

**HILLSBOROUGH COUNTY ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS**

BYLAWS (2010 VERSION)

ARTICLE I: Name, Status and Offices

1. Name.

The name of this organization is the Hillsborough County Association of Criminal Defense Lawyers (öHCACDLö).

2. Status.

The HCACDL shall be a not-for-profit corporation organized under the laws of the State of Florida.

3. Offices.

The principal office of the HCACDL shall be in Hillsborough County, Florida. Its precise location and the location of other HCACDL offices shall be designated by the Board of Directors (hereinafter öBoardö).

ARTICLE II: Purposes

The HCACDL is formed exclusively for charitable, scientific and educational purposes including, without limitation, the following purposes:

- I. To bring together by association, communication and organization, members who are actively engaged in criminal defense law;
- II. To promote study and research in the criminal defense law and related disciplines;
- III. To disseminate by lecture, seminars, publications, and other programs of continuing legal education, the advancement of knowledge of the law as it relates and is ancillary to the field of criminal defense practice;
- IV. To promote improvement in the proper administration of criminal justice in Hillsborough County and the State of Florida;
- V. To foster, maintain and encourage high ethical standards, integrity, independence and expertise of defense lawyers in criminal cases;
- V1. To foster trust, integrity and transparency between defense attorneys,

clients and the citizens of Hillsborough County;

VII. To foster periodic educational meetings of defense lawyers in Hillsborough County and to provide a forum for material exchange of information regarding the administration of criminal justice, the protection of individual rights and the improvement of criminal law, its practice and procedures;

VIII. To interact with and support the efforts of the Florida Association of Criminal Defense Lawyers.

ARTICLE III: Membership

1. Application for membership.

- a. Membership in the HCACDL shall be by application on a form prescribed by the Board.
- b. Each application shall be submitted to the Board for review and approval.
- c. All applications for membership must be accompanied by the payment of appropriate dues.
- d. The Board shall have original jurisdiction to hear and decide charges against members, denial of membership, or revocation of membership pursuant to Article III, 9.
- e. All memberships, with the exception of life, sustaining and honorary memberships, are for one year which begins January 1 and ends the following December 31. All current regular members in good standing who renew their membership by paying the appropriate membership fees shall be automatically reinstated to regular membership.

2. Regular membership.

Regular membership in the HCACDL shall be available to those members of the Florida Bar who are persons of professional competency, integrity and high ethical standards and who are actively engaged in the defense of criminal cases. Regular members shall include both private practitioners and public defenders.

3. Honorary membership.

- a. Any person who shall have made an outstanding contribution to the public welfare and aided in the achievement of the goals of the HCACDL may be proposed for honorary membership by five (5) regular members of the HCACDL.

- b. The proposal for honorary membership shall be made in writing, recommended by five (5) regular members, and submitted to the President of the HCACDL.
- c. An affirmative vote of the majority of the Board shall be required to elect any honorary member.
- d. An honorary member shall not vote in general membership matters.

4. Law student membership.

Law student membership shall be available to those persons of integrity and high ethical standards who are third year students enrolled in accredited law schools and recommended by a professor of that law school. A law student member shall not vote in general membership matters.

5. Affiliate membership.

Affiliate membership in the HCACDL shall be available to persons of integrity and high ethical standards who are not actively engaged as attorneys in the defense of criminal cases, but whose duties and responsibilities are part of, or contribute to, the defense of criminal cases and the goals of the HCACDL. An affiliate member shall not vote in general membership matters.

6. Life Membership.

Upon a motion by the Board, or a recommendation of any member of the HCACDL, the Board of Directors in its discretion may from time to time elect members to life memberships in recognition of services over time to the HCACDL. Life members shall be assessed a one-time dues payment for the life of the membership and they shall have voting rights.

7. Sustaining Membership.

A sustaining member is a member who supports the goals and activities of the HCACDL. Sustaining members shall be assessed annual dues or fees and have voting rights.

8. Voting.

Regular members, in good standing, are entitled to vote in all HCACDL proceedings. Each such member shall be entitled to one (1) vote. Honorary, student, and affiliate members are not entitled to vote.

