

3-15-1991

Constitution and Bylaws of the National Association of Administrative Law Judges

David J. Agatstein

Follow this and additional works at: <https://digitalcommons.pepperdine.edu/naalj>



Part of the [Administrative Law Commons](#), and the [Judges Commons](#)

Recommended Citation

David J. Agatstein, *Constitution and Bylaws of the National Association of Administrative Law Judges*, 11 J. Nat'l Ass'n Admin. L. Judges. (1991)
available at <https://digitalcommons.pepperdine.edu/naalj/vol11/iss1/6>

This NAALJ Business is brought to you for free and open access by the Caruso School of Law at Pepperdine Digital Commons. It has been accepted for inclusion in Journal of the National Association of Administrative Law Judiciary by an authorized editor of Pepperdine Digital Commons. For more information, please contact bailey.berry@pepperdine.edu.

Constitution And Bylaws
of the
National Association
of
Administrative Law Judges

[The Board of Governors has directed that the Constitution and Bylaws, as amended through October 1990, be published in *J.NAALJ*. – Ed.]

NAALJ Constitution and Bylaws

Table of Contents

	Page
Preamble	61
Article I – Name and Objectives	
Section 1. Name	61
Section 2. Objectives	61
Article II – Membership	
Section 1. Eligibility	62
(a) Active Membership	62
(b) Associate Membership	62
(c) Honorary Membership	62
(d) (Ineligibility to vote or hold office)	62
Section 2. Acquiring Membership	62
Section 3. Affiliation	63
Section 4. Termination of Membership	63
Article III – Dues	
Section 1. Due Annually	63
Section 2. Special Assessments	63
Section 3. Forfeiture of Rights	63
Section 4. Reinstatement	63
Article IV – Limitations	
Section 1. Representations	64
Section 2. Political Advancement	64
Section 3. Recommendations	64
Section 4. Debts	64
Section 5. Proxy Voting	64
Section 6. Earnings and Dissolution	65
Article V – General Membership	
Section 1. Government	65
Section 2. Membership Meetings	65

Table of Contents, continued

	Page
Article VI – Chapters	
Section 1. Establishment	66
2. Government	66
3. Meetings	66
4. Charter Revocation	66
5. Chapter Dues	66
Article VII – Board of Governors	
Section 1. Composition	67
2. Replacement of Members	67
3. General Administration	67
4. Meetings	67
5. (Duties and powers of Board of Governors) ..	67
6. (Authority to employ services)	67
7. (Time and place of annual meeting)	68
8. (Boundaries of Chapters)	68
9. (Definition of a charter)	68
10. Policy and Position Statements	68
Article VIII – Officers	
Section 1. General	68
2. Election	68
3. Duties of the President	69
4. Duties of the President-Elect	69
5. Duties of the Vice Presidents	69
6. Duties of the Secretary	70
7. Duties of Treasurer	70
8. Signatures	71
9. Rules of Procedure	71
Article IX – Committees	
Section 1. Identity of Standing Committees	71
2. General Committee Functions	72
3. Auditing Committee	72
4. Nominating Committee	72
5. Membership Committee	72
Article X – Amendments	
Section 1. Proposal and Notice	73

Constitution And Bylaws Of The National Association Of Administrative Law Judges

Preamble

WHEREAS during recent years there has been a phenomenal growth in the field of administrative law which affects the everyday affairs of a large segment of our population; and

WHEREAS this field involves many important functions, judicial in character, including among others: The establishment of tribunals to afford fair procedure and hearings to interested and contesting parties; the conduct of impartial hearings; the control of the introduction of evidence; the maintenance of judicial decorum; and the preparation and issuance of written decisions, judicial in character; and

WHEREAS these functions involve important decisions and precedents affecting, among other things, important human rights, property and contract rights, tax liability, and social and economic security;

NOW THEREFORE, we, who are members of the profession charged with the duties and responsibilities of exercising these judicial functions, do hereby join together and associate ourselves for the purpose of: Maintaining the highest professional standards and advocating improvements in the field of Administrative Law.

Article I Name and Objectives

Section 1. Name

The name of this organization shall be the National Association of Administrative Law Judges, hereinafter referred to as the Association.

