Bearcat Chapter of the National Association for Public Defense Constitution

Adopted February 10, 2016

ARTICLE I. NAME AND PURPOSE

1.1 The name of this association shall be the “Bearcat Chapter of the National Association for Public Defense”; also referred to as the “Association” throughout this document.

1.2. The purpose of The Association shall be:

- To promote and support the legal education of law students interested in learning about or working, interning, or volunteering in Public Defense;

- To provide a forum for law students to learn and discuss issues that affect: the provision of public defense services; the public defense profession; and the carceral system.
  
  o We have consciously decided to utilize the accurate and progressive terminology of carceral system as opposed to criminal justice system.

- To develop a support network amongst law students interested in public defense, practicing public defenders, supporters of practicing public defenders/law students, and the National Association for Public Defense (NAPD) community at large.

- To provide law students access to various NAPD services and events.

- To provide law students with the forum and opportunity to contribute to the growing dialogue surrounding the need for systemic change in the carceral system.

- To encourage law students to: detect areas in the carceral system in need of systemic change; identify areas of the carceral system that result in the institutionalization of societal injustice; and recognize that an individual’s relationship with the carceral system will vary dependent on factors such as race, income, education, sexual orientation, mental health status, immigration status, and other characteristics.

ARTICLE II. MEMBERSHIP

2.1. There shall be two types of membership.

- Student Member: A Student Member is defined as a person who is a full or part time student at the University of Cincinnati College of Law. Student members shall enjoy all the benefits of membership including voting, the ability to hold office, and networking.

- Honorary Member: An Honorary Member is defined as any professors of law or any practicing lawyer or judge not meeting the qualifications in the previous section who by
application is admitted to the membership. Honorary Members shall have no right to vote or hold office but may participate in any functions of the Association.

ARTICLE III. POWERS

3.1. The ultimate power of the Association shall be vested in its membership. A majority vote of those present at meetings shall control, or if a vote is taken electronically, a majority of those who answer within fourteen (14) days.

3.2. The officers shall execute the affairs of the Association, oversee the work of all committees, and have general authority of the property of the Association.

3.3. The President has no voting right in any meetings of the membership except when the membership vote results in a tie. The President shall have a right to vote in matters concerning emergency amendment procedures, whereby a unanimous vote of the officers is required.

ARTICLE IV. OFFICERS

4.1. The Executive Board (Board) of this Association shall be composed of a President, Vice President, Treasurer, Secretary, Student Bar Association (SBA) Representative

4.2. The officers shall be elected for the upcoming year during a General Meeting of the Spring Semester, with the exception of the SBA Representative. Officers shall serve a term of 12 months beginning the June following installation. The officers-elect will have no vested authority until the date of installment. However, the officers-elect have the responsibilities of apprenticing the office in which they will eventually occupy. The SBA representative shall be elected during the first general meeting of the fall semester.

4.3. The President shall preside over all meetings, set the agenda and objectives of the association, and see that the organization attains its goals. It shall be the duty of the President to direct all endeavors that have the Association’s interests and to keep the membership abreast of any information of pertinent concern. The President is the representative and spokesperson of the association. The President shall have the power to sign matters of financial concern.

4.4. The Vice President shall assist the President in executive duties, serve as a liaison to outside groups when requested by the President, and shall have the duty of formal correspondence in matters dealing with the Association’s policies, concerns, or endeavors.

4.5. The Treasurer shall be entrusted with the receipt, care, and disbursement of funds. The Treasurer has the power to sign matters of financial concern and shall keep a record of all financial transactions of the Association. In addition, it is the responsibility of the Treasurer to plan and submit a fiscal budget to the SBA upon request.

4.6. The Secretary shall keep the minutes of the meetings of the Board and Association, report to the members the previous meeting’s minutes, and call to vote for approval of such minutes by a
majority vote of the officers and members who are present. It is also the duty of the Secretary to:
record and tally votes when called, handle the collection of secret ballots when called, and keep a
roll of the membership. The Secretary shall handle internal correspondence, assist the Vice
President in matters of correspondence, and have the duty of notifying members of meetings.

4.7. The SBA Representative is responsible for keeping the Board and Association apprised of
SBA meeting discussions. The SBA Representative will also be responsible for voting on
matters that arise at SBA meetings. The SBA Representative shall be responsible for
representing the Association’s best interests.

ARTICLE V. ELECTIONS

5.1. Election to any position shall be by popular vote and the greatest number of votes received.
Elections shall be held in a general member meeting to be announced to Association members at
least one week prior to the meeting.

