

NOMINATIONS & ELECTIONS:

- 1) Timing of Elections - The election of the members of the Governing Council shall be held every second year on a date or dates, not later than March 31, to be determined by the Executive, commencing with the first Association election in January 2002. The executive shall notify members of an election 3 weeks before the first day of the election. (*amended 21 March 2006*)
- 2) Designation of Chief Returning Officer and Elections Officer– The Association Executive shall appoint the Chief Returning Officer and the Elections Officer.
 - a) The Chief Returning Officer shall be a person independent of the Association and shall satisfy the Executive of his/her impartiality towards all candidates nominated in the election. The Chief Returning Officer should be experienced in conducting elections. The Chief Returning Officer shall report the election results directly to the membership at large.
 - b) The Elections Officer shall be independent of the Association and shall satisfy the Executive of his/her impartiality towards all candidates nominated in the election.
- 3) Nominations –Upon being nominated by any two Association members (the nominating members), any member of the Association is eligible to stand for election to the Governing Council (the nominee). Both the nominating members and the nominee must be employed in the region in which the nominee shall stand for election. The nominee must signify his or her consent to stand for election by signing the Nominating Form, as per the attached Nominating Form.
- 4) Timing of Nominations - All signed nominations for Governing Council shall be submitted to the Election Officer not later than two weeks before the first day of the election. Nominees may submit a biographical summary, not to exceed 150 words, to the Election Officer who shall distribute it to voters in the nominee's region. (*amended 21 March 2006*).
- 5) Conduct of Elections – Elections shall be conducted by way of ballot. At least seven days before the first day of the election, the Election Officer shall forward to each member in a region a ballot, by electronic mail, in which shall appear the names of all accepted nominees for that region. Valid ballots shall be returned to the Elections Officer, by electronic mail, during the election period, but no later than 6:00 p.m. (local time) on the last day of the election. To ensure that no member submits more than the number of ballots permitted to that member in that region, the returned ballot must state the membership number of the member voting. Any ballots received after the date and time mentioned herein will be treated as spoiled ballots.

- 6) Counting of Ballots – Ballots shall be counted by the Elections Officer who, in turn, shall submit any questions regarding a ballot to the Chief Returning Officer for decision. The decision of the Chief Returning Officer shall be final.
- 7) Both the Elections Officer and the Chief Returning Officer shall keep all information concerning a member’s vote, including who has voted and for whom that member voted strictly confidential.
- 8) Voting in Elections – Each member shall be eligible to vote in the region where the member is employed. Each member shall be entitled to cast the same number of votes as there are Council members to be elected within that region. Unless otherwise specified, those candidates receiving the greatest number of votes shall be elected.
- 9) Acclamation - In the event that the number of candidates does not exceed the number of elective positions available, those candidates shall be acclaimed as elected to the Governing Council by the Chief Returning Officer.

Nominating Form

We, the undersigned members of the Association of Justice Counsel, hereby nominate _____ to stand as a candidate for election to the Governing Council of the Association in the _____ Region, said election to be held on the _____ days of January, 200_.

Dated at _____, _____, the __ day of _____, 200_.

Name of Member:

Name of Member:

I, the undersigned nominee described above, hereby confirm my willingness to stand for election to the Governing Council of the Association and I further confirm that I am a member of the Association of Justice Counsel.

Dated at _____, _____, the __ day of _____, 200_.

Name of Nominee

INTERIM COUNCIL MEMBERS.

That:

- 1) Mara Pollock (NCR) be appointed as a member of the Interim Council (to replace Jane Allain who has resigned from the Interim Council).
- 2) Scott McCrossin (Atlantic RO) be appointed as a member of the Interim Council.

MEMBERSHIP APPLICATION

That the attached membership application form be adopted for use by the Association of Justice Counsel.

Association of Justice Counsel

Membership Application

Name:

Home Address:

Home Telephone:

Home E-mail:

Office Address:

Office Telephone:

Office E-mail:

Fax:

- 1) In consideration of the privileges and benefits conferred by the constitution of the Association of Justice Counsel ("the Association") on members of the Association, and the covenants set out below, I hereby apply to become a member of the Association of Justice Counsel.
- 2) I agree to comply with the Constitution and By-laws of the Association as amended from time to time.
- 3) I agree to pay [membership dues](#) as determined by the Constitution and By-laws of the Association and understand that the payment of those dues will commence no later than April 1, 2002.

