BYLAWS
of
THE APPELLATE JUDGES CONFERENCE
of the
Judicial Division
American Bar Association

ARTICLE 1: NAME AND PURPOSE

Sec. 1.1 NAME: This Conference shall be known as The Appellate Judges Conference of the Judicial Division and shall be referred to subsequently as “the Conference.”

Sec. 1.2 PURPOSE: The purpose of this Conference shall be the purpose of the American Bar Association as stated in its Constitution, within the particular area of appellate judicial activities. To this end, the objects of the Conference shall be to promote the effective functioning of the appellate courts by conferences, seminars, and other programs and by the collection and dissemination of information related to the concerns of those courts, their individual members, and practitioners.

ARTICLE 2: MEMBERSHIP

Sec. 2.1 ELIGIBILITY.

(a) Membership shall be open to all members of the Judicial Division who sit on courts of last resort or intermediate appellate courts.

(b) Former appellate judges who are members of the Judicial Division may maintain full membership or may be admitted as Associate Members, but shall not be eligible to hold office other than ex-officio.

(c) Any lawyer, law teacher, or law student who is a member of the Judicial Division but is not otherwise eligible for membership may be admitted as an Associate Member of the Conference and may participate in Conference affairs but shall not hold Conference office or vote except for the elected Chair of the Council of Appellate Lawyers and the elected Chair of the Council of Appellate Staff Attorneys.

(d) Any appellate practitioner member of the Judicial Division may be a
member of the Council of Appellate Lawyers of the Conference.

(e) Any appellate staff attorney member of the Judicial Division may be a member of the Council of Appellate Staff Attorneys of the Conference.

Sec. 2.2 DUES. No dues other than those payable to the ABA or the Judicial Division shall be required of members of the Conference.

Sec. 2.3 TERMINATION OF MEMBERSHIP. Any member of the Conference who ceases to be a member of the Judicial Division shall also cease to be a member of the Conference. Any member of the Conference whose annual dues are more than six months past due shall cease to be a member of the Conference.

ARTICLE 3: CONFERENCE MEETINGS

Sec. 3.1 ANNUAL MEETING. The Conference shall meet annually in conjunction with the Annual Meeting of the ABA, at a time to be fixed by the Executive Committee. The Chair shall give the membership at least 60 days notice of the date, time, place, tentative agenda, and parliamentary authority for the annual meeting.

Sec. 3.2 SPECIAL MEETINGS. The Conference may hold other meetings of its membership during the year. The Chair shall give the membership at least 15 days notice of the date, time, place, agenda and parliamentary authority for a special meeting.

Sec 3.3 QUORUM. A minimum of fifteen members of the Conference present at a meeting of the membership shall constitute a quorum for the transaction of business. Binding action, including elections, shall be by a majority vote of the eligible members present.

Sec. 3.4 AGENDA. The agenda of the annual meeting of the membership shall consist of the election of officers and members of the Executive Committee and such other matters as the Chair of the Conference deems appropriate. The agenda of any special meetings of the membership shall consist of those matters which the Chair of the Conference or its Executive Committee deems appropriate and of which notice has been given.

Sec. 3.5 Notice. Whenever notice is required by any provision of these bylaws, it may be given by publication in any journal or newsletter published by the American Bar Association or its Judicial Division.

Sec. 3.6 PARLIAMENTARY AUTHORITY. The Chair of the conference shall
preside at all meetings of the Conference. The Chair shall also select the parliamentary authority to govern meetings of the Conference in parliamentary situations not covered by these bylaws and shall give notice of the authority as set out in Sec. 3.1 and 3.2 above.

ARTICLE 4: EXECUTIVE COMMITTEE

Sec. 4.1 POWERS AND FUNCTIONS.

(a) The Executive Committee shall be vested with the powers and duties necessary for the administration of the activities of the Conference.

(b) At the Annual Meeting, the Executive Committee shall appoint the Budget Officer for the Conference and adopt a budget for the next fiscal year. The Budget Officer shall perform the duties set out in sec. 6.8. Should the Executive Committee fail for any reason to appoint the Budget Officer at the Annual Meeting, the Chair-elect shall serve as Budget Officer as provided in sec. 6.4(b) until the Budget Officer is duly appointed by the Executive Committee. Should the Executive Committee fail for any reason to adopt a budget for the next fiscal year at the Annual Meeting, the prior fiscal year’s budget shall remain in effect until the budget is duly adopted by the Executive Committee; provided, however, that whenever a prior fiscal year’s budget remains in effect, no commitments, contracts, or expenditures shall be made that exceed the projected income and reserves of the Conference for that fiscal year. The expenditure of any funds not authorized in the budget shall require the express approval of the Executive Committee; provided, however, unless the Executive Committee directs otherwise, the Chair and the Budget Officer, acting jointly, shall have the authority in any year to modify the budget by an aggregate net amount not to exceed the greater of either $10,000 or 10% of the projected income and reserves of the Conference for that fiscal year, provided, further, however, that neither the Executive Committee nor the Chair and the Budget Officer shall authorize commitments, contracts, or expenditures in any fiscal year, which would exceed the income and reserves of the Conference for that fiscal year without the approval of the Board of Governors.

