



**ROCKLAND COUNTY  
BAR ASSOCIATION**

**2015-2016**

**By-Laws**

**2015-2016**  
**BOARD OF DIRECTORS**  
**OF THE**  
**ROCKLAND COUNTY BAR ASSOCIATION**

**Robert B. Marcus - *President***  
**Ira S. Schoeps - *Vice-President***  
**James Birnbaum - *Treasurer***  
**Ricki H. Berger - *Secretary***  
**Alan G. Rosenblatt - *Director***  
**Robert D. Fenster - *Director***  
**Larry J. Schwartz - *Director***  
**Elizabeth A. Haas - *Director***  
**Hon. William Sherwood, Ret - *Director***  
**Lurlyn Winchester - *Director***  
**Andrea Composto - *Director***  
**Kimberly Sofia - *Director***  
**Richard A. Glickel - *Director***  
**William F. Smith - *Director***  
**Edward Kallen - *Director***  
**Antonio F. Reda - *Director***  
**Keith I. Braunfotel - *Director***  
**Willard H. DaSilva - *Director***

**Nancy Low-Hogan - *Executive Director***

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***Rockland County Bar Association***  
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**By-Laws  
of the**

**ROCKLAND COUNTY BAR ASSOCIATION, INC.**

**Article I**

**NAME**

The name of the Association shall be  
Rockland County Bar Association, Inc.

**Article II**

**PURPOSE**

The particular purpose and business of this Association are:

To maintain the dignity of the profession of the law, and increase its usefulness in promoting the development of the law; the due administration of justice; and the mutual improvement and social intercourse of its members under the restrictions and regulations established in its By-laws.

**Article III**

**MANAGEMENT OF THE AFFAIRS OF THE  
ASSOCIATION**

The affairs of this Association shall be managed by a Board of Directors.

**Article IV**

**MEMBERSHIP**

Section 1. CLASSES. The following shall constitute the membership of the Association:

A. ACTIVE MEMBER. Any person who is admitted to the practice of law in the State of New York and is in good standing and who resides, practices law or is employed in Rockland County shall be eligible to be an active member of the Association.

B. ASSOCIATE MEMBERS. Any person who is admitted to the practice of law in the State of New York and is in good standing but is not eligible to be an active member of the Association.

C. HONORARY MEMBER. Any judge or justice of a court of record during his or her incumbency, and any other person of pre-eminent distinction in the legal profession, may be elected to honorary membership by the Board of Directors. Honorary members shall be exempt from payment of dues.

D. LAW STUDENT. Any law student who is a resident of Rockland County or employed in Rockland County and is in good standing with any law school in New York State or any law school outside of this State, and if not otherwise eligible for membership in this Association, may become a Law Student member by written application to the Executive Director, endorsed as to the applicant's good standing as above prescribed by the applicant's law school, and provided that it is an approved law school under the rules of the Court of Appeals.

E. LIFE MEMBER. Members of the Association who have attained 70 years of age and who have been members of the Association in good standing for not less than 35 years and have continuously remained members since shall, upon request being duly made, be elected by the Board of Directors as life members. When elected to life membership, any member shall continue to enjoy the privileges of the Association to which he or she was entitled as a member in the class of membership held by him or her prior to election as a life member, but upon election as a life member shall thereafter be exempt from payment of dues. Attainment of the age of 70 as a precondition to election as a life member shall commence with the adoption and implementation of these By-Laws, and shall not apply to any member elected prior thereto as a life member.

**F. AFFILIATE MEMBER. Any commercial or professional business, employee thereof, who supplies or performs services for attorneys in furtherance of the legal profession may be elected by the Board of Directors as an affiliate member. An affiliate member shall not have the right to vote, hold office, sit on the Board of Directors, or make or second motions.**

#### Article V

### OFFICERS AND DIRECTORS

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Section 1. OFFICERS. The Officers of the Association shall be the President, Vice-President, Treasurer, and Secretary. They shall be elected as provided for in these By-Laws. They shall take office on the 1<sup>st</sup> day of July of the year of their election and shall hold office for one (1) year or until their successors take office.

Section 2. BOARD OF DIRECTORS. There shall be a Board of Directors consisting of eighteen (18) **active or life** members, seventeen (17) of whom shall be elected as hereinafter provided for in Section 9, and an eighteenth **active or life** member elected by the Board for the purpose of adding diversity to the Board.