Date:

Signature of Member:

Please return to any member of the Interim Council or the Association of Justice Counsel :

Association of Justice Counsel

Place de Ville

P.O. Box 69075

Ottawa, Ontario

K1R 7S0

SECOND ELECTION BE HELD IN EDMONTON

That a second election be held in Edmonton for the purpose of resolving the tied vote in the Association's election of January 23-25, 2002. That the election be held on January 30 and 31, 2002 and that it be conducted by Mr. Paul Hewitt.

BY-ELECTIONS:

Pursuant to article 8.10 of the Constitution, vacancies on Council are to be filled by a vote of the members attending a Regional meeting called for that purpose.

- 1) Timing - The date of the by-election of the members of the Governing Council to fill vacancies in a region shall be determined by the Executive. The AJC will send the notice to all members of that region 14 days prior to the by-election date. The notice shall specify both the date and time at which the by-election is to held. Nominations shall run from the time of the announcement of the by-election until the closing date which is 7 days prior to the time set for the vote. (*amended 14 April 2006*).
- 2) Designation of Elections Officer– The Association Executive shall appoint a person to be the Elections Officer for the by-election. To the extent practicable, the Elections Officer shall be independent of the Association and shall satisfy the Executive of his/her impartiality towards all candidates nominated in the election.
- 3) Nominations -Upon being nominated by any two Association members (the nominating members), any member of the Association is eligible to stand for election to the Governing Council (the nominee). Both the nominating members and the nominee must be employed in the region in which the nominee shall stand for election. The nominee must signify his or her consent to stand for election by signing the Nominating Form (as per the attached Nominating Form). (*amended 14 April 2006*).
- 4) Nominations received by the Elections Officer prior to the closing day of the nomination process shall be sent to all members in the Region, by e-mail or otherwise. Nominees may submit a biographical summary, not to exceed 150 words, to the Election Officer who shall, as time allows, distribute such summaries to the members in that region. (*amended 14 April 2006*).
- 5) Conduct of Elections – Elections shall be conducted by way of secret ballot. Ballots shall be printed prior to the regional meeting but shall include several blank spaces in which the names of nominees submitted at the meeting may be written in.
- 6) (*deleted, 14 April 2006*).
- 7) Counting of Ballots – Ballots shall be counted by the Elections Officer. The Elections Officer shall have power to finally decide any issue regarding the validity of a ballot cast.
- 8) Both the Elections Officer and the Chief Returning Officer shall keep all information concerning a member's vote, including who has voted and, if known, for whom that member voted strictly confidential.

MEMBERSHIP DUES FOR 2002:

1. To cover the operating costs of the Association for the period between July 1, 2002 and December 31, 2002, Members of the Association shall be required to pay dues as follows:
 - \$300 for counsel classified as LA 2A and above;
 - \$225 for counsel classified as LA 1A;
 - \$0 for students-at-law.
2. Any member who is on maternity, parental, or sick leave shall pay 100% of dues.
3. Any member who is paid for less than 37.5 hours per week shall be entitled to a rebate of a portion of the applicable dues based on the percentage of the regular work week that he or she is working.
4. In order to obtain a rebate, any member who is paid for less than 37.5 hours per week shall forward a request for a rebate along with proof of his or her part-time status to the Treasurer of the Association.
5. The category of dues into which a member falls shall be determined by his or her status on May 15, 2002.
6. Payment of dues shall be made in two equal installments, on each of June 1, 2002 and September 1, 2002.

NAMING AN ALTERNATE:

1. A member of the Governing Council may designate an alternate to attend a meeting of Governing Council on his or her behalf. An alternate must be a member located in the region of the member designating the alternate.
2. The member must notify the Governing Council of his or her designation before it can be effective.
3. The Executive may set a designation aside within 21 days of the member advising the Governing Council members that the member has designated an alternate.
4. An alternate's designation expires at the end of the Governing Council meeting for which the alternate was designated. A member may again designate that alternate or a different alternate subject to the same condition as to expiry of the designation and the other provisions of this by-law.
5. If the member designating the alternate ceases to be a member of the Governing Council, the alternate's designation terminates automatically at the time the member designating ceases to be a member.
6. For greater certainty, an alternate may only represent one member.

