

BYLAWS

CONSTITUTIONAL RIGHTS AND RESPONSIBILITIES SECTION

NORTH CAROLINA BAR ASSOCIATION

ARTICLE I

Name and Purpose

Section 1. Name. The Section shall be known as the Constitutional Rights and Responsibilities Section of the North Carolina Bar Association.

Section 2. Purpose. The purpose of the Section shall be to further the purposes of the North Carolina Bar Association as stated in Article 1.2 of its Bylaws within the field of constitutional law by bringing together members of the North Carolina Bar Association with a special interest in this field and to promote awareness and understanding on the part of the profession, the public and public officials concerning the rights embodied in the Constitution of the United States, the Bill of Rights, and the Constitution of North Carolina; to encourage respect for the American constitutional system and the rule of law; to provide an opportunity within the Association for members of the profession to discuss and debate constitutional issues; and to make recommendations to the Board of Governors concerning the Association's adoption of positions and programs of continuing legal education to achieve the foregoing purposes.

ARTICLE II

Membership

Section 1. Eligibility. Any member in good standing of the North Carolina Bar Association shall be eligible for membership in the Section.

Section 2. Admission to Membership. Admission to membership shall be by application and by payment of the Section dues.

Section 3. Dues. Membership dues are payable in advance for each twelve-month period beginning July 1. A person, however, who becomes a member after April 1 of any year and pays the dues for that year is not required to pay the dues that would otherwise be payable on or before July 1 for the upcoming twelve-month period. A person whose dues remain unpaid after December 31 of any year is removed from the membership roll.

Section 4. Quorum for Meeting of Membership. Those members present at meeting duly called as provided for in these Bylaws shall constitute a quorum.

Section 5. Ex-Officio Members. The president, president-elect and executive director of the NCBA shall be *ex-officio* members.

ARTICLE III

Officers

Section 1. Chair and Vice-Chair. The Chair and Vice-Chair of the Section shall be appointed by the President of the North Carolina Bar Association. A special nominating committee appointed by the current Chair may submit recommendations for the Chair and Vice-Chair in writing by no later than March 1 of each year. The Chair shall perform the duties and have the responsibilities of the Chief Executive Officer of the Section. The Chair shall preside at meetings of the Council and at meetings of the Section. The Chair shall have such other and further duties as the Section, from time to time, may provide. The Vice-Chair shall assume the duties of the Chair in the absence of the Chair and shall have such other and further duties as the Chair or the Section, from time to time, may provide.

Section 2. Secretary. The Secretary shall, in consultation with the Director of Section Activities of the North Carolina Bar 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

Chair or Section, from time to time, may provide.

Section 3. Treasurer. The Treasurer shall maintain, in consultation with the Director of Section Activities of the North Carolina Bar Association, the financial records of the Section and shall provide such records and reports of the Section as may become necessary. The Treasurer shall have such other duties as the Chair or Section, from time to time, may provide.

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 North Carolina Bar Association. No Section officer shall serve more than two consecutive terms in the same office except upon application to and approval by the Board of Governors of the North Carolina Bar Association. Any officer elected or appointed in the course of a term to fill a vacancy shall serve only until the close of the next election of the officers of the North Carolina Bar Association, unless elected as provided above.

ARTICLE IV

Council

Section 1. Composition. The Section shall have a Council composed of the officers of the Section and twelve (12) members as elected by the Section's membership at the Section's organizational meeting on January 5, 1996.

Section 1.a. Young Lawyers. At least one voting member on the Council shall be 36 years of age or younger at the time of election.

Section 2. Nominations and Election. The Chair of the Section shall, no less than ninety days preceding each annual meeting, appoint a nominating committee of five members of the Section who will prepare a report for submission at the annual meeting. The report of the nominating committee shall contain recommendations for the Chair and Vice-Chair and nominations for the Secretary, Treasurer and the four members of the Council. Council members will serve one three year term, with four members being replaced each year. The Chair will

accept nominations from the floor in accordance with procedures to be specified by the Council. Those nominees receiving a simple majority vote of those attending the annual meeting will be elected.

