

# THE CONSTITUTION

## ARTICLE I: GENERAL

1. The European Circuit (“the Circuit”) is a voluntary organisation of lawyers within the Circuit territory (including barristers, solicitors and other lawyers, in particular those with an interest in advocacy or disputes), whether in private practice or in employment. Membership of the Circuit is also open to academics and students with an interest in the law, and to such other persons as the Executive Committee may from time to time agree to admit to membership.
2. For the purposes of this constitution the Circuit territory shall cover the geographical jurisdiction of the court of justice of the European Union and/or the European Court of Human Rights (“the Territory”).
3. The objects of the Circuit shall be as follows:
  - to promote the highest professional standards of competence and integrity in lawyers engaged in cross-border practice and/or practising in more than one country or jurisdiction within the Territory;
  - to hold regular seminars, conferences or other events to educate and encourage lawyers in the areas of cross-border practice and comparative law, and to raise awareness of international developments relevant to fields of national practice;
  - to seek and/or promote solutions to common problems in relation to cross-border practice, taking account of any legislative initiatives seeking to set up an area of freedom, security and justice and/or to create a European Judicial Area, including but not limited to initiatives of the European Commission;
  - to exchange knowledge and experience of European practice and/or comparative law and to act as a point of liaison with other jurisdictions where legal practitioners may wish to practise;
  - to promote more widely the services of barristers and other lawyers with specialist knowledge to solicitors, lawyers and other potential clients;
  - in carrying out the above objects, to draw on the diversity of members’ backgrounds, professional experience and personal qualities, and to promote equality of opportunity within the practice and study of law;
  - to do all such other lawful things as are incidental to or conducive to the attainment of the above objects or any of them.
4. The Circuit has no regulatory or disciplinary functions in relation to the practice of law. Membership of any other circuit or like organisation shall not be incompatible with membership of the Circuit.

## ARTICLE II: MEMBERSHIP OF THE EUROPEAN CIRCUIT

1. Membership of Circuit shall be open to those defined under Article I.1.
2. Any person desiring to be a member of the Circuit shall apply to the Administrator or the Secretary. Such application may be made online on the Circuit's website.
3. Members of the Circuit shall be bound by the constitution of the Circuit.
4. Members of the Circuit shall be bound to pay such annual subscription at a rate and by a date as may be determined by the Executive Committee. The Executive Committee may set a reduced subscription for those members in their first 3 years of practice and for students. The subscription shall be paid by such electronic or other means as the Executive Committee may from time to time decide.
5. A list of all new applications for membership shall be provided by the Secretary or the Administrator to each meeting of the Executive Committee.
6. Subject to Article II.9 below, membership of the Circuit shall determine upon a member:
  - being appointed to a permanent full-time judicial office;
  - being suspended or expelled from the member's bar or law society, or other equivalent body;
  - failing to pay in full all subscriptions and other monies owing to the Circuit within six months of such monies becoming payable provided that a member shall automatically be re-admitted to membership upon payment to the Circuit of all monies owed by him/her;
  - being expelled by decision of a subcommittee of the Executive Committee delegated for the purpose of considering an allegation of misconduct and after consideration of the member's representations in relation to such misconduct.
7. It is the obligation of a member of the Circuit:
  - to abide by the constitution of the Circuit and thereby inter alia uphold and promote the highest professional standards of competence and integrity of their profession;
  - to pay subscriptions and other monies compulsorily due to the Circuit upon the date of such subscriptions and monies becoming payable.
8. A member of the Circuit shall be entitled:
  - to propose, second and vote for and speak upon any resolution or business in the General Meeting;
  - subject to the provisions of this constitution, to be elected to any Circuit office or to propose or second the nomination of a candidate for such office.

9. The Circuit may by resolution of the Executive Committee confer upon any person honorary membership of the Circuit for such period as may be deemed appropriate, which persons may be (but not exclusively) suitable holders of judicial office in the Territory.
10. The Circuit may by resolution of the Executive Committee confer upon any person associate membership of the Circuit, such persons being those as are involved in the law and who share the interests of members of the Circuit, and this shall include, in particular, qualified lawyers, whether or not practising within the Territory.

## ARTICLE III: CIRCUIT OFFICERS

1. The Officers of the Circuit shall be:
  - Leader;
  - Deputy Leader;
  - Junior;
  - Treasurer;
  - Secretary.

### **Administrator**

2. The Circuit's work and the work of the Officers may also be assisted by an Administrator, whose work for and on behalf of the Circuit shall be reasonably remunerated. Decisions as whether such a post is filled and if so by whom and if so at what cost are matters for decision by the Executive Committee.
3. The Administrator may attend meetings of the Executive Committee and/or meetings of any subcommittees formed by the Executive Committee as appropriate.

### **Leader and Deputy Leader**

4. It shall be the duty of the Leader working in conjunction with the Deputy Leader:
  - to promote the functions of the Circuit as defined in Article I;
  - to represent the Circuit (or cause the Circuit to be represented) on such outside bodies upon which it is appropriate for the Circuit to be represented;
  - to chair the Executive Committee and to advise and receive advice on Circuit affairs and matters of concern to members of the Circuit.

### **Treasurer**

5. It shall be the duty of the Treasurer to monitor, collect and account for Circuit subscriptions and other monies lawfully due to the Circuit, to approve and control

disbursement of Circuit funds and to compile and keep safe appropriate records and to make arrangements for the independent audit of Circuit accounts.