(c) The Executive Committee is authorized to establish and organize into appropriate organizational structure such committees as it deems necessary to carry out the purposes of the Conference. The Executive Committee shall establish an appropriate chain of responsibility for any organizational structures and committees, which it may create. No action of a Conference committee or other organizational component shall be effective until approved by the Executive Committee or by the membership of the Conference. The authority to establish committees and organize them into appropriate organizational structures may be delegated by the Executive Committee to the Chair of the Conference.
(d) Between meetings of the membership, the Executive Committee shall have authority to perform the functions that the membership of the Conference might otherwise perform. The Executive Committee shall report to the membership of the Conference at each meeting any actions taken by the Committee since the last meeting of the membership of the Conference.

(e) The Executive Committee may direct a referendum by mail ballot of the member of the Conference. A majority of the votes cast in the referendum shall determine the policy of the Conference with respect to the questions submitted. Such a referendum shall be conducted according to rules established by the Executive Committee.

(f) All members of the Executive Committee shall serve as members of the Board of the Appellate Judges Education Institute, pursuant to the memorandum of understanding approved by the ABA and the AJEI.

Sec. 4.2 COMPOSITION. The Executive Committee shall be composed of the officers of the Conference, the immediate past Chair of the Conference, eight members-at-large elected to the Executive Committee by the membership of the Conference, the Chair of the Council of Appellate Lawyers, and the Chair of the Council of Appellate Staff Attorneys. It shall be the goal of the Conference to maintain a balance of representatives from state courts of last resort, state intermediate courts, and federal appellate courts among the officers and members-at-large of the Executive Committee.

Sec. 4.3 TERMS.

(a) The term of a member-at-large shall be two Association years beginning with the adjournment of the Annual Meeting during which he or she is elected. The terms of at least one-half of the members-at-large shall expire each year. No member-at-large may serve more than two successive terms in that capacity.

(b) There shall be neither absentee nor proxy voting, but Executive Committee Members may participate in Executive Committee meetings by telephone or video conference, if blanket authority is given by vote of the Executive Committee at the beginning of the fiscal year.

(c) If a special meeting of the Executive Committee is not feasible, the Chair may, and upon written request of five members of the Executive Committee shall, submit in writing to members of the Executive Committee any items upon which the Executive Committee may vote upon the proposition either by written ballot or by telephone vote confirmed in writing to the Secretary of the Conference, who shall record the proposition and the vote on the matter.
Sec. 4.4 COMPENSATION. No salary or compensation for services shall be paid to or by any officer, member of the Executive Committee, or member of any committee, except as may be specifically authorized by the Board of Governors.

Sec. 4.5 VACANCIES. If any member of the Executive Committee fails to attend two successive meetings of the Executive Committee, that member’s seat on the Executive Committee shall be automatically vacated unless the member is excused for good cause by action of the Executive Committee. Between Annual Meetings of the Conference, the Executive Committee may fill vacancies in the seats of the members-at-large of the Executive Committee.

ARTICLE 5: OTHER COMMITTEES

Sec. 5.1 STANDING COMMITTEES. The following committees are authorized as standing committees of the Conference:

- Nominating (see Sec. 7.1)
- Program
- Membership
- Long Range Planning
- Newsletter

Sec. 5.2 AD HOC COMMITTEES. There shall be such ad hoc committees as the Executive Committee may authorize.

Sec. 5.3 COUNCILS.

(a) There shall be a Council of Appellate Staff Attorneys, comprised of members of the Conference as set out in Sec. 2.1(e) who are also staff members of an appellate court. Notwithstanding any other provisions of these bylaws, members of this Council shall elect their own leadership. The elected Chair of the Council of Appellate Staff Attorneys shall be a voting member of the Executive Committee.

(b) There shall be a Council of Appellate Lawyers comprised of appellate practitioners as set out in Sec. 2.1(d). Notwithstanding any other provisions of these bylaws, members of this Council shall elect their own leadership. The elected Chair of the Council of Appellate Lawyers shall be a voting member of the Executive Committee.

Sec. 5.4 APPOINTMENT.

