

**BY-LAWS
OF
THE FEDERAL ADMINISTRATIVE LAW JUDGES CONFERENCE**

Article I - Duties of Officers¹

- Section 1. Duties of the President. The President shall:
- A. Be the Chief Executive Officer of FALJC;
 - B. Speak officially for FALJC;
 - C. Be a member, ex officio, of all Standing Committees;
 - D. Preside at all meetings of FALJC;
 - E. Preside at all meetings of the Executive Committee;
 - F. Designate the membership of all Standing Committees and Special Committees, subject to any conditions prescribed in the By-Laws; and
 - G. Present an annual report of FALJC activities to the membership at the Annual Meeting.
- Section 2. Duties of the First Vice-President. The First-Vice President shall:
- A. Perform the duties of the President in the absence or inability of the President to discharge the duties pertaining to the office of President;
 - B. Chair the Legislative and Regulatory Activity Committee;
 - C. Serve as a member of the Education Committee; and
 - D. Perform such other duties as may be required by the President, the Executive Committee, and FALJC membership.
- Section 3. Duties of the Second Vice-President. The Second Vice-President shall:
- A. Perform the duties of the President in the absence or inability of the President and First Vice-President to discharge the duties pertaining to the office of President;
 - B. Chair the Education Committee; and
 - C. Perform such other duties as may be required by the President, the Executive Committee, and FALJC membership.

¹ Articles I, II, and VI were amended on February 17, 2022 to conform to, and implement changes in the Constitution approved that same day.

Section 4. Duties of the Secretary. The Secretary shall:

- A. Chair the Membership and Communications Committee;
- B. Serve as a member of the Legislative and Regulatory Activity Committee
- C. Prepare minutes for all meetings of FALJC and the Executive Committee;
- D. Upload all minutes to the FALJC website;
- E. Give notice of all meetings as required;
- F. Handle all correspondence and other matters as directed by the President and the Executive Committee;
- G. Conduct all electronic ballots, other than those concerning annual election of FALJC officers, and certify the results of the ballots to the Executive Committee;
- H. Notify members of the opportunity to renew their membership by May 15 of each year;
- I. Notify any member who is in arrears in payment of dues of such fact on or before the first day of September of each year;
- J. Maintain a current list of all Executive Committee members on the FALJC website;
- K. Notify the ABA of the current list of ABA group members by August 15 of each year;
- L. Update the list of current members on the FALJC website by September 15 of each year; and
- M. Maintain email distribution lists for the Executive Committee and current FALJC members.

Section 5. Duties of the Treasurer. The Treasurer shall:

- A. Be the financial officer of FALJC;
- B. Chair the Finance and Assets Committee;
- C. Serve as a member of the Education Committee;
- D. Collect and receive all money, including dues, payable to FALJC;
- E. Deposit all money received to the credit of FALJC in a bank or in such investments as may be approved by the Executive Committee;

- F. Disburse money of FALJC as directed by the President and authorized by the Executive Committee or FALJC;
- G. Inform the Secretary of any member who is not current in the payment of dues by August 15 of each year;
- H. Keep itemized records of all money received and from whom and for what purpose the money was paid;
- I. Keep itemized records of all money disbursed and to whom and for what purpose the money was disbursed; and
- J. At each regular meeting of the Executive Committee, submit a written report on all receipts and disbursements of money.

Article II - Expenditure of Funds

Any expenditure of funds for carrying out Conference Activities shall be authorized, in advance of the expenditure, by the Executive Committee, or by FALJC at a regular or special meeting. Unless otherwise directed by the Executive Committee, the President may authorize expenditures not exceeding one thousand five hundred dollars (\$1,500.00) each for any appropriate Conference activity, and shall report such authorization at the next meeting of the Executive Committee.

Article III - Duties of Standing Committees

Section 1. Legislative and Regulatory Activity Committee.