Section 3. TERMS OF DIRECTORS. The term for each Board member other than the Diversity Board member shall be three (3) years. The term of the Diversity Board member shall be one (1) year. The terms of the Board members shall be staggered, with six (6) Board members elected in each of the first two (2) years of a three (3) year period and five (5) Board members elected in the third year of each three (3) year period. No member of the Association shall serve on the Board of Directors for more than twelve (12) years, consecutive or otherwise.

Section 4. LIMITATIONS OF TERMS OF EXISTING BOARD MEMBERS. The twelve (12) year limit for members of the Association to serve on the Board shall commence with the adoption and implementation of these By-Laws, and the twelve (12) year limitation shall be calculated for current members of the Board only from **July 1, 2014**, the date of adoption and implementation of these amended By-Laws. No member's service on the Board of this Association prior to the date of implementation of these amended By-Laws shall be counted against said member's twelve (12) year limitation period for future service. The Board member selected for Diversity may serve up to two (2) one-year terms, consecutive or otherwise. Should the Board member elected for Diversity be elected subsequently for a three (3) year term by the membership, that Board member shall have the time served as the member for Diversity counted towards his or her twelve (12) year limit for service as a member of the Board.

Section 5. ELECTION OF OFFICERS. The four (4) Officers of the Association, the President, the Vice-President, the Treasurer, and the Secretary, shall be elected by secret ballot by the incoming Board of Directors at its organizational meeting to be

to be held following the election of Board members, prior to their assumption of office, and no later than May 10<sup>th</sup> of that year.

Section 6. TERMS OF OFFICERS.

- (a) Each Officer shall be elected for a term of one (1) year, however any member of the Board of Directors may be elected to and hold the same office for no more than two (2) one-year terms, consecutive or otherwise. No person may be elected an Officer of the Association without having first served as a member of the Board for no less than three (3) years prior to election as an Officer.
  
- (b) In the event that the President cannot complete his or her full term for any reason whatsoever, the Vice-President shall automatically become President. In the event of any vacancy in any of the Offices of the Association other than President, or in the event the Vice-President has succeeded the President because the President was unable to complete his or her term and the successor President is unable to complete the term of the prior President, the Board shall fill the vacancy by secret ballot at its next scheduled meeting following the occurrence of the vacancy or at any special meeting called to fill the vacancy, with a member of the Board who would otherwise be qualified to serve as an Officer of the Association.

Section 7. ELECTION OF A MEMBER FOR PURPOSES OF DIVERSITY. Prior to the election of the new Board as hereinafter provided, the current Board shall elect a member of the Association to serve on the Board for the upcoming year for the purpose of increasing Diversity. The individual elected by the Board under this section shall serve a term of one (1) year commencing with the beginning of the next term for newly elected members of the Board. This individual may be elected for a second one (1) year term, consecutive or otherwise.

Section 8. TRANSITION. In order to ensure the continuity of the Board of Directors, the five (5) members of the Board elected for the current year (July 1, 2013 - June 30, 2014) shall have two (2) year terms ending on June 30, 2015. Twelve members of the Association shall be elected to the Board for the year commencing

July 1, 2014. Of these twelve, six (6) shall be elected for full three (3) year terms, and six (6) shall be elected for two (2) year terms. Whether a member is a candidate for a three (3) year term or a two (2) year term shall be determined by lot prior to the election. In each year thereafter, commencing with the election of five (5) Board members for the year commencing July 1, 2015, each elected member shall serve a three (3) year term.

Section 9. ELECTION OF MEMBERS TO THE BOARD OF DIRECTORS. The following is the procedure to be employed for the election of members of the Association to the Board of Directors for each year:

- (a) Each year, prior to December 31<sup>st</sup>, there shall be constituted a Nominating Committee. The Nominating Committee shall consist of the current Vice-President who shall serve as Chair of the Committee. In the event that the Vice-President will be a candidate for election to the Board that year, then the Treasurer shall serve as Chair of the Committee. If both the Treasurer and Vice-President will be candidates for election to the Board that year, then the Secretary shall serve as Chair of the Committee. If the Vice-President, Treasurer and Secretary will be candidates for election to the Board that year, then the Chair shall be the most senior member of the Board who will not be a candidate for election to the Board that year.
- (b) The Board shall select two (2) Board members who will not be candidates for election to the Board that year. These two (2) members, together with the President, shall select two (2) members of the Board and two (2) members of the Association who are not members of the Board, none of whom will be candidates for election to the Board that year, and these four (4) individuals together with the Chair selected as provided for in Section 9(a) shall constitute the Nominating Committee.
- (c) The Association shall solicit nominees for membership on the Board by announcement made in the Newsletter and by email no later than January 10<sup>th</sup> of the year in which the election shall take place.
- (d) Anyone wishing to be a nominee for election to the Board

shall express their interest to the Association no later than February 1<sup>st</sup> of that year. All prospective candidates must submit their notification of interest in writing and said notification shall include the reasons why the member believes he or she is qualified to serve on the Board. For the purposes of this section, “writing” shall include letter delivered by United States Mail or email to the Executive Director of the Association.