Section 2. Objectives

To foster, advocate and advance the broad purposes outlined in the Preamble, the Association will provide a common meeting ground where those persons charged with the performance of judicial functions in administrative law may:

- (a) Participate in actively seeking attainment of professional standards which will, in the interests of justice, result in the greatest service to the public.
- (b) As a forum exchange ideas and opinions as well as invite recognized authorities in this field to appear and share their views with the members.

- (c) Study and advance improved operating procedures and techniques as a whole.
- (d) Obtain information and study material for the continuing education of members of the Association.
- (e) Establish a code of ethics.
- (f) Engage in such other activities as may be deemed necessary and proper to further the objectives of the Association.

Article II Membership

Section 1. Eligibility

(a) **Active Membership**

Persons gainfully employed by governmental agencies, who are empowered to preside over statutory fact-finding hearings or appellate proceedings arising within, among or before public agencies or who are empowered to prepare decisions for a higher tribunal, are eligible for active membership.

(b) **Associate Membership**

Associate membership in this Association may be granted by the Board of Governors to those persons not eligible for active membership subject to review of the membership at the annual meeting.

(c) **Honorary Membership**

Honorary membership may be conferred, by a majority vote of the membership voting thereon, on those persons who have rendered outstanding services in administrative law or related fields.

(d) Associate and honorary members shall not be eligible to vote or hold elective office.

Section 2. Acquiring Membership

There shall be two methods of acquiring active membership in the Association.

- (a) By individual application.
- (b) By becoming an active member of an affiliated association and submitting an individual application.

Section 3. Affiliation

Any organization of individuals eligible for membership may become affiliated with the Association by notifying the conference of its intention to do so and indicating its agreement with the aims of the Association and by submitting the per capita dues for its active members to the Association.

Section 4. Termination of Membership

Active membership in this Association shall be terminated for any of the following causes:

- (a) Resignation or permanent separation from qualifying employment or office;
- (b) Failure to pay dues;
- (c) Expulsion from an affiliated organization through which membership was acquired.

Article III Dues

Section 1. Due Annually

The fiscal year of the Association shall be the twelve-month period beginning October 1, of each year. Membership dues shall be paid to the Association in the amount fixed by the majority vote of the active membership at an annual convention or special meeting for each class of member. Any changes shall be made before the beginning of each fiscal year. Dues not paid within sixty days after the beginning of each fiscal year are delinquent.

Section 2. Special Assessments

Special assessments may be proposed by the Board of Governors and shall be submitted to the membership at large for approval, by a majority of those voting.

Section 3. Forfeiture of Rights

Members of the Association whose annual dues are not paid within three months after the beginning of the fiscal year shall be, after thirty days' notice, declared delinquent and shall forfeit all rights to vote, hold office, and serve on committees. The notice may be sent at any time after the dues have become delinquent. Dues shall be accepted up to the time of expiration of the thirty days' period of notice, which shall be in writing.

Section 4. Reinstatement

Membership forfeited for failure to pay dues may be reinstated at any time upon the payment of the delinquent dues.

Article IV Limitations

Section 1. Representations

Neither the general membership, the Board of Governors, the officers, the committees, or the Chapters shall take any action and [or] shall make any representation on behalf of the Association which is incompatible with the objectives of the Association.

Section 2. Political Advancement

The Association shall be strictly nonpolitical. No action or representation shall be made by the general membership, the Board of Governors, the officers, the committees, or the Chapters which relates to the political advancement of any individual or group of individuals.

Section 3. Recommendations

No officers, committees, Chapters, or members as such shall publish any recommendations which imply the endorsement of such recommendation by the Association unless duly approved by the membership or by the Board of Governors.

Section 4. Debts

No debts shall be incurred in excess of the funds in the treasury of the Association except as authorized by the Board of Governors and not in excess of \$1,000 (One Thousand Dollars).

Section 5. Proxy Voting

Proxy voting shall be permitted under the following rules:

Proxy voting will be allowed in those instances where an active member is unable to attend a general membership meeting.