GENERAL BUSINESS OF THE ASSOCIATION:

1. Powers of the Governing Council.

The Governing Council is responsible for the governance and management of the affairs of the Association subject to any decisions reserved to the membership, and without restricting the generality of the foregoing shall have full power with respect to all affairs of the Association, and, subject to the provisions of clause 5.5. of the Constitution, no by-law or resolution passed or enacted by the Governing Council, or any other action taken by the Governing Council, requires confirmation or ratification by the members of the Association in order to become valid or bind the Association.

2. Meetings and Quorum of the Governing Council.

A meeting of the Governing Council shall be held at the call of the President or at the written request of at least five members of the Governing Council. There shall be at least four ordinary meetings of the Governing Council in each year. Meetings may be held by telephone conference call or by videoconference. At least fourteen (14) days notice of an ordinary meeting shall be given in advance. The notice of meeting shall set out the matters to be dealt with at the meeting. A majority of the members of the Governing Council shall form a quorum for the transaction of any business. All motions, except routine motions, shall be reduced to writing before being put to a vote.

3. Order of the Business.

Matters to be considered at a meeting shall be presented for consideration in the following order, in so far as the various items of business apply to the meeting:

- (1) opening of the meeting by the presiding officer;
- (2) confirmation of the regularity of the meeting;
- (3) verification of the right of presence, and a roll call (if necessary);
- (4) reading and adoption of the minutes of the preceding meeting;
- (5) reading of the correspondence (without debate on the same except for clarification);
- (6) reports from the President, Vice-President, and Secretary;
- (7) report from the Treasurer and consideration of the accounts;
- (8) receiving communications;
- (9) reports of permanent committees;
- (10) reports of special committees;
- (11) business left over from a previous meeting;
- (12) new business, precedence being given to business of which notice has been given in the notice of meeting, and that business to be dealt with in the order in which notice was received by the person responsible for giving notice of the meeting; and
- (13) adjournment.

4. Enactment and Coming into Force of By-Laws.

Any by-law enacted by the Governing Council is subject always to any limitation or reservation imposed by the Constitution. A by-law is not effective unless it is supported by at least two-thirds of the votes cast. Unless otherwise stated in the by-law, a by-law comes into force on its enactment.

5. Voting -- Governing Council.

Questions arising at any meeting of the Governing Council shall be decided by a majority of votes. In case of an equality of votes, the chair of the meeting shall have a second or casting vote. All votes at any such meeting shall be taken by ballot if so demanded by any member present, but if no demand is made, the vote shall be taken in the usual way by assent or dissent. A declaration by the chair of the meeting that a resolution has been carried and an entry to that effect in the minutes shall be admissible in evidence as prima facie proof of the fact, without proof of the number or proportion of the votes recorded in favour or against such resolution.

6. Committees.

The Governing Council may, by resolution, from time to time create committees with such mandate or duties as it sees fit. The members of such committee hold office at the pleasure of the Governing Council.

7. Powers of Committees.

No committee established or appointed by the Governing Council or the members of the Association shall have the power to act on behalf of the Association or otherwise commit or bind the Association to any course of action. Committees shall only have the power to make recommendations to the Governing Council, or to the members, as the persons appointing such committee may, from time to time, direct.

8. Reports of Committees.

Each committee shall submit to the body appointing the committee such reports as the appointing body may, from time to request, but, in any event, each committee appointed by the Governing Council shall submit an annual report to the Governing Council at such time as the Governing Council may, from time to time, determine.

9. Duties of the President and the Vice President.

Unless the President has designated some other person pursuant to clause 7.4 of the Constitution, the President shall preside at meetings of the Governing Council. The President shall be, ex officio, a member of all committees. The President, with the Secretary, or other officers appointed by the Governing Council for the purpose, shall sign all by-laws. The President shall perform such other duties as may from time to time be determined by the Governing Council. During the absence or inability of the President, the President's duties and powers may be exercised by the Vice-President or such other member of the Governing Council as the Governing Council may, from time to time, appoint for

the purpose, and if the Vice President, or such other member shall exercise such duty or power, the absence or inability of the President shall be presumed with reference to it.