This committee shall:

- A. Have among its membership: the First Vice-President (who shall chair the committee), and the Secretary;
- B. Study and report to the Executive Committee and FALJC membership on all proposed legislation and Congressional activities which may affect ALJs;
- C. Prepare written submissions to Congress on legislation as directed by the Executive Committee;
- D. Meet with appropriate Congressional staff members to discuss legislation as directed by the Executive Committee;
- E. Study and report to the Executive Committee and FALJC membership on all proposed regulations which may affect ALJs;
- F. Prepare written comments for submission to appropriate agencies engaged in regulatory rulemaking as directed by the Executive Committee; and
- G. Meet with appropriate agency personnel to discuss regulatory activity as directed by the Executive Committee.

Section 2. Education Committee.

This committee shall:

- A. Have among its membership: the Second Vice-President (who shall chair the Committee), the First Vice-President, and the Treasurer;
- B. Prepare a proposed budget for the Annual Educational Seminar for approval by the Executive Committee by February of each year;
- C. Plan, organize, and execute the Annual Educational Seminar held in

September of each year;

- D. Reserve locations for future Annual Educational Seminars through a rotation of geographic areas to ensure greater accessibility to the entire membership; and
- E. Develop other educational opportunities as appropriate for the membership.

Section 3. Finance and Assets Committee.

This committee shall:

- A. Have among its membership: the Treasurer, who shall chair the Committee;
- B. Be responsible for the continual review of the financial integrity of FALJC; and
- C. Maintain a list of all current owned assets of FALJC and the person responsible for the asset; and
- D. Make recommendations to the Executive Committee for the purchase of assets.

Section 4. Membership and Communications Committee.

This committee shall:

- A. Have among its membership: the Secretary, who shall chair the Committee;
- B. Maintain the FALJC website and publish all FALJC reports and newsletters;
- C. Initiate communications and other actions as appropriate to help maintain and increase membership; and
- D. Report regularly to the Executive Committee on the status of the membership.

Article IV - Elections

Section 1. Nominations.

- A. On or before February 1 of each year the President shall nominate and the Executive Committee shall appoint a Nominating Committee. The Nominating Committee shall consist of eight Conference members, not

more than three of whom may be representatives to the Executive Committee or Conference officers. In addition to the eight appointed members, the immediate past-President of FALJC shall serve as an *ex officio* member of and shall chair the Nominating Committee. No more than two members of the Nominating Committee may be from or elected to represent a single agency. If the Executive Committee has not appointed a Nominating Committee pursuant to this Section on or before February 1, the immediate past- President shall, on or before February 25, appoint a Nominating Committee composed as provided in this Section. Within 10 days after appointment of the Nominating Committee, the FALJC Secretary shall mail to each Conference member a list of the names and addresses of, and agencies represented by, the members of the Nominating Committee.²

- B. The Nominating Committee shall select at least one, but not more than two, candidates for each office, having previously determined that each candidate selected is willing to serve if elected. At least thirty days before the regularly-scheduled April regular meeting of FALJC membership, the list of such candidates shall be submitted to the FALJC Secretary who shall mail notice of the nominations to each Conference member at least twenty days before that meeting.
- C. Additional nominations may be made by written petition of not less than twelve Conference members representing at least three agencies. The petition shall be signed by the candidate so nominated, indicating a willingness to serve if elected. The petition shall be presented to any member of the Nominating Committee prior to the presentation of the report of that Committee at the April regular meeting of the FALJC membership. Any nomination so received will be included as a part of the report of the Nominating Committee.
- D. No more than two officers may be elected or serve from any agency in any year. More than one candidate from an agency may be nominated for the same office, so long as not more than two officers are elected from any agency. If a candidate nominated by petition is from the same agency as two candidates nominated by the Committee, the candidates nominated by the Committee shall have priority and the name of the candidate nominated by petition will not be placed on the ballot, unless a candidate nominated by the Committee from the same agency withdraws from or refuses the nomination.³

² The By-Laws were amended in October 2018 to allow two members of the Nominating Committee to be from the same agency.