- (e) The Nominating Committee shall conduct in-person interviews of all candidates no later than February 25<sup>th</sup> of that year. Absent a showing of good cause, the failure of any candidate to appear before the Nominating Committee for a scheduled interview shall disqualify that candidate from consideration.
- (f) Upon conclusion of all interviews, the Nominating Committee shall meet in closed session and shall vote by secret ballot to select its nominees. Selection of nominees shall be completed no later than March 10<sup>th</sup>. Notice of those selected by the Nominating Committee shall be sent to the entire membership no later than March 20<sup>th</sup>.
- (g) Consistent with the principles and purposes of the Association, the Nominating Committee is strongly encouraged to seek diversity in the candidates it selects for consideration by the membership for election.
- (h) Any member of the Association not selected by the Nominating Committee who wishes to have his or her name placed in nomination for election to the Board, whether or not he or she solicited a nomination from the Nominating Committee, shall submit a petition to place his or her name before the membership. The petition must be signed by no fewer than twenty (20) members in good standing with the Association and must be submitted in person at the offices of the Association no later than April 5<sup>th</sup> of that year.
- (i) The names of all candidates for the Board, including those recommended by the Nominating Committee and any others who have petitioned to have their names placed in nomination, shall be published in the first edition of the Newsletter printed after April 5<sup>th</sup> but no later than April 17<sup>th</sup>.



Should any member attempt to cast more than a single ballot in any election, said action shall be deemed serious misconduct and constitute grounds for expulsion by the Board from the Association. All ballots must be received at the office of the Association by the close of business on May 1<sup>st</sup>, or if May 1<sup>st</sup> falls on a weekend or holiday, on the next business day following May 1<sup>st</sup>. The ballots may be delivered by mail or in person but must be received by the date specified.

- (k) The ballots shall be opened and counted by the Executive Director and such members of the staff as shall be deemed appropriate to assist in the counting. The counting of the ballots shall then be audited by the three most senior Directors who are not candidates for election. Notice of the election results shall be published to the membership by May 15<sup>th</sup>.

#### Section 10. POWERS AND DUTIES OF OFFICERS.

- (a) GENERAL DUTIES. All officers shall perform such duties, in addition to those specifically prescribed herein, as may be required of them by the Board of Directors or by the Association.
- (b) PRESIDENT. The President shall preside at all meetings of the Association and its Board of Directors and perform the ordinary functions of the presiding officer. The President, or such officers as he or she may appoint, shall be a member, *ex officio*, of each of the Committees of the Association.
- (c) VICE-PRESIDENT. In the absence of the President, the Vice-President shall preside at all meetings of the Association and its Board of Directors and perform the ordinary functions of the presiding officer. The Vice-President shall perform such other duties as may be assigned to him or to her by the President or the Board.
- (d) TREASURER. The Treasurer shall collect and be the custodian of all funds and securities belonging to the Association and, under the direction of the Board of Directors, shall invest and disburse the funds of the Association. The Treasurer shall report to the members of the Association in writing annually the state of the treasury. The Treasurer shall report to the Board of Directors, in writing, at each of its regularly scheduled meetings, the state of the treasury.

The Treasurer shall keep regular accounts which shall at all times be open to the inspection of any member of the Board of Directors. The accounts shall be audited at least once a year by a Certified Public Accountant to be appointed by the Board of Directors. The auditor shall not be a member of the Association. The auditor's report in writing shall be distributed to the Board of Directors upon receipt. The audited financial reports and tax returns shall be available for inspection by the members at the Association office during regular business hours.

- (e) SECRETARY. The Secretary shall keep a record of the proceedings of all matters of which a record shall be deemed advisable by the Association or the Board of Directors. The Secretary shall notify officers and members, issue notices of all meetings of the Association and of the Board of Directors, perform all duties incumbent upon the Secretary under these By-Laws and conduct the correspondence of the Association not otherwise provided for. The Secretary may delegate any of his or her ministerial duties as herein above described to the Executive Director of the Association.