10. Duties of Secretary.

The Secretary shall be, ex officio, clerk of the Association who shall:

- (1) attend all meetings of the Governing Council and record all facts and minutes of all proceedings in the books to be kept for the purposes;
- (2) be the custodian of all books, papers, records, contracts and other documents belonging to the Association which shall be delivered up only when authorized by resolution of the Governing Council and to such person or person as may be named in the resolution;
- (3) give all notices required to be given to members not otherwise provided for; and
- (4) perform such other duties as may from time to time be determined by the Governing Council.

11. Duties of Treasurer.

The Treasurer shall:

- (1) keep full and accurate accounts of all receipts and disbursements of the Association in proper books of account and shall deposit all moneys or other valuable effects in the name and to the credit of the Association in such bank or banks as may from time to time be designated by the Governing Council;
- (2) disburse the funds of the Association under the direction of the Governing Council, taking proper vouchers for the funds and shall render to the Governing Council at its regular meetings or whenever required, an account of all transactions as Treasurer, and of the financial position of the Association;
- (3) perform such other duties as may, from time to time, be determined by the Governing Council.

12. Appointment and Duties of Chair of the Governing Council.

The Governing Council may, on the recommendation of the President pursuant to clause 7.4 of the Constitution, by resolution, appoint a member of the Governing Council as Chair. The Chair of the Governing Council shall:

- (1) preside at all meetings of the Governing Council and of the Association;
- (2) give all notices required to be given to members of the Governing Council; and
- (3) perform such other duties as may from time to time be determined by the Governing Council.

13. Trustees.

The Governing Council may, by resolution, appoint no less than two and no more than four trustees to hold the property of the Association in trust for the members of the Association and may determine the terms of any such trust. Any person authorized by the Governing Council to do so may execute any such trust agreement on behalf of the Association. The trustees of the Association are

entitled without restriction to the benefit of any law in the province or territory in which they are ordinarily resident relating to the protection and indemnity of trustees.

14. Books, Records and Reports.

The Governing Council shall see that all necessary books and records of the Association required by the by-laws of the Association or any applicable law or statute are regularly and properly kept.

15. Rights, Duties and Removal of Members.

(1) Each member shall have one vote on each question arising at any general or special meeting of the members of the Association.

(2) A member who occupies a position classified higher than LA-2B that becomes classified as a management position and thereby becomes disqualified under clause 5.1 or who occupies a management position for more than 30 days and whose right to be a member is thereby suspended under clause 5.3 of the Constitution shall on learning that the member has become disqualified or suspended forthwith notify the Registrar of Membership of that fact.

(3) A member's membership in the Association terminates if the member fails to pay the applicable membership dues or fees within 6 months of the dues or fees becoming due.

16. Meetings of Members.

(1) Any meeting of the Association shall be held in a manner to be determined by the Governing Council and on such day as the Governing Council may appoint.

(2) The members may consider and transact any business either special or general without any notice of it at any meeting of the members, except any amendment to the Constitution, and any collective job action as contemplated by clause by 5.5 of the Constitution.

17. No Invalidity By Reason of Unqualified Voter.

No resolution, by-law or action of the Governing Council or of the Association or any action taken under or pursuant to such resolution or by-law shall be invalid or void by reason only of the accident that a person who voted was not entitled to vote on the resolution, by-law or action.

18. Adjournments.

Any meeting of the Governing Council or of the Association may be adjourned to any time and from time to time and the business may be transacted at the adjourned meeting as might have been transacted at the original adjourned meeting. No notice shall be required of any adjournment. A meeting may be adjourned even if no quorum is present.

19. Notice.

Whenever under the provisions of the by-laws of the Association notice is required to be given, the notice may be given by any convenient means by which the person giving notice may reasonably expect the notice to come to the attention of the person to whom such notice is given, including electronic mail and the Association's website. For the purpose of sending any notice the address of the member shall be the last address of the member recorded on the books of the Association or the email address in the email system to which the member is connected.

20. Error or Omission in Notice.

No error or omission in giving any notice of any annual or general meeting or any adjourned meeting, whether annual or general, of the members of the Association or of the Governing Council shall invalidate the meeting or make void any proceedings taken at it and any member entitled to receive any notice may at any time waive the notice either before or after the meeting to which the notice refers and may ratify and approve any proceedings of the meeting.

