



DUKE BAR ASSOCIATION Constitution

Duke Bar Association Constitution 2009-2010

ARTICLE I. NAME AND MEMBERSHIP

SECTION 1. NAME

The name of this association shall be the Duke Bar Association ("Association").

SECTION 2. MEMBERSHIP

All candidates for the degrees of Juris Doctor ("J. D."), Master of Law ("L.L. M."), or any joint degrees at the Duke University School of Law are members of the Association. In addition, all students at Duke University School of Law against whom the Registrar assesses Duke Bar Association membership dues are members of the Duke Bar Association.

ARTICLE II. OFFICERS AND COMMITTEE CHAIRPERSONS

SECTION 1. POSITIONS

A. Officers

There shall be a President, an Internal Vice-President, an External Vice-President, a Secretary, Communications Chair and a Treasurer of the Association (collectively "Officers").

B. Committee Chairpersons

There shall be an Academic Chairperson, a Community Service Chairperson, an Athletic Chairperson, a Leadership Chairperson, and a Social Chairperson of the Association (collectively "Chairpersons").

C. Election

All Officers and Chairpersons shall be elected in accordance with Article IX of this Constitution.

SECTION 2. DUTIES

In addition to the duties prescribed elsewhere in this Constitution, the duties of the Officers shall be specified in the bylaws.

SECTION 3. TENURE

A. All Officers and Chairpersons shall serve a one (1) year term beginning on the first Monday after Spring Break, and ending on the last Sunday during Spring Break of the subsequent year.

B. No person shall be elected to the office of President more than once.

ARTICLE III. REPRESENTATIVES

SECTION 1. POSITIONS

A. Positions

There shall be three (3) Class Representatives from each of the classes, and two (2) International Student Representatives (collectively "Representatives").

B. Election

All Representatives shall be elected in accordance with Article IX of this Constitution.

SECTION 2. DUTIES

In addition to the duties prescribed elsewhere in this Constitution, the duties of the Representatives shall be specified in the bylaws.

SECTION 3. TENURE

A. The 3L Class Representatives shall serve one (1) year terms beginning on the first Monday after Spring Break, and ending on the last day of the following academic year.

B. 2L Class Representatives shall serve one (1) year terms beginning on the first Monday after Spring Break, and ending on the last Sunday during Spring Break of the subsequent year.

C. The 1L Class Representatives shall serve a term beginning on the date of his or her election in September, and ending on the last Sunday during Spring Break of the same year.

D. The International Student Representatives shall serve a term beginning on the date of his or her election in September, and ending on the last day of the academic year.

ARTICLE IV. EXECUTIVE BOARD

SECTION 1. MEMBERS

The Executive Board of the Association shall be composed of the following: President, Internal Vice-President, External Vice-President, Secretary, Treasurer, Academic Chairperson, Community Service Chairperson, Social Chairperson, Athletic Chairperson, Leadership Chairperson, Third Year Class Representatives, SecondYear Class Representatives, First Year Class Representatives, International Student

Representatives and Communications Chair.

SECTION 2. MEETINGS

A. Special Meetings

(1) The President may call a meeting of the Executive Board at any time.

(2) The President shall call a meeting of the Executive Board whenever petitioned to do so by three (3) or more members of the Executive Board.

B. Notice

Adequate and timely notice must be given for each meeting so that there will be a quorum present for the transaction of business. Notice to the total membership of the Association should be publicly posted.

C. Quorum

Three-fifths (3/5) of the members of the Executive Board shall constitute a quorum. In the absence of a quorum, the members of the Executive Board shall take no action except to obtain a quorum, or to adjourn.

D. Voting

(1) Each member of the Executive Board, except the President, is entitled to one vote. The President may vote only in the event of a tie.

(2) All matters which require a vote of the Executive Board shall be decided by a simple majority of those present, unless otherwise specified under this Constitution.

E. Open Meetings

Every member of the Association shall have the right to attend any regular meeting of the Executive Board.

SECTION 3. POWERS

A. General Powers

The Executive Board may take any action on behalf of the Association not reserved by this Constitution to a decision of the total membership of the Association, the Judicial Board, or an Officer.

