

BY - LAWS
PUERTO RICO ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS
(Amended as of November 25, 2008)

ARTICLE I: NAME, SEAL, OFFICES, PURPOSES AND OBJECTIVES

SECTION A: NAME

The name of this organization is the “Puerto Rico Association of Criminal Defense Lawyers.”

SECTION B: SEAL

The seal of this Association shall be that which is affixed to these by-laws.

SECTION C: OFFICES

The Association may have offices at such places as the Board of Directors may from time to time appoint.

SECTION D: MISSION

The Association is a not for profit organization of criminal defense lawyers dedicated to defending persons, rich or poor, accused of committing criminal offenses, whose mission is to:

1. effectively and actively defend and protect the individual rights guaranteed by the Constitutions of the United States and Puerto Rico and other applicable law;
2. promote the professional standing and competence of all lawyers engaged in the practice of criminal defense law; and
3. ensure and foster the fair administration of the justice system for the benefit of all persons in Puerto Rico and the United States;

SECTION E: PURPOSES AND OBJECTIVES

The Association is an affiliate of the National Association of Criminal Defense Lawyers and works to improve, maintain and challenge the quality and administration of the criminal justice system in the federal and local courts in Puerto Rico by:

1. preserving due process and equal protection of the law for the benefit of all persons;
2. insuring that the individual rights guaranteed by the Puerto Rico and United States Constitutions are applied fairly and equally and that said rights are not diminished;
3. fostering the development and improvement of criminal practice and procedure;
4. promoting and maintaining the integrity, independence and expertise of criminal defense lawyers;
5. enhancing the ability of its members to discharge their professional responsibilities through educational programs, publications and mutual cooperation;
6. sponsoring meetings, seminars and training for criminal defense lawyers to provide an arena or forum for the exchange of information about the practice of criminal law and administration of criminal justice; and
7. educating the public about the role of criminal defense lawyers in the justice system and society in regard to the protection of the individual rights.

ARTICLE II: MEMBERSHIP

SECTION A: ADMISSION TO MEMBERSHIP

Any person desiring to become a member of the Association shall file with the Board of Directors a written application for membership in such form as may be prescribed by the Board of Directors. An applicant who qualifies for membership shall be admitted upon payment of the appropriate dues.

SECTION B: QUALIFICATIONS FOR MEMBERSHIP

Except as set forth in section C of Article II of these by-laws, membership in the Association shall be open to:

- (1) Any attorney admitted to practice in a good standing, before the Supreme Court of Puerto Rico, or the United States District Court for the District of Puerto Rico, and who maintains an office and criminal defense practice in Puerto Rico.

- (2) Any attorney who is a member of the state or federal public defenders' offices in Puerto Rico.
- (3) Students enrolled in accredited law schools. Such membership shall be subject to the rules and regulations set by the Board of Directors. Such students shall demonstrate an interest in the practice of criminal defense law and shall not have the right to vote.
- (4) Full-time law professors at accredited law schools, who provide substantial contributions and services to the defense of criminal cases.

SECTION C: PERSONS NOT ELIGIBLE FOR MEMBERSHIP

Persons employed in the offices of prosecutors, including, but not limited to, United States Attorneys, Special Prosecutors, City Attorneys, District Attorneys or Attorneys General, and any persons employed in law enforcement, or by the executive branch of any government, including but not limited to police officers, marshals, correctional officers, parole officers and probation officers, are not eligible for membership in the organization. Further, persons engaged in a full-time judicial function, including any full-time judges, magistrate-judges, commissioners or referees, and their law clerks, are disqualified from membership.

SECTION D: CATEGORIES OF MEMBERSHIP

1. **Regular Membership:** Attorneys engaged in the practice of criminal law and professors who qualify for membership in accordance with Sections B (1) (2) and (4) of Article II of these by-laws.
2. **Law Student Membership:** As defined in Section B (3) of Article II of these bylaws.