9. Denial or revocation of membership.

Membership of all classes may be terminated, suspended, or any member may be censured in the following manner:

- a. Resignation. A member, not in default of payment of dues and against whom no HCACDL complaint is pending, may at any time file his resignation in writing with the Secretary of the HCACDL and it shall become effective as of the date it was filed when accepted by the HCACDL Board. Any resigned member may be reinstated as a member by reapplying pursuant to the provisions of these bylaws. Resignation from membership in the Florida Bar shall automatically result in the termination of voting membership in the HCACDL.
- b. Failure to pay dues. Any member who fails to pay dues within 180 days following the beginning of the fiscal year of the HCACDL shall automatically be terminated as a member of the HCACDL. Membership status may be reinstated by complying with provisions of the bylaws.
- c. Termination, suspension or censure.
 - i. Grounds. If any member is by a final order or judgment disbarred from the practice of law in Florida, such person's membership in the HCACDL shall be terminated automatically. If any member is by a final order or judgment convicted of a felony anywhere or suspended from the practice in Florida, such person's membership in the HCACDL may be terminated. Any violation of the law or the failure to meet (a) the membership qualifications, (b) the Florida Bar Rules of Professional Conduct, if the member is an attorney or a law student, or (c) the ethical standards of the applicable profession of an affiliate member, may constitute cause for censure, suspension or termination.
 - ii. Board procedure. Any member of the Board may challenge a new applicant's request for membership or may request the termination, suspension or censure of a member by (a) making a motion in writing to the President, or (b) making an oral motion at any regularly scheduled meeting of the Board.

Once a new application for membership is challenged, the President shall, within ten (10) days, appoint a committee of three (3) members of the HCACDL chaired by the President-Elect, or next officer in line should the President-Elect have a conflict of interest. This committee shall investigate the grounds alleged in the motion. The committee shall make a ruling within thirty (30) days of its investigation.

At the conclusion of the committee's investigation, the President-Elect shall at the next regularly scheduled Board meeting, submit the recommendations of the committee's findings to the Board.

At the conclusion of the committee's investigation, the President-Elect shall prepare a written summary of the committee's findings. Within ten (10)

days prior to the Board meeting at which the committee's findings will be presented, a copy of the President-Elect's recommendation shall be furnished to the Board members and to the sponsor of the person seeking membership or to the member who is the subject of the motion to terminate, suspend or censure.

The President of the HCACDL shall also conduct an investigation independent of the committee. The President shall complete his/her investigation within thirty (30) days of receipt of the motion. The President shall report his/her findings to the Board at the next regularly scheduled Board meeting.

At the conclusion of the President's investigation, the President shall prepare a written summary of his/her findings. Within ten (10) days prior to the Board meeting at which the President's findings will be presented, a copy of the President's recommendation shall be furnished to the Board members and the sponsor of the person seeking membership or to the member who is the subject of the motion to terminate, suspend or censure.

The sponsor of the person whose membership application has been challenged or the member who is the subject of a motion to terminate, suspend or censure may be represented, either in person or in writing, at the Board meeting in which the committee's and President's findings are presented to the Board, and may respond, either in person or in writing, to the findings at the conclusion of the presentations.

Failure to meet deadlines prescribed shall not divest the Board of the authority to either deny membership to an applicant or to terminate, suspend or censure a member.

Any application for membership may be denied by a two-thirds vote of the Board members in good standing, present and voting following receipt by the Board of the committee's recommendation and the President's recommendation, and a response, if any, by the sponsor of the person whose membership application has been challenged.

A motion to terminate the membership, suspend the membership or censure a member may be granted by a two-thirds vote of the Board members in good standing, present and voting following receipt by the Board of the committee's recommendation and the President's recommendation and a response, if any, from the member who is the subject of the motion to terminate, suspend or censure.

The action of the Board shall be final.

d. Reinstatement. Any member suspended or terminated from the rolls of the Association may be reinstated by the method prescribed by these bylaws for new members.

ARTICLE IV: Finances

1. Annual dues. All dues shall be payable annually with the exception of honorary members. Dues shall be collected by the Treasurer of the HCACDL. The 2009 annual dues shall be \$50 for those in private practice, \$25 for those employed by the government and \$100 for sustaining members. Life members shall be assessed a one-time dues payment of \$500 for the life of the membership. The dues of all classes of membership shall be set by the Board on an annual basis.

Increases in dues shall not affect those members who have previously attained life membership status.

2. Good Standing. Assessment of dues shall be due and payable thirty (30) days after notice thereof is mailed by the association. Members in good standing shall be determined by a review of the Treasurer's records and a confirmation that all assessed dues have been paid.