- (a) Individual members may designate any other active member to act as their proxy and to vote in their place.
- (b) Proxies may be limited to those questions specified in the call of the meeting or may be general and enable the holder to vote on all questions to come before the meeting.
- (c) All proxies shall be in writing and signed by the individual member.
- (d) All proxies shall be registered with the secretary of the Association at the time of registration or by the start of the meeting.

Section 6. Earnings and Dissolution

No part of the net earnings of the Association shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered.

In the event of dissolution, any remaining assets shall be distributed to organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as exempt organizations under § 501(c)(3) of the Internal Revenue Code.

Article V General Membership

Section 1. Government

- (a) The Association shall be governed by a majority vote of the active members voting as expressed by actions taken in:
 - (1) The annual meeting of the membership to be known as the annual convention;
 - (2) Special meetings of the membership; or
 - (3) A ballot of the unassembled members.
- (b) Any active member of the Association in good standing shall be entitled to attend and vote in any membership meeting and may vote in any ballot of the unassembled membership.

Section 2. Membership Meetings

- (a) The annual membership convention shall be held at the time and place determined by the Board of Governors. At least one-tenth of the members must be present, in person or by proxy, to constitute a quorum.
- (b) Special meetings of the membership may be held as directed by the Board of Governors. The same requirements for a quorum shall prevail as for the annual membership convention.
- (c) At least 30 days' notice shall be given of the annual or special meetings.

Article VI Chapters

Section 1. Establishment

- (a) The Association may be divided into subgroups at two levels, state and regional. Where a state association has affiliated with the Association, it shall be an Association chapter in that state. Five or more persons eligible for membership in the Association may submit a resolution adopting the Bylaws of the Association and petitioning for a charter as a chapter.
- (b) The chapter shall be established upon the approval of the Board of Governors and the issuance of the charter.
- (c) Chapters and affiliated associations may organize regional chapters of the Association by notification to and approval by the Board of Governors.
- (d) Insofar as practical, chapters should be organized in every state. Where the size of the potential membership is too limited, chapters may be organized which would include members in other states.

Section 2. Government

A Chapter shall provide for its self-government insofar as the same is not in conflict with the Constitution and Bylaws of the Association. It shall file with the Association a duly-authenticated copy of its Constitution and Bylaws, and all amendments thereto, when adopted.

Section 3. Meetings

Regular meetings or special meetings of the Chapter shall be held at such times as each Chapter shall deem necessary.

Section 4. Charter Revocation

A charter of any Chapter, may, for good cause:

- (a) Be suspended by a two-thirds vote of the whole membership of the Board of Governors until the next annual membership meeting, or
- (b) Be revoked by a two-thirds vote of the active membership, which number shall be computed upon the basis of the entire membership.

Section 5. Chapter Dues

Chapter dues shall be submitted pursuant to Article III together with a list of the names and addresses of chapter members paying the same.

Article VII

Board of Governors

Section 1. Composition

The Board of Governors shall consist of the elected officers of the Association and the immediate past president. The term "Board of Governors" shall be deemed synonymous with and as referring to the term "Board of Directors" as used in any applicable statutes.

Section 2. Replacement of Members

Whenever any member of the Board of Governors vacates his or her office, the remaining members shall have the power and duty to appoint a substitute for the remaining portion of the term.

Section 3. General Administration

The administration of the affairs of the Association shall be vested in the Board of Governors, which shall carry out any and all authorized recommendations and instructions emanating from the membership. It shall give special attention to the executive detail to the end that the general policies of the Association as provided in the Constitution and Bylaws may have power and effect.

Section 4. Meetings

The Board of Governors shall meet at least semiannually provided one such meeting shall be held not later than one month preceding the annual membership meeting. Special meetings may be called by the President or by any three members of the Board of Governors upon reasonable notice to all members of the Board. The meetings shall be at the time and place designated by the President or by at least three members of the Board if the meeting is not called by the President. A majority of the Board of Governors shall constitute a quorum for the transaction of business.

Section 5.

The Board of Governors shall have general charge of the affairs of the Association and may delegate such powers and take such action as they may deem appropriate, and which are not in conflict with the Constitution and Bylaws.

