

AMENDED AND RESTATED  
BY-LAWS  
OF  
THE HOWARD COUNTY BAR ASSOCIATION, INC.

ARTICLE I - IDENTIFICATION

Section 1.     Name. The name of the Corporation is: THE HOWARD COUNTY BAR ASSOCIATION, INC. (referred to hereinafter as the Association).

Section 2.     Principal Office. The principal office of the Association shall be located at 3451 Courthouse Drive, District Court Multi-Service Center, Ellicott City, Maryland 21043 or at such other location as the Board of Directors shall determine.

Section 3.     Seal. The seal of the Association shall be in the form of a circle and shall bear the name of the Association, the year of its incorporation, and the word "MARYLAND".

Section 4.     Fiscal Year. The fiscal year of the Association shall be from June 1 to May 31 of the following calendar year.

ARTICLE II - MEMBERSHIP AND MEMBERSHIP MEETINGS

Section 1.     Classes of Membership. This shall be a non-stock, membership corporation established in accordance with the applicable provisions of the Maryland General Corporation Law. Membership in the Association shall consist of the following classifications: active, associate, honorary, and inactive. There shall also be a judicial section of membership.

Section 2.     Active Membership. To be eligible for active membership in the Association, a person shall (a) be a member of the Bar of the Court of Appeals of Maryland and not disbarred or under suspension by any court or jurisdiction and (b)(i) shall maintain in the Howard County Maryland, a principal office (which is defined as that place where that person spends three (3) or more days each working week [Monday through Friday] during ordinary

business hours), or (ii) be a resident of Howard County, Maryland, and engaged in the full-time practice of law.

Section 3. Associate Membership. To be eligible for associate membership in the Association, a person shall be (a) a law clerk for a judge, governmental office, or law firm or attorney and working in Howard County, Maryland; (b) a member of the Bar of the Court of Appeals of Maryland and not disbarred or under suspension by any court or jurisdiction; (c) a full-time law professor or dean of a law school, or (d) a licensed attorney in the State of Maryland, a paralegal, or a law student or graduate of an accredited law school, who is not otherwise eligible for active membership in the Association pursuant to Section 2 of this Article.

Section 4. Honorary Membership. The following persons shall be honorary members of the Association during their terms in office:

(a) Judges of the Court of Appeals of Maryland, and the Court of Special Appeals for Maryland, judges of any Federal Court or court of record of the District of Columbia, provided said judges were previous members of the Association;

(b) And such other persons as may be named by unanimous vote of the Board of Directors.

Section 5. Inactive Membership. To be eligible for inactive membership in the Association, an attorney must have been a former member of the Association, whether active, associate, or honorary, and shall not be engaged in the active practice of law and not be disbarred or under suspension by any court or jurisdiction.

Section 6. Judicial Section. The judicial section shall be composed of the judges of the Circuit and District Courts for Howard County, Maryland, and Masters of the Circuit Court for Howard County, Maryland. They shall be entitled to all the privileges and duties of active members, except as otherwise noted.

Section 7. Application for and Election to Membership.

(a) Application for membership in the Association shall be made on the forms prescribed by the Association and submitted to the Board of Directors.

(b) All applications shall require the names and signatures of two sponsors, who must be active members of the Association in good standing.

(c) All dues payments for new members whose applications are approved between June 1 and December 1 of each year shall be in the full annual amount. All dues for new members whose applications are approved between December 1 and May 1 of each year shall be in the amount of one-half ( $\frac{1}{2}$ ) of the annual dues.

(d) The application, upon receipt, shall be reviewed by the Board of Directors for conformity with the provisions of this Article. The Board of Directors may conduct a personal interview at the applicant's office (or such other place as may be agreed to) and report to the full membership at the next regularly scheduled meeting of the Association after the interview.

(e) Upon receipt of the report, the membership shall vote on the admission of the applicant at the said meeting, and admission shall be by majority vote of the membership.

(f) Any member who desires to become an active member after being as associate member shall be required to follow the procedure required of initial applicants.

Section 8. Privileges and Duties of Membership.

(a) Active Members shall be eligible to vote, hold office in the Association, and participate in all committees, social, and other activities of the Association.

(b) Associate Members shall be eligible to participate in all committee, social, and other activities of the Association. Such members shall not be eligible to vote or hold office, or to participate as a member of the lawyer referral panel of any lawyer referral service operated by the Association for the benefit of Howard County residents, unless such associate member belongs to another bar association which grants reciprocal privileges to active members of the Association.

(c) Honorary and Inactive Members shall be entitled to participate in the activities of the Association, but shall not be eligible to vote, hold office, or to serve on any lawyer referral panel of any lawyer referral service operated by the Association for the benefit of Howard County residents.

(d) Annual Review of Membership. Each member, whether active, associate, honorary or inactive, may be required once a year to certify to the accuracy of facts relevant to the classification of the member and may be reclassified as a result of such review. Each member shall be required to complete a form prepared by the Board of Directors relative to the classification of the member.

