

Tom West and Scott Brennan
Presidents
American Translators Association
225 Reinekers Lane, Suite 590
Alexandria, VA 22314

Re: Active and Associate Members; right to take tests & other member rights.

Dear Tom West and Scott Brennan:

I represent _____ and other ATA members. _____ and other ATA members have retained me to enforce their right to take accreditation examinations offered by the American Translators Association ("ATA").

_____ and colleagues are Active and Associate Members of the ATA. According to the ATA's bylaws, Associate Members have the same rights as Active Members, with a few specified exceptions:

Associate members have all the rights and privileges of active members except the right to vote, to hold Association office, and to serve on the board of Directors and all committees of the Association.

ATA Bylaws, 2003 Membership Directory, at Art. III, Membership, #458# 3.c.

Since Active members have the right to take accreditation examinations, and since the exceptions applicable to Associate Members as listed in the ATA's bylaws make specific reference to the right to take accreditation examinations, Associate Members therefore have the same right and privilege as Active Members to take accreditation examinations, which is unrestricted and applies to members in good standing. The ATA's attempted abridgement of this right in the case of Active Members is the published requirement they show the ATA credential or the foreign, FIT credential and pay a fee to complete the Accreditation Exam Experience/Experience Eligibility Requirements Form. Failure to give Associate Members rightful access to the test by imposing restrictions even more onerous violates ATA's own bylaws, and is thus illegal and wrongful.

The ATA is undoubtedly aware of this illegality, as seen in the ATA's 2003 Membership Directory p. 458. Under the heading "Membership," the ATA bylaws state that Associate members "have all the rights and privileges of active members except the right to vote, to hold Association office, and to serve on the board of Directors and all committees of the Association. On that same page it is stated that "a. Active members ... also have the right to take accreditation examinations." It therefore follows that Associate members have the same right as active members to take accreditation examinations. Since by definition Associate Members do not have an accreditation certificate to present, it is discriminatory that this be listed as a condition for the exercise of the right to take examinations set forth in the ATA bylaws.

The ATA, however, cannot simply add at its whim degree or experience or foreign or domestic credentials requirements as an additional burden to Active Members or as a discriminating exception applicable to Associate Members. Very much to the contrary, to abridge the right to take accreditation examinations for Active Members or to impose as an exception educational or experience requirements on Associate Members the ATA must first change its bylaws. This the ATA has not done. Therefore, the ATA's listing on its website of the Accreditation Exam Education/Experience Eligibility Requirements Form as a requirement for Active and especially Associate Members is an illegal act beyond the ATA's corporate powers, and is of no force or effect.

The ATA's arbitrary imposition of obstructions in the path of Active and Associate Members' right to take accreditation examinations has wrongfully deprived Active and Associate Members of the rights they should enjoy under the ATA's bylaws. As a result, many Associate Members will undoubtedly lose democratic representation rights, revenue and business opportunities through their exclusion from the voting franchise and other benefits of the credential. Moreover, since Active and Associate Members' annual dues should have included their right to take accreditation examinations without imposition of any additional \$35 fee for filing an Eligibility Requirements Form, Active and Associate Members will, without their consent or approval be charged an onerous fee for what is already theirs by right as members in good standing, unless these requirements are cancelled.

_____ and other ATA members demand that the ATA immediately agree to restore Active and Associate Members their right to take accreditation examinations in compliance with the ATA's bylaws. In addition, _____ and other ATA members demand that the ATA remove the statements in its web page stating that Active and/or Associate Members are required to produce additional foreign or domestic credentials or evidence of experience or education or pay any additional fees other than regular testing fees in order to exercise that right. Finally, _____ and other ATA members demand that the ATA reexamine all resolutions announcing, on p. 8 of the June, 2001 issue of the ATA Chronicle plans for changes (with no mention of the amendment process) such as Continuing Education requirements, for which they have demonstrated no authority to impose by fiat. The ATA must also reexamine its resolution to offer accreditation examinations to nonmembers, for it is another violation of rights reserved for ATA members as set forth in ATA bylaws, Article III, Section 2 Membership, and Section 3 Rights and Privileges, especially subparts a-g, in which no rights are awarded to nonmembers. Such resolution would appear to be, in addition, a violation of Chapter 35 of the New York State Consolidated Laws, which covers not-for-profit corporations, ARTICLE ONE, Section 102, Definitions, Clause (9) states that "Member" means one having membership rights in a corporation in accordance with the provisions of its certificate of incorporation or by-laws. All of this is verifiable at

<http://assembly.state.ny.us/> which contains the NY laws on the matter.

I appreciate your attention to this matter, and expect your prompt reply.

Yours very truly,

_____, Esq.

Attorney for _____ and other ATA members

Copy: _____ and other ATA members

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