3. Budget. No later than December 31 each year the Board shall approve a budget for the coming year.

ARTICLE V: Board of Directors

1. Powers.

- a. The business and affairs of this HCACDL shall be managed by a Board of Directors.
- b. The Board shall have original jurisdiction to hear and decide charges against members.
- c. The Board shall supervise the election of officers and directors of the HCACDL, and in the event of a vacancy in any office or directorship, shall fill that vacancy as provided by these bylaws.

2. Composition.

The Board shall consist of the elected officers of the HCACDL, the immediate Past-President of the HCACDL, and eight (8) at large directors. All other Past Presidents of the HCACDL shall be *ex officio* members of the Board.

3. Meetings.

The Board shall meet as convened by the President. It shall meet at least four (4) times per year. Five (5) members of the board shall constitute a quorum for the transaction of business at all

Board meetings. The President shall be the presiding officer. The President or his nominee shall determine the location of the meetings.

ARTICLE VI: Officers, Directors, and Executive Committee

1. Officers.

The elected officers of the HCACDL shall be the President, Vice-President, Treasurer, and Secretary. The President shall be an elected officer of the HCACDL, who shall not be eligible to succeed himself.

2. Qualifications of Officers and Directors.

Only voting members in good standing immediately preceding election shall be eligible to be officers or directors. An officer shall not be a director nor hold more than one office during any term of office. Only members who have previously served as an officer or a director of the HCACDL shall be eligible to be President-Elect.

3. Election of Officers and Directors.

- a. At each Annual Meeting, the HCACDL shall elect officers and at least one-third (1/3) of the at large directors to take office immediately after adjournment of the annual meeting. The officers are to serve one (1) year or until their successors take office; however, the President-Elect after having served one (1) year in that capacity shall automatically become President and shall serve in that capacity for one (1) year. The at large directors are to serve for three (3) years or until their successors take office.
- b. There shall be a nominating committee consisting of the immediate Past-President of the HCACDL, who shall be the Chairman, the President-Elect and two other board members, who shall be elected by the Board at the third Board meeting. No person shall be elected to the nominating committee who has served during either of the previous two (2) years. Should the immediate Past-President be unable or unwilling to serve, the President-Elect shall act in his stead.
- c. No later than 30 days prior to the Annual Year-end Meeting, the nominating committee shall meet and consider nominations for officers and at large directors.
- d. Additional nominations for at large directors or for any office may be made by petition delivered to the Secretary of the Association not later than 45 days prior to

the Annual Meeting and endorsed by 10 voting members of the Association in good standing. Such a petition shall bear the acceptance of the person so nominated.

- e. No later than 15 days prior to the Annual Meeting, the Secretary of the HCACDL shall cause to be sent to all voting members of the HCACDL in good standing, a list of offices to be elected at the next Annual Meeting together with the names of all candidates for each office. The candidates nominated by the nominating committee shall be listed first with a statement to that effect, and any candidates nominated by petition shall be listed thereafter in alphabetical order.
- f. At the Annual Meeting all nominees for offices which are uncontested shall automatically be elected. Any offices for which more than one candidate has been nominated shall be elected by all members in good standing registered at the Annual Meeting. The Secretary of the HCACDL shall be responsible for tabulating the ballots and assuring that all those who voted are members in good standing.
- g. The results of the balloting shall be formally announced by the President, at the Annual Meeting, and the candidates receiving the highest number of votes for their respective offices shall be declared duly elected.
- h. In the event that there is a tie among the candidates receiving the highest number of votes necessary for election, the Board of Directors shall then determine the winner by majority vote.

4. Vacancies.

If the office of the President becomes vacant by resignation or otherwise, the President-Elect immediately becomes President for the unexpired term and for the next term. However, under such circumstance the President-Elect shall be allowed to succeed himself. Should any other elective office or at large directorship become vacant, by resignation or otherwise, during the term of office provided for herein, that office or directorship shall be temporarily filled by the Board until the next Annual Meeting of the Association.

5. Duties of Officers and Directors.

- a. The President of the HCACDL shall be the HCACDL's chief executive officer; shall be responsible to oversee and coordinate the activities of the HCACDL; shall be the chief spokesperson for the HCACDL and, whenever practicable, shall appear publicly for the HCACDL and speak its policies; shall preside at the annual meeting of the HCACDL, and at any other meetings of the general membership which he may call from time to time; shall preside at the meeting of the Board; shall be the representative and directive head in the general conduct of HCACDL affairs; shall appoint the members and chairpersons of the standing committees; shall perform whatever other duties may be necessary to fulfill his responsibilities prescribed by the bylaws; and shall be ex officio member of all committees.

