THE BYLAWS OF THE CRIMINAL LAW SECTION
OF THE VIRGINIA BAR ASSOCIATION

ARTICLE I
Name and Purpose

Section 1. Name. This Section shall be known as the Criminal Law Section of the Virginia Bar Association (“Association”).

Section 2. Purpose. The purpose of the Section shall be to further the objective of the Association as stated in Article II of its Constitution and to bring together members of the Association with a special interest in the practice of Criminal law.

ARTICLE II
Membership

Section 1. Categories. There shall be three categories of the Membership in the Section: Active, Associate and Law Student. Only active members may vote or hold office as set forth.

Section 2. Eligibility. Any member in good standing of the Association shall be eligible for Active membership in the Section; any lawyer eligible to practice before the highest court of any state of the United States or of the District of Columbia and not otherwise eligible for active membership in the Association shall be eligible for Associate membership in the Section; any law student not eligible for Active or Associate membership and enrolled in a law school in any state of the United States or the District of Columbia shall be eligible for Law Student membership in the Section. Upon request to the Secretary, members of each category shall be enrolled and shall continue as members so long as they retain their eligibility as aforesaid and pay the annual dues established by the Association.

Section 3. Quorum for Meeting of Membership. Those Active members present at meetings duly called as provided for in these By-Laws shall constitute a quorum, and all binding actions of the Section shall be by a majority vote of the Active members present.

ARTICLE III
Officers

Section 1. Chairman and Vice-Chairman. The Section shall have a Chairman and a Vice-Chairman. The Chairman and Vice-Chairman of the Section shall be elected from the Active membership of the Section by the Active members of the Section at a meeting to be held in conjunction with the Winter Meeting of the Association. Not less than 30 days before the Winter Meeting the Chairman shall appoint a nominating committee of three or more Active members of the Section for the purpose of making nominations for Chairman and Vice-Chairman. The nominating committee shall prepare a report for submission at the Winter Meeting. The report of the nominating committee shall contain nominations for Chairman and Vice-Chairman. The Chairman shall perform the duties and have the responsibilities of the Chief Executive Officer of the Section. The Chairman shall preside at meetings of the Council and at meetings of the Sections. The Chairman shall have such other and further duties as the Section, from time to time,
may provide. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman and shall have such other and further duties as the Chairman or the Section, from time to time, may provide.

Section 2. Secretary. The Council may elect a Secretary from the Active membership of the Section who shall, in consultation with the Executive Director of the Association, maintain the rolls and records of the Section and shall have the further responsibility of preparing and maintaining such other records and reports of the Section as may become necessary. The Secretary shall have such other duties as the Chairman or the Section, from time to time, may provide.

Section 3. Treasurer. The Council may elect a Treasurer from the Active membership of the Section who shall, in consultation with the Executive Director of the Association, maintain the financial records of the Section and shall provide such reports and records of the Section as may become necessary. The Treasurer shall have such other duties as the Chairman or the Section, from time to time, may provide. The Treasurer and Secretary may be the same person.

Section 4. Term. Officers of the Section shall serve a one-year term which shall coincide with the terms of office of the officers of the Association. No Section officer shall serve more than two consecutive terms in the same office except upon application to and approval by the Executive Committee of the Association. The Council shall fill any vacancy that may occur in the office of Chairman or Vice-Chairman and may fill any vacancy occurring in the office of Secretary or Treasurer.

ARTICLE IV
Council

Section 1. Composition. The Section shall have a Council composed of nine active members of the Section, (three classes of three each, serving staggered terms), up to seven ex-officio members to be nominated and elected as hereinafter provided, and officers of the Section not elected to serve designated terms on the Council during their term of office.

