

# **Proposed Constitutional Amendment: Composition of the National Executive Committee**

Preface:

In late 2016 the National Executive Committee (NEC) created a subcommittee to draft a proposal to restructure the NEC. The subcommittee was formed after a proposal to divide national working committees from the NEC failed to be approved in 2016.

Our goal was to create a more streamlined NEC and to have both geographic representation and representation from working committees and caucuses on the NEC. We formatted a proposal which was submitted to the national Resolutions Committee and which was approved by the Resolutions Committee for presentation to the Convention and to the national membership in 2017. There was little internal discussion and no opposition statement written for the ballot measure, which was incorrectly labelled a By-Law Amendment.

Our proposal was passed as written by vote of the NLG membership in 2017.

In January of 2018 our subcommittee was formally notified by the NEC that our proposal was improperly formatted and would not be implemented.

The NEC subcommittee also found that the proposal which was passed in 2017 now generated much discussion and suggestions for revision. We are now re-submitting our proposal as a Constitutional Amendment. The new proposal also incorporates the results of the discussion and suggestions we have received.

The subcommittee is submitting this proposal with the same format and the same goals, but with the following alterations: The proposal restores two Constitutionally mandated NEC seats to TUPOCC, adds two Constitutionally mandated NEC seats for the Queer Caucus (QC), restores two Student National Vice-President NEC seats, retains two votes for the National Office staff and confirms that the Treasurer shall, like the NLG President, have a three year term. Our goal remains the same, to have a more streamlined NEC and to retain both geographic representation as well as representation from working committees and caucuses on the NEC.

Summary:

The National Executive Committee (NEC) is ultimately responsible for managing the NLG. This amendment would continue the practice of having an NEC drawn from all aspects of the national organization while slightly decreasing the size of the NEC. All committees who have one year representatives would extend that term to two years to ensure institutional memory. It would build an NEC able to work together as a functional group and at the same time build a leadership that is both more accountable and more democratic.

Contact:

This proposal is being offered by the subcommittee of the NEC tasked with presenting a proposal to create a more functional NEC. The members are Judith Mirkinson, Legal Worker VP in 2017 and now President of the SF Bay Area chapter, Sarah Coffey, Mid-East Regional VP in 2017 and now Legal Worker VP, Matthew Rinaldi, NEC member in 2016 and now steering committee member, Military Law Task Force, and Kathleen Gilberd, Executive Director, Military Law Task Force.

Our contact person is Kathleen Gilberd, kathleengilberd@aol.com. The proposal will be presented at the convention by Judith Mirkinson, mirk2@comcast.net.

#### Rationale:

There is general consensus that the current NEC is too large. Meetings can be chaotic and unfocused. Many positions are duplicated. The current structure puts numerous Vice-Presidents on the NEC, with 2 Executive VPs and 3 National VPs. Some regions and committees have 2 or 3 members of the NEC as co-representatives.

This proposal would eliminate duplication while retaining broad representation on the NEC from regions, and working national committees and caucuses. It would require each position to have a designated alternate member, to ensure continuity and broader leadership development. It would create a smaller, more nimble NEC that would allow NEC members to develop functional skills and more sustained interpersonal relationships.

#### Proposed Diverse Composition of the NEC:

The NEC is the ultimate representative body of the National Lawyers Guild. The NLG is more than an alternative bar association. It is a national network of progressive lawyers, law students, legal workers and jailhouse lawyers dedicated to the proposition that personal rights transcend property rights. It is organized into geographic regions, which build local activism and membership, as well as national working committees and caucuses, which focus on specific areas of the law, such as immigration defense, and have a focused political orientation.

It is a political body that needs to be guided by a political leadership. As such, its governance should not be divided from its political mission – the two are intricately connected and the former flowing from the latter.

To be truly representative and transparent, the NEC needs to include members from both geographic regions and the national working committees and caucuses. To function at peak efficiency, the NEC needs representatives from all aspects of the national organization, allowing each section of the NLG to inform and enhance the national coordination of our work.

#### Proposed Amendment:

Pursuant to Section 11 of the Constitution of the National Lawyers Guild, this amendment would amend the following sections of the Constitution to read as follows:

##### Article 5.1

Composition of the 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 (with a President Elect every third year), a Vice-

President, a Secretary, a Treasurer, two Student National VPs, a National

Legal Worker VP, a Jailhouse Lawyer VP, a Regional representative from each region, the National Office Executive Director, a National Office staff representative, two representatives from The United People of Color Caucus (TUPOCC), two representatives from the Queer Caucus (QC), and one representative from up to eight NLG projects and national committees in addition to the TUPOCC and QC representatives. Each member shall have one vote with the exception of the National Office staff, which shall have two votes.

All NEC members shall have specific areas of work for which they are responsible.

If needed, each position may have a co-representative who shall help with the work and attend meetings of the NEC as a voting member when the designated member is unable to attend. This position can be alternated one year/one year, but only one person shall attend NEC meetings as a voting member in any given year. Any NLG member may attend NEC meetings but only designated NEC members can vote.

#### Article 5.3

Terms of Office on the NEC – The term of office for the President and the Treasurer shall be three years. The term of office for all other members of the NEC shall be two years.

#### Article 5.5

Committees, projects and additional caucuses other than those with guaranteed seats on the NEC shall be selected from those that submit applications. Up to eight additional committees, projects and caucuses shall then be selected by vote of the national membership for seats on the NEC as part of the existing post-convention voting.

#### Impacted Party Statement:

This proposal has been shared with the NEC and discussed at NEC meetings. It has been circulated as widely as possible, including being circulated to projects, working committees and caucuses, the National Office, and all impacted parties. This effort generated feedback, discussion and specific suggestions. Many of the suggestions had wide support and have been incorporated into the final version of this proposal.

#### Implementing Entities:

The national organization, including the NEC and the National Office, shall ensure the implementation of this amendment in 2019.