- b. The Vice President of the HCACDL shall perform such duties that the President may assign; shall respectively succeed to the duties of the President in the absence or incapacity of the President, and shall perform whatever other functions the bylaws may prescribe.
- c. The Secretary of the HCACDL shall record and permanently maintain the minutes of all general membership meetings as well as of all meetings of the Board and the Executive Committee; shall provide a copy of the minutes to the Executive Director for distribution to the Board no more than 15 days after the meeting at which the minutes were taken; shall read such minutes at the next meeting of the particular body; shall maintain an inventory of HCACDL property other than bank deposits and cash on hand; shall serve the Board in the procedure governing elections and amendments of bylaws; shall send all the required notices to members; shall conduct whatever other correspondence the President, Board, or the HCACDL may require; shall manage and distribute the publications of the HCACDL; shall maintain a current mailing list of members and others designated to receive HCACDL publications but shall not release said list to non-members without prior permission from the Board; shall have general charge of the files of HCACDL correspondence; and shall perform whatever other duties the bylaws may prescribe.
- d. The Treasurer of the HCACDL shall audit and supervise the bookkeeping of the Association; shall keep an accurate account of all the monies received and disbursed by HCACDL; shall collect all fees, dues, assessments and other monies payable to the HCACDL; shall maintain all the financial records of the HCACDL; shall promptly record all HCACDL receipts and shall deposit same within one month of receipt in a banking institution approved by the Board; shall issue and sign checks for the withdrawal of said receipts in payment of HCACDL obligations; shall endorse checks for deposit only in the bank account of the HCACDL; shall collect dues as assessed from all members required to pay dues annually; shall maintain a current record of the standing of all members in respect to the payment of dues and shall report to the Board the names of those persons who have been notified of their delinquency in the payment of dues in excess of three (3) months; shall submit a proposed budget for the coming year to the Board at their meeting in September each year; shall supervise the preparation of financial statements of the Association as of the end of each fiscal year; shall submit the financial statements of the HCACDL for the immediately preceding fiscal year to the membership at the annual meeting of the HCACDL; shall maintain the financial statements and make them available to all members upon request; shall make disbursements of HCACDL monies and funds in his possession or control only in accordance with the orders of the HCACDL; shall submit a report to the Board on the financial condition of the HCACDL whenever requested by that Board; and shall perform whatever other duties the bylaws may prescribe.
- e. The Directors of the HCACDL shall serve on the Board and participate therein in the

management of the HCACDL. Each Director shall serve on at least one (1) standing committee of the HCACDL.

- f. Any Director of the HCACDL, with the exception of the officers and Past-Presidents, who is absent without excuse from two Board meetings within a twelve month period shall be removed as a Director of the HCACDL.

6. Executive Committee.

- a. The purpose of the Executive Committee shall be to act on HCACDL business and transactions during the interim period between meetings of the Board. Any action taken by the Executive Committee shall not be inconsistent with any prior action or policy of the Board. The Executive Committee shall report to the Board at its succeeding meeting any such action taken.
- b. The Executive Committee is composed of the elected officers and the immediate Past President of the HCACDL.
- c. The Executive Committee shall meet as convened by the President or at the request of three (3) or more members of the Executive Committee. A majority of the members of the Executive Committee shall constitute a quorum.

Each of the officers of the HCACDL shall perform such other duties as may be prescribed from time to time by resolution of the Board of Directors.

ARTICLE VII: Meetings

1. Annual meeting.

There shall be an Annual Meeting of the HCACDL in December of each year. The business transacted at this Annual Meeting shall include, together with whatever other matters the Board may deem appropriate, the following: (a) the election of officers and of the successors for the class of at large directors whose term of office shall then expire; (b) the installation of all officers and directors; (c) the annual membership report; (d) the annual fiscal report; and (e) the annual reports of the standing committees.

2. Special meetings.

Upon not less than fifteen (15) days written notice to the membership, the President may call special meetings of the HCACDL; and, on petition signed by not less than one-third (1/3) of the Board, setting forth the need thereof and the special business to be transacted, the President shall call a special meeting of the HCACDL. The written notice of the special meeting shall contain a statement of the specific matters to be considered at such special meeting.

3. Quorum.

Twenty-five percent (25%) voting members of the HCACDL in good standing shall be sufficient to constitute a quorum to transact business at the Annual Meeting of the HCACDL. The presiding officer at these meetings may vote only to break a tie.

4. Resolutions, motions and other action generally.

Resolutions, motions and other action shall be deemed approved by the affirmative vote of the majority of the valid votes cast in all instances except where it may be otherwise specifically prescribed by these bylaws.