B. Specific Powers

(1) The Executive Board may disapprove any appointment made by the President, any Officer or any committee Chairperson. Disapproval requires a vote taken in compliance with the provisions of Article IV, Section 2(E).

(2) The Executive Board may refer any question to the total membership of the Association for its decision at a meeting of the total membership or at a regular or special election, provided that this Constitution does not require the question to be decided by the Executive Board, the Judicial Board, or an Officer.

C. Upon petition of ten percent (10%) of the total membership of the Association, a special referendum shall be held to pass upon any measure proposed from the membership or to disapprove any action taken by the Executive Board or any Officer. The decision of a majority of those voting in such referendum shall be binding on the Executive Board.

ARTICLE V. COMMITTEES

SECTION 1. GENERALLY

- A. At least one Class Representative from each class year shall serve on each committee.
 - (1) Each chairperson is encouraged to appoint an LL.M. to their respective committee unless otherwise required in the relevant section below.
- B. The chairperson shall have the following responsibilities for each respective committee:
 - (1) Submit decisions related to their responsibilities to the committee for a vote. In the case of a tie vote, the Chairperson shall cast the tie-breaking vote.
 - (2) Call meetings as needed but no less than twice per semester, except in the case of the Budget Committee.
 - (3) Coordinate committee member responsibilities and delegate responsibilities such that each committee member is an active participant in the committee.
 - (4) Ensure that committee meeting minutes are kept and submitted to the Secretary within one week of each meeting.
 - (5) Provide a status report at the Executive Board meeting immediately following each committee meeting.
 - (6) Create a binder of relevant information to be passed on to the new committee chairperson and submit a brief summary of the committees' actions that year to the Secretary upon the end of his or her term.
- C. Unless otherwise indicated by the school administration, there shall be one Committee Representative from each class year for any Faculty-Student committee.
- D. The committee programming listed in the following sections are exhaustive. Any changes to DBA programming shall be approved by a majority vote by the Executive Board. Factors to consider in making this decision include:
 - (1) Past tradition,
 - (2) Success of the event,
 - (3) Furtherance of DBA goals,
 - (4) Ability to attract less active Association members.
- E. The following shall be DBA standing committees: Academic, Athletic, Community Service, Budget, Finance, Distinguished Teacher Award, Social, Communications, Leadership, and various Faculty-Student committees as specified by the Administration.

SECTION 2: FUNDING

The Budget committee shall allocate funding to these committees during the normal budgetary process.

SECTION 3: COMPOSITION

- A. Incoming second and third year committee members shall be appointed by the chairperson immediately following the Spring elections.
 - (1) In making these appointments, the chairperson shall strongly consider the expressed preferences of members of the Executive Board.
- B. First year and LL.M. committee members shall be appointed by the chairperson immediately after the fall elections.
 - (1) In making these appointments, the Chairperson shall strongly consider the expressed preferences of members of the Executive Board.
- C. Each committee must at all times contain the following members:
 - (1) The chairperson;
 - (2) At least one Class Representative from each of the three student classes; and
 - (3) The inclusion of LL.M. Representatives pursuant to Section II of the Bylaws.
- D. The chairperson has the discretion to extend invitations to join their respective committees to the general student body and to encourage faculty-student committee members to join a committee as long as the composition requirements in Subsection (3) above are met.
- E. The requirements of this section are to be followed unless otherwise specified.

SECTION 4: TENURE

- A. All committee member terms shall begin immediately upon appointment and shall terminate at the conclusion of his or her term on the DBA Executive Board.
- B. Each chairperson may dismiss and appoint committee members at their discretion, provided that the composition requirements are met.

ARTICLE VI. FACULTY-STUDENT COMMITTEES

SECTION 1. MEMBERS

- A. There shall be student representatives ("Committee Representatives") from each class elected to each Faculty-Student Committee established by the Dean.
- B. Each Committee Representative shall be elected in accordance with Article IX of this Constitution.
- C. Unless otherwise indicated by the Dean, there shall be one Committee Representative per class for any Faculty-Student Committee.

