

UNIVERSITY OF MIAMI SCHOOL OF LAW
Military Law Society
CONSTITUTION AND BY-LAWS
Spring 2010

SOCIETY I: SOCIETY

Section 1. Name – The name of this Society is The Military Law Society.

Section 2. Location – This Society is chartered and established at the University Of Miami School Of Law.

Section 3. Duties of Society – This Society shall promote the principles, ideals, and precepts of Military Law. This Society shall abide by the Constitution and By-Laws and adhere to the rules and regulations, as may from time to time be lawfully changed through the Executive Members of this Society.

SOCIETY II: CONSTITUTION

1) Guide and help for Miami law students interested in military law.

Our goal is to create a foundation for Miami law students who are interested in joining the military or learning more about military law by:

- a) Providing liaisons in the military that can give guidance for becoming a judge advocate in the branch which Miami law students are interested in.
- b) Maintaining relationships with recruitment officers and other members of the military that will be able to provide Miami law students with information that they need to become a judge advocate for their selected branch.
- c) Providing a support function between members to help deal with any questions or issues that are military law related.

2) Promote military law knowledge between members.

- a) Having speakers come to the University of Miami in relation to military law.
- b) Holding events and seminars to promote military law.

3) Creating a community between military law students and Miami law students interested in military law.

- a) Holding social functions so that students have the ability socialize with students of the same interests.
- b) Fostering a community to support all members of the society in all aspects related to the University Of Miami School Of Law.

SOCIETY III: MEMBERSHIP

Section 1. Members – The membership of this Society shall be composed of those persons interested in military law and are in good standing at the University Of Miami School Of Law.

Section 2. Eligibility for Membership – Any student that are in good standing at Miami School of Law.

Section 3. Election to Membership – All invitations to membership into this society shall be by vote of the Executive Board.

Section 4. Termination of Membership – Membership in this society may be terminated by (a) automatic forfeiture if disbarred by a legally constituted authority, (b) does not represent themselves properly as a Miami law student and/or military law society member, (c) not paying their dues on time, and/or (d) by voluntary resignation from membership.

Section 5. Initiation fees – There will not be initiation fees unless a majority vote (2/3) is made by the Executive Board. Initiation fees must be collected before a member is part of the society.

Section 6. Membership Dues – Membership dues will be determined by a majority vote on the Executive Board. Membership will be free unless a majority vote (2/3) is made by the Executive Board, and membership dues will be due by January 1st for the next year.

SOCIETY IV: SOCIETY OFFICERS ***

Section 1. Officers – This Society will annually elect a President, Vice President, Treasurer, and Programs Director.

Section 2. Title – Together, the Society Officers may be hereinafter referred to as the “Executive Board.”

Section 3. Election of Officers – Elections for Society Officers shall be held during the March General Body meeting of each fall semester. The current President shall set the exact date, time and place for such annual election, to be held no later than March 21st, or as changed later by the decision of the Executive Board. The Programs Director shall notify all members of the Society of the date, time and place of such election at least seven (7) days prior to such date. Election shall be by a majority vote of the members in good standing, present and voting. Voting shall be conducted in a drop-down method starting with election of the President, allowing members to run for subsequent positions if they fail to get elected to a higher-ranking position. The order of election of officers shall be determined by the order as laid out in Society IV, Section 6 of these By-Laws. Voting will be conducted by secret ballot. In the event of an officer vacancy, appropriate notice shall be given to members and the election shall be held at a special General Body meeting or no later than the next scheduled General Body meeting.

Section 4. Terms of Office – The terms of office of the Society Officers shall be for a period of one academic year. The elected officers shall assume the duties of their individual positions from May 1st until April 30th.

Section 5. Transition of Officers – As a final duty, all outgoing officers shall set a transition meeting with their succeeding officers. No medals, awards or any alumni benefits will be given to an outgoing officer until he or she participates, in good faith, in a transition meeting with the incoming officer and explain and reasonably reveal all the details of their position and unfinished duties, responsibilities, and projects of their office. The transition meeting between officers is to be held within one (1) month of elections.