(a) The Chair shall have the authority to appoint the chair and members of all
standing and ad hoc committees and may delegate appointment of members to the chair of a committee.

(b) The chair and members of the Nominating Committee shall be approved by the Executive Committee.

Sec. 5.5 REPORTS. Each committee shall submit a written report of its annual activities to the Secretary no later than 30 days prior to the Opening Assembly of the Annual Meeting for circulation to the membership at the Annual Meeting. Committee reports shall not be released for publication nor shall committees purport to speak for the Conference except by specific authorization of the Executive Committee.

ARTICLE 6: OFFICERS

Sec. 6.1 OFFICERS. The officers of the Conference shall be the Chair, the Chair-elect, the Vice-Chair, the Secretary, and the Conference Delegate to the House of Delegates.

Sec. 6.2 ELECTION. The officers shall be elected by a majority vote of those members present at the business meeting of the Conference held in conjunction with the Annual Meeting of the Association.

Sec. 6.3 CHAIR. The Chair shall preside at all meetings of the membership of the Conference and of the Executive Committee. The Chair shall appoint the Chairs and members of all committees of the Conference who are to hold office during his or her term of office. The Chair shall plan and supervise the activities of the Conference, subject to the directions and approval of the Executive Committee. The Chair shall keep the Executive Committee informed of the activities of the Conference and implement decisions of the Executive Committee. The Chair shall perform such other acts and duties as usually pertain to the office or as may be designated by the Executive Committee. It shall be the goal of the Conference to rotate the office of Chair among representatives from state courts of last resort, state intermediate courts, and federal appellate courts.

Sec. 6.4 CHAIR-ELECT.

(a) The Chair-elect shall aid the Chair in the performance of his or her responsibilities in such manner and to such extent as the Chair may request. In the absence of the Chair, the Chair-elect shall preside at meetings of the Conference and the Executive Committee. The Chair-elect shall perform such duties and have such powers as usually pertain to the office or as may be designated by the Executive Committee or the Chair.
(b) If the Executive Committee fails to appoint a Budget Officer or the office of Budget Officer becomes vacant for any reason, the Chair-elect shall serve ex-officio as the Budget Officer of the Conference until the Budget Officer is appointed, and perform the duties set out in sec. 6.8.

Sec. 6.5 Vice-Chair. The Vice-Chair shall aid the Chair in the performance of his or her responsibilities in the manner and to the extent the Chair may request. In the absence of the Chair and the Chair-elect, the Vice-Chair shall preside at meetings of the Conference and the Executive Committee. To ensure the rotation required by Sec. 6.3, the office of Vice-Chair shall rotate among representatives of courts of last resort, state intermediate courts, and federal appellate courts.

Sec. 6.6 SECRETARY. The Secretary shall consult with and assist all officers of the Conference and the Association staff with respect to the retention and maintenance of books, records, papers, documents, and all other items pertaining to the work of the Conference. The Secretary shall keep a true record of the proceedings of all meetings of the Conference and of the Executive Committee.

Sec. 6.7 CONFERENCE DELEGATE. The Conference Delegate to the House of Delegates shall represent the Conference in the House of Delegates. The Conference Delegate shall report to the Executive Committee on the agenda of upcoming House of Delegates meetings and on action taken by the House of Delegates on pertinent matters.

Sec 6.8 BUDGET OFFICER. The Budget Officer shall keep an accurate record of all income and expenditures of the Conference. The Budget Officer shall monitor all accounts, reports, and other documents relating to Conference funds and shall seek to make certain that all such accounts, reports and other documents are accurate and correct. The Budget Officer shall report on the Conference’s financial condition at each meeting of the Executive Committee and shall advise the officers and the Executive Committee of any matter that in his or her judgment, would have a significant impact on the financial condition of the Conference. At the Annual Meeting, the Budget Officer shall submit to the Conference a report on the Conference’s financial affairs and condition. The Budget Officer shall prepare such other recommendations and special reports on financial affairs of the Conference as may be requested by the Chair of the Conference or the Executive Committee.

Sec. 6.9 TERMS.

(a) The term of the Chair is one Association year, beginning with the adjournment of the Annual Meeting during which he or she is elected.

(b) The term of the Chair-elect is one Association year, beginning with the adjournment of the Annual Meeting during which he or she is elected. The Chair-
elect shall become the Chair upon the adjournment of the next Annual Meeting of the Association and is not again eligible for either office.

(c) The term of the Vice-Chair is one Association year, beginning with the adjournment of the Annual Meeting during which he or she is elected. The Vice-Chair shall become the Chair-elect upon the adjournment of the next Annual Meeting of the Association and is not again eligible for either office.

(d) The Secretary shall serve a two-year term beginning with the adjournment of the Annual Meeting during which he or she is elected.