Section 6.

The Board of Governors is authorized to employ administrative assistants, legal counsel, and such other help as may be deemed necessary for the administration of the affairs of the Association.

Section 7.

The Board of Governors shall determine the time and place of the annual meeting within the limits set forth elsewhere in this Constitution and Bylaws.

Section 8.

The Board of Governors shall have the power to establish and determine the boundaries of Chapters as necessary for the government of, and representation in, the Association.

Section 9.

A charter is an instrument issued by the Board of Governors officially and completely recognizing and authorizing a Chapter to perform the usual and special duties provided therein as a lawful part of the Association, subject to the Constitution and Bylaws of the Association.

Section 10. Policy and Position Statements

Policy or position statements shall be submitted to the Board of Governors before being submitted to the membership for consideration.

Article VIII Officers

Section 1. General

- (a) The officers of this Association shall be the President, the President-Elect, the Secretary, the Treasurer, and eight Vice Presidents. Officers must be active members of the Association in good standing.
- (b) The officers shall be elected by the active membership at large by a majority vote. The vice presidents shall be designated First, Second, Third, etc., in order of votes received. In the event of tie votes, the outgoing Board of Governors shall designate the order.
- (c) Where no candidate for an office has received a majority on the first ballot in such an election, the two candidates having the highest number of votes shall be considered in a further ballot by the membership, and the candidate having the highest number of votes on the second ballot shall be declared elected.

Section 2. Election

The officers shall be elected each year by a majority of the active members voting at the annual membership meeting and installed to take

Constitution and Bylaws

office at the conclusion of the meeting. The officers shall hold office for one year or until their successors are elected and installed.

Section 3. Duties of the President

- (a) The President shall be the executive officer of the Association. The President may call meetings of the Board of Governors and all regular and special committees.
- (b) In the absence of a chairperson of any of the committees, or in the event of disability of such chairperson, the President shall designate a member thereof to act temporarily.
- (c) It is the duty of the President to appoint the members and designate chairpersons of all standing committees of the Association. The President may also appoint and dissolve for cause special committees subject to the approval of the Board of Governors. Such chairpersons and members of committees appointed by the President shall serve until replaced by the President.
- (d) The President shall render an annual report to the annual convention and may submit such recommendations as are deemed necessary.
- (e) The President shall assign the President-Elect such duties as desired by the President and not adverse to the will of the Board of Governors.
- (f) The President shall assign each of the vice presidents to act as liaison with a proportionate number of chapters, affiliated organizations or individual members. This shall be done considering the number of members and distances involved.

Section 4. Duties of the President-Elect

- (a) The President-Elect shall perform such duties as assigned by the President, and shall serve as acting President in the event the President is unable to perform the duties of the office.
- (b) The President-Elect shall be the next succeeding President of the Association.

Section 5. Duties of the Vice Presidents

- (a) In the event the President and the President-Elect are unable to perform the duties of the office of the President, the Vice Presidents in numerical order shall serve as acting President.
- (b) The Vice Presidents shall also perform such duties as are assigned by the President.

- (c) The Vice Presidents shall act as liaison between the chapters and individual members to which they have been assigned and the Board of Governors and the membership of the Association at large.

Section 6. Duties of the Secretary

- (a) The Secretary shall be responsible for keeping a correct record of the Association and of the annual convention and special meetings of the membership.
- (b) The Secretary shall be custodian of the records of the Association and shall be responsible for answering all general correspondence directed to the Association. The Secretary shall maintain and distribute as directed by the Board of Governors all records, books, pamphlets, tapes, and other material acquired by the Association for dissemination to its chapters, members, or affiliated organizations.
- (c) The Secretary shall prepare the minutes of each meeting of the Board of Governors and within twenty days after each Board meeting shall prepare and serve a copy of said minutes upon each member of the Board of Governors and to a representative of each state. Each state may select such a representative and if not so selected the President shall select such representative. A summary of the substance of actions taken or declined to be taken shall be printed in the next edition of the Association's newsletter. Copies of the minutes of any Association meeting shall be available to members upon request.