Section 6. Duties of Officers – The elected officers of this Society shall have the following duties:

- a. **President** – The President shall be the chief executive and administrative officer of the Society. The President shall prepare an agenda for each meeting, preside at all meetings of the Society, and decide all questions of law and order in the Society. He/she shall insure that all other Society officers perform the duties of their respective offices and shall be responsible for the welfare and dignity of the Society during his/her term of office. In the event of a vacancy on the Executive Board, the President shall have the power to appoint a replacement until such time when an election can be held pursuant to Society IV, Section 3 of these By-Laws. The President shall attend all Inter-Club Council (ICC) meetings at the University Of Miami School Of Law and shall not propose any ICC legislation without majority consent of the Executive Board or majority consent of the General Body. It is the responsibility of the President to inform the executive board as to the events at the ICC meeting, and comply with ICC bylaws. The President shall have the authority to excuse Officer’s reasonable absence from any meeting or event on a limited basis. The President is responsible for sending a weekly email to the Executive Board. The President is also responsible for scheduling at a minimum one monthly meeting with the Board as a whole and another monthly meeting for the members of the society. The President is responsible for putting together Society awards to be completed before December 15th.
- b. **Vice President** – The Vice President shall assist the President in the performance of such Society duties as may be requested of him/her by the President and shall assist in the public relations efforts of the Society. In the event of the absence, death, resignation, disqualification or removal from office of the President, the Vice President will assume the position of the President. The Vice President shall be the recruitment programs officer of the Society, and shall perform the necessary duties relating to the recruitment of new members. The Vice President is responsible for written articles of Society interest to the Society and to Res Ipsa for school publication. The Vice President shall be in charge of all fund-raising activities. In the situation that the President is unable to attend an

ICC meeting, the Vice-President shall attend the meeting and inform the President and the rest of the board of what occurred.

- c. **Programs Director** – The Programs Director shall be the chief recorder and correspondent of this Society. The Programs Director shall keep a true and complete record of all matters pertaining to this Society and shall certify thereto when necessary. The Program Director shall be the custodian of the Society By-Laws, Society roster, minutes, and administrative records and reports of this Society. He/she shall maintain a record of all Society law school, alumni and honorary members together with their current addresses and shall dispatch notices of meetings to members as appropriate. The Programs Director shall maintain detailed records of events, to aid the President in the preparation of the award applications. The Programs Director shall be the public relations officer of the Society, responsible for alerting members and the University as to Society events. The Programs Director shall have the custody of all Society materials/physical assets and shall preserve the same in good order. He/she shall see that all initiated members are properly educated as a member of the Society. The Programs Director shall maintain close relations with the Faculty Advisor.
- d. **Treasurer** – The Treasurer shall be the chief financial officer of this Society. He/she shall have charge of all Society funds and of the collection and disbursement thereof. He/she shall keep initiation fees and other Society funds in separate accounts as required and shall certify prior to initiation all financial obligations of members. The Treasurer shall pay out money on itemized vouchers and he/she shall keep a complete chronological record of monies received and disbursed. The Treasurer shall give a report of the Society's current financial status at each Executive Board meeting and shall give a current report at the last General Body meeting of each semester. The Treasurer is responsible for working with the Vice-President in regards to all fund-raising activities and is in charge of all financial aspects of each activity. He/she shall remit to the Executive Board such monies as the Constitution and By-Laws prescribe and submit such reports and other information as the President or Executive Board requests. The Treasurer shall be in charge of developing sources of revenue for the Society in addition to the Society dues.

Section 7. General Duties of All Society Officers – It shall be the responsibility of each officer to:

- a. Develop fundraising ideas and raise or help raise funds for this Society.
- b. Develop and maintain the Society's Constitution and Bylaws.
- c. Sit at the membership recruitment table on The Bricks during Rush Week and other times when needed.
- d. Participate in the organization of at least one event per semester. Events include, but are not limited to, general body meeting food and organization, happy hours, Dinner and a Professor, food sales on The Bricks, and alumni events. In the event that there exist a sufficient number of events in one semester to constitute an equitable distribution of at least two (2) events per officer, each officer shall be required to participate in the organization of at least two (2) events during that semester.
- e. Attend all General Body Meetings, Executive Board Meetings, and all Military Law Society functions, unless reasonably excused.
- f. Ensure the proper, efficient and effective operations of the Society, including scheduling, planning and implementing Society programs, projects, functions and meetings with the major objective of providing for the professional advancement of the members of the Society.
- g. Ensure the continuity of this Society by acquiring new members and providing professional service to the members of this Society, this law school, and the legal profession.
- h. Carefully study and review all policies and procedures as promulgated by the Society to ensure compliance therewith by this Society.

