

Bylaws of the
CRIMINAL LAW SECTION
Of The Colorado Bar Association
(Effective <date>, 2018)

ARTICLE I

Name and Purpose

1. Name: This section shall be known as the Criminal Law Section of the Colorado Bar Association ("Section").
2. Purpose: The purpose of this Section shall be to promote the activities and goals of the Colorado Bar Association ("CBA") in the practice of criminal law, and in furtherance of that end: (i) provide leadership in the practice of criminal law and policy development with identification of new issues impacting the practice such that the public good is served; (ii) promote the education of lawyers, law students, and professionals in the honorable practice of criminal law; (iii) promote the economic and professional interests of the Section's members ("Members") within the greater community; (iv) participate in the review and promotion of or opposition to legislation and rules that affect the practice of criminal law, (v) promote a better understanding and cooperation among the members of the CBA as to the impact of legislation, judicial decisions, and regulatory activities on criminal law; and (vi) take such other action and perform such other functions as may be deemed proper.
3. Authority Vested in Section Membership: The authority of this Section shall be vested in the Members present at any fixed or special meeting, provided however, that the Council or a majority of the Members present at any fixed or special meeting may refer any matter to all Members for a vote. A majority of those present shall control in meetings or, when by mail, a majority of the responses received within twenty-one (21) calendar days shall control unless otherwise expressly provided in these Bylaws.
4. Subordination to CBA Bylaws: All authority and power of this Section, however, shall be subordinate to the powers of the CBA as set forth in the CBA Bylaws.

ARTICLE II

Membership and Dues

1. Members: Any member of the CBA may become a Member upon payment of annual Criminal Law Section Dues.
2. Amount of Dues: The Executive Council of this Section (hereinafter the "Council") shall have the power to fix the amount of annual dues to be paid by Members. Any changes to the Section Dues amount must be approved by the CBA Executive Council.

3. Annual Section Membership Renewal: Annual Section dues shall be due and payable on or before July 1 of each year or another date established by the Council and notice of which is given to Members at least thirty (30) days prior to the date.
4. Termination of Membership: Any person who fails to pay Section dues or ceases to be a member of the CBA shall also cease to be a Member of this Section.
5. Resignation: Any Member may resign at any time by sending a written notice of such resignation to the Secretary/Treasurer of this Section, with a copy of the CBA staff liaison; such resignation shall take effect upon receipt thereof by the Secretary.

ARTICLE III

Executive Council and Officers

1. Executive Council: The governing body of this Section shall be an Executive Council (hereinafter the "Council") consisting of equal numbers of members of the prosecution community, defense counsel community, and the judiciary. Membership on the Executive Council shall not exceed 18 persons. Reasonable efforts should be made to create a membership on the Council that insures diversity of representation including, but not limited to rural/urban representation, trial/appeals practice representation, state/federal representation, and years of experience, including creating opportunities for members of the Young Lawyers Division to serve on the Council.
2. Officers: The officers of the Criminal Law Section shall be a Chair, Vice-Chair, and Secretary/Treasurer. Such officers shall be members of the Council during their respective terms and each serve one year terms from July 1 of the year appointed through June 30 of the following year or such other fiscal year as the CBA may adopt. Each year, one officer shall be a member of the criminal defense community, one shall be a member of the prosecution community, and one shall be a member of the judiciary. The Council may amend the terms of officers or eliminate an office even if the amendment or elimination has the effect of removing a duly-elected officer. The Council may name two persons to an officer position, who shall then serve as co-officers for the respective position. Each co-officer shall have the full power of the office, except as limited by the Council.
3. Non-Voting Members: Each of the law schools within the State shall be invited to nominate one individual, such as a member of the faculty, a staff member, or a law student, to serve as a non-voting member of the Council. The role of these members is to represent the interests their respective institutions as they relate to the purposes of the Section, and to serve as liaison between the Section and the law students of their respective institutions. The Executive Council shall, by majority vote, accept or reject the nominated individual for membership on the Council. The provisions of Article IV of these bylaws shall not apply to these positions.
4. Responsibilities and duties of the Executive Council: The Council shall exercise general supervision and control of this Section's activities.

- a. **Funds and Budget:** The Council shall authorize commitments and contracts requiring any expenditure of any funds and adopt a budget that accounts for and authorizes the use of funds appropriated for this Section. The Council shall not have the authority to appropriate or distribute funds in excess of those allocated to this Section for that fiscal year. Commitments shall require a majority vote of the Council.
- b. **Failure to Attend:** If any member of the Council shall fail to attend three successive meetings of the Council, and the absence is not deemed excused, then the Member's position may be deemed vacated, as determined by the Council. The determination of whether an absence is excused shall be made jointly by the three officers. However, if any officer or other Member of the Council at any time after election shall resign, or cease to be a Member, then that office shall be vacated, without action other than to note such fact in the minutes of the council. In the event of a vacancy created by operation of these bylaws or any other circumstance, the remaining members of the Council shall, by majority vote, elect a Member to fill such vacancy and to serve for the unexpired term of the office vacated.
- c. **Policy Formulation:** The Council shall formulate policies of this Section and shall have the authority, between meetings of this Section, to take such action on behalf of this Section as may be appropriate. The Council shall present at each meeting of this Section any matters that it may recommend for action by this Section at such meeting.