SECTION 2. TENURE

- A. The 3L Class Representatives shall serve one (1) year terms beginning on the first Monday after Spring Break and ending on the last day of the following academic year.
- B. 2L Class Representatives shall serve one (1) year terms beginning on the first Monday after Spring Break and ending on the last Sunday during Spring Break of the subsequent year.
- C. The 1L Class Representatives shall serve a term beginning on the date of his or her election in September and ending on the last Sunday during Spring Break of the same year.

ARTICLE VII. AMERICAN BAR ASSOCIATION REPRESENTATIVES

SECTION 1. MEMBERS

- A. There shall be five (5) American Bar Association ("ABA") Representatives, apportioned among the classes as the Executive Board deems as consistent with this Constitution.
- B. Each Committee Representative shall be elected in accordance with Article IX of this Constitution.

ARTICLE VIII. GRADUATE AND PROFESSIONAL STUDENT COUNCIL REPRESENTATIVES

SECTION 1. REPRESENTATIVES

- A. The bylaws of the Graduate and Professional Student Council ("GPSC") shall determine the total number of GPSC Representatives elected by the Association.
- B. The Executive Board shall equally apportion this total number of GPSC representatives among the classes.
- C. GPSC Representatives shall be elected in accordance with Article XI of this Constitution.

ARTICLE IX. ELECTIONS

SECTION 1. TIMING OF ELECTIONS

- A. There shall be an election ("Officer Election") held during the spring semester, and before February 15th, to elect the following positions: President, Internal Vice-President, External Vice-President, Secretary, Treasurer, Academic Chairperson, Community Service Chairperson, Social Chairperson, Leadership Chairperson, Communications Director, Second or Third Year Judicial Board Members and Appeals Board Members.
- B. There shall be an election ("Representative Election") held during the spring semester, and before March 1st, to elect the following positions: Second and Third Year Class Representatives, Second and Third Year Faculty-Student Committee Representatives, Second or Third Year Graduate and Professional Student Counsel Representatives and American Bar Association Law Student Division Representative.
- C. There shall be an election ("First Year Election") held during the fall semester, and prior to the end of September, to elect the following positions: First Year Class Representatives, International Student Representatives, First Year Faculty-Student Committee Representatives, and First Year Judicial Board Member.

SECTION 2. OFFICER ELECTIONS

- A. Each member of the Association, including current third year students and international students, shall be eligible to vote in the Officer Election.
- B. Election to the following offices shall require a majority vote of those members who vote in such an election: President, Internal Vice-President, External Vice-President, Secretary, Treasurer, Academic Chairperson, Community Service Chairperson, Social Chairperson, Athletic Chairperson, Leadership Chairperson, and Communications Director.
- C. Election to the following positions shall require a plurality vote: Second or Third Year Judicial Board Member, and Appeals Board Member.
- D. The results of the officer election, including the number of votes received by each candidate, shall be made available to the members of the Association by the members of the votecertification committee.

SECTION 3. REPRESENTATIVE ELECTIONS

- A. Each member of the Association who will be a second year or third year student in the academic year that begins in the fall after the election, shall be eligible to vote in the Representative Election.
- B. Election to the following positions shall require a plurality vote: Second Year and Third Year Class Representatives, Second and Third Year Faculty-Student Committee Representatives, Second or Third Year Graduate and Professional Student Counsel Representatives, and Second and Third Year American Bar Association Law Student Division Representatives.
- C. The results of the representative election, including the number of votes received by each candidate, shall be announced to the members of the Association by the members of the vote certification committee.

SECTION 4. FIRST YEAR ELECTIONS

- A. Each member of the Association who is a first year student, or who is an international student participating in the one-year Master of Laws program, or an exchange student, shall be eligible to vote in the First Year Election.
- B. Election to the following positions shall require a plurality vote: First Year Class Representatives, International Student Representative, First Year Faculty-Student Committee Representatives, First Year Judicial Board Member, and First Year ABA Representative.

SECTION 5. PROCEDURES

A. Notice

The Internal Vice-President shall announce the date set for each election no later than ten (10) days prior to the date set for the election.