#### Section 11. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

- (a) GENERALLY. In addition to the powers herein elsewhere conferred subject to review by the Association as hereinafter provided, the Board of Directors shall have control of all assets and property of the Association; shall have power to invest, appropriate and expend the monies therefore; shall provide for and hire such employees as it may from time to time deem necessary; shall have the power to fix and regulate compensation and benefits for any employees; and shall attend to the general management and supervision of the affairs of the Association, with power and authority to make appropriate regulations not inconsistent with the Articles of Incorporation and these By-Laws. The Board of Directors shall have no power to make any contract binding personally upon any member of the Association.
- (b) ATTENDANCE AT BOARD MEETINGS. The members of the Board of Directors of the Rockland County Bar Association are expected to attend all of the regularly scheduled meetings of the Board of Directors.

Should any member of the Board, without excusal from the President, which shall not be unreasonably withheld, miss two (2) regularly scheduled meetings in any given fiscal year, the President of the Association shall send a letter by mail or email to that member stating that if he or she shall miss any one additional meeting in that fiscal year, then the Board member shall forfeit his or her membership on the Board of Directors for the remainder of what would otherwise have been that member's term. The Board of Directors shall then replace that member with a member in good standing of the Association on an interim basis until the end of that fiscal year. If necessary, a member in good standing of the Association shall be elected to fill the unexpired term of the removed member in the same manner as members are regularly elected to the Board of Directors as herein above set forth.

- (c) REPORT OF DIRECTORS. The Board of Directors shall make a report to the general membership at the annual meeting of the Association.
- (d) MEETINGS OF THE BOARD OF DIRECTORS. Regular meetings of the Board of Directors shall be held once a month, except as the Board of Directors may otherwise determine.
- (e) QUORUM. Seven (7) members shall constitute a Quorum for the transaction of business at all meetings of the Board of Directors. A Quorum, once established, shall continue for the remainder of the meeting.
- (f) SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by the President or shall be called by the President upon the request of four (4) Directors, specifying in writing the purpose of the special meeting called for. No business shall be transacted at special meetings except such as shall have been specified in the notice of such special meeting called for.
- (g) EXECUTIVE DIRECTOR. The Board of Directors shall employ an Executive Director, who shall serve at the pleasure of the Board of Directors. The Executive Director shall implement and supervise the policies of the Association as determined by the Board, supervise and administer the staff and offices of the Association, assist the President, the

other officers, and the members of the Board of Directors in discharging the duties of their offices, provide staff liaison and assistance for all activities of the Association, and perform such other administrative duties as may be directed from time to time by the Board of Directors.

## Article VI

### ADMISSION TO MEMBERSHIP

Section 1. DUES. An application for active, associate, **affiliate** membership or law student shall be accompanied by the applicable annual dues.

Section 2. PROCEDURAL REQUISITES. Proposals of candidates for active and associate **and affiliate** membership shall be made to the Board of Directors, in writing. The Board shall then review the application for membership. The Board shall perform steps it deems necessary to fully investigate matters contained in said application, including, but not limited to, verifying the disciplinary history of the candidate, the employment history of the application, and any and all matters contained in the application.

Based on said review, the Board shall then vote on whether or not the applicant should be admitted to membership in the Association. A vote of a majority of Directors present shall be necessary for admission to membership.

Any applicant who is denied membership in the association shall have the right to appeal said denial by requesting, in writing, within 5 days of notification of said denial, a hearing before the Board of Directors.

Section 3. REGULATIONS FOR ADMISSION. The Board of Directors shall have the power to make such regulations for admission to membership, not inconsistent herewith, as it may from time to time determine, except insofar as the Association by vote has restricted or may restrict such power. Absent said regulations, the board shall have the complete discretion to accept or reject any applicant for membership, except as restricted by law.

## Article VII

### DUES

Section 1. AMOUNT OF DUES. The annual dues for members shall be payable on the 1<sup>st</sup> day of July each year and the amount thereof shall be fixed by the Board of Directors. The Board of Directors may establish dues categories as it deems appropriate.

Section 2. MEMBERS NOT IN GOOD STANDING. A member of the Association who shall fail to pay any installment of dues within sixty days after the same shall have become payable, shall be deemed a member not in good standing.

Section 3. DELINQUENCIES. If a member shall fail to pay the annual dues within sixty days after the same shall have become payable, notice shall be given to each member who is in default to the effect that a late charge will be affixed to dues.