Section 1a. Nomination and Election, Active Members. Three new members shall be elected annually from the Active membership of the Section by the Section’s Active members at a meeting held in conjunction with the Winter Meeting of the Association. The Chairman of the Section shall, no less than 30 days preceding each Winter meeting, appoint a nominating committee of 3 or more Active members of the Section who will prepare a report for submission at the Winter meeting. This nominating committee may be the same committee appointment to nominate persons to serve as Chairman and Vice-Chairman of the Section. The report of the nominating committee shall contain nominations for 3 members of the Council. Council members will serve staggered three-year terms, with 3 members being replaced each year. The Chairman will accept nominations from the floor in accordance with procedures to be specified by the Council. Those nominees receiving a simply majority vote of those attending the annual meeting and voting will be elected. The Council shall fill any vacancies in unexpired terms on the Council from the Active members of the Section.
Section 1b. Ex-Officio Members. In addition to the nine Active members elected and nominated as provided in Section 1a., there shall be up to seven ex-officio members of the Council to be elected as hereinafter provided:

Section 1b.1. The immediate past Chairman of the Criminal Law Section shall serve on the Council for a one-year term beginning upon the termination of his or her chairmanship.

Section 1b.2. Appointments. The Council may appoint up to five persons eligible for membership in the Section to serve one-year terms as ex officio members of the Council. The one-year term of ex officio members appointed by the Council shall coincide with the terms of office of the officers of the Association. Ex officio members appointment by Council may be reappointed for additional one-year terms.

Section 1b.3. The Chair of the Criminal Law Section of the Virginia State Bar shall be an ex officio member of the Council.

Section 1b.4. Only those ex officio members of the Council who maintain active membership in the Section shall be entitled to vote.

Section 3. Powers. The Council shall be the governing body of the Section and shall have general supervision and responsibility of the affairs of the Section subject to the control of the Executive Committee of the Association and the Constitution, By-Laws and rules of the Association.

Section 4. Regular Meetings. The Council shall hold an annual meeting in conjunction with the Winter Meeting of the Association and other meetings as needed.

Section 5. Quorum. Those members of the Council present at meetings duly called as provided for in these By-Laws shall constitute a quorum for the purpose of transacting business, and all binding actions of the Council shall be by majority vote of those present.

Section 6. Special Meetings. Special meetings of the Council shall be held at any time at the call of the Section Chairman, any three members of the Council, the President of the Association or the Executive Committee of the Association.

Section 7. Notice of Meetings. All meetings of the Council shall be upon not less than 5 days’ notice by mail.

ARTICLE V
Committees

Section 1. Standing Committees. The Council may designate such standing committees as it may deem appropriate.
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Section 2. Special Committees. The Chairman or the Council may appoint special committees as either may deem appropriate.

Section 3. Jurisdiction. The Council shall establish the jurisdiction of the Section committees and shall resolve any disputes among its committees. The Executive Committee of the Association shall resolve any disputes concerning the jurisdiction of the various Sections and Committees of the Association.

ARTICLE VI
Miscellaneous Provisions

Section 1. Annual Meeting of the Section. The Section shall have at least one meeting annually for the entire membership of the Section, to be held in conjunction with the Association’s Winter Meeting. The Section may have such other meetings of the entire Section as the Council or Chairman deem necessary.

Section 2. Amendments. Any amendments or additions to these By-Laws shall be upon the approval of a majority of the Active members of the Section present and voting at the annual meeting. Upon such approval by the Section, such amendments or changes shall be presented to the Executive Committee for approval, and they shall not be effective until so approved.

Section 3. Publications. The Section may produce and distribute a newsletter or other publications in furtherance of its objectives. Any such publications shall be produced in consultation with the President and Executive Director of the Association.

Section 4. Conferences and Seminars. The Section may sponsor, from time to time, conferences or seminars regarding criminal law.

Section 5. Budget. The Section shall submit its budget to the Executive Director of the Association each year as and if requested by the Association.

Section 6. Dues. Annual dues shall be an amount approved by the Executive Committee of the Association upon recommendation by the Council. The amount of dues may differ for Active, Associate and Law Student members.

Section 7. Reports. The Section will submit an annual report to the Executive Committee of the Association and the President of the Association. The Section shall submit such other reports as may be requested by the Executive Committee or the President of the Association.

Section 8. Expenditures of Funds. Except as otherwise provide herein or directed by the Executive Committee of the Association, the Section may expend the funds it collects through the payment of dues in the manner that it sees fit. However, the Section is not empowered to spend funds in excess of those actually on hand, nor may it obligate the Association in any financial matter.
Section 9. Authentication. These By-Laws were approved by the Criminal Law Section at its Annual Meeting in January 1993, and by the Executive Committee of the Association at its meeting in January 1993.