

FRANCISCO DE VITORIA ASSOCIATION BYLAWS

CHAPTER I. Name, Registered Address and Aims

Article 1

“Francisco de Vitoria” is a professional judges and magistrates association that is constituted based on the democratic and pluralist principles that grant it freedom and independence from the public powers, political parties and unions, and which shall enjoy legal personality and full capacity to operate in order to fulfil its aims. It is national in scope, without prejudice to the organisation of sections with a scope that coincides with that of a High Court of Justice. Its registered address is in Madrid.

Article 2

The Association’s aims are:

- a) To defend and promote constitutional values and principles.
- b) To promote justice as a community service.
- c) To guarantee judicial independence.
- d) To intensify the reflection of judges as part of the social reality, and
- e) To safeguard and defend the professional interests of its members.

CHAPTER II. Members and Resources

Article 3

Being a member of the Association requires being in a situation of active service in the judiciary profession, filing the corresponding application with the National Coordination Committee through the corresponding Territorial Committee, if applicable, expressly agreeing to the association’s aims, and being accepted by the Committee.

Article 4

Member status grants the right to:

- a) Elect, be elected and propose candidates for executive and management positions.
- b) Attend assemblies with voting and speaking rights.

- c) Formulate suggestions for governing bodies and request that the bylaws be enforced.
- d) Receive information on Association actions and examine its accounts.

Article 5

Association members are required to:

- a) Pay the agreed fees.
- b) Abide by validly adopted resolutions.
- c) Not act as representatives of the Association or any of its sections when not expressly authorised to do so.

Article 6

Member status may be lost:

- a) Upon request.
- b) Due to a breach of the statutory obligations, as determined by the Territorial Assembly following a hearing with the interested party.

If the breach affects all members of a Territorial Section or most of them, the determination shall be made by the National Coordination Committee following a hearing with the interested parties.

In any case, member status will not be lost or suspended until a final decision has been adopted.

- c) Due to registering with another judiciary association.
- d) No longer being in a situation of active service.

Article 7

Retired member magistrates shall have emeritus status and judicial interns shall have supporter status within the association. Members emeritus and supporters shall pay 25% of the membership fee and will have speaking but not voting rights at meetings, conferences and ordinary and extraordinary Assemblies. None of them may hold any executive office.

Article 8

1. The Association's sources of revenue shall be:

a) Fees collected from members, members emeritus and supporters, the sum of which shall be fixed by the General Assembly and paid on a quarterly basis.

b) Allocations, subsidies or aid, whether permanent or sporadic, that may be granted by the public powers for the fulfilment of its mission.

c) Any other means legally applicable to and in accordance with these bylaws, which is approved by the General Assembly.

2. Provisions of section 1 shall apply to the Territorial Sections.

CHAPTER III. Association Organisation and Representation

Article 9

1.- The following are the Association's governing bodies:

- The General Assembly.
- The National Coordination Committee.

Article 10

The General Assembly is the Association's supreme body of governance and expression.

Its resolutions are binding for all members and may be modified by another subsequent resolution by the same governing body.

Article 11

All association members are included in the General Assembly.

Article 12

The General Assembly has all the necessary powers to comply with the Association's aims and governance, particularly:

- a) To establish Association guidelines.
- b) To approve, modify and repeal the bylaws.
- c) To appoint the members of the National Coordination Committee by election and order their dismissal.

- d) To fix membership fee amounts.
- e) To approve Association budgets and general accounts.
- f) To ratify or invalidate all or part of the resolutions adopted by the National Coordination Committee and control the enforcement of General Assembly resolutions.
- g) To grant the dissolution thereof or a merger with another association.
- h) To resolve any appeals filed against resolutions issued by the National Coordination Committee as a last resort.

Article 13

Before being declared as constituted, the General Assembly must elect a moderator and one or several secretaries, who will lead all debates and issue the corresponding minutes, respectively.

Whether ordinary or extraordinary, the General Assembly will be considered validly constituted upon first notice when half plus one of the members are present and upon a second notice irrespective of the number of attendants.