Section 9. Expulsion and Suspension.

(a) Disbarment by any State or Federal Court shall automatically terminate membership in the Association.

(b) Any member may be suspended or expelled for professional misconduct or a breach of professional duties upon a two-thirds (2/3) vote of the members following a hearing and a finding by the Board of Directors of such misconduct or breach.

(c) Any member expelled from the Association shall forfeit all rights and privileges of the membership.

(d) Suspension from the practice of law by any State or Federal Court shall automatically suspend membership in the Association until the suspension is removed.

Section 10. Assessments and Delinquencies.

(a) The amount of all dues and assessments shall be fixed by a majority vote of the members after receiving a recommendation from the Board of Directors which shall be delivered to the membership at least ten (10) days prior to such vote. In order to maintain membership in the Association, all active, associate, and inactive members shall pay all dues and assessments when the same shall become due.

(b) Any member who fails to pay dues or any special assessments within sixty (60) days following the mailing of the first notice of such dues or special assessment, shall be dropped from the roll of members upon a majority vote of the members, provided, however, that prior to the taking such action the Treasurer shall give such delinquent member notice of intention to request such action of the membership which notice shall reflect the date of which the membership will be asked to take action. Any member so dropped shall be eligible for readmission after six (6) months upon the same conditions of the original application for membership, except, however, the arrearages in dues and assessments shall be paid.

Section 11. Reinstatement. Any member who has been expelled from the Association by reason of disbarment may apply for reinstatement in the Association after reinstatement to practice in all jurisdictions from which such member was previously disbarred. If the expulsion from the Association was by reason other than disbarment, the former member may reapply for membership at any time after the expiration of one (1) year following such expulsion and may be reinstated by a majority vote of the members upon payment of all intervening dues and assessments.

Section 12. Meetings.

(a) There shall be regular business meetings of the Association at such time during each year as the Board of Directors may by resolution direct.

(b) The annual meeting of the Association shall be held during the first week of May of each year or at such other time and place as the Board of Directors may by notice to the membership determine. At the Annual Meeting, the President shall:

- (i) Render a state of Association report.
- (ii) Present for approval the budget for the forthcoming fiscal year as it has been approved by the Board of Directors.
- (iii) Conduct the election of officers and Directors in accordance with Article III of these By-Laws.

(c) Special meetings shall be called at any time upon request by the President, by the Board of Directors, or by the President upon written request of twenty-five percent (25%) of the active members of the Association addressed to the President. A notice shall be given to the membership of the time, place and purpose of each special meeting least forty-eight (48) hours prior to the convening of such a meeting. Upon the failure of the President to call such meeting within five (5) days after the receipt of such written request, the Secretary shall notify the membership of such meeting as provided herein and set the date of the meeting not less than forty-eight (48) hours before nor more than five (5) days after the date of such notification to the membership. At any such special meeting, no business shall be transacted except that which is specified in the notice of the special meeting.

(d) Meetings of the Board of Directors shall be called by the President.

(e) The Association may call quarterly meetings within each year, which meeting may be attended by all members except those of the judicial section. The Association may hold such other meetings without the attendance of members of the judicial section, upon resolution of the Board of Directors where, in the opinion of the Directors of the Association, the purpose of the meetings so requires.

Section 13. Order of Business at Meetings.

(a) The order of business may be as follows at the meetings of the Association or the Board of Directors:

- (i) Announcement of a quorum;
- (ii) Proof of notice of meeting or waiver of notice;
- (iii) Reading of minutes of prior meeting;
- (iv) Reports of officers;
- (v) Reports of Committees;
- (vi) Old business; and
- (vii) New business.

(b) Any question as to the priority of business shall be decided by the President without debate.

(c) The order of business may be altered or suspended at any meeting by the a majority vote of the members.

(d) If, by the a majority vote of the members, any business shall require the absence of the members of the judicial section, those members shall be absent themselves during that particular point of business.

Section 14. Quorum.

(a) The presence in person of forty-five (45) active members shall be necessary to constitute a quorum for the transaction of business at any regular or special meeting.

(b) If a quorum is not present, the meeting shall be adjourned to a day and hour fixed by the President.

(c) All matters to be decided by the members as set forth in these By-Laws shall be obtained at a duly constituted regular or special meeting of the members by the required vote of those active members entitled to vote and present in person thereat, so long as a quorum shall have been present, except as otherwise expressly provided in these By-Laws.

ARTICLE III - OFFICERS AND BOARD OF DIRECTORS

Section 1. Officers and Directors. The Officers of the Association shall consist of the following: President, President-Elect, Treasurer and Secretary. The said officers of the Association together with the Immediate Past President and six (6) members-at-large shall constitute the Board of Directors of the Association. The term of office of each officer and director shall commence immediately upon his or her election or, in the case of the President, following the succession of the President-Elect to such office.

Section 2. Duties.

(a) President. The President shall preside at all meetings of the Association, shall serve as chairman of the Board of Directors, and shall be an *ex officio* member of all committees of the Association. The President shall at the annual meeting report to the Association on its progress and status. The President shall only serve one full term in office.

(b) President-Elect. The President-Elect shall assume all duties of the President in the absence of the President, and shall automatically succeed to the office of President upon the death, resignation, or disability of the President and upon the expiration of the term of office of the President. All active members shall be eligible for the office of President-Elect, except the retiring President.

(c) Treasurer. The Treasurer shall be responsible for the collection and depositing of funds in the name of the Association in such banks or other financial institutions as the Board of Directors may select and shall be responsible for the disbursement and/or withdrawal of same by order of the Board of Directors, reporting at regular Association meetings and for keeping regular accounts of income and disbursements, which shall be open to inspection by any member of the Association. The Treasurer shall submit to the Board of Directors not later than ninety (90) days prior to the end of the term of such office, a proposed budget for the forthcoming fiscal year of the Association. The Treasurer shall periodically advise the Board of Directors of the financial responsibility of the membership and any delinquencies in dues and assessments which shall have accrued. The Treasurer shall further be responsible for the filing of tax returns for the Association. The Treasurer may serve more than one term in office at the will of the Association.

(d) Secretary. The Secretary shall maintain accurate minutes of the proceedings of the Association and the Executive Committee for dissemination to the membership, conduct the correspondence of the Association, maintain the official seal, and perform such other usual duties as shall be requested by the President. The Secretary may serve more than one term in office at the will of the Association.

Section 3. Board of Directors. The Board of Directors shall manage the affairs of the Association subject to these By-Laws. The Board shall designate the time and place of meetings of the Association, shall approve the expenditure of all sums from the Association funds, and shall approve, with or without modification, the budget proposed by the Treasurer, which it shall submit to the membership for approval. The Board may employ an Executive Director and staff and may delegate by resolution such managerial duties as it deems appropriate. All such employment shall be at the will of the Board of Directors. All members of the Board may serve more than one term in office at the will of the Association.

Section 4. Meetings of the Board of Directors.

(a) Regular meetings of the Board of Directors may be held, without notice, at such time and place as determined from time to time by resolution of the Board. However, notice of every resolution of the Board fixing or changing the time or place for the holding of regular meetings of the Board shall be provided to each Director at least ten (10) days before the first meeting held pursuant to that resolution. Any business may be transacted at any regular meeting of the Board. A special meeting of the Board of Directors may be called, at any time and for any purpose or purposes, by the President or by the President-Elect. A special meeting of the Board of Directors shall also be called forthwith by the President or by the Secretary upon the written request of a majority of the Board of Directors. Written notice of each special meeting of the Board of Directors shall be provided to each Director at least three (3) days before the meeting. Any business may be transacted at any special meeting of the Board. Any Director may, in writing, waive notice of the time, place, and purposes of any special meeting. Any meeting of the Board of Directors whether a regular or special meeting may adjourn from time to time to reconvene at the same or some other place, and no notice need be given of the reconvened meeting other than by announcement at the adjourned meeting.

(b) Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting, if a unanimous written consent which sets forth the

action is signed by each member of the Board and filed for the minutes of the Board of Directors. Members of the Board of Directors or any committee of the Board of Directors may participate in a meeting by means of a conference telephone or similar communications equipment if all persons participating in the meeting can hear each other at the same time, and such participation in a meeting shall be deemed to constitute presence in person at such meeting.

Section 5.     Quorum. At each meeting of the Board of Directors, a majority of the entire Board of Directors constitutes a quorum for the transaction of business. If less than a quorum is present at any meeting, a majority of those present may adjourn the meeting from time to time. Except as otherwise specifically provided by law, by the Charter of the Corporation, or by these By-Laws, the act of a majority of the Directors present at any meeting at which there is a quorum constitutes the act of the Board of Directors.

Section 6.     Meeting Attendance. Any Board member who does not attend, pursuant to Section 4(a) of this Article, at least sixty percent (60%) of the scheduled Board Meetings shall be precluded from being a member of the Board of Directors for the following two (2) fiscal years of the Association.

#### ARTICLE IV – BOARD COMMITTEES

Section 1.     Committees. The Board of Directors may appoint from among the Directors such committees as it deems appropriate (“Board Committees”). Except as otherwise provided herein, all such Board Committees shall be composed of one (1) or more Directors. The Board of Directors may delegate to these Board Committees any of the powers of the Board, except: (i) any power the Board is prohibited from delegating under the Maryland General Corporation Law; or (ii) the power to elect or remove Directors or amend these Bylaws.

Section 2.     Committee Procedure. The Board of Directors shall have the power to prescribe the manner in which proceedings of each Board Committee shall be held. Unless the Board of Directors shall otherwise provide, the actions of each Board Committee shall be governed

by the following rules of procedure. The majority of the members of a Board Committee shall constitute a quorum for the transaction of business and the vote of a majority of those present at a meeting at which a quorum is present shall be sufficient to pass any measure or resolution of the such Board Committee. The members of a Board Committee present at any meeting, whether or not they constitute a quorum, may appoint a Director to act in the place of an absent member. Any action required or permitted to be taken at a meeting of a Board Committee may be taken without a meeting, if a unanimous written consent which sets forth the action is signed by each member of the Board Committee and filed for the minutes of such Board Committee. The members of a Board Committee may conduct any meeting thereof by telephone conference or similar communications equipment if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by these means constitutes a presence in person at a meeting. In the absence of any prescription by the Board of Directors or any applicable provision of these By-Laws, each Board Committee may prescribe the manner in which its proceeding shall be conducted.

#### ARTICLE V – ASSOCIATION COMMITTEES

Section 1.     Committees. The Board of Directors may appoint from among the members of the Association a Judicial Merit Selection Committee and such other committees as it deems appropriate (“Association Committees”). Except as otherwise provided herein, all such Association Committees shall be composed of two (2) or more members of the Association. The Board of Directors may create the Association Committees for the purpose of providing information and recommendations to the Board, but any creation thereof shall not be deemed a delegation of any of the powers of the Board in any way.

Section 2.     Committee Procedure. The Board of Directors shall have the power to prescribe the manner in which proceedings of each Association Committee shall be held. Unless the Board of Directors shall otherwise provide, the actions of each Association committee shall be

governed by the following rules of procedure. The majority of the members of an Association Committee shall constitute a quorum for the transaction of business and the vote of a majority of those present at a meeting at which a quorum is present shall be sufficient to pass any measure or resolution of such Association Committee. Any action required or permitted to be taken at a meeting of an Association Committee may be taken without a meeting, if a unanimous written consent which sets forth the action is signed by each member of the Association Committee and filed for the minutes of such Association Committee. The members of the Association Committee may conduct any meeting thereof by telephone conference or similar communications equipment if all persons participating in the meeting can hear each other at the same time. Participation in a meeting by these means constitutes a presence in person at a meeting. In the absence of any prescription by the Board of Directors or any applicable provision of these By-Laws, each Association Committee may prescribe the manner in which its proceeding shall be conducted.

Section 3.     Judicial Merit Selection Committee. The functions and composition of the Judicial Merit Selection Committee shall be as set forth in Article VII of these By-Laws.

#### ARTICLE VI – MEMBERSHIP SECTIONS

Section 1. The Board of Directors may by resolution establish such sections as it deems appropriate from time to time to further the interest of the membership in special areas of the law. Membership in said sections shall not be restricted but shall be open to all members in good standing of the Association. The chairman of each section shall be appointed by the President. These sections may include, but not be limited to, any one or more of the following:

- (a) Administrative Law
- (b) Bankruptcy
- (c) Commercial Law and Banking
- (d) Correctional Reform
- (e) Criminal Law

- (f) Family Law
- (g) Juvenile Law
- (h) Patent, Trademark & Copyright
- (i) Real Estate
- (j) Taxation
- (k) Wills, Estates, and Trusts
- (l) Personal Injury
- (m) Business Law

Section 2. Each section may establish its own rules or by-laws, subject to approval by resolution of the Board of Directors.

#### ARTICLE VII - JUDICIAL MERIT SELECTION COMMITTEE

Section 1. It is recognized that it is the responsibility and obligation of the members of the Bar and of the Association to:

- (a) Encourage the candidacy of well-qualified persons for judicial office;
- (b) Promote, support, and endorse such candidates during the process of selection;
- (c) Identify candidates for judicial office who shall be found to be fully qualified.

Section 2. Administration. The function of the Association in the merit selection process shall be administered by the Judicial Merit Selection Committee (referred to in this Article VI as the "Selection Committee").

Section 3. Membership on the Selection Committee. The membership of the Selection Committee shall be subject to the following limitations and obligations:

(a) Any member of the Selection Committee who becomes a candidate for a judicial position in any court shall immediately resign from the Selection Committee for the balance of his or her term.

(b) Except as set forth in these By-Laws, the discussions in the Selection Committee meetings pertaining to the qualifications of judicial candidates shall be confidential.

(c) No Selection Committee member shall directly or indirectly contact any applicant or permit any applicant to contact a committee member concerning any referendum or evaluation for which endorsement is sought.

(d) In the event of a breach of confidentiality made by any member of the Selection Committee, that member shall be immediately removed from the Selection Committee by the President of the Association. The removal of any Selection Committee member may be appealed by the member to the Board of Directors, but such an appeal shall be limited to the issue of whether the member committed such breach.

Section 4. Scope of Selection Committee's Activity. The Selection Committee shall be concerned with the selection of judges who shall be subject to election by citizens of Howard County, Maryland or who are eligible to be appointed to a judicial position of a court serving Howard County, Maryland.

(a) The Selection Committee is expressly authorized to create and/or amend such forms as it deems necessary and appropriate to competently evaluate possible candidates for recommendation as judicial officers to serve the citizens of Howard County, Maryland, including, but not limited to, the forms attached to these By-Laws.

(b) The Selection Committee is expressly authorized to develop a list of criteria to use to determine whether a candidate is qualified to serve as a judicial officer in general, as well as qualifications as may be necessary for a specific vacancy.

(c) The Selection Committee is expressly authorized to develop an evaluative method to be used in determining whether set criteria have been met and to what degree.

Section 5. Composition of the Selection Committee. The Selection Committee shall be composed of twelve (12) members, all of whom shall serve for one three-year term. The President shall appoint the Chair and the President-Elect shall appoint the Vice-Chair. Members shall be selected by the President who shall also select the initial Chair of the Selection Committee. Thereafter, the Chair shall have at least one year of prior service on the Selection Committee before he or she can be appointed Chair. The appointment of the Chair and Vice-Chair shall be for a one-year term. The Chair is limited to two (2) consecutive terms as the Chair. After the expiration of a member's term, he or she shall be prohibited from serving on the Selection Committee for a period of one (1) year.

Whenever a vacancy in the Selection Committee occurs, the President may appoint a member to the Selection Committee to fill the balance of the vacant term. The initial Selection Committee appointments shall be composed of four (4) members appointed by the President for a three-year term; four (4) members appointed by the President for a two-year term; and four (4) members appointed by the President for one-year terms. Thereafter, all members appointed to the Selection Committee shall serve three (3) year terms.

The President, in appointing members to the Selection Committee shall use all reasonable efforts to ensure that the Selection Committee is representative of the Association with respect to the diversity of membership. This includes, but is not limited to, concerns for the variety and types of practices, length of practice, gender, race, and geographic location.

In the event the President is a current member of the bench or an applicant for a judicial vacancy, the power of appointment herein described reverts to the highest-ranking officer who is not a candidate for such position. In the event no officer is eligible for the power of appointment, then such power shall revert to the at-large board member with the longest tenure.

Section 6. Procedure Relating to Reappointment/Re-election of Sitting Judicial Officers.

(a) A referendum shall be conducted to survey the views of the active members of the Association with respect to the qualifications of those sitting judicial officers who seek election, reappointment or reelection.

(b) The referendum shall be in the nature of a questionnaire which shall be distributed to the active membership of the Association sufficiently in advance of the reappointment, reelection or election to allow for timely completion.

(c) The referendum shall inquire: "Is the record of (name of incumbent judge) for integrity, temperament, and professional competence such that he (or she) is entitled to immediate endorsement for election (or reelection, or reappointment as the case may be)?" The answer shall be "yes" or "no" but the voting member shall be entitled to indicate that he or she is without sufficient knowledge and information to answer "yes" or "no".

(d) Where the judicial position to which the incumbent judge seeks election or reelection/reappointment is sought by any other candidate not holding such position, the referendum questionnaire shall also inquire with regard to such other candidate: "Is the (name of candidate) known for integrity, temperament and professional competence that (name of candidate) is entitled to be preferred to the incumbent judge for election?" The answer shall be "yes" or "no" and the voting membership shall be entitled to indicate that he or she is without sufficient knowledge and information to answer "yes" or "no".

(e) The results of the referendum shall be tabulated by the Selection Committee and then transmitted to the President of the Association within twenty-four (24) hours of the tabulation.

(f) The Association shall send a referendum questionnaire to the membership on the books and records of the Association at the United States Postal Service

mailing address listed thereon as of the date the Selection Committee distributes the referendum to the active membership.

(g) Each active member may complete only one referendum. Any attempt to complete more than one shall nullify all responses by that member.

Section 7. Duties of President Relating to Reappointment/Re-election of Sitting Judicial Officers. The President shall:

(a) Announce the endorsement of nomination, election, reelection and/or reappointment of any incumbent judge who shall have received at least eighty percent (80%) favorable responses of the total members responding to the referendum and of any other non-incumbent candidate who shall have received at least eighty percent (80%) favorable responses of the total members responding to the referendum;

(b) Announce the individual percentages of all judge(s) who were the subject of the referendum;

(c) Communicate to the duly constituted Judicial Nominating Commission appointed by the Governor and/or other executive or legislative body the results of the referendum from the Association as well as the endorsement, if any, from the membership.

Section 8. Provisions for Voting by Absentee Ballot.

(a) Any active member who desires to vote by absentee ballot shall request an absentee ballot from the Selection Committee.

(b) Upon request for an absentee ballot, the Selection Committee shall confirm the active membership of the applicant and upon such confirmation promptly transmit or the applicant may obtain personally, or through an authorized agent, an absentee ballot at a place designated by the Selection Committee.

(c) The Selection Committee shall keep a record of all applications for absentee voter ballots as they are received, showing the date and time received, the name and address of the confirmation of the applicant's active membership. These records shall be

available for examination by any active member on written application to the Selection Committee.

(d) After the mailing of the absentee ballot to the applicant, the applicant's name on the roster shall be marked "Registered Absentee Voter." Notwithstanding the mailing of the absentee ballot to an applicant, the applicant may vote in person at the referendum using his or her absentee ballot. If a member who has received an absentee ballot elects to vote in person but is not in possession of his or her absentee ballot, then such member may vote in person provided only that such member's absentee ballot is not received and recorded prior to the closed referendums. In the event that an absentee ballot is received and recorded from such an applicant prior to the close of the referendums after such applicant has voted in person at the referendum, then the absentee ballot shall be stricken from the record.

(e) The form of the absentee voter ballot shall be the same form as is available to those active members voting in person at the referendum, except that the ballot shall be marked "Absentee Ballot." It shall be provided to the applicant with two (2) separate mailing envelopes, a smaller envelope addressed to the Selection Committee, in which the actual absentee ballot is to be enclosed, and a larger envelope, in which the smaller envelope is enclosed, also addressed to the Selection Committee but containing the name and address of the absentee voter.

(f) Upon receipt of the mailed absentee ballot, the Selection Committee shall record the receipt of the envelope from the member, whose name appears on the outside face of the envelope, shall open said envelope and discard it immediately and shall place the enclosed smaller envelope, containing the ballot in the ballot box pending the counting of all of the ballots at the close of the referendums.

(g) The Selection Committee shall not open or unfold any absentee ballot at any time prior to the closing of the referendum.

(h) Only those ballots received by the Selection Committee before the close of the referendums shall be considered timely received and shall be counted.

Section 9. Procedures Relating to Other Judicial Candidates.

(a) The Selection Committee shall timely notify the Association of an impending judicial vacancy or a newly created judicial position.

(b) The Selection Committee shall act promptly in the recruitment of qualified candidates for available judicial positions.

(i) The Selection Committee shall develop and distribute an appropriate application form.

(ii) The Selection Committee shall utilize the responses received in the forms attached to these By-Laws and the information obtained in a personal interview, if any, or on such other forms created under the authority above in evaluating candidates for each judicial position.

(iii) The Selection Committee shall conduct an interview of each candidate who is not a sitting judicial officer or each judicial officer who is a candidate for a court of greater jurisdiction.

(c) Whenever there shall occur a judicial vacancy for which there is no incumbent judge or a new candidate running for the seat of an incumbent judge, all judicial candidates who elect review by the Selection Committee shall be evaluated in accordance with these By-Laws.

(d) Each candidate for a judicial vacancy who submits the requisite application form shall be interviewed by the Selection Committee and the Selection Committee shall inform the President of the Association of its recommendations, if any, and the supporting rationale and any other relevant information. In interviewing candidates the Selection Committee shall inquire as to the candidate's professional knowledge, experience as appropriate, and may inquire as to certain personal attributes such as: competent to perform

duties of office; good moral character; maturity; committed to equal justice under law; patience; courtesy; capable of deliberation; capable of decisiveness; possesses reason; possesses commonsense; possesses good judgment; and, experience as an attorney.

(e) Each judicial candidate who elects review by the Selection Committee shall execute an agreement in connection with his application for endorsement by the Association that the applicant will not directly or indirectly contact any member of the Selection Committee concerning the referendum and/or evaluation for which the endorsement is sought; will acknowledge that the only contact regarding the scheduling of an interview or for supplemental information will be with the Chair of the Selection Committee and/or the Chair's authorized designee; will not request prior to, during or after the application for endorsement a letter of recommendation from any member of the Selection Committee; acknowledges that the applicant may contact only the Chair of the Selection Committee regarding reasons for non-endorsement and acknowledges that the Chair may not be authorized by the Selection Committee to release any such reason(s); agrees to keep such information strictly confidential, if released by the Chair and the Selection Committee; and, acknowledges and agrees that the results of the referendum and/or the evaluation may be released to the trial courts and/or appellate court nominating commission.

Section 10. Duties of the President Relating to Other Judicial Candidates. The President of the Association shall:

(a) Announce the recommendations, if any, of the Selection Committee and the supporting rationale.

(b) Transmit to the Judicial Nominating Commission appointed by the Governor or other similar body the results of the Selection Committee recommendations, the supporting rationale, and any other relevant information from the Selection Committee.

## ARTICLE VIII - NOMINATIONS AND ELECTIONS

Section 1.    Notice.    The Board of Directors shall give reasonable notice to each member of the Association of an impending election of the Association. In case of a general election, notice shall not be less than sixty (60) days prior to the annual meeting of the Association.

Section 2.    Nominations.

(a)    The Board of Directors shall prepare a slate of nominees for such offices of President, President-Elect, Secretary, Treasurer, and Members-at-Large of the Board of Directors as these By-Laws may require. Nothing shall limit the Board of Directors in the number of nominees it may name.

(b)    For a period of fourteen (14) days after the Board of Directors has provided the slate of nominees to the membership, the Board of Directors shall receive additional nominations for any office by petition signed by ten (10) or more active members of the Association.

Section 3.    Elections.    The Board Of Directors shall conduct an election by confidential ballot at the annual meeting of the Association. The procedure for the confidential ballot shall be determined by the Board of Directors. The results of any election shall be certified by the Board of Directors and the President, who shall announce the results at the annual meeting.

Section 4.    Vacancy.

(a)    In the event any office of the Association (except the office of President or the office of President-Elect) shall become vacant, the President shall appoint with the approval of the Board of Directors an active member of the Association to complete the term of office.

(b)    In the event the office of the President shall become vacant, the President-Elect shall become President in accordance with the provisions of Article III, Section 2(b) except as provided in subparagraph (c) hereof.

(c) In the event the office of President-Elect shall become vacant, six (6) months or more prior to the end of the term of the President-Elect there shall be a special election for the Office of President-Elect in accordance with the provisions of Section 5 of this Article VIII. In the event such vacancy occurs less than six (6) months from the end of the term of the President-Elect, the President shall appoint a President-Elect to complete the balance of the term (unless there is a concurrent vacancy in the office of President and President-Elect in which case the vacancies shall be filled in accordance with Section 5 of this Article VIII) and, in such event, the appointed President-Elect shall not succeed to the office of President upon the end of such term and the Office of President and President-Elect shall be filled at the end of such term by election in accordance with this Article VIII.

Section 5. Special Election. In the event a vacancy occurs (a) concurrently in both the office of the President and the office of President-Elect or (b) in the office of President-Elect under the circumstances described in Section 4(c) requiring a special election, a special election for such offices or office shall be held. The Selection Committee shall submit its own nominations and shall give a 14-day notice for nominating petitions to be filed with the Selection Committee and thirty (30) days thereafter, the Selection Committee shall conduct the election by confidential ballot at a specially called meeting.

#### ARTICLE IX - MISCELLANEOUS PROVISIONS

Section 1. Parliamentary Procedure. Roberts Rules of Order, as last revised, shall establish the parliamentary procedure for all Association and committee meetings.

Section 2. Amendments. These By-Laws and the Articles of Incorporation may be amended, repealed, or altered in whole or in part by a vote of two-thirds (2/3) of the members, provided that the proposed change shall be provided to each active member, in writing or electronically, at least ten (10) days before the time of such meeting.

**APPLICANT AGREEMENT**

The undersigned, whose name appears below printed and by signature, an applicant for endorsement by The Howard County Bar Association, Inc. (the "Association") for a judicial vacancy, hereby agrees in connection with this application as follows:

1. I will not directly or indirectly contact any member of the Association's Judicial Merit Selection Committee (the "Selection Committee") concerning the referendum for which the endorsement is sought. I acknowledge that I have been provided with a list of names of the current members of the Selection Committee who will consider my application.
2. I acknowledge that the only contact regarding the scheduling of an interview or for supplemental information will be with the Chair of the Selection Committee and/or the Chair's authorized designee.
3. I will not request before, during, or after this application for endorsement, a letter of recommendation from any member of the Selection Committee for this vacancy.
4. I acknowledge that I will receive from the President of the Association the results of the referendum and the results of the Association endorsement. If the Selection Committee does not endorse me for this judicial vacancy, I acknowledge that I may contact only the Chair of the Selection Committee regarding the reason(s) for non-endorsement. I acknowledge that the Chair may not be authorized by the Selection Committee to release any such reason(s). If the Chair does release the Selection Committee reason(s) for non-endorsement, I agree that I will keep all such information strictly confidential.
5. I acknowledge and agree that the results of the referendum and/or the evaluation of candidates endorsed by the Association may release the information to the trial courts and/or Appellate Court Nominating Commission and agree to such limited release.

I do solemnly agree to the terms of this Applicant Agreement.

\_\_\_\_\_  
Applicant's Printed Name

\_\_\_\_\_  
Applicant's Printed Signature

\_\_\_\_\_  
Date

**JUDICIAL MERIT SELECTION COMMITTEE MEMBER AGREEMENT**

The member listed below by his/her printed name and signature, acknowledge this Agreement as follows:

1. I agree that all information obtained in any manner regarding an applicant for endorsement by the Judicial Merit Selection Committee (the "Selection Committee") shall be kept strictly confidential and not disclosed to anyone except during the Selection Committee meetings.
2. I will not directly or indirectly contact any applicant or permit any applicant to contact me concerning any referendum for which endorsement is sought. This does not apply to the function of the Chair or the Chair's authorized designee in connection with the scheduling of personal interviews and/or regarding supplemental information from the applicant.
3. I will not send a letter of recommendation on behalf of any applicant for any referendum endorsement for which I am a Selection Committee member.
4. I will not release the Selection Committee's endorsement vote or Selection Committee results until notified by the Chair that the results have been published.

I do solemnly agree to the terms of this Selection Committee Agreement.

\_\_\_\_\_  
Selection Committee Member's Printed Name

\_\_\_\_\_  
Selection Committee Member's Printed Signature

\_\_\_\_\_  
Date

## CONFIDENTIALITY

1. All members present for any meeting of the Judicial Merit Selection Committee (the "Selection Committee") of The Howard County Bar Association, Inc. (the "Association") will sign an agreement concerning confidentiality. That agreement will require each Selection Committee Member to acknowledge that all information obtained in any manner regarding a candidate must be held strictly confidential and not disclosed to anyone. Failure to sign the agreement and/or failure to abide by the agreement will result in termination from the Selection Committee by the President of the Association.
2. After a candidate applies for endorsement by the Association, a form will be given to the applicant for signature which contains an acknowledgment that the applicant will not have any direct or indirect contact with any members of the Selection Committee concerning the referendum for which endorsement is sought. The form will contain a list of the then current Selection Committee members and will be signed by the applicant.
3. At the time of their application, or as soon thereafter as reasonably possible, the applicant will be provided with the disclosure of the criteria for endorsement that the Selection Committee will use. The applicant will be advised that the decision by the Selection Committee will be based on the following:
  - a. The Association referendum results, if any.
  - b. Information contained in the candidate's application for endorsement.
  - c. Information contained in the candidate's application to the Trial Court and/or Appellate Court Nominating Commission.
  - d. Personal interview of the applicant. The personal interview will involve questions relating to the applicant's background, extent of legal experience and general questions regarding the practice of law and the functions of the judicial position applied for.
  - e. Interviews in person or by telephone with references including documentary submissions.
  - f. Selection Committee discussion of all of the above sources for endorsement based on the criteria in the Association's By-Laws regarding whether the applicant possesses the integrity, temperament, diligence, and professional competence to be selected for the particular judicial office.
4. At the conclusion of each meeting, the Selection Committee will conduct a vote on qualification (Highly Recommended, Recommended, Not Recommended, Not Recommended At This Time) as well as a vote for endorsement. All members of the Selection Committee present at the conclusion of the voting shall receive the results, but shall not release the results to anyone until notified by the Chair of the Selection Committee that the results have been published. This restriction shall also be on the Selection Committee agreement.

## **DISCLOSURE OF INFORMATION**

1. All communication between applicants and the Judicial Merit Selection Committee (the "Selection Committee") will be through the Chair or the Chair's designee. No other Selection Committee members may have any contact directly or indirectly with any applicant concerning the referendum for which the endorsement is sought.
2. The only person authorized to communicate with candidates who are not endorsed by the Selection Committee is the Chair.
3. The Chair may communicate with non-endorsed applicants and provide the following upon request:
  - a. Results of the referendum and results of the Selection Committee vote of all applicants for that referendum.
  - b. The Chair may also provide, in general terms, the Selection Committee consensus as to the reason for non-endorsement. Such areas of consensus would include but are not limited to integrity, temperament, diligence, professional competence, legal areas of experience and/or totality of presentation. The Chair may not release this consensus to anyone other than the President of The Howard County Bar Association, Inc. or the non-endorsed applicant. The applicant's agreement shall include an acknowledgment by the applicant that such consensus information will be kept confidential by the applicant. The Chair shall remind the applicant of the confidentiality of consensus information before releasing the information.
4. Notwithstanding 3(b) above, the Selection Committee may vote to instruct the Chair not to release any consensus information in a particular case.

## **VOTING AND ENDORSEMENT**

The Judicial Merit Selection Committee (the "Selection Committee") of The Howard County Bar Association, Inc. (the "Association") shall not permit "bullet ballots" and members of the Selection Committee are required to cast a vote with regard to each candidate.

In order to receive the endorsement of the Association, a candidate must receive the vote of at least fifty-one percent (51%) of the members of the Selection Committee who are present and voting and not required to abstain.

The endorsement of the Association will continue for a period of one (1) year unless substantially adverse information is reported to the Selection Committee in the interim. If such substantially adverse information is reported, the Selection Committee shall follow the procedures as set forth in the Association's By-Laws.

On the endorsement ballot, each member of the Selection Committee can vote to endorse up to five (5) of the candidates for one (1) judicial position and up to seven (7) of the candidates if two (2) judicial positions exist.

All abstention votes on the endorsement ballot are limited to mandatory abstentions as required by impartiality requirements as more fully set forth and described in the Annotated Code of Maryland, Maryland Rules, Title 16 and Appendix.