ARTICLE V: RECALL AN ELECTION

Section 1. Procedures

- a. A recall of an election may be made within forty-eight (48) hours of said election for good and sufficient cause. The request for recall and the supporting rationale therefore must be submitted in writing to the Executive Board that held the elections as well as the resulting Executive Board.
- b. The Executive Board must hold an emergency Society meeting within five (5) days of the receipt of the request for recall. During the meeting, a motion must be made by the pursuing party to set aside the current election and call for a new election. The motion must have a second and the floor must then be opened for discussion.
- c. A two-thirds (2/3) vote of the Society members in good standing is needed in order to recall the election. If the two-thirds (2/3) vote is not achieved, the current election results stand. If the vote returned is in favor of a recall, the former Executive Board must make a new announcement regarding the time, place and procedure for election giving at least five (5) days and no more than ten (10) days notice.

ARTICLE VI: RECALL OF OFFICERS

Section 1. Procedures – Procedures for removal from elective office, shall be instituted through the filing of a written recall petition. The recall petition requires signatures from one third of the Society members in good standing or by a majority of the elected officers of such Society.

- a. **Administrative** - The Society President shall be the Administering Officer of the recall unless the President is the subject of the removal in which the Administering Officer becomes the Vice President.
- b. **Petition for Removal** – The petition for each officer whose removal is sought shall be transmitted to the Administering Officer. The recall petition shall contain a clear and concise factual statement of the acts or practices alleged to constitute “good and sufficient cause” for removal from office. Violation of the oath of office, including malfeasance, misfeasance, or nonfeasance, shall constitute good and sufficient cause for removal from office of any such officer. The Administering Officer shall immediately furnish to the cited officer a copy of the petition.
- c. **Answer** - Within five (5) days after the receipt of the petition for removal, the cited officer shall transmit an answer to the Administering Officer. Such answer shall contain (1) a concise statement of the facts constituting each ground of defense, and (2) specific admission, denial, or explanation of each fact alleged in the petition; or, if the cited officer is without knowledge thereof, a statement to that effect. Failure of any cited officer to file an answer in the time specified shall authorize the Administering Officer, without further procedures, to declare the office vacant and to require the cited officer to surrender all Society property.
- d. **Submission for Vote** – Upon receipt of the cited officer’s answer, the Administering Officer shall publish the petition and answer to the Society for a vote on the matter. Along with the petition and answer, the Administering Officer shall publish the time, place and purpose of a Society meeting for such vote giving no less than seven (7) days notice. No recall petition shall be submitted to the Society for vote during the period from April 15th to September 15th and November 15th through January 15th.
- e. **Voting** – Upon receipt of the recall petition and answer, each Society member shall vote pursuant to the following procedures:
 - 1. Voting shall take place only at a Society meeting which members have been given proper notice of as prescribed in Section 1(d) of this Article.
 - 2. At such meeting, the petition and answer shall be read aloud to the membership before the vote is taken, except that this procedure may be waived if copies have been furnished to all members.
 - 3. No proxy voting shall be permitted.
 - 4. A two-thirds (2/3) affirmative vote of all members in good standing is required for the removal of the cited officer.

Section 2. Disposition of Property – If the cited officer is removed from the position held, the Administering Officer shall require the cited officer to surrender all Society property and records.

Section 3. Appeal – Any officer removed hereunder may appeal such decision to the Executive Board, such appeal to be limited to (1) the question whether “good and sufficient cause” has been shown, and (2) the question of compliance with the procedures prescribed herein.

SOCIETY VII: SOCIETY ADVISORS

Section 1. Advisor – The Executive Board shall appoint at least one faculty member as an advisor to the Society.

Section 2. Society Action – At least once a year at a General Body meeting, the Society Justice shall discuss the effectiveness of the Society advisor(s) and the Society shall take formal action if it chooses to remove or replace such advisors. Removal or replacement of Society Advisors shall only be achieved by two-thirds (2/3) vote of members present and voting at a regularly scheduled General Body meeting. This removal procedure in no way limits the authority of the President to temporarily suspend an advisor whose actions are harmful or contrary to their duties as an advisor of this Society. Procedures for removal shall be followed at the next regularly scheduled General Body meeting.

Section 3. It shall be the responsibility of the Society Programs Director to develop a close working relationship with the Society advisor(s) and to seek their aid and advice to develop lines of communication for the Society with the administration of the law school. The Society Programs Director shall ensure that the advisors are fully informed of all Society meetings, programs, projects and other activities and shall seek their advice thereon when appropriate.

SOCIETY VIII: SOCIETY COMMITTEES

Section 1. This Society may establish, upon two-thirds (2/3) vote of the Executive Board, committees for special purposes as determined by this Society, whose membership and duties shall be determined by the Justice. Those committees may be abolished by two-thirds (2/3) vote of the Executive Board.

