

**CONSTITUTION  
OF  
THE FEDERAL ADMINISTRATIVE LAW JUDGES CONFERENCE**

**Article I – Name**

The name of this organization is “The Federal Administrative Law Judges Conference.” It was founded February 6, 1947.

**Article II – Purpose**

The purposes of the Conference are to further the public interest by improving the administrative process; to foster faithful, efficient, and effective performance of the functions assigned to Administrative Law Judges under the various statutes governing Federal administrative proceedings; to advance the professional standing, education and welfare of the Administrative Law Judges employed by the Government of the United States; to defend the independence of federal Administrative Law Judges; to defend the protections afforded Administrative Law Judges by the Administrative Procedure Act;<sup>1</sup> and to encourage the cordial and friendly relations among the members of the Conference and with the judiciary, government agencies, and public and private organizations concerned with the administrative process.

**Article III - Membership**

Section 1. There are three<sup>2</sup> classes of membership:

A. Voting member – Any person who is appointed and is serving as an Administrative Law Judge under Section 11 of the Administrative Procedure Act (5 U.S.C. § 3105) is eligible for membership in the Conference as a voting member.

B. Non-voting member – Any person who had been appointed as an Administrative Law Judge under Section 11 of the Administrative Procedure Act, but who, because of retirement or other reason, is not serving as an Administrative Law Judge is eligible for membership in the Conference as a non-voting member. A non-voting member may be appointed to and serve without vote on any standing or ad hoc committee, and may chair an ad hoc, but not a standing, committee. A non-voting member may not serve as an Officer of the Conference.

C. Any person who is appointed as an Administrative Law Judge under Section 11 of the Administrative Procedure Act, but who, because of retirement is no longer serving as an Administrative Law Judge on a full-time basis, but who continues to be employed as an Administrative Law Judge on a part-time basis while on retirement, may choose to be a member under Section

1A, above, and pay full dues, or be a member under Section 1B, above, and pay dues at the reduced level.

D. Continuation of membership – A voting member who ceases to serve as an Administrative Law Judge under Section 11 of the Administrative Procedure Act may continue to be a member of the Conference as a non-voting member, effective as of the date of the member's cessation of services as an Administrative Law Judge.

Section 2. A Conference member continues as such until he or she (a) submits a written resignation to the Secretary of the Conference; (b) is separated from the Conference for cause upon a two-thirds vote of all voting members upon a written secret ballot under appropriate safeguards to be prescribed by the Executive Committee; (c) is separated from the Conference by reason of failure to pay dues for the current fiscal year by September 1 of that year; or (d) in the case of a non-voting member, is determined by a majority vote of the Executive Committee to be engaged in any activity deemed inconsistent with membership in the Conference. A member who is separated for failure to pay dues shall be reinstated upon payment of current annual dues.

#### **Article IV – Officers**

Section 1. The officers of the Conference shall be the President, the First Vice-President, the Second Vice-President, the Secretary, and the Treasurer. The duties of the officers are those stated in the By-Laws of the Conference. The officers shall be elected annually as provided in Article IV of the By-Laws of the Conference, and shall serve for a term of one year to commence on June 1<sup>st</sup> following the election or until their successors have qualified. The President, or in the absence of the President, the First Vice-President, shall *ex officio* be a member of all Committees. A President or First or Second Vice-President may not hold that respective office for more than two consecutive terms.

Section 2. An officer must be a voting member of the Conference. If an officer ceases to be a voting member of the Conference, the office shall be considered vacant.

Section 3. In the event the office of the President becomes vacant, the First Vice-President shall automatically succeed to that office. In that event, or in the event that any other office becomes vacant, the Executive Committee shall fill any such vacancy by appointment for the balance of the unexpired term, it may arrange for a special election to elect a successor officer, or it may reassign the duties of that office to another officer for the balance of the unexpired term.

## **Article V – Executive Committee**

Section 1. The business of the Conference shall be conducted between regular meetings by an Executive Committee, except as specifically described in the By-Laws in respect of the duties and responsibilities of the Standing Committees. The Executive Committee shall consist of representatives elected as described in Section 2 of this Article and the Conference Officers specified in Article IV.

Section 2. Each agency or department represented in the voting membership of the Conference shall be entitled to elect from the voting membership of the Conference the following number of representatives and alternates to the Executive Committee based on the number of voting members from each agency or department in the Conference on January 1 of each year.<sup>3</sup>

<u>Conference Members</u>	<u>Executive Committee Representatives</u>
20 or fewer	1 representative – 1 alternate
21 to 80	2 representatives – 2 alternates
81 or more	3 representatives – 3 alternates

An alternate acts for his or her corresponding representative in the absence of and with the same powers as the representative. If any representative ceases to be a voting member of the Conference, the alternate to that representative shall succeed to the position of representative for the balance of the elected term. Each representative or alternate shall serve for the term of one year or until his or her successor shall have qualified.

Section 3. A. The representative or representatives and alternate or alternates to the Executive Committee of each agency or department shall be elected by the majority vote of the Conference voting membership in such agency or department. Each voting member from the agency or department shall have an equal vote in such election. The President during May of each year shall appoint a voting member from each agency or department who shall notify the Conference members from such agency or department within two weeks of such appointment that there will be an election as required by this Section, and the manner in which nominations may be made and the election conducted.

