empirical research and cross-professional dialogue.

**ARTICLE 2
SECTION MEMBERSHIP**

SECTION 2.1. QUALIFICATIONS.

- a) Regular membership is limited to attorneys who are State Bar members in good standing.
- b) Members of the Law Student Section and the Affiliate Member Section of the State Bar may be nonvoting members of the Section upon payment of annual dues.
- c) Non-attorney criminal justice practitioners may become associate nonvoting members of the Section upon payment of annual dues.
- d) Persons not included under 2.1(a)-(c) may subscribe to the Section newsletter or other Section publications.

SECTION 2.2. MEMBERSHIP DUES. Membership dues shall be established by the Section council, subject to approval by the State Bar Board of Commissioners, and shall be payable in advance. The council may set lower annual membership dues for law student and affiliate members and for associate members than it sets for regular members. Any member of the Section whose annual dues are more than six (6) months past due shall automatically cease to be a member of the Section.

SECTION 2.3. NEW MEMBERS. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section if such written request is made during the first year of Bar membership.

ARTICLE 3 OFFICERS AND COUNCIL

SECTION 3.1. COUNCIL. The Section shall be governed by its council. The voting membership of the council is to be composed of 12 elected regular members and 3 associate members. The immediate past chairperson of the Section shall serve as an ex officio non-voting member of the council, unless s/he is serving a duly elected term as a regular or associate member.

- a) Four of the elected members are to be chosen by the voting membership at the State Bar Annual Meeting each year.
- b) One of the associate members is to be chosen each year by the remaining council members at the council meeting held concurrently with the Annual Meeting.

SECTION 3.2. EX OFFICIO COUNCIL MEMBERS. The Director of the Department of Corrections, the President of the Michigan Sheriffs' Association, and (as determined by the council), the head of a third department, association or agency, or their designees, and the immediate past chairperson of the Section, in accordance with Section 3.1, are ex officio nonvoting members of the council.

SECTION 3.3. OFFICERS. The officers of the Section shall be chairperson, chairperson elect, secretary and treasurer. All officers must be regular members of the Section. All terms shall be for one year.

SECTION 3.4. ELECTION OF COUNCIL MEMBERS. At the organizational meeting of the Section, four (4) members of the Section shall be elected to serve on the council for a term of three (3) years; four (4) members of the Section shall be elected to serve on the council for a term of two (2) years, and four (4) members of the Section shall be elected to serve on the council for one (1) year. Thereafter, as the terms of the council members expire, Section members shall be elected at each annual meeting of the Section to serve on the council for terms

of three (3) years. All terms shall begin at the close of the Annual Meeting and end at the close of the following Annual Meeting.

SECTION 3.5. SELECTION OF ASSOCIATE MEMBERS. At the organizational meeting of the Section, one (1) associate member of the Section shall be selected to serve on the council for a term of three (3) years; one (1) associate member shall be selected to serve on the council for a term of two (2) years, and one (1) associate member of the Section shall be selected to serve on the council for one (1) year. Thereafter, as the terms of the council members expire, an associate member shall be selected at each annual meeting of the Section to serve on the council for a term of three (3) years. All terms shall begin at the close of the Annual Meeting and end at the close of the following Annual Meeting.

SECTION 3.6. SELECTION OF OFFICERS. The voting members of the council shall select the Section officers at the council meeting held concurrently with the Annual Meeting after the associate members have been selected.

SECTION 3.7. QUALIFICATIONS COMMITTEE. A qualifications committee appointed by the chairperson shall, prior to each Annual Meeting, review the applications of regular members wishing to run for the council and associate members wishing to be appointed to the council. The committee shall prepare brief summaries of the applicants' qualifications for use in the selection processes. Only candidates who have been screened by the qualifications committee shall be eligible to serve on the council.

SECTION 3.8. CONSECUTIVE TERMS. No person shall serve:

- a) As a member of the council for more than two (2) consecutive full three (3) year terms;
- b) as chair for more than two (2) consecutive full one (1) year terms.

SECTION 3.9. ELECTIONS. 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. Voting by proxy or by mail-in ballot shall not be permitted.

SECTION 3.10. UNEXCUSED ABSENCES. If any member of the council fails to attend three (3) successive council meetings, without valid excuse, the office held by such member shall be declared vacant.

SECTION 3.11. CONFLICTS OF INTEREST. No council member may vote on a matter which he or she is directly involved in litigating.

ARTICLE 4 DUTIES OF OFFICERS

SECTION 4.1. 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 preceding year. The

chairperson shall appoint the chairs of standing and special committees and perform such other duties and acts as usually pertain to the office.

SECTION 4.2. CHAIRPERSON ELECT. The chairperson elect shall aid and assist the chairperson in the performance of the chairperson's responsibilities to such an extent as the chairperson may request. Upon the death, resignation, or during the disability or absence of the chairperson, or upon his or her refusal to act, 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 or absence—and then only during so much of the term as the disability or absence continues. The chairperson elect shall accede to the office of chairperson upon the expiration of the chairperson's term. Disability shall be determined by a three-fifths vote of the council.

SECTION 4.3. 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 4.4. TREASURER. The treasurer shall keep a 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. Further, unless waived on a meeting-by-meeting basis by vote of the council, the treasurer shall present a current financial report at each meeting of the council. The duties of the treasurer shall be performed consistently with the bylaws of the State Bar.

ARTICLE 5 DUTIES AND POWERS OF THE COUNCIL

SECTION 5.1. PRIMARY DUTIES AND POWERS. The council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Bylaws of the Section. It shall specifically authorize all commitments or contracts entailing the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which entail the payment of more money during any fiscal year than the total of: (a) the amount received by the Section during the fiscal year; and (b) any funds remaining in the Section treasury from prior years.