5. Meeting procedure.

Except as otherwise provided by these bylaws, meetings of general membership, the Board, and all committees shall be conducted in accordance with *Roberts' Rules of Parliamentary Procedure*.

ARTICLE VIII: Committees

1. Standing Committees.

For the purpose of realizing the objectives for which the HCACDL was created there shall be established the following standing committees:

- (a) *Amicus Curiae*
- (b) Annual Meeting
- (c) Continuing Legal Education
- (d) Legislative Affairs/FACDL Liason
- (e) Publications/Website
- (f) Membership Development
- (g) Long Range Planning Committee
- (h) Budget Committee
- (i) Death Penalty Committee

2. Appointments.

Each standing committee shall have a membership of no less than three (3) voting members in good standing. Unless excepted below, the members of the standing committees shall be appointed by the President to serve for the ensuing year and until their respective successors are appointed by the succeeding President. The President shall designate the chairperson, again unless excepted below, and notify the members of the committee of their appointment.

3. Special Committees.

The President shall appoint and designate the members and chairperson of all special committees created by the President for specific purposes and duration, but not to exceed the term of the appointing president.

4. Functions of Committees.

General Functions. All standing committees shall report at the annual meeting of the HCACDL on their progress and accomplishment for the preceding year. All standing and special committees shall report to the Board on their activities whenever requested by the Board.

- a. Amicus Curiae Committee. The *Amicus Curiae* Committee shall represent the HCACDL as *amicus curiae* in litigation concerning issues of great and general interest to the membership and purposes of the HCACDL when so approved by the Board. The committee shall also provide support and, when approved by the Board, litigation assistance and representation on behalf of members who are being prosecuted, subpoenaed or harassed, or are being cited, for contempt arising from ethical and vigorous defense of clients.
- b. Annual Meeting Committee. The Annual Meeting Committee shall plan and prepare, with the approval of the Board, for the annual meeting of the HCACDL. The President-Elect shall be chairperson of this committee.
- c. Continuing Legal Education Committee. The Continuing Legal Education Committee shall plan and execute, with the approval of the Board, all educational functions.
- d. Legislative Affairs Committee/FACDL Liason. The Legislative Affairs Committee shall recommend and endeavor to secure the enactment of desirable criminal law legislation; shall follow and consider the desirability of pending criminal law legislation; and shall report on changes in the criminal laws. This committee shall also develop and foster relationships between the HCACDL and the FACDL.
- e. Publications/Website Committee. The Committee on Publications shall be responsible for the preparation, planning and production of all HCACDL publications and maintenance of the website, www.hcacdl.org.
- f. Membership Development Committee. The Chapter and Membership Committee shall be responsible for the formation of new Chapters and solicitation of new members into the organization.
- g. Long Range Planning Committee. The Long Range Planning Committee shall be chaired by a Past-President of the HCACDL. The mission of the committee will be

to develop and refine ongoing plans for future growth and excellence of the FACDL and to suggest strategies to the Board of Directors and membership to implement this plan.

- h. Budget Committee. The Budget Committee is responsible for assisting the Treasurer in preparing an annual budget in accordance with Article IV (3) and Article VI (5). The Budget Committee is responsible for conducting periodic reviews of the budget to determine compliance with the approved budget and to recommend adjustments to the budget, to be submitted to the Executive Committee and, if approved, to the Board. The Budget Committee shall include the President, President-Elect, Secretary, and Treasurer and at least two board members who are not members of the Executive Committee. The Executive Director is an *ex officio*, non-voting member of the Budget Committee. The Treasurer serves as the Chair of the Budget Committee.
- i. Death Penalty Committee. The Death Penalty Committee shall be responsible for monitoring all issues relating to the death penalty and developing the official position of the HCACDL on death penalty issues, subject to the approval of the Board.

ARTICLE IX: Adoption and Amendment of Bylaws

1. Method.

The bylaws may be adopted, amended or rescinded at any meeting of the Board of Directors of the HCACDL by an affirmative vote of 2/3 of the board members in good standing present and voting; provided that notice of the proposed action may be filed by one (1) or more voting members of the Board of Directors of the HCACDL with the Secretary, and shall have been given by said Secretary to the voting members of the HCACDL in writing, at least thirty (30) days before the meeting at which such action is proposed to be taken.

2. Effective Date.

These bylaws and all amendments thereto shall take effect immediately upon adoption by the HCACDL unless otherwise specifically so provided.