

**McHENRY COUNTY BAR ASSOCIATION
CRIMINAL LAW SECTION BY-LAWS
An Illinois Not-for Profit Corporation**

Pursuant to Article VII of the by-laws of the McHenry County Bar Association, the Criminal Law Section this 22nd day of June 2010, adopts the following by-laws to guide the operation and management of the Criminal Law Section.

ARTICLE I

NAME AND OBJECTS

1.1 This Section shall be known as the "CRIMINAL LAW SECTION OF THE McHENRY COUNTY BAR ASSOCIATION" (hereinafter referred to as "Section"). It is formed to promote the common interest of the members of the Section; to improve through education of the Bar and education of the public, the standing of the legal profession in the community and to better secure equal justice under the law to which all citizens are entitled.

1.2 The Section may not take any partisan political action nor endorse or recommend any person for any official position.

ARTICLE II

MEMBERSHIP

2.1 **ELIGIBILITY.** Any person licensed to practice law, members of the judiciary, or certified paralegals who shall comply with the requirements of and eligibility provisions set forth in the McHENRY COUNTY BAR ASSOCIATION BY-LAWS shall be eligible for membership in the Section.

2.2 **APPLICATIONS.** All applications for membership must be in writing, signed by the applicant, stating his or her name, office address, and date of admission to practice in the State of Illinois, and be filed with the Secretary of the Section.

2.3 **ACTION ON APPLICATIONS.** The Secretary of the Section, upon receiving an application for membership to the Section from a qualified individual, shall add that member to the Section Membership roll.

2.4 **CLASSIFICATION OF MEMBERS.** The membership of this Section shall consist of active members, paralegal affiliate members, life members, government/non-profit members, and honorary members, which are defined as follows:

- A. **ACTIVE MEMBERS.** Any lawyer licensed to practice law, in good standing and a member in good standing of the McHENRY COUNTY BAR ASSOCIATION, who is a member of the Section (i.e. current in dues) shall be an active member.
- B. **PARALEGAL AFFILIATE MEMBERS.** Any person having received an appropriate certificate of completion of an ABA approved paralegal program.
- C. **LIFE MEMBERS.** Any member in good standing of the McHENRY COUNTY BAR ASSOCIATION who has been admitted to practice law for a period of thirty-five (35) years, and has been a member of said Association for twenty-five (25) years, shall be awarded a life membership in the Section, and shall not be required thereafter to pay dues.
- D. **GOVERNMENT/NON-PROFIT MEMBERS.** Any lawyer or paralegal who, in addition to meeting the criteria as an active or paralegal affiliate member as defined above, is employed by a County, State, or Federal branch of government/non-profit or Prairie-State Legal Services shall be a government/non-profit member.
- E. **HONORARY MEMBERS.** Any current or retired McHenry County Judge.

2.5 **CHANGE OF CLASS.** By a majority vote of a quorum of the Section, a member may change from one class of membership to another for which he or she is eligible after putting a request for such change in writing to the Chairman.

2.6 **PRIVILEGES.** All members in good standing shall be entitled to all rights and privileges of membership, except that paralegal affiliate members shall have a voice, but not a vote, at the meetings of the Section, nor shall they be entitled to hold office or to serve as an Officer of the Section.

2.7 **TRANSFERABILITY OF MEMBERSHIP.** Membership will terminate in this Section on any of the following events:

- A. Receipt by the Section of the written resignation of a member, executed by such member;
- B. On the death of a member;
- C. On the failure of a member to pay his or her annual dues on or before their due date;
- D. For cause, inconsistent with membership, and upon passage by a majority of a quorum of the Section.

However, a member terminating membership status for reasons other than B above may be completely and automatically reinstated if correcting the cause of termination before formal adoption by the Section of a resolution acknowledging such termination.

ARTICLE III

MEETINGS

3.1 ANNUAL MEETINGS. The Criminal Law Section shall hold at least one annual meeting the first Thursday in May each year for the purposes of electing a chairperson, vice-chairperson, and secretary/treasurer and for the transaction of such other business as may come before the meeting.

3.2 MONTHLY AND SPECIAL MEETINGS. The Criminal Law Section will have monthly meetings on the first Thursday of each month for any purpose or purposes fixed by the membership from September through May. The time and place of the monthly meeting may be changed by the Chairman with proper notice given to all Section members and the McHenry County Bar Association office. In addition, the chairman at the request of not less than seven of the Section members may call a special meeting at any time.

3.3 PLACE OF MEETING. The officers of the Criminal Law Section may designate any place within McHenry County as the place of meeting for any annual or special meeting called by the membership.