ARTICLE IV

Nomination and Election of Executive Council

1. **Nominating Committee:** There shall be a standing Nominating Committee, which shall be made up of the current Officers of the Council. In each Officer's discretion, he or she may designate a different member of the Council from that Officer's practice community to serve in that Officer's stead on the Nominating Committee. The current Council Chair, or his or her designee, shall serve as the chair of the committee, and shall communicate with CBA staff regarding the call for nominations for section council membership sent out each year by the CBA.
2. **Nominations:** The Nominating Committee shall work with CBA staff to compile all nominations for membership on the Council received in response to the CBA call for nominations, as well as any nominations from current members of the Council. The Nominating Committee shall select from those nominated in order to assemble a written slate of candidates. The Nominating Committee shall select nominees on the basis of ability and willingness to serve the needs of the CBA and the Section, rather than as a method of conferring honors. The Nominating Committee shall consider and be sensitive to the need for diversity of age, experience level, race, ethnicity, gender, sexual identity, sexual orientation, and geographic composition of the Council so that all Members of the Section may recognize that their interests and aspirations are being given attention both in the selection of officers and members of the council in the conduct of the Section's affairs. In assembling the written slate, the Nominating Committee may, in its discretion, consider the input of any current member of the Council.

3. Council Approval of Slate: No later than March 26, the Nominating Committee shall submit the proposed slate to the Council for approval by majority vote.
4. Elections: Written notice of the approved slate of candidates will be sent to the Section Members no later than April 1. Section members will have until April 15 to accept the current slate or propose an alternate written slate signed by at least 10 section members. Any alternate slate must satisfy the membership description set forth in Article III, Section 1 above. If no qualifying alternate slates are proposed, the slate proposed by the Council shall be deemed to be elected. If one or more qualifying alternate slates are received, the original slate and all qualifying alternate slates shall be submitted to the Members for a vote. This vote shall be by electronic mail; all votes received by May 10 shall be counted. The slate receiving the most votes shall be appointed to the Council.
5. Certification of Election: No later than May 31, the Chair shall report to the CBA staff liaison the results of the election.
6. Terms: The term of the Council members shall be three-year terms, commencing July 1 of the year of election. Notwithstanding the preceding sentence, for the Council election in 2018, the term lengths shall be as follows: for each practice community (defense, prosecution, and judiciary), two Council members shall serve one-year terms, two Council members shall serve two-year terms, and two Council members shall serve three-year terms.
7. Term Limits: Except as provided in this paragraph, no person shall serve more than three consecutive complete terms. For purposes of this provision, serving the remainder of a vacancy shall not be deemed to be serving a complete term unless the vacancy occurred before the term actually began. In the event there is no nominee to fill a Council position, an otherwise term-limited individual may serve a fourth term. Service on the Council prior to July 1, 2018 shall not be deemed to be service of a term.
8. Vacancies: In the event of a vacancy on the Executive Council, the remaining members of the council, in cooperation with CBA staff, shall identify potential individuals to fill the remainder of the vacated term, and shall select one such individual by majority vote. Any individual completing the remainder of a vacancy term shall be from the same practice community as the individual who vacated the position, and every effort shall be made in identifying a replacement who maintains the diversity of representation on the Council.
9. In the event a member of the Council changes practice communities during a term (such as switching from prosecution to defense, or being appointed to the bench), that member's position on the Council shall be deemed to be vacated as of the adjournment of the next scheduled Council meeting. This provision does not apply when a member merely retires from active practice.

ARTICLE V

Duties of Officers

1. Chair: The Chair shall be the executive officer of this Section and, subject to the control of the Council, shall have general supervision, direction, and control of the affairs of this Section. The Chair shall preside at all meetings of this section and of the Council, shall have the right to vote at such meetings, and may deliver an appropriate address at any fixed meeting. The Chair shall appoint all committees. The Chair shall designate an alternate Board of Governors Representative as needed. The Chair shall have the power to enforce these Bylaws and the power to perform all duties and acts necessary to carrying out this office.
2. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the absence or disability of the Chair at any meeting of the Section or of the Council and all other duties and acts as usually performed by such an officer.
3. Secretary/Treasurer: The Secretary/Treasurer shall be coordinate with the CBA staff concerning custody and maintenance of all books, papers, documents and other property of the Section. All Section funds shall be deposited in the Section's CBA account by the CBA. The Secretary/Treasurer shall also keep a true record of the Council and annual meetings, and shall, with the assistance of CBA staff, keep an accurate and up-to-date record of all Section income, expenditures, and other financial transactions and annual accomplishments and meeting minutes. The Secretary shall act as the Chair in the absence of the Chair and Vice-Chair.