Section 4. TEMPORARY SERVICE IN THE ARMED FORCES. The annual dues of a member of the Association called to active duty with the Armed Forces shall, upon request of such member, *or sua sponte* be waived for the period of such service .

Section 5. HARDSHIP. Any member may apply for modification or waiver of dues in any given year on account of financial hardship. **The Executive Board**, in its sole discretion, may take such action as it deems appropriate with regard to such applications.

## Article VIII

### COMMITTEES

Section 1. GENERAL. Work of the Association may be assigned to various committees as the Board of Directors may determine. The President, with the advice and consent of the Board, shall appoint the chairperson and other members of the committees of the Association.

Section 2. JURISDICTION OF COMMITTEES. The jurisdiction of each committee shall be determined by the Board of Directors.

Section 3. STANDING COMMITTEES. The Board of Directors shall have the power to create or abolish standing committees. Members of standing committees shall hold such membership for a term of 1 year, **or until June 30<sup>th</sup> whichever occurs sooner**, renewable annually.

Section 4. ASSIGNED COUNSEL PLAN COMMITTEE. The Rockland County Assigned Counsel Plan Committee shall be comprised of a Chairman and eleven additional Association members. In accordance with the Rules of the Association for the Operations of the Assigned Counsel Committee and Plan (the "Rules"), the Committee shall evaluate all applications from those seeking certification to serve on one or all panels of the Assigned Counsel Plan and shall either recommend to the Board of Directors that the applicant be certified to serve or it shall deny or withhold certification of the applicant. The Committee shall also, in accordance with the Rules, review, evaluate and, if necessary, conduct a hearing whenever a complaint concerning the competency or conduct of a certified panel member is received. After a hearing, the Committee shall either dismiss the complaint against the member or remove or suspend the member from any panel or impose conditions upon the panel member's continued service. Removal or suspension of a member shall be appealable as of right to the Board of Directors. The appeal shall be perfected in writing to the President within 30 days of notice of removal or suspension.

Section 5. GRIEVANCE COMMITTEE. The Grievance Committee shall have at least one non-lawyer member, but no more than twenty (20%) of the composition of members of the Grievance Committee shall be non-lawyers. The Committee shall investigate matters referred to it and take whatever action is deemed appropriate by a majority vote of the Committee.

Section 6. JUDICIARY REVIEW AND SCREENING COMMITTEE.

(a) There shall be a Judiciary Review and Screening Committee which shall consist of a Chairperson and no fewer than eight (8) nor more than fifteen (15) members of the Association who shall be appointed by the President. Those appointed shall be of recognized standing, judgment and independence. Consideration shall be given to those Rockland County Bar Association members who have performed outstanding service to the public and/or the Bar, including former judges, past Presidents, and Directors of the Association, and attorneys experienced in litigation.

The President shall designate a member of the Committee to serve as its co-chair to act in the event of the absence or inability of the Chairperson to serve. A majority of the Committee attending a meeting (but not less than five (5) members) shall constitute a quorum.

(b) The Committee shall implement, in the manner provided herein, the policies of the Association concerning the assessment of the qualifications and credentials of candidates for Judicial Office(s) within Rockland County and for the New York State Supreme Court within the Ninth Judicial District whether the candidates are to be elected or re-certified.

(c) The Association's policy shall also be to provide information to the public and to promote an exemplary judiciary within the Ninth Judicial District and the County of Rockland. In furtherance of these goals, the Association shall provide and publish its recommendations as to such candidates as found by the Committee to be ***"well qualified", "qualified", "meets minimum requirements for office", "not qualified" or "not qualified for failure to appear or apply"***.

(d) It shall be the duty of each candidate to make application to the Association within a reasonable time after declaring their candidacy. It shall be the duty of the Committee to determine the acceptability of those designees, nominees and those candidates for judicial office who have been certified by the New York State Board of Elections for Judicial Office to the Supreme Court within the Ninth Judicial District and Justices seeking re-certification, as well as **announced** candidates to the County Court, Family Court and Justice Courts of the Villages and Towns within Rockland County. The Committee may also determine the acceptability of judges who may, from time to time, be designated to sit in the County of Rockland by the Office of Court Administration or Chief Administrative Judge. The Committee is empowered to interview candidates in conjunction with **other Bar Associations.**

(e) The Committee shall consider the qualification for judicial office of those candidates described above. The Committee shall consider:

1. **Ethical standards and conduct, including grievance and disciplinary history.**
2. **Litigation experience and ability.**
3. **Temperament, impartiality, professional**

4. aptitude, and experience. Their character and whether they have demonstrated their special qualifications for judicial office.
5. Such other considerations as the Committee determines are relevant to such determinations.
6. Experience before the specific Court for which the candidate is seeking office.

