

## Moot Court Board Constitution

### *Article I – Name*

The organization shall be known as the Moot Court Board (“the Board”) of The Dickinson School of Law of The Pennsylvania State University at University Park (“Penn State Law”).

### *Article II – Purpose*

The purpose of the Moot Court Board is to (1) select and send exceptional Teams to national and international Moot Court competitions; (2) provide students with additional training and experience in written and oral advocacy; and (3) foster and promote a culture of advocacy excellence within Penn State Law.

### *Article III – Governance and Leadership*

Governance of the Board shall be vested in the Executive Committee. The Executive Committee shall consist of the following officers: (1) the Chair, (2) the Executive Vice-Chair, (3) the Vice-Chair for Training, (4) the Vice-Chair for Recruitment, and (5) the Vice-Chair for Competitions (collectively “the Officers”). These Officers shall have the duties and authority described in the Bylaws and shall be selected in the manner provided for in the Bylaws.

### *Article IV – Powers and Authority*

The Board, through the Executive Committee, shall have the authority to take all actions necessary and proper to advance the purposes of the organization as denoted in Article II. Specifically, the Executive Committee shall authorize and make all provisions necessary for its members to attend and participate in Moot Court competitions. The Executive Committee shall have the authority to regulate the Board’s membership, provide for and monitor training, and make recommendations about the award of academic credit as provided for in the Bylaws.

### *Article V – Membership*

The Board shall consist of second and third-year J.D. candidates. L.L.M. candidates may only become members of the Board through participation in an L.L.M. specific selection competition. Invitations to join the Board shall be offered based upon the results of a uniform, competitive, and merit-based selection competition, as provided for in the Bylaws. In order to foster a culture of excellence, no J.D. or L.L.M. candidate charged with a violation of the Honor Code or any other academic integrity violation may become a member of the Board. Eligibility determinations for J.D. or L.L.M. candidates charged with non-academic offenses shall be evaluated by the Officers on a case-by-case basis.

### *Article VI – Faculty Advisor*

There shall be a Faculty Advisor appointed to the Moot Court Board by the Dean. This individual shall be a Faculty member of Penn State Law and serve in an advisory capacity to the members of the Board. The Faculty Advisor shall provide guidance to the Board and mediate any disputes that arise between members of the Board, or the Officers, which cannot be resolved by this Constitution or the Bylaws. The Faculty Advisor shall review amendments to this Constitution and the Bylaws and review recommendations made by the Executive Committee regarding the award of academic credit to members of the Board. Upon approval of the Faculty Adviser, any alterations to this Constitution or the Bylaws shall become effective, and the updated document(s) shall be uploaded to the school website.

### *Article VII – Academic Credit*

At the conclusion of each semester and pursuant to the provisions of the Bylaws, academic credit shall be awarded to members of the Board.

### *Article VIII – Meetings*

The Board shall hold at least one (1) general meeting within the first thirty (30) days of the academic semester. At this meeting, the Board shall discuss all pertinent issues affecting the Board and its composite competition Teams. Additional general meetings shall be held when deemed necessary by the Officers. All such meetings of the Board shall be mandatory, with notice given at least seven days in advance. At general meetings, a quorum shall consist of a majority of the membership present. Those members that have informed the Chair of a valid reason why they cannot attend shall be excused and shall have twenty-four (24) hours to dissent from any proposed measure requiring a vote of all members of the Board. Any members who do not dissent shall be deemed to have voted in favor of any such measure. Any members absent without excuse shall be deemed to have voted in favor of any such measure.

### *Article IX – Finances*

All disbursements in the name of the Board shall be made as provided for in the Bylaws. A record shall be kept of all disbursements, with no disbursement made to the expenses of any individual member unless the expense (1) was incurred in furtherance of the Board's business and (2) is substantiated by valid, dated receipts to the extent required by Penn State Law.