Section 2.a. Vacancy The nominating committee shall also make nominations to fill any vacancies which may occur on the Council prior to the expiration of any members term.

Section 3. Ineligibility. No person shall be eligible for election as a member of the Council if such person is then a member of the Council and has been so continuously for three years or more, but this provision shall not bar the election of any such person as an officer.

Section 4. Attendance at Meetings. If any elected member of the Council shall fail to attend three successive meetings of the Council without good cause, such member's office shall be automatically vacated.

Section 5. Powers. The Council shall be the governing body of the Section subject to the control Of the Board of Governors of the North Carolina Bar Association.

Section 6. Regular Meetings. The Council shall hold an annual meeting and other meetings as needed.

Section 7. Quorum. The majority of the members of the Council shall constitute a quorum for the purpose of transacting business.

Section 8. Special Meetings. Special meetings of the Council shall be held at any time at the call of the Section Chair, any three members of the Council or the President or the Board of Governors of the North Carolina Bar Association.

Section 9. Notice of Meetings. All meetings of the Council, except the annual organizational meeting, shall be upon not less than ten (10) days notice by mail.

Section 10. Ex-Officio Members. All past chairs of the Section shall be designated *ex-officio* members of the Council and may attend Council meetings. *Ex-officio* members may not vote and do not count for quorum purposes.

ARTICLE V

Committees

Section 1. Standing Committees. The Council may designate such standing committees as it may deem appropriate.

Section 2. Special Committees. The Chair of the Council may appoint special committees as she/he 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 Board of Governors of the North Carolina Bar Association shall govern any disputes concerning the jurisdiction of the various Sections, Standing and Special Committees of the North Carolina Bar Association.

Section 4. Executive Committee. There shall be a standing committee denominated the Executive Committee. It shall be chaired by the Chair of the Section and shall have as its other members the Immediate Past Chair, Vice Chair, Secretary and Treasurer of the Section and at least two other members of the Council selected by the Chair. It shall have the power to act in the place and stead of the Council in the intervals between meetings of the Council. Five of the seven members shall constitute a quorum and all action shall be by a majority vote of those present. The Chair of the Section may call a meeting of the Executive Committee (to be held in person or by telephone, fax or other electronic means) upon reasonable notice to all Executive Committee members. Voting may be by telephone or other electronic medium, but all votes shall be recorded in writing. Any action of the Executive Committee shall be reported at the next meeting of the Council.

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. The Section may have such other meetings of

the entire Section as the Council or Chair may deem necessary. The annual meeting of the Section may be held at such time and place as may be designated by the Council. The nominating committee of the Section shall make its report and the Section shall hold elections for the members of the Council at its annual meeting.

Section 2. Amendments. Any amendments or additions to these Bylaws shall be upon the approval of a majority of the 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 Board of Governors of the North Carolina Bar Association for approval. No changes or amendments shall be effective until approved by the Board of Governors of the North Carolina Bar Association.

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

Section 4. Continuing Legal Education. In order that the North Carolina Bar Association may continue to coordinate Continuing Legal Education programs so as to provide the greatest possible benefit to all members of the North Carolina Bar Association, all Continuing Legal Education programs, shall be conducted in consultation with the Continuing Legal Education Committee of the North Carolina Bar Association Foundation.

Section 5. Budget. The Section shall, upon request, submit its budget to the Board of Governors of the North Carolina Bar Association for its review and approval.

Section 6. Report. The Section will submit an annual report to the Board of Governors and the President of the North Carolina Bar Association. The Section shall submit such other reports as may be requested by the Board of Governors or the President of the North Carolina Bar Association.

Section 7. Expenditures of Funds. Except as otherwise provided herein or in the Bylaws

of the North Carolina Bar 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 North Carolina Bar Association in any financial manner.

Section 8. Authentication. These Bylaws were approved by the Board of Governors of the North Carolina Bar Association on June 20, 1996. Revisions were made on January 18, 2001, April 20, 2001, and October 12, 2001.