

BYLAWS OF THE SECTION ON CRIMINAL LAW  
VIRGINIA STATE BAR  
Approved by Council

Article I.  
*Name and Purposes*

Section 1. *Name* – The name of this Section shall be the Section on Criminal Law.

Section 2. *Purposes* – The purposes of the Section shall be:

1. To further the objectives of, and promote active participation in, the Virginia State Bar;
2. To enhance communication and the exchange of ideas and information on issues which affect the practice of criminal law in Virginia;
3. To foster unity between members of the Section by providing a forum where Section members can share research, source materials and experiences;
4. To sponsor programs and projects of special interest and relevance to the members of the Section and the Virginia State Bar in the field of criminal law;
5. To conduct continuing legal education programs, publish and distribute educational and professional materials and undertake other activities which shall enhance the competence and skills of lawyers and improve their ability to deliver the highest quality of professional legal services;
6. To further promote public understanding of the field of criminal law.

Article II.  
*Membership and Dues*

Section 1. *Categories* – The categories of section membership are: 1) Active, 2) Associate, 3) Judicial, and 4) Law Student. Only Active members in good standing may vote or hold office.

Section 2. *Eligibility* – Any active, associate, or retired member in good standing of the Virginia State Bar 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 the District of Columbia and not a member of the Virginia State Bar shall be eligible for Associate membership in the section; and any full-time 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. Judicial membership shall be open to (a) any active or retired judge of the Commonwealth of Virginia, and (b) any active or retired federal judge or magistrate judge who serves (or served) on any federal court in Virginia, or who are active, associate, or judicial members of the Virginia State Bar. 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 specified in Section 3 of this Article.

Section 3. *Dues* – To further the work of the Section, each Active, Associate or Law Student member shall pay to the Treasurer of the VSB annual dues of twenty dollars (\$20.00), as approved by the Board of Governors of the Section, the general Section membership, and the Council of the Virginia State Bar, pursuant to Article VIII, Section 2 of these bylaws. Members so enrolled shall so constitute the membership of this Section. There shall be no dues or other assessments required of Judicial members. Such dues may be raised up to the limit set by the Council of the VSB without further Council approval, pursuant to these bylaws. New members enrolled during the last quarter of the fiscal year shall have dues waived until the next fiscal year.

### Article III.

#### *Board of Governors*

Section 1. *Number and Eligibility* – There shall be a Board of Governors consisting of up to twenty-five (25) members of this section. The Board shall consist of at least ten (10) Active Section members elected at the Annual Meeting in accordance with these bylaws.

Section 2. *Ex Officio Members* – The immediate past chair of the Section, and any officer

of the Board who is not also serving a term as an elected member of the Board, shall serve as full, voting members of the Board of Governors, *Ex Officio*. Up to twelve additional *Ex Officio* members may be appointed to the Board from the following for such terms as the Board shall provide in its discretion:

1. the Attorney General of Virginia or a duly designated representative;
2. the Executive Director of the Virginia Indigent Defense Commission or a duly designated representative;
3. the President of the Virginia Association of Criminal Defense Lawyers or a duly designated representative;
4. the President of the Virginia Association of Commonwealth's Attorneys or a duly designated representative;
5. the U.S. Attorney in the Eastern or Western District of Virginia or a duly designated representative;
6. one (1) U.S. Magistrate Judge in the Eastern or Western District of Virginia;
7. the Executive Director of the Virginia State Bar;
8. three (3) Virginia state judges, one (1) from a circuit court, one (1) from a general district court, and one (1) from a juvenile and domestic relations court, who shall be elected by the Board at the Annual Meeting of the Section;
9. up to two (2) additional members who shall be elected by the Board at the Annual Meeting of the Section.

Section 3. *Term* – Elected members of the Board of Governors shall be nominated and elected at each annual meeting of this Section by a vote of a majority of the members present for

terms of four (4) years, beginning July 1 following the Annual Meeting at which they have been elected and ending June 30 four years later.

Section 4. *Limitation* – No person shall be eligible for election or reelection as a member of the Board of Governors if the person is then a member of the Board of Governors and has been such a member continuously for a period of three or more years, but reelection is permitted when at least one year has elapsed since that person has served on the Board.