Section 7. Duties of the Treasurer

- (a) The Treasurer shall be responsible for the collection of dues for the Association; for establishing a bank account or accounts in the name of the Association; for paying all bills and expenses of the Association. The Treasurer shall submit to the President or the Board of Governors regular statements of the condition of the treasury. The Treasurer shall be responsible for keeping all fiscal accounts, records, and books of the Association and shall act as official custodian of all monies and property belonging to the Association.
- (b) The Treasurer shall submit a statement of the financial condition of the Association to the Annual Convention and at such other times as requested by the President or the Board of Governors.

Constitution and Bylaws

- (c) The Treasurer shall certify as to the good standing of members at the convention.
- (d) The Board of Governors may appoint or employ any person or persons, firm or firms, organization or organizations (hereinafter referred to as “secretariat”) to assist the Treasurer, which appointment shall be on such terms and conditions as the Board shall determine proper. The secretariat shall perform such duties as the Board and Treasurer shall direct.
- (e) Under the supervision of the Treasurer, the secretariat shall:
 - 1. Maintain such financial records of expenditures, receipts and investments as are approved and designated by the Treasurer;
 - 2. Submit to the Treasurer a monthly financial statement, which statement the Treasurer shall furnish to the Board of Governors;
 - 3. Maintain an Association bank account and report on charges therein to the Treasurer.

Section 8. Signatures

Funds of the Association may be withdrawn from the bank by checks which shall be signed by the Treasurer or in the absence or disability of the Treasurer, by the President, or in the absence or disability of the Treasurer and the President, by the President-Elect, or by the secretariat upon direction of the foregoing officers as designated above.

Section 9. Rules of Procedure

Proceedings of all meetings shall be governed according to Roberts Rules of Order, except as otherwise established by the Constitution and Bylaws.

Article IX Committees

Section 1. Identity of Standing Committees

The Standing Committees shall be the following:

- (a) Auditing Committee;
- (b) Membership Committee;
- (c) Such other committees as the President shall designate from time to time.

Section 2. General Committee Functions

- (a) All committees shall be appointed by the President with the consent of the Board of Governors, except the Auditing Committee, which shall be chosen by membership vote at the annual membership meeting.
- (b) The standing committees shall report to the President and the Board of Governors, and, on request, to the general membership.
- (c) The President shall be an ex-officio member of all committees, except the Auditing Committee.
- (d) Committees shall meet upon the call of their respective chairpersons or upon the request of the President.
- (e) The various standing committees shall have such duties as are outlined below and such other duties as may be assigned to them from time to time by the President or by the Board of Governors.

Section 3. Auditing Committee

The Auditing Committee shall examine all financial records of the officers or committees of the Association to insure their accuracy and compliance with the Articles, Bylaws, and other governing actions of the Association; shall certify to the correctness of the Treasurer's annual report; and shall report their findings to the annual membership meeting and to the Board of Governors upon request.

Section 4. Nominating Committee

The President shall appoint a Nominating Committee consisting of three members in good standing. The Nominating Committee shall nominate a slate of officers for each office. The slate shall be submitted in writing to each of the members of the organization at least thirty days before the annual membership convention.

At the annual membership convention, when the election is held, those members nominated by the committee shall be considered as automatically nominated and additional nominations may be taken at the time of the election. All nominees shall be treated in the same fashion at the election.

Section 5. Membership Committee

The membership committee shall devise and carry out programs to publicize the activities of the Association and the benefits of membership and to enlist new members.

Article X Amendments

Section 1. Proposal and Notice

- (a) An amendment to the Constitution and Bylaws of this Association may be proposed by:
 - (1) Obtaining the signature to a petition of fifteen active members in good standing, or
 - (2) Motion of the Board of Governors, or
 - (3) A majority vote of the active members voting at any regular or special meeting.
- (b) Proposals to amend the Constitution and Bylaws shall be submitted by the Board of Governors to the membership in writing for ratification. A two-thirds majority of active members shall be required for ratification in event of a mail ballot. A majority of the active members voting at an annual membership or special meeting shall be required for ratification. The Board of Governors shall immediately tally the results of such vote and the amendment shall be effective upon certification of a favorable result by the Board of Governors.