### **Secretary**

6. It shall be the duty of the Secretary to deal with the day to day business of the Circuit in liaison with the Executive Committee and in accordance with resolutions of the General Meeting and these Articles, to compile and keep safe appropriate records of Circuit affairs, and to report on Circuit affairs to Circuit in the General Meeting or otherwise as he/she deems appropriate and to compile a Directory of Members for publication in such manner as the Executive Committee shall decide.

### **Junior**

7. The Junior either shall be a member of the Junior Bar in a jurisdiction within the Territory or shall be at an equivalent level of seniority in his or her legal career. It shall be the duty of the Junior to represent the interests of junior members of the Circuit on the Executive Committee.

### **Election of Officers**

8. All Circuit Officers shall be elected at the Annual General Meeting by simple majority of those attending and eligible to vote and shall hold office for a period until the next Annual General Meeting and will thereafter be eligible for re-election.
9. Candidates for election as Officers of the Circuit may be nominated:
  - (i) by the outgoing Executive Committee; and/or
  - (ii) by two members of the Circuit who shall, not less than 10 days prior to the date of the Annual General Meeting, notify the Secretary in writing of their intention to nominate the particular candidate and certify that the candidate, if elected, is prepared to serve in that office.
10. The Committee may call an election of any officers by postal ballot in the event that any post may expire or be vacated for any reason (such as death, illness or resignation) at a time when a General Meeting cannot conveniently be held.

## **ARTICLE IV: THE CIRCUIT EXECUTIVE COMMITTEE**

1. The Circuit Executive Committee shall comprise the Officers of the Circuit and further members who shall be elected thereto by a simple majority of the Circuit Executive Committee.
2. The Executive Committee shall:

- consider all matters of concern to the Circuit and its members with a view to forming Circuit policy;
  - report to and receive opinion from the Circuit in the General Meeting;
  - have authority to communicate Circuit policy to any relevant outside body;
  - generally manage the affairs of the Circuit subject to the overriding power of the General Meeting;
  - liaise, or appoint one of their number to liaise, with other Bar circuits on matters relevant to European practice.
3. Voting in the Executive Committee shall be by simple majority of those present and the Leader (or, in his/her absence, the Deputy Leader; or, in the Deputy Leader's absence, the Treasurer) shall take the chair and shall have the casting vote.
  4. The Executive Committee shall meet not less than six times per year and one such meeting shall take place within a reasonable period preceding any and each General Meeting.
  5. The minutes of the Executive Committee shall be kept by the Secretary.
  6. The Executive Committee shall have power to invite the attendance of any person to any meeting for discussion of Circuit affairs.
  7. The Executive Committee may on the motion of the Leader and by simple majority of the Executive Committee give specific roles or responsibilities to its members, such as acting as area representatives, organising particular events such as the annual conference, etc. Such roles shall give the holder no authority beyond that of an ordinary Executive Committee member.
  8. The Executive Committee may from time to time establish such subcommittees as may be conducive to the exercise of its functions and for such period as may be deemed appropriate.

## ARTICLE V: GENERAL MEETING

1. The Circuit shall hold an Annual General Meeting at such venue as the Executive Committee may decide.
2. At the Annual General Meeting there shall be presented a report by the Leader of the proceedings of the Circuit for the preceding year together with a report from the Treasurer. The ordinary business of the Annual General Meeting shall also include the election of the Officers of the Circuit. Any other business at the Annual General Meeting shall be deemed special.

3. A Special General Meeting may also be called by the Executive Committee or upon the request of 10 or more members of the Circuit.
4. At least 14 days' notice shall be provided to members of any General Meeting. The Notice of any General Meeting shall state the place, day and hour of the Meeting, and, in any case where there is to be special business, the general nature of that special business. The Notice shall also indicate whether the meeting is an Annual General Meeting or a Special General Meeting.
5. Any member of the Circuit shall be eligible:
  - to attend a General Meeting and to vote upon any business conducted thereat;
  - to propose or second resolutions for consideration by the General Meeting provided he/she gives notice in writing of such resolutions to the Secretary not less than 10 days before the proposed date of such meeting;
  - to propose any amendment to any resolution provided he/she gives notices of such amendment to the Secretary not less than 5 days before the date of such meeting.
6. The Leader shall preside at the General Meeting (or, in his/her absence, the Deputy Leader; or, in the Deputy Leader's absence, the Treasurer). The quorum for a General Meeting shall be 15.
7. Save with regard to changes to this constitution, voting upon resolutions in the General Meeting shall be by simple majority of those present and eligible to vote, the Leader (or, in his/her absence, the Deputy Leader; or, in the Deputy Leader's absence, the Treasurer) having a casting vote.
8. If 50% of members of the Circuit present and eligible to vote at the General Meeting so require, a ballot shall be conducted by the Secretary of all Circuit members eligible to vote and the resolution shall be determined by simple majority of those voting in ballot.

## ARTICLE VI: AMENDMENTS TO THE CONSTITUTION

1. Any resolution for the amendment of this constitution shall be proposed as a resolution for consideration in the General Meeting in accordance with Article V hereof and shall not be passed unless approved by two thirds of those present and eligible to vote.