³ The By-Laws were amended in October 2018 to allow up to two members from the same agency to serve as officers at the same time so long as they are not in adjacent positions (e.g., President and First Vice-President). In May, 2020, the restriction on adjacent positions was removed through a subsequent amendment.

Section 2. Contested Elections.

In the event that more than one person is nominated for any elected office of FALJC, the Nominating Committee shall prepare a ballot, on or before April 30 of that year, in such form as it may deem desirable. The ballot, listing all candidates for each contested office in alphabetical sequence, together with instructions for use and return of the ballot, shall be mailed, as directed by the Nominating Committee, to all Conference members. All ballots to be counted must be returned to the Committee or to the Secretary of FALJC not later than a date fifteen days after the ballot was mailed by the Nominating Committee. The ballots so received shall be opened and counted by the Committee at a time and place designated by it, notice of which shall have been given to each candidate so that they or a representative designated by the candidate may be present. The candidate for each contested office who has received a plurality of the votes cast for the office shall be certified by the Committee to the President to be the person duly elected to that office for the ensuing membership year.

Section 3. Uncontested Elections.

Any candidate who is duly nominated for an elective office and not opposed shall be certified by the Nominating Committee as being duly elected to the office for which nominated for the ensuing year.

Article V - Voting

Section 1. Voting by mail or electronic mail ballot shall be required for the purposes of amending the Constitution and By-Laws, for the election of officers, and for any other matter authorized or directed by the Executive Committee.⁴

Section 2.

- A. Except as provided in paragraph B of this section, no votes by proxy will be permitted.
- B. An elected representative of an agency to the Executive Committee may authorize another elected representative or FALJC member of that agency to cast his or her vote by proxy at a particular meeting or vote of the Executive Committee, if the President has been notified in writing or by electronic mail by the representative giving the proxy that he or she agrees to have his or her vote cast under the procedures specified in this paragraph, and if an elected alternate delegate is not present for the meeting or vote.

Section 3. Any Executive Committee member may participate and vote in any meeting of the Executive Committee by teleconference.⁵

⁴ The Bylaws were amended in 2011 to provide for voting by electronic mail.

⁵ The Bylaws were amended in November 2012 to allow all Executive Committee members

Section 4. The President may, after consultation with the other officers and determining that circumstances require a vote prior to the next regularly scheduled meeting of the Executive Committee, request a vote by electronic mail.

Article VI – Removal and Resignation

Section 1. Removal

An Officer or member of the Executive Committee may be removed for cause by the affirmative vote of a majority of the Executive Committee present at a meeting at which two-thirds of the Executive Committee is present; provided any vote for removal of an Officer or member of the Executive Committee may only take place after a resolution, outlining the grounds for removal, has been signed by at least three members of the Executive Committee and sent to all members of the Executive Committee at least fifteen (15) days prior to the meeting at which the vote is to be taken, and after such Officer or member of the Executive Committee proposed to be removed has had the opportunity to respond. For the purposes of this Section, "cause" includes: (1) repeated failure to carry out assigned responsibilities, or (2) conduct which is determined by the Executive Committee to be: (a) detrimental to the reputation, mission, or operation of FALJC or (b) in conflict with the mission and purpose of FALJC or otherwise exhibit a conflict of interest.

Section 2. Resignation

An Officer or member of the Executive Committee may resign from their position by submitting a written notice to the President and Secretary. Once received, the Secretary shall forward such notice to the entire Executive Committee.

Article VII - Amendments of By-Laws

The By-Laws may be amended by a vote of a majority 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 10 percent of the voting members of FALJC presented to the FALJC Secretary. The specified proposed amendment must be set forth in the ballot provided to all voting members of FALJC. 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. FALJC 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 By-Laws, the Secretary may correct punctuation, grammar or numbering where appropriate in the By-Laws, if the correction does not change meaning.⁶

regardless of location to participate in meetings by teleconference.

⁶ The Bylaws were amended in 2011 to provide for voting by electronic mail.