(e) As set forth in § 6.7(d) of the ABA Constitution, the term of the Conference Delegate shall be for three years, commencing at the Annual Meeting in 2005, and each third year thereafter.

Sec. 6.10 VACANCIES.

(a) If any officer fails to attend two successive meetings of the Executive Committee, the office shall be automatically vacated, unless the absent officer is excused for good cause by action of the Executive Committee.

(b) In case of the death, resignation, or disability of the Chair, the Chair-elect shall perform the duties of the Chair for the remainder of the term or period of disability. The acting Chair may then elect to serve the full one-year term to which he or she would have succeeded in due course but for the death, resignation, or disability of the previous Chair.

(c) In case of the death, resignation, or disability of the Chair-elect, the Vice-Chair shall perform the duties of the Chair-elect for the remainder of the term or period of disability. The acting Chair-elect may then elect to serve the full one-year term to which he or she would have succeeded in due course but for the death, resignation, or disability of the previous Chair-elect.

(d) If, despite the operation of the rules of succession in 6.10, a vacancy in the office of Chair or Chair-elect should occur, the Executive Committee shall fill the vacancy and the newly designated officer shall serve only until the adjournment of the next Annual Meeting.

(e) In the event of the death, resignation, or disability of the Vice-Chair, the Executive Committee shall elect an acting Vice-Chair to fill out the remainder of the term or to perform the duties of the Vice-Chair during the period of his or her disability.

(f) In the event of the absence or inability to serve of the Conference Delegate to the House of Delegates, the Executive Committee shall appoint an individual to
serve the remainder of the term or during the period of disability.

ARTICLE 7: NOMINATION AND ELECTION

Sec. 7.1 NOMINATING COMMITTEE. Nominations for officers and members-at-large of the Executive Committee shall be made by the Nominating Committee. At any time not later than the close of the Midyear Meeting of the Association, the Chair shall appoint a Nominating Committee of at least three members of the Conference who are not candidates for office, and a majority of whom shall not be a present officer, or member of the Executive Committee of the Conference. After securing approval of the members of the Nominating Committee by the Executive Committee, the Chair shall promptly announce the names and addresses of the members of the Nominating Committee to the membership of the Conference by publishing them in a Conference or Judicial Division publication. If a vacancy should occur in the membership of the Nominating Committee, the Chair of the Conference may appoint a member to fill that vacancy. One or more candidates may be nominated by the Nominating Committee for each position to be filled by election. The Nominating Committee shall report the identity of each nominee and shall include a brief statement of his or her activities in the Conference and in the legal profession. The Nominating Committee shall submit its report to the Chair of the Conference not later than 45 days prior to the Opening Assembly of the Annual Meeting.

Sec. 7.2 PETITION. One or more additional nominations may be made for any office, including member-at-large of the Executive Committee, by petition signed by not fewer than 10 members of the Conference. The petition must state that the individual nominated has agreed to the nomination. The petition shall be sent to the Chair of the Conference and must be received not less than 35 days prior to the Opening Assembly of the Annual Meeting.

Sec. 7.3 PUBLICATION OF NOMINEES. No less than 30 days prior to the Opening Assembly of the Annual Meeting, the Chair shall publish the names of all nominees for elected officers and members-at-large in a publication of the Conference or the Judicial Division or electronic mail.

Sec. 7.4 ELECTION. All elections shall be held at the business meeting of the Conference during the Annual Meeting. The date, time, and place of the meeting shall be published in the official program of the Annual Meeting of the Association. Elections for contested positions shall be by written ballot. Each contested position shall be voted upon separately. Election shall be by a majority of the votes cast, and a run-off election to choose between the two leading candidates shall be held if a majority vote is not initially obtained.

ARTICLE 8: AMENDMENTS
These bylaws may be amended at any Annual Meeting of the Conference by a majority vote of the members present and voting, providing such proposed amendment shall first have been approved by the Executive Committee. Notice of intent to amend the bylaws must be given to the membership no later than 60 days prior to the Opening Assembly of the Annual Meeting. Amendments shall become effective upon approval by the Board of Governors of the Association.

ARTICLE 9: REPRESENTATION OF ASSOCIATION POSITION

Any action by this Conference must be approved by the House of Delegates or by the Board of Governors of the Association before the action can be effective as an action of the Association. Any resolution or recommendation adopted or action taken by the Conference, on request of the Executive Committee or at Conference initiative, shall be reported by the Chair or Conference Delegate to the Board of Governors for action by the Association.

Approved by AJC Executive Committee August 2011
Approved by JD Council September 2011
Approved by the ABA Board of Governors October 2011