3.4 NOTIFICATIONS. Notice delivered by mail, fax or e-mail stating the place, day and hour of the meeting, or in the case of a special meeting, the purpose or purposes for which the meeting is called shall be given not less than five days nor more than fifteen days before the date of the meeting.

3.5 VOTING. Only those members in good standing are entitled to notice of or to vote at any meeting of the Criminal Law Section.

3.6 QUORUM. Seven members of the Criminal Law Section entitled to vote, represented in person or by proxy, shall constitute a quorum at any meeting.

3.7 RULES. All meetings shall be conducted according to the usual parliamentary rules (Robert's Rules governing), but without leave of the members present, no member shall be permitted to speak more than five minutes at any one time, or more than twice on the same subject.

ARTICLE IV

OFFICERS

4.1 ROSTER OF OFFICERS. The business and affairs of the Criminal Law Section shall be managed by its officers: The Chairman, Vice-Chairman, and Secretary/Treasurer. The offices of Secretary and Treasurer may be held by one person.

4.2 ELECTION. The officers of the Criminal Law Section shall be elected annually during the May meeting. If the election of the officers is not held at the annual meeting, such election shall be held as soon thereafter as is convenient. Each officer shall hold office until a successor has been duly elected and qualifies, until his/her death, until he/she resigns, or is removed in the manner hereunder provided.

4.3 DATE. The elected officers shall take office on the first (1st) day of July following their election.

4.4 CHAIRMAN. The Chairman shall be the chief executive officer of the Section, and shall preside at all meetings of the Section. He or she will supervise and control the affairs of the Section. The Chairman will perform all duties incident to such offices and such other duties as may be provided in these By-Laws or as may be prescribed from time to time by the Section.

4.5 VICE-CHAIRMAN. The Vice-Chairman shall have the powers of the Chairman and act in his or her place whenever the Chairman is absent or is otherwise unable to act. The Vice-Chairman will perform such other duties as may be prescribed from time to time by the Section.

4.6 SECRETARY. The Secretary shall ensure a record is kept of the proceedings of the Section, and of such other matters as may be directed to be placed in the files of the Section; he or she shall ensure an accurate roll of the officers and members is kept and ensure they are notified of their election or appointment on committees; he or she shall ensure notice of all meetings is issued; he or she shall ensure the Treasurer is furnished with the names and addresses of the persons elected members and ensure the correspondence of the Section is completed. He or she shall report the activities of the Section at the annual meeting of the Section and shall perform such other duties as may be required of him or her by the Section or the Chairman. His or her books and papers shall at all times be open to the inspection of the officers of the Section.

4.7 TREASURER. The Treasurer shall keep an accurate roll of the members of the Section; notify members of their election to membership, collect, keep through the Treasurer of the McHenry County Bar Association, careful and regular book accounts of, and expend, under the direction of the Section, all moneys of the Section, and shall exhibit at the annual meeting and when directed by the Chairman, detailed statements of the money received and expended, the amounts due to and by the Section, and an estimate of the resources and expenditures for the ensuing year. His or her books and accounts shall at all times be subject to examination and audit by the officers, or by any special committee appointed for that purpose. The Treasurer shall submit to the MCBA Board of Governors the Section's annual budget for approval at the time designated by the Board of Governors.

4.8 REMOVAL. Any officer may be removed by a vote of three quarters of the members in good standing who are entitled to vote.

4.9 VACANCIES. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by a special election held with notice at any special or monthly meeting of the Criminal Law Section.

4.10 POWERS AND DUTIES. In addition to the general powers and duties of managing the Section, the officers shall have all the powers and duties provided from time to time by resolution or the directives of the membership. But in particular, the officers shall prepare for presentation to the Section membership and to the McHenry County Bar Association an annual budget and shall maintain lists of the names of Section members and any other duties necessary to manage the Section.

ARTICLE V

INFORMAL ACTION

5.1 WAIVER OF NOTICE. Whenever notice is required to be given under the provision of the General Not-for-Profit Corporation Act, the Articles of Incorporation of the McHenry County Bar Association, or these By-Laws, a waiver of such notice in writing signed by the person or persons entitled to notice, whether before or after the time stated in such waiver, will be deemed equivalent to the giving of such notice.

5.2 ACTION BY CONSENT. Any action required by law or under the Articles of Incorporation of the McHenry County Bar Association or these By-Laws, or any action which otherwise may be taken at a meeting of the Section may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the persons entitled to vote with respect to the subject matter of such consent. Such consent will have the same force and effect as a unanimous vote.