(f) Any candidate, whether such candidate has or has not been nominated, designated or recommended for appointment, shall complete a questionnaire and appear before the Committee for personal interview and to answer any questions that the Committee has relative to the criteria for making its determination. The candidate shall execute authorizations to obtain information from any Grievance Committee or Committees on Judicial Conduct. The Committee may, if it deems same necessary, conduct hearings, and take the testimony of any person, group or organization with respect to making its final determination. It shall be the obligation of the candidate to make application to the committee. The committee shall have no affirmative duty to seek out candidates for applications or interviews.

(g) This Committee shall make one of five (5) determinations as to each candidate. All determinations made by the committee shall be put in writing by the Committee Chair or the Committee Co-Chair, or if neither are available then by the member of the Committee who preside during the interviews. The Committee may determine that a candidate is: *“Well Qualified”, “Qualified”, “Meets Minimum Requirements for Office”, “Not Qualified” or “Not Qualified by Failure to Appear or Apply”.*

The finding of *“Well Qualified”* shall only be made in unusual and exceptional cases (e.g., where a person has served with distinction as a judge or has unique or other extraordinary experience and qualifications for the position). Such determination shall require a unanimous vote of the members present.

If any candidate fails or refuses, without good cause, to submit a questionnaire, appear before the Committee for an interview, or otherwise fail to cooperate with the Judiciary



Committee, such candidate shall be classified as “*Not Qualified by Failure to Appear or Apply*”.

The Committee may prepare and adopt additional rules, subject to approval by the Board of Directors, for the consideration of proposed nominees for judicial candidacy or proposed appointees for judicial office.

(h) The Committee shall take no action recommending, approving or disapproving any person for judicial office without the affirmative vote of at least five (5) members of the Committee. All persons considered shall be interviewed as part of the investigation and determination. **After the submission of the candidate’s application for review,** should the candidate, without good cause, **refuse or otherwise fail to cooperate with the committee or otherwise respond to reasonable inquiry or request to be interviewed,** the committee shall conclude that said candidate has specifically opted not to accept the request to **apply or** be interviewed. The discussions and deliberations of the Committee meetings shall be completely confidential. An electronic record of all interviews shall be made. In the event any candidate or judge is found to be “*Not Qualified*” or “*Not Qualified by Failure to Appear or Apply*”, the record shall be copied and served upon the candidate or judge simultaneously with the written determination of the Committee. **Service shall be made within seventy-two (72) hours of such determination and may be made by personal delivery, overnight courier, facsimile transmittal or email to the addresses provided by the candidate as required by the following paragraph.**

In the event that a candidate is determined to be “*Not Qualified*” or “*Not Qualified by Failure to Appear or Apply*”, the basis for the Committee’s determination shall be set forth on the record together with the number of members in favor of and opposed to the determination. The electronic record shall include a list of the documents considered by the Committee in making its determination (questionnaire, reports from Grievance Committees, etc.) and the documents shall be made a part of the official record. The candidate shall advise the Committee where he or she can be reached by telephone, facsimile, email and/or in person for the seventy-two (72) hour period following the conclusion of the interview so that the candidate may be notified (or notified and served with a copy of the record including copies of the doc-

determination by the President of the Rockland County Bar Association. If such candidate did not apply or appear for the interview, notice of the committee's determination shall be delivered to the candidate by the President of The Rockland County Bar Association by **personal delivery, overnight courier, facsimile transmittal or email. The President may designate another Officer or the Executive Director of the Association to make the notification and delivery in his or her stead.**

All appearing candidates shall have an opportunity to present any documents on their behalf at the formal interview. The Committee may place reasonable time constraints upon the candidates presentations.

(i) The Chairperson shall submit said Committee's determinations, including determinations that a judge or candidate is ***"Not Qualified" or "Not Qualified by Failure to Appear and Apply"*** to the Board of Directors for action.