### *Article X – Acknowledgement of Duties*

In furtherance of the purposes of this Constitution and the Bylaws of the Board, all members shall, at the first general meeting of the Board, sign and date a document in which they acknowledge that they (1) received and read the Constitution and Bylaws of the Board, (2) understand and voluntarily assume the duties and responsibilities imposed on members of the

Board by the Constitution and Bylaws, and (3) understand that failure to perform their duties to the reasonable satisfaction of the Executive Committee shall be grounds for withholding academic credit, removal from the Board, and/or prosecution under the Honor Code.

#### *Article XI – Constitutional Amendments*

Proposals for amendments may be made by the Executive Committee, members of the Board or the Faculty Advisor. The Executive Committee may propose an amendment by the affirmative vote of four-fifths (4/5) of the Officers. Members of the Board may propose an amendment by the affirmative vote of three-fourths (3/4) of the membership, provided that notice of the proposed amendment is given and the text of the proposed amendment is distributed to all members of the Board no fewer than ten (10) days in advance of the general meeting at which the amendment shall be put to a vote. The Faculty Advisor may propose an amendment by providing to the Chair the text of the proposed amendment. The Chair shall then call a general meeting no less than 10 days following receipt of the Faculty Advisor's proposed Amendment. The Board shall be deemed to consent to the Faculty Advisor's proposed amendment unless three-fourths (3/4) of the Board vote to reject it. If three-fourths (3/4) or more of the Board votes to reject the Faculty Advisor's proposed amendment, then the Chair shall consult the Dean and seek to resolve the dispute. If more than one-fourth (1/4) of the Board votes to ratify the Faculty Advisor's proposed amendment, the Board shall be deemed to have consented to the proposed amendment, and the Faculty Advisor may treat his or her proposed amendment as an amendment proposed by the Board. Once the Faculty Advisor receives a proposed amendment from the Executive Committee or the Board, he or she shall use reasonable discretion in approving or disapproving the proposed amendment. If the Faculty Advisor approves the proposed amendment, it shall be incorporated into this Constitution.

#### *Article XII – Bylaws*

Bylaws may be proposed or amended by either the Executive Committee or the Board. The Executive Committee shall propose an alteration to the Bylaws by the affirmative vote of three-fifths (3/5) of the Officers. The Board shall propose an alteration to the Bylaws by the affirmative vote of two-thirds (2/3) of its membership. The Chair shall submit to the Faculty Advisor all proposed alterations to the Bylaws. If the Faculty Advisor does not object in written form to a proposed alteration within ten (10) days, then the alteration shall be incorporated into the Bylaws.

# Bylaws of the Moot Court Board

## **Definitions**

Unless the context unambiguously indicates otherwise, the following terms shall, when used in these Bylaws, be defined as provided below:

1. Advocate: a member of the Board who will present or who has presented oral argument at a Moot Court competition in the current academic year.
2. Board (alternatively “the Board”): refers to the Moot Court Board of Penn State Law.
3. Coach: a Penn State Law student assigned to a specific Moot Court Team who develops and implements the Team’s Annual Coaching Plan, and who advises the Team’s Advocates on ways to improve oral and written advocacy skills. The Executive Committee shall have exclusive discretion to determine the eligibility requirements for the coach of each respective Team.
4. Constitution: the Constitution of the Board.
5. Current Officers: Officers holding office for the current academic year.
6. Executive Office: one of the offices expressly referred to in Article III of the Constitution.
7. Faculty Advisor: the person having the duties referred to in Article VI of the Constitution.
8. Incoming Officers: persons selected to be Officers during the academic year following the current academic year.
9. Officer: a person holding an Executive Office.
10. Penn State Law: refers to The Dickinson School of Law of The Pennsylvania State University at University Park.  
Team: the compliment of Advocates and their Coach(es) who attend and compete in a specific Moot Court competition.