Section 5. *Nominations* – Not less than sixty (60) days before each Annual meeting, the Chair shall appoint a nominating committee of at least five (5) members. Not less than five days prior to the annual meeting, the nominating committee shall make and report to the Board by email, or any other designated form of communication, nominations for any vacancies on the Board of Governors resulting from resignations or other reasons, and for positions held by members of the Board of Governors whose terms expire on the 30<sup>th</sup> day of June following the annual meeting. Three members of the nominating committee shall constitute a quorum, and, if less than a quorum is present, the Chair of this Section shall appoint new members sufficient to constitute a quorum. Voting by the nominating committee shall be done by a majority vote of those present to vote. Additional nominations may be made from the floor at the annual meeting of the Section by any Active section member.

Section 6. *Election* – All elections shall be *viva voce* unless otherwise ordered by resolution duly adopted by this Section at the annual meeting at which the election is held.

Section 7. *Duties and Powers* – The Board of Governors shall have general supervision and control of the affairs of this Section, subject to the provisions of the Rules for Integration of the Virginia State Bar and the limitations of the bylaws of the Virginia State Bar 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 expenditures of all monies appropriated for the use or benefit of this Section. It shall not authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to this Section for such fiscal year.

Section 8. *Vacancies* – The Board of Governors may fill vacancies in its membership or vacancies in any Officer’s position that arise between annual meetings of this Section. Members of the Board of Governors and officers so appointed shall complete the unexpired term created by the vacancy or shall serve until their successors have been elected and qualified.

Section 9. *Committees* – The Board of Governors may designate committees and appoint the membership from Section members to perform such duties and exercise such powers as the Board of Governors shall direct, or may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Board of Governors shall direct, subject to the limitations of these bylaws and the bylaws of the Virginia State Bar

Section 10. *Declaration of Vacancies* – If any member of the Board of Governors fails to attend two successive meetings of the Board without a reason sufficient to a majority of the Board the membership of that person on the Board and in any office held by that member may be deemed vacant without further notice to the member and said vacancy shall be filled as provided in Section 8 hereabove. If any member of the Board of Governors resigns or is declared incapacitated by the President of the Virginia State Bar the membership of that person on the Board of Governors and in any office that is held by such person shall be deemed vacant and said vacancy shall be filled as provided for in Section 8 hereinabove.

Article IV.  
*Officers*

Section 1. *Officers* – The officers of this Section shall be a Chair, Vice Chair, and Secretary.

Section 2. *Nomination an Election* – The Chair, Vice Chair, and Secretary shall be elected by the Board of Governors from among their number at the annual Spring meeting and shall hold office for a term beginning July 1 of that year and ending on June 30 of the next succeeding year, or until their successors shall have been elected and qualified. Any elected officer of the section who is not also serving a term as an elected member of the Board shall serve as a full voting member of the Board, *Ex Officio*, in accordance with Article III, Section 2 of these bylaws.

Section 3. *Chair* – The Chair shall preside at all meetings of this Section and of the Board of Governors. The Chair shall formulate and present at each annual meeting of the Virginia State Bar a report of the work of this Section for the immediate past year. The Chair shall perform such other duties and acts as usually pertain to the office.

Section 4. *Vice Chair* – Upon death, resignation, or during the absence or disability of the Chair, or upon his/her refusal to act, the Vice Chair shall perform the duties of the Chair for the remainder of the Chair's term except in the case of the Chair's disability, in which event the Vice Chair shall perform the duties of the Chair only so long as the disability continues. In order to assure greater continuity in the functioning of the Section, it shall be the duty of the Vice Chair to collect and organize all available information essential and important to the appointment of committees, and the Vice Chair shall further perform all duties assigned to him/her by the Chair of the Board of Governors.

Section 5. *Secretary* – The Secretary shall be the custodian of all books, papers, documents, and other property of this Section except money. The Secretary shall give notice of all meetings

of this Section and of the Board of Governors and keep a true record of the proceedings. The Secretary shall assist the Chair in preparing a summary or digest of the proceedings of this Section at its annual meeting for publication in the Annual Report of the Virginia State Bar, after approval by the Executive Committee or the Council of the Virginia State Bar, or a committee designated by either.

Section 6. *Vacancies* – The Board of Governors shall fill any vacancy that may occur in the office of the Chair, Vice Chair, or Secretary.