B. Posting of Candidates

The Internal Vice-President shall post the candidates for each position for at least three school days prior to the election for such positions ("Posting Period").

C. Nominations

(1) Statements of Intent to Run

Any member of the Association who desires to run for any elected position, and who satisfies the qualifications for that position as defined in this Constitution, shall present to the Internal Vice-President a statement of his or her intent to run for the office or position. The statement shall contain the candidate's name, the position desired, and the candidate's signature.

(2) Deadline for Submission

(a) The Internal Vice-President shall set a deadline for submission of statements of intent. The deadline shall be set such that candidates will be posted for the Posting Period.

(b) The Internal Vice-President may, at his or her discretion, extend an original deadline in order to solicit candidates for positions for which there are no candidates; however, the extended deadline must allow that the candidates will be posted for the Posting Period.

Example 1. The original deadline arrives, and there are no candidates for third year Library Committee Representative. The Internal Vice-President may extend the deadline for nominations for that position. The extended deadline must allow that candidates who submit after the original deadline, but prior to the extended

deadline, may be posted for the full Posting Period.

Example 2. The original deadline arrives and there are only two (2) candidates for three (3) available second year Class Representative positions. The two (2) candidates who submitted their nominations on time shall be deemed uncontested. The Internal Vice-President may extend the deadline for only the third position.

D. Voting

(1) Each member of the Association who is eligible to vote shall be entitled to cast one vote for each contested position. No more than one vote may be cast for any one candidate.

Example 1. There are to be four (4) Judicial Board Members elected in the Officer Election, and there are more than four (4) candidates; therefore, there are four (4) "contested positions." Member A may vote for up to four (4) Judicial Board Member candidates on his or her ballot; however, Member A shall not cast more than one vote for any one Judicial Board Member candidate.

(2) No member may cast a vote for a write-in candidate.

(3) A list of all members of the Association shall be carefully checked off when votes are cast.

(4) The polls shall open no later than 9:00am and close no earlier than 4:00pm.

(5) The ballots shall be certified by the Internal Vice-President and two other members of the Executive Board who are not candidates for the office(s) in contention. If the Internal Vice-President is a candidate for an office, the President shall appoint a third Executive Board member to count the ballots.

(6) The three Executive Board members charged with counting the ballots shall be called the vote-certification committee.

(7) In an election using paper ballots, the ballots cast for each candidate shall be counted by each member of the vote-certification committee to ensure that the count is accurate. Additionally, the number of ballots cast shall be cross-referenced with the number of members voting. All three members of the vote-certification committee must agree to certification of the results.

(8) In an election using online voting procedures, the vote-certification committee shall confer with the technology services representative regarding the validity of the results. All three members of the vote-certification committee must agree to certification of the results.

E. Run-off Elections

If election to a particular position requires a majority vote and no candidate receives a majority, a run-off election shall be held within one week of the original election, between the two (2) candidates for that position with the highest number of votes.

F. Internal Vice-President as Candidate

If the Internal Vice-President is a candidate for a position in an election, the Secretary shall conduct the election. In the event that the Secretary is a candidate for a position on an election, the Treasurer shall conduct the election. In the event that the Treasurer is a candidate for a position in an election, the Executive Board shall appoint a member of the Executive Board who is not a candidate for a position to conduct the election.

SECTION 6. UNCONTESTED AND UNFILLED POSITIONS

A. Uncontested Positions

If, when the Posting Period arrives, there is only one candidate for a particular position, the position shall be deemed uncontested, and the candidate shall be deemed elected to that position.

B. Unfilled Positions

(1) If, when the Posting Period arrives, there is no candidate for a particular position, such position shall be deemed unfilled.

(2) The Executive Board may appoint individuals to fill unfilled positions.

(3) The Executive Board may adopt bylaws governing the procedure by which unfilled positions may be filled. Such bylaws shall not be inconsistent with this Constitution.

SECTION 7. OTHER GUIDELINES

The Internal Vice-President may promulgate reasonable rules and regulations which are necessary for the efficient administration of the Association's elections, and which are not inconsistent with this Constitution.