(j) After the Judiciary Committee shall have interviewed a candidate for judicial office, and a candidate shall have been determined ***"Not Qualified" or "Not Qualified by Failure to Appear or Apply"***, the candidate may file an appeal from the Committee's determination to the Board of Directors of the Rockland County Bar Association, based upon the Judiciary Committee's adverse determination. Said appeal shall be in writing and shall be served upon the Chairperson of the Committee and the President of the Rockland County Bar Association. No specific format shall be required for the written appeal, but shall indicate the name of the candidate and the postal and email address, facsimile number and telephone number where the candidate may be reached and shall include the office or position that he or she is seeking (Supreme Court, County Court, Family Court, etc.). The appeal shall be filed within forty-eight (48) hours of email, facsimile or personal service of the Committee's determination upon the candidate. Should the end of such time period fall on a weekend or legal holiday, the time for the judicial candidate to appeal shall be extended to midnight of the first business day following said weekend or holiday.

(k) The time with which an appeal or protest may be heard shall be determined by the length of time remaining before the election and with due consideration for other relevant factors. The appeal or protest shall be heard promptly. The hearing of

such appeal or protest shall be before a panel consisting of those members of the Board of Directors as are available (hereinafter collectively described as the “Panel” or “Appeals Panel”). However the appeal may not be determined by less than five (5) members of the Board of Directors. **Committee members shall not be permitted to serve on the Panel.**

(l) The President, or in his or her absence, the Vice President or in his or her absence, the most senior Officer or Director shall act as a Chairperson of the panel and set a date and time for the hearing and shall immediately notify the candidate. The Chairperson of the Judiciary Committee or his designee, shall be present and at the request of the panel, shall answer any questions or present any additional information that he or she may feel is necessary, or which the panel required. Thereafter, the candidate or the candidate’s counsel or representative shall have the opportunity to present any evidence, testimony or to make a statement or present information they consider relevant and appropriate. The Chairperson of the Appeals Panel or the Chairperson’s designee shall, however, have no vote unless there is a tie vote, in which case the Chairperson shall cast the deciding vote.

(m) The decision of the Panel shall be the final position of the Association and the President of the Association shall promptly advise the candidate of the determination of the Panel. The Association shall immediately release a press announcement concerning its determination of the appeal.

(n) Absent extraordinary circumstances, all submissions referred to in Section **6(f)** above shall be delivered to the offices of the Rockland County Bar Association at least forty-five (45) days prior to the election in which the judge or candidate is standing.

(o) Absent extraordinary circumstances, all proceedings under Section **6** shall be scheduled and concluded **as far in advance** of the election in which the candidate or judge is standing **as is possible.**

(p) In order to maintain the integrity and impartiality of the Judiciary Review and Screening Committee, no member thereof shall make any contribution of any kind or nature to the campaign of any candidate or judge appearing before the Committee, or

Otherwise act in such manner as to suggest partiality or favor by the Committee member for a particular candidate or judge, **and shall acknowledge the foregoing in writing before participating in any interview or vote.**

Section 7. CONTINUING LEGAL EDUCATION COMMITTEE.

7.1. The Continuing Legal Education Committee shall be comprised of members selected yearly by the President after consulting with the Chairperson of the CLE Committee.

7.2. It shall be the duty of the committee to establish, conduct and implement, pursuant to the official compilation of codes, rules and regulations of the State of New York, CLE programs within the guidelines of the New York State Continuing Legal Education Board (“CLE Board”).

## Article IX

### MEETINGS

Section 1. ANNUAL MEETING. The annual meeting of the Association shall be held in the month of June.

Section 2. GENERAL MEMBERSHIP MEETINGS. All general membership meetings shall be held on a regular basis on such dates, at such times and at such places as may be designated by the Board of Directors. Notices of all such meetings shall be given at least ten (10) days prior thereto.

Section 3. POWERS EXERCISABLE AT ANNUAL AND GENERAL MEMBERSHIP MEETINGS. At the annual meeting, general membership meetings, and at any adjournments thereof, all the powers of the Association may be exercised.

Section 4. SPECIAL MEETINGS. Special meetings may be called at any time at the direction of the Board of Directors or by the President and shall be called by the President within fifteen (15) days on written request of thirty-five (35) active members, specifying the purpose of such call. Notice of such meeting shall be given at least five (5) days in advance thereof. At special meetings only, such business shall be transacted as shall be specified in the call and notice thereof.

Section 5. QUORUM. At any meeting of the association, the presence of twenty (20) active members shall be necessary to constitute a quorum.

Section 6. ORDER OF BUSINESS. At each annual and general membership meeting of the Association the order of business shall be as follows:

- (a) Reading of the minutes of preceding meeting
- (b) Report of Board of Directors
- (c) Report of Treasurer
- (d) Report of Elections
- (e) Report of Committees
- (f) New and miscellaneous business

It shall be the duty of the Vice-President, subject to these provisions, to arrange an agenda for each annual and general membership meeting of the Association.