SECTION E: VOTING

At every meeting of members, each Regular Member present and eligible to vote, shall be entitled to one vote. The Treasurer, after verifying payment of annual dues, shall certify all members qualified to vote.

SECTION F: DUES

Regular membership \$90.00, annually
Law Student membership \$25.00, annually

SECTION G: EXPULSION, CENSURE OR RESIGNATION OF MEMBERS

Any member may resign from the Association by delivering written notice to the Board of Directors. Any member may be censured, suspended, or expelled for justifiable cause, after a hearing, by the affirmative vote of not less than two-thirds (2/3) of the total Board of Directors. Before any such action may be taken, written notice of the proposed hearing and action must be given to the member at least ten days before the hearing. At the hearing, the member charged shall be given an opportunity to be heard and to present evidence in response to the charges.

Volunteering confidential information, as the same may have been classified by the Board of Directors pursuant to Section I of Article III of these by-laws, to non-eligible members or nonmembers, or being disbarred from the practice of law at the state or federal level, shall constitute grounds for expulsion.

ARTICLE III: BOARD OF DIRECTORS

SECTION A: MEMBERS ELIGIBLE

All qualified members as defined in section D(1) of Article II of these by-laws are eligible for the Board of Directors.

SECTION B: NUMBER OF DIRECTORS

The Board shall consist of nine (9) directors. One of the directors shall be the Federal Public Defender or a designee, provided that this person fulfills the requirements set forth in section D(1) of Article II of these by-laws. The remaining eight (8) directors will be elected in staggered two-year terms as provided in Article III of Section C, by the members eligible to vote at the annual meeting.

SECTION C: TERM OF OFFICE

The members of the Board of Directors shall be elected at the annual meeting of the Association. The President shall be elected for a two-year term in the first ballot in odd calendar years.

The remaining seven (7) members of the Board shall be elected in the second ballot in staggered two-year terms, in which three (3) Directors, in addition to the President, shall be elected in odd calendar years (2009, 2011, 2013, etc.); and, four (4) Directors shall be elected in even calendar years (2008, 2010, 2012, etc.). The entire Board of Directors, once elected, shall appoint its officers. The elected board members shall hold office until the expiration of their two-year terms and/or their successors are elected and qualified.

SECTION D: ELECTION

Eight (8) of the nine (9) Directors composing the Board shall be elected by majority vote of all members eligible to vote, as certified by the Treasurer pursuant to section E of Article II of these by-laws, at the Association's annual meeting. The annual meeting shall be notified in writing to all current members thirty (30) days prior to the meeting.

SECTION E: ABSENCE

A Director shall not accept office unless he or she intends to attend all meetings. A Director with more than two unexcused absences per year may be removed by a majority vote of the Board of Directors.

SECTION F: VACANCY

The unexpired term of a Board members shall be filled by a majority vote of the Board of Directors.

SECTION G: QUORUM

For meetings of the Board of Directors, quorum shall be constituted by five (5) members of the Board.

SECTION H: BOARD OF DIRECTORS' OFFICERS

The **President** shall have no greater powers than any other Director except to serve as spokesperson for the Board of Directors and to have ministerial authority subject to Board review.

The President of the Association shall serve as chairperson at meetings of the Board of Directors.

The **Vice-President** shall assist the President in the performance of the President's duties and shall also perform such other duties as may be prescribed by the Board of Directors. In the case of the absence of the President, the Vice-President shall act as President. In the case of the death of the President or in the event of resignation or removal from office, the powers and duties of the President shall evolve upon the Vice-President, who shall conclude the term of office of the President in accordance with the provisions of these by-laws.

The **Secretary** shall attend and keep minutes of all meetings of the Association and shall have such other powers and perform such other duties as are incident to the office of Secretary or as may be assigned from time to time by the Board of Directors or by the

President.

The **Treasurer** shall maintain the funds, pay the obligations of the Association, and insure the safe and prudent management of the Association's finances as directed by the Board of Directors.