No member may perform more than two representative roles. Any representation powers must be express and granted in writing.

A majority vote by members is required to modify articles 1 to 6, both inclusive, as well as this section four of art. 13 of the Bylaws.

Any resolutions modifying any other article of the Bylaws require a simple majority vote by those attending the Assembly, as long as it is constituted by at least one third of the members, either present or represented.

The Assembly agenda will imperatively include the election of the members of the National Coordination Committee every two years.

Article 14

The General Assembly shall meet for an ordinary session each year and for an extraordinary session whenever requested by 25% of the members or the National Coordination Committee.

Article 15

The National Coordination Committee is the association's executive body. Its essential duties include enforcing General Assembly resolutions in addition to:

- a) Representing the association and promoting its activities as well as adopting decisions not reserved to the General Assembly in article 11.

- b) Notifying the General Assembly to meet for ordinary and extraordinary sessions, indicating the agenda in the first case.
- c) Admitting or rejecting, as applicable, applications for inclusion as Association members.
- d) Keeping a record of all members and issuing and collecting receipts of payment.
- e) Keeping record of all revenue and expenditures and prepare the annual account.
- f) Economically subsidising the Territorial Sections with the corresponding justification.
- g) Communicating all resolutions adopted by the National Coordination Committee and those adopted by the various Territorial Assemblies to the Territorial Committee spokespeople.
- h) Resolving appeals filed against Territorial Assembly resolutions.
- i) Calling elections for Spanish General Council of the Judiciary seat candidates and forming an Electoral Board.

Article 16

1. The National Coordination Committee will be comprised of nine members who will designate a Spokesperson from among the members thereof and who will also be the spokesperson for the association and an individual representative. The Spokesperson's duties will be to coordinate and call the members of the National Coordination Committee to meet.

Article 17

The National Coordination Committee will be elected and appointed by the General Assembly in accordance with the following mechanism:

Up until immediately before examination of the corresponding item on the Assembly agenda, any member may submit an individual or group candidacy to the committee for such offices. Candidacies must be complete and open so that the electors may switch certain candidates with others on the list.

If any member of the committee submits a candidacy for a seat on the National Coordination Committee, they shall resign from assembly committee duties.

Once the candidates are proclaimed by the Committee, each one of them shall present their programme to the Assembly.0

Voting will immediately follow with those who receive the most number of votes being elected. Any draws will be resolved by choosing the person who has been a member for the longest and then, the one who has been a practicing judge for the longest.

For the purposes of calculating seniority in the association, all periods of legally imposed leaves will be counted.

Article 18

Once elected, the National Coordination Committee will autonomously regulate its functioning. The Committee will meet whenever deemed necessary or requested by three of the members thereof and at least once a month. Committees shall be considered validly constituted when five of the members are in attendance. Resolutions shall be adopted by simple majority.

Article 19

The National Coordination Committee will meet with the spokespeople from the Territorial Committees at least three times a year with the latter holding speaking and voting rights at such meetings.

CHAPTER IV. Territorial Organisation

Article 20

The Association is territorially organised by Sections, which shall have the same scope as the territory of the corresponding High Courts of Justice in the autonomous regions.

In any case, the Sections will be organised in a manner similar to that which is established for the Association in Chapter III. They shall operate with the same aims as the Association and be subject to its Bylaws as well as the General Assembly directives and resolutions except as concerns the number of members of the Territorial Committee, which shall be established by each respective Territorial Committee yet may never be less than three.

The Sections may internally organise themselves as considered most adequate for their efficient functioning, shall have full independence in their own territorial scope without prejudice to the control powers that correspond to the National Coordination Committee. For this purpose, they must communicate all resolutions adopted by the Territorial Assemblies to the National Coordination Committee.

Their material resources shall be arranged with the National Coordination Committee without prejudice to the provisions of article 8, section 2.