ARTICLE VI

REPORTS

6.01 REPORTS. The Chairperson or a designated representative of the Section shall attend the monthly Board of Governors' meetings and a report shall be made to the Board of Governors as to Section activities. No Section reports shall be published or circulated, except for dissemination to Section members, without the consent of the Board of Governors.

ARTICLE VII

CONTRACTS, LOANS, CHECKS AND DEPOSITS

7.1 CONTRACTS. No person or Section officer is authorized to enter into any contract on behalf of the Criminal Law Section without a prior resolution passed by the membership. Notwithstanding anything to the contrary in this paragraph, the President of the McHENRY COUNTY BAR ASSOCIATION may enter into contracts on behalf of the Section of up to \$750 without approval from the Section or Board of Governors of the McHENRY COUNTY BAR ASSOCIATION.

7.2 LOANS, CHECKS, DRAFTS OR MONEY ORDERS. No loans, checks, drafts, or money orders shall be undertaken or written by the Criminal Law Section. All checking accounts shall be maintained by the McHenry County Bar Association Treasurer who shall coordinate with the Treasurer of the Criminal Law Section whenever checks are needed.

7.3 DEPOSITS. All funds of the Criminal Law Section shall be deposited in an account under the control of the McHenry County Bar Association.

ARTICLE IIX

FISCAL YEAR – DUES

8.1 AMOUNT. The fiscal year shall begin and the new officers shall take office on the first day of July in each year and the annual dues shall be payable on the 1st day of July. Dues shall be set and/or changed in the manner and fashion provided for Amendment to the By-Laws. Dues as of July 1, 2010 are \$60.00 per year for active members and \$30.00 per year for paralegal affiliate members and government/non-profit members. Life members and Honorary members shall not be required to pay dues.

8.2 DELINQUENT. The Treasurer shall, after diligently seeking to collect the dues, and after notice to the members of the By-Laws, report to the Chairman the names of all members who are 90 days or more in arrears for their dues, and a Section Quorum may, by rule or direct vote on that report, declare such persons to be no longer members of this Section.

ARTICLE IX

PENALTIES

9.1 MISCONDUCT. Any member may be suspended or expelled from membership in this Section for misconduct in matters connected with the Section or in his personal conduct or professional relations upon the recommendation of two-thirds (2/3) vote of the membership of the Section.

9.2 REINSTATEMENT. If any member of this Section is disbarred from practice by final order of the Supreme Court of this state, such disbarment shall automatically forfeit the membership of such member in this Section, unless such order of disbarment shall be vacated or reversed. Reinstatement to practice shall not reinstate such person to membership in this Section, but such disbarred member shall seek readmittance in the manner hereinbefore provided for original applicants.

If any member of this Section shall be suspended from practice of law by order of the Supreme Court of this state, the membership of such person in this Section shall be suspended during the interval such suspension from practice shall be in force.

ARTICLE X

AMENDMENTS

10.1 PROCEDURE.

- a. A proposal that the By-Laws be amended may be made by not less than ten (10) members entitled to vote and in good standing, by filing with the Secretary a written statement setting forth the proposed amendment or amendments signed by the proposers, together with the request that the proposal be submitted at the next annual meeting of members or with notice at the next general meeting.
- b. A proposal that the By-Laws be amended may also be made by resolution of the Officers of the Section and in such event said Officers may direct that the proposal be submitted at the next annual meeting of members or with notice at the next general meeting.
- c. When a proposal has been made as provided in this article, the notice of the annual or general meeting at which the proposed amendment or amendments are to be considered shall state that the purpose or one of the purposes of the meeting is the consideration of such proposal and a copy of the proposed amendment, striking through proposed deletions and underling proposed additions, shall be set forth in such notice or accompany it.
- d. An amendment or amendments proposed and submitted at an annual or general meeting of members shall be adopted upon receiving the affirmative vote of two-thirds (2/3) of the members present and voting.

10.2 FORCE AND EFFECT. These By-Laws and any amendments shall be in full force and effect from and after the date of their passage.

10.3 DEFINITION. All notices as required by these By-Laws shall be five (5) days by mail, facsimile or e-mail to each member at the last known address, FAX number or e-mail address.

ARTICLE XI

RULES AND REGULATIONS

11.01 RULES AND REGULATIONS. The Section shall from time to time promulgate rules and regulations for the operation of the Section.

APPROVED:

DATED: June 22, 2010

JAMIE WOMBACHER, Chairman _____

_____, Vice-Chairman

_____, Secretary/Treasurer