Section 2. Standing Committees – Committees shall be under the direction of members of the Executive Board, and shall submit a report to the President on the last Friday of every month, unless specified differently by the President. Committees will be formed on an adhoc basis by a majority vote (2/3) by the Executive Board.

Section 5. Establishing of Committees – Standing Committees shall be established at the monthly Executive Board meeting by the Executive Board.

Section 4. Duties of the Committees – Duties of committees will be listed in this section.

SOCIETY IX: FISCAL MATTERS

Section 1. Initiation Fee – As provided In Society III, Section 5, each candidate for initiation shall pay the Initiation fee to the Treasurer of the Society prior to such initiation. All Initiation fees shall be deposited by the Society Treasurer into the Society bank account.

Section 2. Society Dues – The local dues of this Society are hereby free, which may be changed by the Executive Board at any time. Each member of the Society shall pay the established local dues to the Society Treasurer prior to initiation or by January 1st for the next year. Members delinquent in the payment of their local dues or who refuse to pay the lawful local dues shall be reported to the Society by the Treasurer and if such members persist in the refusal to pay such lawful obligation, the member shall be expunged under the provision of Society III, Section 4 (c) of the By-Laws of the Fraternity.

Section 3. The affairs of the Society shall be conducted upon a sound financial basis and no outstanding Society indebtedness shall be incurred without the prior approval of a vote of two-thirds (2/3) of the Society Executive Board.

Section 4. Each financial transaction must be approved by a majority vote (2/3) by the Executive Board.

SOCIETY X: MEETINGS

Section 1. Regular meetings of this Society shall be held at least once a month during the fall and spring semesters, the date, time, and location to be given to the General Body within the first two (2) weeks of each semester no meetings shall be held during the reading or exam period or when school is not in session.

Section 2. Special meetings of this Society shall be held at the call of the President or at the call of any three other officers of this Society, or upon request of one-third (1/3) of the members in good standing of this Society.

Section 3. For voting purposes, results shall be calculated according to those members present and voting.

Section 4. The Executive Board shall hold an Executive Board meeting a minimum of one week prior to each General Body meeting to discuss upcoming events, organize the upcoming General Body meeting, prepare a rough agenda for the upcoming meeting, coordinate the work of the various committees of the Society, and discuss any other matters it deems necessary for the effective operation of this Society. The Executive Board shall meet a mandatory one time(s) a month, but this in no way limits the number of meetings that can be held. A quorum of Society Officers shall be required to make binding decisions. Society Officers must be physically present for his/her vote to count. All votes shall require a two-thirds (2/3) majority to be binding, specifically relating to budgetary matters and removal matters. All rules of order and other pertinent matters within these By-Laws shall apply equally to the Executive Board.

SOCIETY XI: OFFICIAL REPORTS

This Society shall keep on record all Executive Board and membership meetings by the Programs Director, including:

1. An Application for Membership for each member and initiation of any member.
2. The Annual Fall Report, which includes the tentative Spring calendar, shall be complete by December 1st.
3. The Annual Spring Report, which includes the tentative Fall calendar, shall be complete by April 1st of each year.
4. The Roster of Officers shall be kept, along with their updated contact information, and the year they held office.
5. The Minutes of both Executive and General Meetings along with all votes, the outcome, and any substantial changes or decisions that occur by the Executive Board or its members.

SOCIETY XII: SOCIETY BY-LAWS

Section 1. Authority – These Society By-Laws are subject to the provisions of the Constitution and by the Executive Board members. Any Society or section which conflicts with such Constitution shall be null and void without; however, voiding the remainder of the By-Laws. Those sections of these By-Laws shall be subject to amendment by action of the Executive Board. The Constitution itself shall be subject to change by a majority vote (2/3) by the members of the society by vote in person or by mail.

Section 2. Amendments – The By-Laws may be amended by a two-thirds (2/3) vote of the Executive Board and shall be effective immediately. Any changes to the Constitution must occur at a special or general meeting and will only be approved by a two-thirds (2/3) vote by the Society members; provided however, that notice of the proposed amendment to the Constitution shall be given to all Society members at least seven (7) days prior to the meeting and provided further that no meeting for the amendment shall be called during a vacation period, reading period, or exam period of the University of Miami School of Law.

Section 3. By-Laws shall be renumbered and re-lettered where appropriate to provide for the proper sequence of numbers and letters.