21. Banking.

All cheques, bills of exchange or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by the officer or officers, agent or agents of the Association and in the manner and form as shall from time to time be determined by resolution of the Governing Council and any one of the officers or agents may alone endorse notes and drafts for collection on account of the Association through its banker, and endorse notes and cheques for deposit with the Association's banker for the credit of the Association, or they may be endorsed "for collection" or "for deposit" with the banker of the Association by using the Association's rubber stamp for the purpose. Any one of the officers or agents appointed may arrange, settle, balance and certify all books of accounts between the Association's banker and may receive all paid cheques and vouchers and sign all bank forms or settlement of balances and release or verification slips.

22. Deposit of Securities for Safekeeping.

The securities of the Association shall be deposited for safekeeping with one or more banks, trust companies or other financial institutions to be selected by the Governing Council. Any and all securities so deposited may be withdrawn, from time to time, only upon a written order of the Association signed by the officer or officers or agent or agents of the Association, and in the manner as shall from time to time be determined by resolution of the Governing Council and the authority may be general or confined to specific instances.

23. Rules of Order.

Unless otherwise provided in the by-laws of the Association or resolved at any meeting, all deliberations of the Governing Council and of the Association shall be governed by the provisions contained in Robert's Rules of Order.

24. Amendment.

The Governing Council may, by resolution approved by at least a two-thirds majority of votes cast, amend, repeal or re-enact any by-law of the Association and any amendment, repeal or re-enactment shall, subject to clause 5.5 of the Constitution, take effect on being enacted or such later date as specified in the by-law.

MEMBERSHIP DUES FOR 2004:

1. Dues.

AJJ members shall pay the following dues for the year 2004:

- a. \$600 for counsel classified as LA 2A and above;
- b. \$450 for counsel classified as LA 1;
- c. \$0 for articling students;
- d. Members who joined DOJ after 01 January 2004:
 - d.1. for LA-2As and above, \$50 per month or partial month of employment at DOJ;
 - d.2. for LA-1s, \$37.50 per month or partial month of employment at DOJ;
- e. Any member who is paid for less than 37.5 hours per week shall pay a portion of the applicable dues based on the percentage of the regular work-week that the member works.

2. Leave.

Any member who is on maternity, parental, or sick leave shall pay 100% of dues. In the case of all other types of unpaid leave, no dues are payable.

3. Category of dues.

The amount of dues owing by a member depends on his or her classification at January 1st, 2004.

4. Method of payment.

A member can pay the membership dues by choosing one of the following methods of payment:

- a. Payment in full: by cheque, 01 January 2004 or as in section 1 (d) if applicable.
- b. Post-dated cheques: the member will provide monthly, bi-monthly or semi-annually post-dated cheques of equal amounts, beginning 01 January 2004 or as in section 1 (d) if applicable.
- c. Dues for January, February and March 2004 by cheque due 01 January 2004 or as in section 1 (d) if applicable, followed by deduction from members pay cheques as of 01 April 2004 or as in section 1 (d) if applicable.

ANNUAL DUES FOR 2005 – OPERATING COSTS:

Pursuant to Article 6.1 of the Constitution, the annual dues to cover the operating costs of the Association for 2005 shall be set at \$300 for LA2s and above, \$225 for LA1s and \$0 for articling students, depending on their classification on January 1, 2005;

The annual dues shall be prorated for those who commence employment with the DOJ after January 1, 2005, for those who work part-time and for those on leave without pay, including maternity and paternity leave; and

Payment of the annual dues is not required in order for Justice counsel to become members of the Association under Bylaw of Initial Membership Fee of \$5.

INITIAL MEMBERSHIP FEE OF \$5:

Pursuant to Article 15.1(a) and (j) of the Constitution, commencing on January 1, 2005 Justice counsel who are eligible for membership in the Association under Article 5.1 shall, for the period during the certification campaign and leading up to the certification of the Association as the bargaining agent, be accepted as members or, in the case of current members, shall continue as members if they sign an application for membership, or for renewal of membership, and

(a) pay an initial membership fee of \$5;

(b) authorize the Association to apply for certification as their bargaining agent under the Public Service Labour Relations Act and indicate their wish that the Association represent them as their bargaining agent; and

(c) agree to be bound by the Constitution and Bylaws of the Association as amended from time to time.