Article 21

All members who are active in the corresponding territory will belong to the Territorial Section. If there are less than five members assigned to a particular territory, a territorial section may be formed to include the territory of two or more autonomous regions.

Article 22

As concerns their constitution and functioning, the territorial sections shall observe the provisions established in the corresponding Protocol for Action approved by the national committee and ratified by the Assembly.

CHAPTER V. General Provisions on Holding Office

Article 23

All Association and Section offices are non-paid.

Association office terms shall be two years with the possibility of consecutive re-election only once.

Section office terms shall be two years with the possibility of successive re-election.

Article 24

Those holding offices in the Association and the Sections shall cease their duties:

- a) Upon expiration of their term.
- b) Upon losing member status.
- c) Upon resignation.
- d) Upon a change of assignment to a territory that is outside the scope of the corresponding Section.
- e) Upon a resolution by the General Assembly.
- f) Upon a resolution by the respective Territorial Assembly concerning its own scope.

CHAPTER VI. Member Assistance Service

Article 25

As part of the association aims established in art. 2 of these bylaws, the purpose of the Member Assistance Service is to safeguard and defend the professional interests of all members.

This service will handle requests relating to the Judges and Magistrates Professional Statute which are submitted to it by AJFV members and when allowed by the National Committee for

those submitted by non-member judges and magistrates upon the proposal of the Service Coordinator if the matter is of interest to the AJFV or a relevant number of its members.

The Member Assistance Service will adjust its functioning to the provisions established in the corresponding Protocol for Action, approved by the National Committee and ratified by the Assembly.

CHAPTER VII. Working Groups

Article 26

Temporary working groups or commissions may be constituted to study specific topics or matters worthy of specific treatment as well as special dedication.

The power to form such commissions and working groups corresponds to the National Committee or Assembly and any such formation shall be recorded in the corresponding minutes of the meeting at which the resolution was passed.

Working groups shall operate in accordance with the provisions established by the National Committee.

CHAPTER VIII. Journal(s) and the Writing Committee and Association Website

Article 27

The association journals shall operate with a Writing Committee comprised of the National Spokesperson, another member of the National Coordination Committee, who shall be the Writing Committee Coordinator, and any other members designated by the National Committee. All members of the Writing Committee will work to ensure the association's character as a body of freedom of expression and debate.

The association website shall be operated under the direction of a controller from the National Coordination Committee and, as applicable, any other members designated by said Committee. All controllers must ensure the association's nature as a body of expression, information and debate.

Chapter IX. Organised Schools of Thought

Article 28

Without prejudice to any territorial organisation, members may constitute national schools of thought within the Association which reflect the plurality that exists as long as they represent at least 20% of the total number of members.

Article 29

Each school of thought shall organise its own means of functioning, which will be subject to approval from the Coordination Committee without prejudice to a final decision by the General Assembly.

CHAPTER X. Electing Candidates for the Spanish General Council of the Judiciary.

Article 30

Association candidates for seats on the Spanish General Council of the Judiciary shall be elected through a democratic process with a system of open lists by means of universal, personal and secret voting. All association members may submit their names for voting except those who were members of the National Coordination Committee or had been the year before at the time the process is opened. The National Coordination Committee will perform the duties corresponding to the electoral committee and board and any of their decisions may be appealed at the National Assembly, all pursuant to any specific provisions established in the corresponding Protocol for Electing Chairs, as approved by the National Coordination Committee and ratified by the Assembly.

CHAPTER XII

Article 31

1. Resolutions adopted by the Territorial Committees may be appealed before the Territorial Assembly.
2. Resolutions adopted by the Territorial Assemblies may be appealed before the National Coordination Committee.
3. Resolutions adopted by the National Coordination Committee may be appealed before the General Assembly.

CHAPTER XIII. Duration and Dissolution

Article 32

The Association is constituted for an indefinite lifetime and will be suspended or dissolved pursuant to the system established for association law in general.

Article 34

If the Association is dissolved, all of its equity will be allocated as outlined in the resolution adopting such a decision.