Each DBA-recognized student club shall hold officer elections before March 1st and submit the results of this election to the Treasurer. The newly elected officers shall begin their duties on the first Monday after Spring Break.

ARTICLE X. QUALIFICATIONS, EXPULSION AND VACANCIES

SECTION 1. QUALIFICATIONS

A. Each Officer or Chairperson of the Association (as described in Article II), Class Representative (as described in Article III), International Student Representative (as described in Article III), Faculty-Student Committee Representative (as described in Article VI), ABA Student Division Representative (as described in Article VII), and GPSC Representative (as described in Article VIII) must:

- (1) Be a member of the Association as described in Article I, Section 2;
- (2) Be taking classes at the Law School during both semesters of the academic year following the spring elections, except that this requirement shall not apply to International Student Representatives;
- (3) Be in good standing as determined according to the standards set by the Office of the Dean of the Law School; and
- (4) Read and abide by the terms of this Constitution;

B. In addition to the requirements in subsection A, each Officer, Chairperson or ABA Student Division Representative must be second-year law student ("2L") or third-year law student ("3L") during the academic year following his or her election in the spring.

C. In addition to the requirements in subsection A, each Class Representative and Faculty-Student Committee Representative must be a member of the class from which he or she is to be elected.

D. In addition to the requirements in subsection A, each International Student Representative must:

- (1) Not be a citizen of the United States;
- (2) Not be pursuing the J.D. degree.

E. No Officer, Chairperson, Class Representative, International Student Representative or Faculty-Student Committee Representative may hold any other elected position of the Association during his or her tenure.

SECTION 2. EXPULSION

A. Sanctions

- (1) A board member who has missed more than two (2) Executive Board meetings shall automatically revoke his or her position.
- (2) The President shall have the authority to appoint a replacement with a majority vote of the Executive Board.

B. Any Officer, Chairperson, Class Representative, International Student Representative, Faculty-Student Committee Representative, ABA Student Division Representative, or GPSC Representative shall be removed from office:

- (1) Without cause by a petition signed by more than fifty percent (50%) of:
 - (a) The total membership of the Association, in the case of an Officer, Chairperson, ABA Student Division Representative, or GPSC Representative;
 - (b) The Representative's class, in the case of a Class Representative, or Faculty-Student Committee Representative; or
- (2) With cause, after proper notification of that cause and adequate time for response and correction, by a number of votes equal to three-quarters (3/4) vote of the full Executive Board. The Association shall be notified before such a vote is taken.
- (3) Automatically, if that officer has been censured on two or more occasions by the Executive Board for exceeding allocated funds for an event or project.

SECTION 3. VACANCIES

A. President. If the office of President is vacant, the Internal Vice-President shall assume that office and vacate the office of Internal Vice-President.

B. Other Positions. If any office or chair other than that of the President is vacant, or if any Class Representative, International Student Representative, Faculty-Student Committee Representative, ABA Student Division Representative, or GPSC Representative position is vacant,

(1) And the next election will be held within two (2) months from the date the position becomes vacant, the position shall be filled by an individual chosen by three-fourths ($\frac{3}{4}$) vote of the total remaining members of the Executive Board.

(2) And the next election will not be held within two (2) months from the date the position becomes vacant, the position shall be filled by an election held in accordance with Article IX.

ARTICLE XI. REFERENDUM PROCEDURES

SECTION 1. SUBJECT MATTER AND INITIATION OF REFERENDUM

A. The Executive Board may refer any question to the total membership of the Association for its decision at a meeting of the total membership or at a regular or special election, provided that this Constitution does not require the question to be decided by the Executive Board, the Judicial Board, or an Officer or Chairperson.

B. Upon petition of twenty-five percent (25%) of the total membership of the Association, a special referendum shall be held to pass upon any measure proposed from the membership, or to disapprove any action taken by the Executive Board or any Officer or Chairperson.

C. A referendum on the same topic shall not be held more than once during the academic year. The Executive Board shall have discretion in determining whether a referendum topic is the same topic as a previous referendum topic.

SECTION 2. REFERENDUM PROCEDURES

A. The Executive Board shall inform the members of the Association of the issues concerning the referendum.

B. The Internal Vice-President shall announce the date set for the referendum election no later than ten (10) days before the date set for the referendum election.