DUES WAIVER.

Pursuant to Article 15.1(j) of the Constitution, if the Association becomes certified as the bargaining agent for Justice counsel under the *Public Service Labour Relations Act*, a member who has paid annual dues for the operating costs of the Association for 2004 and/or 2005 shall be entitled to a waiver of dues payable after implementation of automatic dues deductions following on certification, in an amount equivalent to 133.33% of any dues that they paid for 2004 and/or 2005.

The waiver shall only be applicable if the dues are paid before the earlier of the date of implementation of automatic dues deductions or December 31, 2005, or if post-dated cheques for the dues have been provided before the earlier of these dates and are subsequently cashed.

ELECTRONIC VOTING BY MEMBERSHIP

Pursuant to Article 15.1(I) of the Constitution, a vote of the membership may be held by e-mail or by other electronic means.

Members shall be notified of a matter to be voted on at least 5 days before the vote is to be held.

Voting shall take place over a period of at least 5 days.

Votes shall be recorded and counted by a person designated by the Executive, who may or may not be an employee of the Association.

The Executive or not less than 20 members of the Association may, within 30 days after the last day for voting, request in writing that the results of the vote be reviewed by a person independent of the Association, appointed by the Executive, and the decision of the person reviewing the vote shall be final.

ELECTION OF EXECUTIVE

Pursuant to Article 15.1(f) of the Constitution, the following is the procedure for election of the officers, who shall form the Executive of the Association, under clause 9.1 of the Constitution:

1. Timing of Elections - The election of the members of the Executive Committee is pursuant to section 9 of the AJC Constitution.
2. Designation of an Elections Officer - The Association Executive shall appoint the Administrator as the Elections Officer.
3. Nominations - Upon being nominated (moved and seconded) by any two members of the Governing Council who are present at the meeting, any member of the Association sitting on the Governing Council is eligible to stand for election to the Governing Council (the candidate). In turn, the candidate must state his or her consent to stand for election.
4. Conduct of Elections - Each candidate is entitled to address the Governing Council prior to the elections, for no more than five minutes each. Elections shall be conducted by way of a secret ballot. At the meeting where the election is taking place, the Elections Officer shall circulate a blank ballot to each member of the Governing Council present at the meeting. Each member shall write on the blank ballot one name of a candidate.
5. Alternates - Members of the Governing Council who are alternates-designates for absent members shall cast the vote on behalf of the absent member. The absent member must inform the Administrator of the named alternate-designate.
6. Voting in Elections - Each member shall be eligible to one vote per position. The Elections Officer shall count the ballots. The candidate receiving the greatest number of votes shall be elected.
7. Confidentiality - The Elections Officer shall keep all information concerning a member's vote, including who has voted and for whom that member voted strictly confidential.
8. Acclamation - If there is only one candidate who is offering for an elected position, the candidate shall be acclaimed as elected to the Executive Committee by the Elections Officer.

ANNUAL DUES FOR 2006

Pursuant to Article 6.1 of the Constitution, the annual dues to cover the operating costs of the Association for 2006 shall be set at \$100 for LA-1s and LA2As and above, and \$0 for articling students, depending on their classification on January 1, 2006; and

That dues be prorated for those who commence employment with Justice after January 1, 2006, for those who work part-time and for those on leave without pay, including maternity and paternity leave.

THAT, if they do pay annual dues for operating costs before 31 December 2006 , they will be entitled to a dues holiday for an amount of \$133.00 for the year 2006.

THAT for greater certainty, should the Rand formula be implemented before the end of the year 2006, the annual dues for the year 2006 will be in the amount of \$100.00 plus the dues that will be payable under the Rand formula.

OBTAIN AN OPERATING LINE OF CREDIT WITH A FINANCIAL INSTITUTION
IN CANADA.

Pursuant to sub-sections 11(a) - Borrowing and 15.1(m) - Bylaws of the AJC Constitution, the Governing Council of the AJC authorizes the Executive of the AJC to borrow money upon the credit of the Association for the purposes of the Association in such amounts and upon such terms as may be deemed necessary with a financial institution in Canada in the form of an Operating Line of Credit.

(End)