5.2. All candidates for office shall be student members of the Association and in good standing
with the College of Law and University of Cincinnati.

5.3 No one shall be nominated so that they might hold two or more elected offices of the
Association concurrently. If a candidate is not elected to the first position applied for, he or she
may choose to run for another position.

5.4 The method of election shall be secret, with all members heads down on their desk. A vote
shall be cast by placing one hand up. A neutral observer shall count the hands and declare which
candidate had the most votes. Each student member in good standing may cast ONLY one vote
for each contested office. In the event of a tie any runoff elections shall be held through online
polling. The online poll shall close 72 hours after the end of the member meeting where
elections occurred. In the event of a tie following a runoff, the outgoing President shall cast the
tie-breaking vote.

ARTICLE VI. REGULATION, REMOVAL AND APPOINTMENT OF OFFICERS

6.1. If at any time an elected officers wishes to resign from his or her duties, he or she may do so
by presenting a written statement to the Secretary setting forth the reason for such action.
Resignation shall be effective only if in writing and shall become effective when tendered. It
will be recorded in the minutes of the next meeting.

6.2. The removal of any officer or member shall be done in the following manner:
a. A written complaint setting forth reasons for removal and signed by at least fifty
percent (50%) of the membership which shall be presented to an officer of the
association; b. Removal will be discussed at the next meeting of the association; and
c. After discussion, a vote shall be taken to determine the issue of removal and removal
shall occur through a two-thirds majority vote of the membership present.
6.3. If any officer other than the President or Vice-President shall resign before the last week of classes, the Board shall have the power to fill the vacancy until the end of the semester. If a resignation occurs after that point, the office shall remain vacant until the result of the election has been announced, when the incoming officer shall fill the position immediately.

6.4. If the President resigns, the Vice-President shall become President and shall retain the office of Vice-President. The Treasurer shall deputize for him in his absence. If the Vice-President resigns before the middle of the semester, there shall be an election to fill the vacancy. The President shall give the appropriate notice as in § 2 of this Article, and nominations shall be accepted until 1 p.m. on the seventh day after the display of these notices. If the Vice-President shall resign after the middle of the semester, the Board shall have the power to fill that vacancy.

ARTICLE VII. MEETINGS

7.1. The President shall call at least two meetings of the Board per semester, of which the Secretary shall give two days’ notice to each member of the Board.

7.2. The President shall call at least two General meetings a semester. The Secretary shall give notice of this meeting seven days in advance.

7.3. The agenda of the meeting shall consist of the presentation of the accounts of the Association from the previous term (first meeting of the semester only) and any other such business as shall have been communicated to the President.

7.4. If any members of a majority of the Board shall present a petition to the President for a Special meeting, he shall call such a meeting within fourteen days. The Secretary shall be given twenty-four hours to give notice of the meeting, stating its business, at least seven days in advance. Only this business shall conducted during the Special meeting. Notice shall be given to any person against whom a written complaint was submitted.

7.5. There is no quorum requirement for a general meeting, however, general meetings must be announced two days in advance.

ARTICLE VIII. NON-DISCRIMINATION POLICY

8.1. It is the policy of the Bearcat Chapter of the National Association for Public Defense not to discriminate on the basis of sex, handicap, race, color, age, religion, social class, veteran status, sexual orientation, gender identity, or national or ethnic origin.

ARTICLE IX: INTERPRETATION
9.1. When notice is required to be given under this Constitution to members of the Association or of the Board, this may be done either to their mailboxes in the College building or to their university email accounts.

9.2. Questions of interpretation of this Constitution these regulations shall be resolved by the Board.

9.3. The Board shall have the power to regulate any matter not covered in the Constitution by Standing Order. Valid Standing Orders may not contradict the Constitution.

ARTICLE X. AMENDMENTS

10.1. The Association may provide for the amendment of the Constitution through submission of proposals made at any meeting of the Association agreed upon by a majority vote of all members present, provided that prior notice has been given to the Secretary. Such proposed amendment will become effective in the next meeting’s approval of the minutes by majority vote.

10.2 Amendments may be made at any time when emergency so requires, by a unanimous vote of the Board (which shall include a vote by the President) and shall be considered temporary for a thirty (30) day period or until the next meeting is possible in order to ratify or delete such amendment through the reading of the minutes.

Created: January 29, 2016
Last updated: January 29, 2016