C. The Internal Vice-President shall distribute guidelines for the referendum no later than ten (10) days before the date set for the referendum election.

SECTION 3. VOTING

A. All members of the Association shall be eligible to vote for any referendum, except that third year students may not vote in a referendum concerning Association dues.

B. The decision of a majority of those voting in a referendum shall be binding on the Executive Board as long as fifty percent (50%) of the membership votes.

ARTICLE XII. BYLAWS

A. Enabling Clause

(1) The Duke Bar Association Bylaws shall be in full force and recognized in conjunction with the Duke Bar Association Constitution. These Bylaws supersede all previous governing Bylaws of the Duke Bar Association.

B. Amendment

(1) Amendment to the Bylaws shall be approved by a $\frac{3}{4}$ majority of the total Executive Board.

(2) A valid vote shall only be counted if the Executive Board member is present at the meeting.

ARTICLE XIII. CONSTITUTION

SECTION 1. CONSTRUCTION

A. The headings used in the Constitution are for convenience only and shall not be construed in interpreting it.

B. Whenever the context so requires, the singular shall include the plural, and the plural shall include the singular.

C. If any portion of this Constitution shall be held invalid or inoperative, then so far as it is possible:

- (1) The remainder shall be considered valid and operative; and
- (2) The effect shall be given to the intent manifested by the portion held invalid and inoperative.

SECTION 2. AMENDMENT

A. Proposal

- (1) An amendment to this Constitution may be proposed by petition of twenty percent (20%) of the total membership of the Association, or by a motion of any two (2) members of the Executive Board.
- (2) An amendment shall be deemed proposed if it has been posted and read at a meeting of the Executive Board.

B. Report

- (1) At the first meeting of the Executive Board after the meeting at which the amendment was proposed, the Executive Board must consider the amendment and make a recommendation for or against its ratification.
- (2) If a regular meeting of the Executive Board is not to be held within four (4) weeks of the meeting at which the amendment was proposed, the President shall call and hold a special meeting of the Executive Board within four (4) weeks of the meeting at which the amendment was proposed.
- (3) The recommendation of the Executive Board, along with a copy of the proposed amendment, shall be posted in a prominent place so as to be read by the members of the Association.

C. Ratification

An amendment which has been proposed and reported on may become effective only if it is ratified by a majority of the members of the Association who vote at an election called for that purpose so long as it shall not be called less than seven (7) days after the amendment, along with the recommendation of the Executive Board, is posted in accordance with Section 2(B)(3), supra.

SECTION 3. ADOPTION

A. This Constitution will become effective on the Ratification Date, which is the date on which it is ratified by a majority of the members of the Association who vote at an election called for that purpose, in accordance with the procedure set forth in Article XI of the Duke Bar Association Constitution (1988) for constitutional amendments.

B. On the Ratification Date, the ratified Constitution shall replace completely and render completely inoperative and obsolete the old Constitution, together with all its amendments.

This Constitution was ratified on the 5th day of March, 1998. Duke Bar Association 1997-1998

Carrie Printz, President

Mary Flaherty, Vice-president

Modifications to this Constitution were ratified on the 4th day of March, 1999

Duke Bar Association 1998-1999

Andrew Flake, President

David Dixon, Vice-president

Modifications to this Constitution were ratified on the 5th day of October, 2000

Duke Bar Association 2000-2001

Miriam Goldsmith, President

Mark Simmelkjaer, Vice-president

Modifications to this Constitution were ratified on the 7th day of April, 2003

Duke Bar Association 2003-2004

Shireen Matthews, President

Katy Soby, Vice-President

Modifications to this Constitution were ratified on the 14th day of February, 2006

Amy Yeung, President

Christopher Kocher, Internal Vice President

Modifications to this Constitution were ratified on the 7th day of February, 2006

Brettny Hardy, President

Ben Richter, Internal Vice President

Modification to this Constitution were ratified on the 11th day of February, 2010

Stephanie Lam, President

Catherine Brewer, Internal Vice President