SECTION 5.2. VACANCIES. 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 3 herein.

SECTION 5.3. REGULAR MEETINGS. A minimum of six (6) regular meetings of the council shall be held at times and locations to be determined by the chairperson.

SECTION 5.4. SPECIAL MEETINGS. Special meetings of the council may be called by the chairperson or a majority of the voting members of the council at such times and places as either may determine. In circumstances, when the chairperson determines that it is significantly impractical and burdensome to hold a special meeting, the chairperson may take a written, oral or electronic vote of all voting council members. The chairperson must make a good faith effort to contact all members and to give them a minimum of five (5) business days notice of the vote. The Chair must report the justification for the written, oral or electronic vote to the council at the next regularly scheduled meeting.

SECTION 5.5. QUORUM. 51% of voting members of the council, including the chairperson, shall constitute a quorum for both regular and special meetings of the council.

SECTION 5.6. CONTROLLING VOTE. The council shall act pursuant to a majority vote of those present at regular and special meetings of the council, except that no policy position may be taken without the approval of a majority of council members.

SECTION 5.7. NOTICE TO COUNCIL MEMBERS. With the exception of non-policy votes, such as those on procedural matters and those relating solely to the organization of the council, five (5) business days notice must be given to all council members prior to a vote, whenever possible. Notice is to include copies of documents to be reviewed by the council in relation to a vote, or specific reference to such documents. This notice requirement may be waived at a regular or special meeting of the council by a two-thirds (2/3) majority of the voting members present at the meeting.

ARTICLE 6 STANDING COMMITTEES

SECTION 6.1. STANDING COMMITTEES. The initial standing committees of the Section shall be: Publications; Education; Public Relations; Legislation, Rules and Policy; Jurisprudence; and Criminal Justice Liaison. The Section council may create or dissolve standing committees and may change the stated purpose of standing committees.

SECTION 6.2. COMMITTEE APPOINTMENTS. Committee chairpersons must be regular members of the Section. The committee chairperson shall select the members of standing committees. Every committee should include at least one associate member of the Section.

SECTION 6.3. COMMITTEE MEETINGS. Standing committee meetings will be called as necessary by committee chairpersons. Committee members will determine the extent to which attendance by telephonic or electronic means will be permitted.

SECTION 6.4. REPORTS. The chairperson of each committee shall annually submit a written

report of committee activities during the preceding year to the council. Committee chairpersons shall also attend council meetings as requested by the council and provide verbal reports of ongoing committee activities.

SECTION 6.5. THE PUBLICATIONS COMMITTEE will publish a newsletter containing articles, summaries of judicial decisions, information about pending and recent changes in legislation and DOC policies, information about Section activities, and other matters of interest to Section members.

SECTION 6.6. THE EDUCATION COMMITTEE will develop and present training programs and conferences for Section members.

SECTION 6.7. THE PUBLIC RELATIONS COMMITTEE will provide accurate information to the general public about matters within the Section's jurisdiction by such means as press releases and a speakers bureau.

SECTION 6.8. THE LEGISLATION, RULES AND POLICY COMMITTEE will comment on pending legislation, administrative rules and Department of Corrections policies and will advocate changes in statutes, rules and policies proposed by the Section.

SECTION 6.9. THE JURISPRUDENCE COMMITTEE will monitor the status of litigation in areas within the Section's jurisdiction, comment on relevant proposed court rules, review requests for Section assistance, participate in the development and dissemination of information for pro se litigants, and file or join amicus briefs on the Section's behalf.

SECTION 6.10. THE CRIMINAL JUSTICE LIAISON COMMITTEE will develop working relationships with other criminal justice organizations and encourage individual Section membership by non-lawyer criminal justice professionals.

ARTICLE 7 SECTION MEETINGS

SECTION 7.1. ANNUAL MEETING. The annual meeting of the Section shall be held no later than the last day of every September, at a time and location determined by the Chair. The Annual Meeting shall include such programs and order of business as may be arranged by the council. At the time of the annual meeting, the council meeting schedule for the coming year shall be established.

SECTION 7.2. SPECIAL MEETINGS. Upon seven (7) days notice to all regular Section members, special meetings of the Section may be called by the chairperson or by a majority of the voting members of the council at such times and locations as either may determine.

SECTION 7.3. CONTROLLING VOTE. All actions of the Section, other than the amendment of the bylaws, shall be taken pursuant to a majority vote of the regular members present at a meeting of the Section.

ARTICLE 8 AMENDMENTS

SECTION 8.1. 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, and 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 8.2. Any proposed amendment shall be submitted in writing to the council in the form of a petition signed by at least ten (10) regular members of the Section, or by written motion of five (5) voting 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 recommendations thereupon, which recommendations, together with a complete and accurate text of said proposed amendments, shall be published in the Michigan 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.

ARTICLE 9 MISCELLANEOUS PROVISIONS

SECTION 9.1. FISCAL YEAR. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 9.2. DEBTS. All debts incurred by the Section, before being forwarded to the treasurer or to the executive director of the State Bar of Michigan for payment, shall first be approved by the chairperson or the treasurer of the Section, or if the council so directs, by both of them.

SECTION 9.3. APPROVAL. Public statements of a Section or council position shall be governed by Article IX of the bylaws of the State Bar of Michigan.

SECTION 9.4. EFFECTIVE DATE. These bylaws shall become effective immediately upon their adoption by the Section and approval by the Board of Commissioners of the State Bar of Michigan.

Created 1997 (formerly a committee)

Amended 9/27/02

Amended 1/16/04

Amended 11/22/04

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