SECTION I: POWERS AND DUTIES

The Board of Directors may appoint such officers, including an Executive Officer, and agents as it may deem necessary. All such appointments shall serve at the pleasure of the Board. The Board shall set and annually review any and all compensation, if any, of such officers and agents.

The Board may also designate such committees as it may deem necessary, as set forth in Article V of these by-laws.

The Board of Directors shall have the power to designate the classes of information which are to be deemed confidential for the purpose of section G of Article II of these by-laws, and which categories of membership are eligible to have said information.

The Board of Directors shall organize all meetings of the membership as set forth in Article IV of these by-laws.

The Board of Directors as a body shall meet on a regular basis, but not less than five (5) times in any one year.

Furthermore, the Board of Directors shall have broad powers to carry out the purposes and objectives of the Puerto Rico Association of Criminal Defense Lawyers and to implement these bylaws.

ARTICLE IV: MEETINGS

SECTION A: TIME AND PLACE

The Association shall hold an annual meeting of all the members at a time and place as may be fixed by the Board of Directors and may hold such other meetings of all members when necessary.

SECTION B: SPECIAL MEETINGS

The Board of Directors may convene special meetings of the entire Association or of particular members and directors when it may deem it necessary for carrying out the purposes

of the Association.

SECTION C: QUORUM

For members' meetings quorum shall be constituted by twenty-five percent (25%) of all eligible voting members.

ARTICLE V: COMMITTEES

SECTION A: STANDING COMMITTEES

The Association shall have the following standing committees:

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| 1. Legislative | 7. Jury Data Bank |
| 2. Continuing Legal Education | 8. Annual Meeting |
| 3. Publications | 9. Death Penalty |
| 4. Membership, Benefits & Services | 10. Ethics Advisory |
| 5. Judicial Relations | 11. Lawyers Assistance Strike Force |
| 6. Brief Bank | |

SECTION B: ADDITIONAL COMMITTEES

There shall be such other committees as shall be determined from time to time by the Board of Directors.

SECTION C: COMMITTEE CHAIRPERSONS

Chairpersons of all such standing and other committees shall be appointed annually by the majority vote of the Board of Directors as soon after the annual election as may be practicable, and shall continue in office until successors are appointed after the next annual meeting.

SECTION D: VACANCIES

The Board of Directors shall have the power to fill vacancies in any committee chair by majority vote.

SECTION E: COMMITTEE REPORTS AND ACTION

All committees shall report their findings, activities and recommendations to the Board. The power to act on committee findings and recommendations rests solely with the Board of Directors.

ARTICLE VI: DISSOLUTION OF ASSETS

In the event this Association should dissolve, its assets shall be liquidated and distributed to charitable organizations with similar objectives and purposes to those of the Association, as described in section D of Article I of these by-laws. Said distribution shall be determined by a majority vote of the Board of Directors then in office.

ARTICLE VII: AMENDMENTS TO THE BY-LAWS

SECTION A: BY-LAWS COMMITTEE

The President shall appoint a committee whose function is to ensure that amendments to the by-laws are made. The by-laws committee shall be comprised of at least two (2) regular members as designated by the President. At least one (1) of the members of the committee shall be from the Board of Directors.

SECTION B: NOTICE

These by-laws may be amended by a majority vote of the members who are eligible to vote, present and voting at any regular membership meeting, provided that copies of the proposed amended by-laws had been mailed or electronically transmitted to all members eligible to vote or published in a PRACDL publication at least ten (10) days in advance of the membership meeting at which such action is proposed to be taken.

SECTION C: WAIVER

The notice required by section B of this article may be waived by unanimous vote of those members present and eligible to vote at such membership meeting.

SECTION D: PROCEDURE

In the event the by-laws are amended, notice of the amended by-laws shall be given to all members. Publication of the by-laws shall be on file with the Association and shall be printed each year in their entirety in an Association publication, and distributed to all members.