ARTICLE VI

Meetings

1. Regular Meetings: Meetings of this Section shall be held as determined by the Council. Notice of meetings shall go out to each Member in accordance with Article VII, Section 4 below.
2. Special Meetings: Special meetings of this Section may be called by the Chair with approval of the Council, at such time and place as the Council or Chair may determine. Special meetings may also be called by a petition signed by Members constituting at least 5% of the registered Members as shown on the register of the CBA at the time the petition is submitted. Notice of special meetings of this Section shall be given by the Secretary on behalf of the Council at least fourteen (14) days, but not more than forty-nine (49) days, prior to the date of such meeting. Notice of Special Meetings shall go out to each Member in accordance with Article VII, Section 4 below. Attendance at the meeting by a Member shall constitute a waiver of notice of such meeting by such Member.
3. Council Meetings: Meetings of the Council may be called by the Chair or by three members of the Council and shall be held at such time and place as may be designated in the notice of such meeting. An important goal of the Council, in terms of its meetings is to model collegial decorum and demeanor between all members, even when considering difficult issues. Notice of special meetings of the Council shall go out to each Council member's electronic address and

shall be given at least three (3) days prior to the meeting, provided that regular monthly meetings do not require advance notice if the meeting time and place were provided according to a schedule distributed more than three (3) days prior to the first meeting on the schedule. Attendance at the meeting by a council member shall constitute a waiver of notice of such meeting by such member. Communication and voting on issues by electronic mail is authorized, as approved by the Chair.

4. Section Meeting Quorum: The Member present at any meeting of this Section shall constitute a quorum for such meeting.
5. Council Meeting Quorum: Nine (9) voting members of the Council shall constitute a quorum of any meeting of the Council.

ARTICLE VII

Officer Elections

1. Chair-Elect, Vice-Chair, Secretary/Treasurer: The Chair, Vice-Chair, and Secretary/Treasurer shall be elected by the Council. The election of officers for the upcoming term shall take place no later than May 15 immediately preceding the term.
2. Officer's Term: The term of each officer shall begin on the later of July 1 or the date of that officer's election and shall continue until the June 30 of the next year unless a successor has not been chosen on that date, in which case each officer shall serve until a successor is chosen. The current officers shall serve through June 30, 2018, subject to the provisions of these Bylaws. Each succeeding officer automatically succeeds to the office he or she is elected to on July 1 of the respective year.
3. Vacancy: In the event of a vacancy in any officer position, the remainder of the Council shall, by majority vote, select a member of the Council who represents the same practice community (defense, prosecution, or judiciary) as represented by the prior officer to serve the remainder of the officer's term.
4. Board of Governors' Liaison: The Council, by majority vote, shall appoint a Member of the Section to serve as the Board of Governors' Liaison. This appointment shall be made no later than July 1 of each even-numbered year or as soon thereafter as someone agrees to the appointment by the Council. The Liaison may, but need not, be a Member of the Council.
5. Board Liaison Term: The Liaison's term shall begin on the later of July 1 or the date of the Liaison's appointment, and shall continue until June 30 of the second year following unless a successor has not been chosen on that date, in which case the person shall serve until a successor is chosen.

ARTICLE VII

Other Provisions

1. Fiscal year: The fiscal year of the Section shall be the same as that of the CBA.
2. CBA Collects Funds: The CBA shall be requested to collect the funds of the Section and to maintain the same in such account as the CBA may deem advisable. The funds shall be under the control of the Council which may direct the expenditures at any time in such manner, and upon such request, as the Council may deem appropriate subject to the responsibilities described above in these Bylaws.
3. Amendment: These Bylaws may be altered, amended or repealed, and new Bylaws may be adopted by either (a) a vote of a majority of the council members present at any duly called meeting; or (b) written consent of a majority of Council members or (c) at a meeting of the Members by a majority of Members responding to the call of such meeting. Calls for amendment at a section meeting must be in writing and provided to the membership at least five (5) days in advance of the vote.
4. Notices and Waiver of notice: All notices to Members ("Notice") pursuant to these Bylaws shall be in accordance with this section unless otherwise specifically stated in these Bylaws. Each Member shall designate a preferred address for notifications of meetings. If no such preference is designated, all Members will receive Notice(s) to their last known electronic address, or if none is known, their last known postal address, as listed in the records of the CBA. Person(s) entitled to notice under these Bylaws, may waive their right to that notice by a signed writing. Publication in the newsletter shall also constitute notice to the Members.

Approved and Adopted this _____ day of _____, 2018.

BY The Council: