

# CONSTITUTION OF THE NATIONAL LAWYERS GUILD

Adopted February 1937  
As amended January 2005

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## **PREAMBLE**

The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers, and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.

Our aim is to bring together all those who regard adjustments to new conditions as more important than the veneration of precedent; who recognize the importance of safeguarding and extending the rights of workers, women, farmers, and minority groups upon whom the welfare of the entire nation depends; who seek actively to eliminate racism; who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression.

## **ARTICLE 1 - NAME AND OBJECTIVES**

**Article 1.1 Name of the Organization** - shall be the National Lawyers Guild (NLG).

**Article 1.2 Objectives of the Organization** - shall be:

- (a) To aid in making the United States and the State Constitutions and law and the administrative and judicial agencies of government responsive to the will of the American people;
- (b) To protect and foster our democratic institutions and civil rights and liberties of all people;
- (c) To aid in the establishment of governmental and professional agencies to supply adequate legal services to all who are in need and cannot obtain it;

- (d) To promote justice in the administration of the law;
- (e) To aid in the adoption of laws for the economic and social welfare of the people;
- (f) To keep the people informed upon legal matters affecting the public interest;
- (g) To encourage, in the study of law, a consideration of the social and economic aspects of the law;
- (h) To improve the ethical standards which must guide the lawyer in the performance of his or her professional and social duties; and
- (i) To promote world unity through collaboration among the Bars of members of the United Nations.

## **ARTICLE 2 - MEMBERSHIP**

**Article 2.1 No Discrimination** - Upon application, the following persons who agree with the objectives of the organization as set forth herein, shall be admitted to membership without regard to sex, sexual preference, age, color, race, religions or political belief or affiliation, formal educational level, or condition of restraint within any institution:

- (a) Lawyers, any person who at the time of application for membership is authorized to practice law anywhere;
- (b) Law students, any person who attends law school. A law student member may retain that membership status for one year following graduation or until he or she become eligible for another membership category, whichever comes first;
- (c) Legal workers, any person who is currently working, or who has worked, or who is training to work in any office, collective or other institution, which has as its primary function the provision of administration of legal services, information or education; or who, as an individual, provides or administers legal services, information, or education as a major component of her or his work; and
- (d) Jailhouse lawyers, any person who is incarcerated in a jail or prison and who is regularly engaged in providing legal services to other prisoners. A jailhouse lawyer member may retain that membership status for one year following release from incarceration or until he or she become eligible for another membership category, whichever comes first.

**Article 2.2 Chapters, Law Student Chapters, and At-Large Membership** - Wherever a chapter exists, membership shall be through such chapter. Law students shall be concurrent members of their law student chapter and full voting members of their local non-student chapter. At the National Convention, law students shall vote through their local non-student chapter. The NEC shall determine to which local non-student chapter each law student is a member. Where there is no organized chapter, membership shall be through direct affiliation with the national organization. Such persons shall be known as members-at-large. Jailhouse lawyers shall be members-at-large unless a chapter in their area shall elect to include them in its membership.

**Article 2.3 Membership Dues** - shall be as provided in the By-laws.

## **ARTICLE 3 - ORGANIZATION**

**Article 3.1 Geographic Chapters** - The normal unit of organization shall be the chapter consisting of the members in a reasonable geographic area or attending a particular law school. Disagreement about what constitutes a reasonable geographic area shall be resolved by the National Executive Committee (NEC).

**Article 3.2 Regions** - Each chapter and at-large member shall be a member of one region. A region shall consist of designated states (including the District of Columbia) or parts thereof, grouped together. The number and boundaries of geographic regions shall be determined by the National Convention. Each region shall be represented by one Regional Vice President (RVP).

**Article 3.3 Definition of Chapter** – Eight or more members of the National Lawyers Guild in a reasonable geographic area will be considered to be a chapter for voting purposes under the delegate system. Chapters are bound to adhere to the Constitution and By-Laws of the national organization. Disagreement about what constitutes a chapter shall be resolved by the NEC.

**Article 3.4 Denial of Chapter Application** – The NEC shall not recognize a new chapter in the same geographic area in which a chapter already exists without the consent of such existing chapter.

**Article 3.5 Chapter Autonomy Subject to Constitution and Bylaws** - Local chapters shall have complete autonomy, subject only to the provisions of the National Constitution and By-Laws, to the referendum decision of the national membership, and to the decisions of a National Convention, or the National Executive Committee. Notwithstanding any other provision of this constitution, each local chapter shall have complete autonomy concerning all matters as shall in its discretion be necessary to maintenance of its good standing with its respective integrated State Bar Association.

**Article 3.6 Authorization to Use NLG Name** - No chapter or any committee of any chapter or any groups of members-at-large shall publish or publicize any report or statement as, or purporting to be a report or statement of the National Lawyers Guild without the authorization or approval of the National Office.

**Article 3.7 Interests of Constituent Groups** - The interests of law students, legal workers, and jailhouse lawyers shall each be represented within the National Lawyers Guild by a national committee, project, or task force selected by mail ballot of all members of that constituent group or (in the case of law students and legal workers) by the members of that constituent group in attendance at a national convention. If no existing national committee, project, or task force claims to represent a constituent group, the NEC may designate a committee, project, or task force to represent the constituent group until the next national convention or until a mail ballot can be conducted. If more than one national committee, project, or task force claims to represent the interests of the same constituent group, the NEC shall recognize one of the committees, projects, or task forces to represent the interests of that constituent group until the next national convention or until a mail ballot can be conducted.

## **ARTICLE 4 - NATIONAL CONVENTION**

The highest governing authority of the organization shall be its national convention. The Bylaws shall establish that in procedures for the election of national officers, amending this Constitution and other votes taken at the national convention based upon the principle that democratic decision-making requires that each dues paying member and member of the National Office staff of the National Lawyers Guild have the ability to vote for national officers and constitutional amendments, regardless of whether s/he personally attends the Convention and that each member shall be entitled to one vote. The Bylaws shall also establish procedures for voting on other resolutions at the national convention in the manner that best serves the needs of the national organization.

## **ARTICLE 5 - OFFICERS AND NATIONAL EXECUTIVE COMMITTEE**

**Article 5.1 Composition of National Executive Committee (NEC)** - The organization shall be governed by a board of directors, known as the National Executive Committee, composed of the following: a President, two Executive Vice Presidents, three at-large National Vice presidents, two National Law Student Vice Presidents, one National Legal Worker Vice President, one National Jailhouse Lawyer Vice President, a Treasurer, a Regional Vice President (RVP) from each region, the National Office (NO) Executive Director, a representative of the National Office staff, and one representative from up to ten NLG projects and national committees. Each of these members shall have one vote except for national office staff, which shall have two, and the two student Vice Presidents which shall share one.

### **Article 5.2 Election of the National Executive Committee:**

(a) The President, Treasurer, Executive Vice Presidents, and at-large National Vice Presidents shall be elected by the delegates to the national convention as provided herein.

(b) The National Law Student Vice Presidents shall be elected by vote of the law student members attending the national convention or by mail ballot of all law student members of the organization, such mail ballot to be conducted prior to the national convention. The election shall be conducted by Law Students in Action, or such other committee, project or task force as may be designated to represent the interests of law students.

**Article 5.3 Terms of Office for Officers** - The term of office for President, Executive Vice Presidents and Treasurer shall be three years, and the term of office for at-large National Vice Presidents, National Legal Worker Vice President, and National Jailhouse Lawyer Vice President shall be two years. The two National Student Vice Presidents shall be elected, annually to serve staggered, overlapping two year terms. The President and Treasurer shall be elected one year prior to the start of their respective terms in office.

**Article 5.4 Terms of Office for Regional Vice Presidents** - Each RVP shall serve for the term prescribed in the bylaws of his or her region or, if the bylaws are silent, for a term of two years.

**Article 5.5 Selection and Terms of Office for Project and Committee Representatives** -

After notice and solicitation among the projects and national committees, the NEC shall designate up to ten projects and national committees to be represented on the NEC for a term of one year, to commence at the next national convention.

**Article 5.6 Duties of National Executive Committee** - The National Executive Committee shall govern the organization. All National Executive Committee decisions are reviewable by the national convention. The National Executive Committee shall meet at least two times per year, including at least once at the national convention, and at such other times as the National Executive Committee deems necessary to conduct the business of the organization.

**Article 5.7 Duties of Officers** - The duties of all officers shall be defined by the bylaws, by resolution of the national convention and by the National Executive Committee, except that the duties of the RVPS may be further defined by their respective regions.

**Article 5.8 Executive Council Actions Between Meetings** - The Executive Officers and the Executive Director are authorized -- as the Executive Council (EC) -- to govern the business of the organization between meetings of the full National Executive Committee and to take any action on behalf of the organization that the full National Executive Committee is entitled to take. "Executive Officers" refers to the President, Executive Vice Presidents and Treasurer. The national officers shall report to the full National Executive Committee all actions taken by the Executive Council between meetings; important decisions shall be reported within 15 days.

**Article 5.9 Procedure to Fill NEC Vacancies:**

(a) The office of President, Treasurer, Executive Vice President, or an at-large National Vice President, the remaining National Executive Committee members or the Executive Council shall appoint a replacement who shall serve until the next national convention, when the remainder of the vacant term shall be filled by election.

(b) The office of National Law Student Vice President shall be filled by Law Students in Action, or such other committee, project or task force as may be designated to represent the interests of law student members, in accordance with its bylaws. If its bylaws make no provision for filling a vacancy, or if a vacancy is not filled within 60 days, the National Executive Committee shall appoint a law student member to fill the office until the next national convention, when the remainder of the vacant term shall be filled by election.

(c) The office of National Legal Worker Vice President shall be filled by the legal Workers Committee, or such other committee, project or task force as may be designated to represent the interests of legal worker members, in accordance with its bylaws. If its bylaws make no provision for filling a vacancy, or if a vacancy is not filled within 60 days, the National Executive Committee shall appoint a legal worker member to fill the office until the next national convention, when the remainder of the vacant term shall be filled by election.

(d) The office of National Jailhouse Lawyer Vice President shall be filled by the Prison Law Project, or such other committee, project or task force as may be designated to represent the interests of jailhouse lawyer members, in accordance with its bylaws. If its bylaws make no provision for filling a vacancy, or if a vacancy is not filled within 60 days, the National Executive Committee shall appoint a jailhouse lawyer member to fill the office until such time as an election by mail ballot can be conducted to fill the remainder of the vacant term.

(e) The office of Regional Vice President shall be filled as required by the regional bylaws. If the regional bylaws make no provision for filling a vacancy, or if a vacancy is not filled by the region within 60 days, the National Executive Committee shall appoint a member of the region to fill the office until the next election, when the remainder of the vacant term shall be filled by election.

(f) A project or committee representative vacancy shall be filled by the project or committee. If the project or committee does not fill the vacancy within 60 days, the National Executive Committee may designate another project or committee to appoint a representative to the National Executive Committee.

#### **Article 5.10 Removal from Office:**

(a) Removal for Cause - Upon 30 days advance notice, any elected member of the National Executive Committee may be removed from office by the remaining National Executive Committee members upon the occurrence of either of the following: failure to attend two consecutive meetings of the National Executive Committee and failure to complete tasks assigned by the National Executive Committee, except that the National Jailhouse Lawyer Vice President shall not be removed for failure to attend meetings. In addition, elected members may be removed for other reasons that in the judgment of the remaining National Executive Committee members constitute just cause. Any vacancy created by the removal of an elected National Executive Committee member shall be filled as provided herein.

(b) Removal for Ineligibility - The positions of National Jailhouse Lawyer Vice President, National Law Student Vice President, and National Legal Worker Vice President shall be deemed vacant in the event that the holder ceases to be eligible for membership as a jailhouse lawyer, law student, or legal worker, respectively.

**Article 5.11 Travel Expenses** - Officers shall pay their own transportation expenses to attend an National Executive Committee meeting at the national convention. The organization shall pay the non-local land, rail or air travel expenses of the President, Treasurer, Executive and National Vice-Presidents, and President-Elect to enable them to attend up to three additional National Executive Committee meetings per year. Each region shall pay the same expenses for its RVP. Projects and national committees shall pay the travel expenses of their National Executive Committee representatives.

### **ARTICLE 6 - ELECTIONS**

All officers, delegates, and members of committees, whether of any local or national organization, shall be elected by a majority vote unless such local or national organization shall provide a different method of voting.

### **ARTICLE 7 - REFERENDA**

**Article 7.1 National Convention Decisions Subject to Referenda** - All decisions of the National Convention shall be subject to the approval or disapproval by a referendum of the

membership, if such referendum is asked for by at least twenty-five percent (25%) of the votes at that meeting.

**Article 7.2 Referenda Initiated by Petition** - on all decisions of the National Convention and on any other decisions or subjects may be initiated upon petition of twenty percent (20%) of the chapters or ten percent (10%) of the membership, determined as of the most recent Convention.

**Article 7.3 National Office** - shall submit any matter required to be submitted to referendum within twenty days after receipt of the petition thereof or after action taken by the convention and shall ascertain and communicate to the local organizations the results thereof within ten days after the expiration of the time within which the vote is to be taken and returned.

**Article 7.4 Referendum Validity** - No vote on a referendum on any question shall be valid and operative unless the total ballot voted and returned on such referendum shall be equal in number to at least one third of the number of members in the National Lawyers Guild in good standing.

## **ARTICLE 8 - DISCIPLINE**

**Article 8.1 Chapter Censure** - The National Executive Committee may recommend by a vote of two thirds of its members, the censure of any chapter for violations of the Constitution or for conduct inconsistent with the aims and purposes of the organization. Such action shall become a resolution of censure if ratified by a two thirds vote of the next National Convention.

**Article 8.2 Chapter Charter Revocation** - The National Executive Committee may recommend by a vote of two thirds of its members, the revocation of the charter of any chapter. Such action shall become a revocation if ratified by a two thirds vote of the next National Convention.

**Article 8.3 Service of Charges and Opportunity to be Heard** - No recommendation of censure or charter revocation shall be voted on by the National Executive Committee except after service of charges in writing and a reasonable opportunity for the chapter to be heard. Nor shall a recommendation of censure or charter revocation be ratified by the National Convention except after service of charges in writing at least one month prior to the vote on the recommendation and a reasonable opportunity to be heard before the National Convention.

**Article 8.4 Local Chapter Autonomy to Discipline** - Local chapters shall have complete autonomy with respect to the disciplining of their own members for violation of this Constitution or the local constitution, but only after service of charges in writing and a reasonable opportunity for the member to be heard and subject to appeal to the National Convention. Any member who has been suspended or removed from membership in a local chapter may apply for membership-at-large, which application may be granted in the discretion of the National Executive Committee.

**Article 8.5 Member Censure, Suspension or Expulsion** - The National Executive Committee may recommend, by a vote of two thirds of its members, the censure, suspension, or expulsion of any member-at-large for a violation of the Constitution or conduct inconsistent with the aims and purposes of the organization. Such action shall become a resolution of censure, suspension, or expulsion if ratified by a two thirds vote of the Convention at its next meeting. No

recommendation of censure, suspension, or expulsion shall be voted on by the National Executive Committee except after service of charges in writing and a reasonable opportunity to be heard. Nor shall a recommendation of censure, suspension or expulsion be ratified by the convention except after service of charges at least one month prior to the vote on the recommendation and a reasonable opportunity for the member to be heard before the National Convention.

#### **ARTICLE 9 - UNION MEMBERSHIP**

All non-managerial employees of the National Lawyers Guild on a National Committee, Project, Regional or Local level shall within thirty days of their being hired, become part of whatever union is the recognized collective bargaining agent for Lawyers Guild workers at the time of the employee's hiring. All non-managerial employees of the National Lawyers Guild will be covered by applicable portions of any collective bargaining agreement in existence at the time of their being hired, from the date of hiring.

#### **ARTICLE 10 - BYLAWS MAY BE ADOPTED AND AMENDED**

Bylaws not inconsistent with this Constitution may be adopted or amended by a majority vote of the National Convention.

#### **ARTICLE 11 - AMENDMENTS**

This Constitution may be amended by a majority vote of the National Convention.

#### **ARTICLE 12 - SAVINGS AND SEVERABILITY**

In the event that any court or authority of competent jurisdiction were to declare null, void, or unenforceable, any provision or provisions of this Constitution and Bylaws as written or applied, all other unaffected provisions of this Constitution and Bylaws shall remain in full force and effect.