

BY-LAWS OF THE SECTION ON CRIMINAL JUSTICE

PENNSYLVANIA BAR ASSOCIATION

ARTICLE I

Name and Purpose

Section 1. This Section shall be known as the Criminal Justice Section of the Pennsylvania Bar Association (hereinafter, Section).

Section 2. The purpose of the Section shall be to promote a better understanding of the complexities of criminal law and its effect on all levels of the Criminal Justice System. The Section shall bring together all levels of attorneys in the Criminal Justice System to strive for a more efficient and just implementation of the laws of Pennsylvania. The Section shall encourage involvement of those members of the Pennsylvania Bar Association who are interested in the development, procedural and practical working of the law.

ARTICLE II

Membership

Section 1. Any member of the Pennsylvania Bar Association, upon request to the Secretary of the Association, and upon payment of annual Section dues for the current year, shall be enrolled as a member of the Section. Members so enrolled and whose dues are so paid, shall constitute the membership of this Section. Dues shall be set by action of the Section Council subject to approval of the Pennsylvania Bar Association Board of Governors.

ARTICLE III

Officers

Section 1. The officers of this Section shall be a Chair, Vice-Chair and Secretary.

Section 2. There shall be a Council. The Section Council shall consist of the Chair, Vice-Chair, Secretary, the immediate past chair, and three other members to be elected by the Section as hereinafter provided.

Section 3. The Chair, Vice-Chair and Secretary shall be nominated and elected at each annual meeting of this Section. They shall hold office for two years, with a term beginning at the close of the annual meeting at which they were elected, and ending at the close of the next succeeding annual meeting of the Section. They shall continue in office until their successors shall have been elected and qualified.

Section 4. The initial election of the first three Council members were at staggered terms, i.e., one for a year; one for two years; and one, for three years. At the Annual meeting of the Section there shall be one Council member elected to fill the term of that Council member whose three year term is expiring.

ARTICLE IV

Nomination and Election of Officers

Section 1. Nominations. Prior to the first session of each annual meeting of the Section, the Chair shall appoint a Nominating Committee of three members. The Nominating Committee shall make and report nominations to the Section for the offices of Chair, Vice-Chair and Secretary and one member of the Council to succeed that Council member whose term will expire at the close of the annual meeting. The Nominating Committee shall also fill any vacancies existing for unexpired terms. Other nominations for the same offices may be made from the floor of the Section meeting at which the committee reports.

Section 2. Elections. All elections shall be at a time and place to be fixed by the Chair of the Section. The election of the officers of the Section at the opening of the annual meeting of the Section unless otherwise ordered by resolution duly adopted by the Section.

ARTICLE V

Duties of Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council. The chair shall annually report the work of the Section for the past year. The Chair shall perform such other duties and acts as usually pertain to that office. The chair shall appoint the majority of all committees. The chair shall appoint the head of all committees. The Chair is ex-officio a member of all committees.

Section 2. Vice-Chair. The Vice Chair shall serve as the Legislative Liaison for the Section with the Pennsylvania Bar Association. The Vice Chair shall report to the Council any legislation that is important to the practice of criminal law. Upon the death, resignation, or during the disability of the Chair, or upon the absence or refusal to act; the Vice-Chair shall perform the duties of the Chair. In case of death or resignation of the Chair, the Vice Chair shall perform the duties of the Chair for the remainder of the Chair's term. Such service shall not preclude the Vice-Chair from serving a full successive term as Chair. In the event the Vice Chair replaces the Chair, the Vice Chair, now serving as Chair, shall appoint a replacement for the Vice Chair as set forth above.

Section 3. Secretary. The Secretary shall be the custodian of all books, papers, documents, and other property of the Section. The Secretary shall keep a true record of the proceedings of all meetings of the Section and of the Council.

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 provisions of the By-Laws of the Pennsylvania Bar Association and By-Laws of the Section.

Section 2. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the office of Secretary. The Council shall, in the event

of a vacancy in both office of Chair and Vice Chair, fill the vacancies in the offices of Chair and Vice Chair.

Section 3. All actions of the Council shall be by vote of at least four members. The vote may be taken by mail, e-mail, teleconference or other electronic means, after notice to all members of the Council. Members may vote immediately or reserve up to (10) ten days to provide their votes. If four members have not voted in favor of the proposed action prior to the expiration of the ten-day period, the action is deemed denied.

Section 4. Members of the Council shall vote in person at any meeting of the Council. If a Council member is unable to vote in person, he or she shall communicate their vote in writing. A writing can be by e-mail, electronic messaging, facsimile or any other writing that ensures validity. Said communication must be submitted to the Secretary prior to the vote being taken on the matter being considered. The vote shall be counted with the same effect as if cast personally. If the Secretary is unavailable to transmit the vote then the Secretary shall forward the vote to a member of the Council that will attend the meeting.

ARTICLE VII

Meetings

Section 1. The annual meeting of the Section shall be held in the same place and at the same time as the annual meeting of the Pennsylvania Bar Association, or as a virtual meeting at some point during that same calendar week, with such time, location, program, and order of business to be determined by the Council. At no time, however, should the annual meeting of the Section interfere with other scheduled PBA-related events or meetings. The order of business shall be set forth by the Chair with consideration given to submissions of the Council.

Section 2. Special meetings of the Section may be called by the Chair upon approval of the Council. If the Council does not respond to the calling of the meeting or objects to the calling of the meeting, it shall be held at such time and place as the Chair may determine.

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 4. All binding action of the Section shall be by a majority vote of the members present.

ARTICLE VIII

Miscellaneous Provisions

Section 1. The Fiscal Year of the Section shall be the same as that of the Pennsylvania Bar Association.

Section 2. Any action by this Section must be approved by the Pennsylvania Bar Association before the same becomes effective as the action of the Pennsylvania Bar Association. Any resolution adopted or action taken by this Section may, on request of the Section be reported by the Chair of the Section to the annual meeting, or any other meeting of the Pennsylvania Bar Association for the Association's action thereon.

Section 3. These By-Laws shall become effective upon the approval thereof by the Board of Governors of the Pennsylvania Bar Association and by this Section.

ARTICLE IX

Amendments

Section 1. These By-Laws may be amended at any meeting of the Section by a majority of the members of the Section present.

Section 2. Any proposed change to the Bylaws must be submitted for review of the Council at least (10) ten days prior to the meeting at which the change is to be voted. Submission may be by e-mail, written, facsimile or other form of electronic transmission.

Section 3. No amendment so adopted shall become effective until approved by the Board of Governors of the Pennsylvania bar Association.