B. The appointed member from an agency or department shall conduct the election of the representative and alternate or representatives and alternates from that agency or department unless the President directs that the election shall be conducted by written secret ballot. A voting member from an agency or department having more than two voting members may make a request to the President for the election of the election of that agency's or department's representative or representatives and alternate or alternates by written secret ballot. If the President determines that a written secret ballot is practicable, the President shall instruct the Secretary to conduct the election by

written secret ballot. The Secretary shall prescribe the procedures for conducting the election, counting the votes, and certifying the results.

Section 4. The immediate past-President of the Conference shall serve, during the Conference year subsequent to the completion of his or her term of office as President, as a voting member of the Executive Committee.<sup>4</sup>

### **Article VI – Standing Committees**

Section 1. The regular activities of the Conference shall be carried out by the Standing Committees under the general supervision and control of the Executive Committee. The membership of these committees, within the limitations prescribed in this Constitution and in the By-Laws of the Conference, will be designated by the President with the advice and consent of the Executive Committee.

Section 2. The Standing Committees are:

- A. Membership Committee
- B. Legislative Committee
- C. Communications Committee
- D. Conference Committee<sup>5</sup>

### **Article VII – Executive Committee Quorum**

A majority of the Executive Committee shall constitute a quorum for the transaction of the business of the Committee.

### **Article VIII – Executive Committee Meetings**

The Executive Committee shall meet regularly, at least once a month or more frequently as the President deems necessary upon reasonable notice of such meeting to each of the representatives. Meetings of the Executive Committee shall not be required in December, June, July and August of each year.<sup>6</sup>

### **Article IX – Conference Meetings**

The Conference shall hold regular meetings at least once during each fiscal year, at places and times designated by the Executive Committee. Meetings shall be held in April and May. Special meetings may be called by the Executive Committee or upon a written petition signed by not less than twenty voting members of the Conference representing at least two agencies and stating the purpose for which the special meeting is called, filed with the Secretary of the Conference, and upon not less than five days notice in writing to all members of

the Conference setting forth the agenda of the meeting in specific terms. No other business may be conducted at a special meeting.

### **Article X – The Conference Quorum**

Twenty-five voting members of the Conference shall constitute a quorum for the transaction of business at any regular or special meeting.

### **Article XI – Dues**

The fiscal year and membership year of the Conference shall begin on June 1 and end May 31 of the year following. Annual dues shall be determined by the Executive Committee. Any change shall be determined by April 1 preceding the fiscal year in which the change is to be effective. The annual membership dues shall be payable June 1 for the current fiscal year.

### **Article XII – By-Laws**

Upon recommendation of the Executive Committee, the Conference shall adopt By-Laws not inconsistent with this Constitution to further the administration of the Conference. The By-Laws shall be adopted or amended by a majority vote of the voting members under the procedures provided by the By-Laws.

### **Article XIII – Amendments**

The Constitution may be amended by a vote of two-thirds of those voting members who return mail or electronic mail ballots. An amendment shall be proposed by a vote of a majority of the Executive Committee or by petition of not less than 20 percent of the voting members of the Conference presented to the Conference Secretary. The specified proposed amendment must be set forth in the ballot provided to all voting members of the Conference. The proposer of an amendment and a person opposing adoption of the amendment, if any, as designated by the Executive Committee shall prepare statements of their views, not to exceed one page each, to accompany the ballot. The Conference Secretary shall be responsible for distributing ballots and statements, if any, together with appropriate instructions to all voting members, and for counting the returns and certifying the results to the Executive Committee at its next meeting. Upon adoption of an amendment to the Constitution, the Secretary may correct punctuation, grammar, or numbering where appropriate in the Constitution, if the correction does not change the meaning, and may make conforming changes in the By-Laws.<sup>7</sup>

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<sup>1</sup> The two preceding clauses were added by amendment in November 2012.

<sup>2</sup> A 1998 amendment increased the number of classes of membership from two to three, added the current Subsection C and re-lettered following subsection.

<sup>3</sup> Prior to a 1998 amendment, the following representative allocation existed:

<u>Conference Members</u>	<u>Executive Committee Representatives</u>
40 or fewer	1 representative - 1 alternate
41 to 80	2 representatives - 2 alternates
81 or more	3 representatives - 3 alternates

<sup>4</sup> The immediate past-President was added as a voting member of the Executive Committee by amendment in November 2012.

<sup>5</sup> Prior to amendment in November 2012, the standing committees were as follows:

- A. Ways and Means Committee
- B. Legislative Committee
- C. Publications and Archives Committee
- D. Social Affairs Committee
- E. Program Committee
- F. Administrative Practice and Procedure Committee
- G. Education Committee
- H. Membership Committee

<sup>6</sup> The Constitution was amended in November 2012 to include December and June as months not requiring a meeting of the Executive Committee

<sup>7</sup> The Constitution was amended in July 2011 to include provisions for voting by electronic mail.