#### Article V. *Section Meetings*

Section 1. *Annual Meeting of the Section* – The Annual Meeting of the Section shall be held at the annual meeting of the Virginia State Bar, in the same city or place, with such program and order of business as may be arranged by the Board of Governors.

Section 2. *Regular Meetings* – Regular meetings of the Board of Governors of this Section shall be held upon the call of the Chair at least once in each quarter for the fiscal year of this Section, exact time and place of the meeting to be designated by the Chair, and the Secretary shall give notice to each member of the Board.

Section 3. *Special Meetings* – Special meetings of the section may be called by the Chair upon approval of a majority of the Board of Governors, at such time and place as the Chair may determine. The Secretary shall give notice to the members of the time and place of all meetings.

Section 4. *Quorum and Voting of Section* – For any Board meeting, a majority of the Board shall constitute a quorum, and all binding actions of the Board shall be by majority vote of the whole Board. For any other meeting, the members of the Section present at any meeting shall constitute a quorum for the transaction of business. All binding actions of this Section shall be by a majority vote of the Active Section members present.

Section 5. *Absentee Voting* – Absent members may communicate their vote in writing by mail, fax, email, text messaging or any other such direct messaging to any member present at such meeting or to the Secretary and have it counted with the same effect as if it was cast personally. Any vote received by any member or the Secretary on behalf of any absent member shall be verified by at least one other member or the Secretary present at the voting who shall have read such message. A member who is participating in the meeting by phone conference is not considered an absent member for purposes of this section, and their votes are counted as if physically present at the meeting.

Section 6. *Request to Vote on an Issue* – The Chair may, and upon the request of any member of the Board of Governors shall, submit or cause to be submitted in writing to the Board of Governors any proposition upon which the Board may be authorized to act, and the Board may vote upon such proposition or propositions by communicating their vote thereon in writing or with their respective signatures to the Secretary who shall record upon the minutes each proposition so submitted, when, how, at whose request same is submitted, and the vote of each member of the Board thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Board so recorded 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 Board.

Section 7. *Voting shall be open* – All voting at meetings of the Section and the Board of Governors shall be open, except when specifically set forth as a vote *viva voce*, or unless specifically changed by a motion passed by a majority vote of those present.

Section 8. *Criminal Law Seminar* – Criminal Law Seminars may be held at such times and places as the Board of Governors may determine.



Article VI.  
*Miscellaneous Provisions*

Section 1. *Fiscal Year* – The fiscal year of the Section shall be the same as that of the Virginia State Bar.

Section 2. *Expenses* – All expenses incurred by this section, before being forwarded to the Treasurer of the Virginia State Bar for payment, shall be approved by the Chair or Secretary or by the Virginia State Bar liaison, if the Board of Governors shall so direct.

Section 3. *Compensation* – No salary or compensation shall be paid to any officer of member of the Board of Governors for their services.

Section 4. *Action of Section* – Any action of this Section must be approved by the Council of the Virginia State Bar before the same becomes an action of the Virginia State Bar. Any resolution adopted or action taken by this Section may, on request of the Section, be reported by the Chair of the Section to any meeting of the Council of the Virginia State Bar for the Bar's action thereon.

Section 5. *Printing* – All printing for the Section or for the Board of Governors or by committees of this Section shall be done under the supervision of the headquarters office of the Virginia State Bar.

Article VII.  
*Procedure*

Section 1. Except as otherwise provided in these bylaws, *Robert's Rules of Order* shall govern the procedure at meetings of this Section and its Board of Governors.

Article VIII.  
*Effectiveness & Amendment of the Bylaws*

Section 1. *Bylaws Effective* – These bylaws shall become effective upon approval thereof

by the Council upon recommendation of the Executive Committee of the Virginia State Bar and by this Section.

Section 2. *Amendments* – These bylaws may be amended at any Annual Meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Board of Governors and provided, further, that no amendment so adopted shall become effective until approved by the Council upon recommendation of the Executive Committee of the Virginia State Bar.

#### HISTORY

Approved by Council October 1967; Amended by Council February 1990; Amended by Council October 1992; Amended August 1995: Board added U.S. Attorney as ex-officio member; Amended June 2000: Section approved U.S. Magistrate Judge seat Amended by Council, approved July 2000; Amended by Section June 2011: Nominations of Officers; Amended as approved by the Board at the Spring meeting 2019: reformatted and reworded to current sample bylaws in 2017-2018 VSB Chairs Handbook.