Section 7. NOTICE. Notice of the annual meeting, shall be given each member not less than ten (10) nor more than twenty-five (25) days prior to such annual meeting.

Section 8. PARLIAMENTARY RULES. The parliamentary rules of practice contained in Robert's Rules of Order, as revised, shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the By-Laws or the special rules of order of this Association.

## **Article X**

### **TERMINATION OF MEMBERSHIP**

Section 1. FAILURE TO PAY DUES. If a member fails to pay yearly dues within thirty (30) days after a second notice of payment due is given as required by Article VII, Section 3, said member shall cease to be a member of the Association, and shall forfeit all rights and privileges pertaining thereto.

Section 2. MISCONDUCT. The Board of Directors of the Association may suspend or expel any member for misconduct in the member's relations to the Association, and/or to the practice of law. The member shall be given written notice of any such proposed action, with an explanation of the reasons for such action. The member shall have 30 days after receipt to appeal such determination and request a full hearing before the Board of the Association.

Section 3. DISCIPLINARY ACTION. Any member shall automatically be removed from the membership from the

Association in the event said member shall receive a final order of disbarment or suspension from the practice of law, whether from this State of any other State where the member may be admitted to the practice of law. Any member removed under this Section may apply for reinstatement upon such member's reinstatement to the practice of law. Such reinstatement shall be at the discretion of the Board of Directors.

Section 4. RESIGNATION. Any member may resign from membership in the Association by submitting a letter of resignation to the Executive Director or Secretary of the Association.

Section 5. NO REFUND OR ABATEMENT. A member who ceased to be a member under any provision of this Article shall not be entitled to a refund of any dues for the balance of the year in which cessation occurs.

## Article XI

### AMENDMENTS

Section 1. PROPOSALS OF AMENDMENTS. Proposals to amend the By-Laws shall be made in either of the following manner:

- (g) By proposal of the Committee on By-Laws subscribed by at least two-thirds (2/3) of **the active and life** members of the Board of Directors.
- (b) By proposal subscribed by thirty-five (35) or more active members.

Section 2. NOTICE OF THE PROPOSALS TO AMEND BY -LAWS. Notice of proposals to amend the By-Laws shall be given in writing to each active member by notice setting forth in full the present By-Law, if any, and the proposed amendment. Said notice shall be sent at least ten (10) days before the annual general membership or special meeting of the Association at which such proposal shall be presented for vote.

Section 3. ADOPTION OF THE AMENDMENTS. Proposals to amend the By-Laws may be adopted at the meeting for which the notice has been given therefore by two-thirds (2/3) of the active members in good standing present at the meeting provided that

members in good standing present at the meeting provided that there be present at least thirty-five (35) active members in good standing.

Section 4. MODIFICATION OF AMENDMENTS. No oral modification of amendments shall be permitted. A motion, if made, to adjourn the proposal to amend the By-Laws shall be voted upon prior to a vote on the proposal to amend. If there be a specific date or meeting to which the proposal is adjourned, a new notice as provided for in Section 2 of this Article shall be given.

## **Article XII**

### **MISCELLANEOUS**

Section 1. PROHIBITION. Notwithstanding other rule, appendix, guidelines, by-law, custom or practice of the Rockland County Bar Association and or any of its committees or subcommittees to the contrary, no member, officer, director or committee chair of this Association, except for the Board of Directors or the chair of this Association's Grievance Committee, is authorized to file, send or transmit a Grievance or ethical complaint against any attorney to any Bar Association or any of its committees or subcommittees. This provision does not prohibit or limit any person from filing a Grievance or ethical complaint as an individual.

Section 2. NOTICE. Wherever herein there is reference to "notice" or "sent" to anyone, said term shall include United States mail, private overnight mail, email, or such other electronic mailing system as may hereinafter become generally accepted by and/or incorporated into The Civil Practice Law and Rules of The State of New York.

Section 3. DATES. Whenever a date mentioned anywhere herein falls on a Sunday, or on a Federal or State Holiday, the date and time shall be extended to include the next business day.

## **Article XIII**

### **FISCAL YEAR**

The fiscal year of this Association, for all purposes, shall begin on the first day of July of each calendar year and terminate on the 30<sup>th</sup> day of June of the next ensuing calendar year.

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