## **Bylaw I: Governance**

- A. Consistent with Article III of the Constitution, the Moot Court Board shall be governed by an Executive Committee. The Executive Committee shall consist of the persons holding the following offices:
  1. Chair,
  2. Executive Vice-Chair,
  3. Vice-Chair for Recruitment,
  4. Vice-Chair for Training, and,
  5. Vice-Chair for Competitions.
- B. All decision left to the discretion of the Executive Committee shall be made by a simple majority unless otherwise provided.
- C. Duties of each Office.
  1. The Chair Shall:
    - i. Oversee all activities of the Board,
    - ii. Represent the Board in official forums,

- iii. Determine and assign to an Officer any duties reasonably necessary to achieve the objective of the Board and not specifically addressed by the Constitution or these Bylaws,
  - iv. Convene on a regular basis meetings of the Executive Committee,
  - v. At the conclusion of each semester and with the advice and consent of the Executive Committee, submit to the Faculty Advisor and the Dean of Academic Affairs a report on the performance of the Moot Court Board, and
  - vi. Liaise with the Faculty Advisor concerning the activities of the Moot Court Board.
2. The Executive Vice-Chair shall:
- i. Serve as the principal assistant to the Chair,
  - ii. Approve final competition briefs before submission,
  - iii. Assume the functions of the Chair in the Chair's absence,
  - iv. At the request of the Chair, assist the other officers in the performance of their duties, and
  - v. Complete any other duties assigned by the Chair or the Executive Committee.
3. The Vice-Chair for Recruitment shall:
- i. Develop and Write the problem on which the Selection Competition shall be based,
  - ii. Supervise and administer the annual Selection Competition,
  - iii. Actively attempt to increase awareness of, and participation in, the Selection Competition,
  - iv. Supervise and administer any additional selection competitions as deemed necessary by the Executive Committee, and
  - v. Complete any other duties assigned by the Chair or the Executive Committee.
4. The Vice-Chair for Training shall:
- i. Develop and deliver to the members of the Board within the first 30 days of the academic year training on the fundamental aspects of oral advocacy,
  - ii. Administer a blue book quiz to the members of the Board within the first 30 days of the academic year,
  - iii. Ensure that each Team completes an Annual Training Plan.
  - iv. Monitor the compliance of each Team with its Annual Training Plan,
  - v. Organize events at which judges or noted oral advocates provide advice on oral advocacy,
  - vi. Organize such mandatory training sessions as the Vice-Chair for Training or the Executive Committee deems necessary, and
  - vii. Complete any other duties assigned by the Chair or the Executive Committee.
5. The Vice-Chair for Competitions shall:
- i. Oversee and manage the travel and lodging arrangements for all Teams,
  - ii. Maintain historical data of the performance of each Team, including without limitation each Team's overall placement in its competition, the

- score each team earned on its brief, and, if available, honors and individual scores earned by Advocates,
  - iii. Maintain an archive of all prior Moot Court competition briefs and problems,
  - iv. Maintain records of all Moot Court Board activities, and
  - v. Complete any other duties assigned by the Chair of the Executive Committee.
- D. Term. Each member of the Executive Committee shall serve a term of one year beginning with the final day of the spring semester in which they are appointed.
- E. Appointments. In the event that a position shall become vacant, the remaining officers shall appoint by the affirmative vote of a simple majority a Senior Advocate or Coach to fill the position for the remainder of the term.
- F. Interpretation. The Executive Committee shall have the exclusive power to interpret these Bylaws and the Constitution of the Board.
- G. Meetings.
- 1. By default, the Executive Committee shall conduct its business by convening in-person meetings. However, the Executive Committee may conduct its business by convening constructive meetings by email, phone, or other means of electronic communication, provided that all Officers agree to hold a constructive meeting, and provided further that neither the Constitution nor these Bylaws require an in-person meeting.
  - 2. The Board shall conduct its business by in-person meeting. Constructive Meetings of the Board are not authorized.
- H. Award of Credit.
- 1. Prior to the end of each academic semester, the Officers shall convene and determine which members of the Board should receive academic credit for the semester.
  - 2. Credit shall be awarded to the extent that a student has complied with the requirements for membership imposed by the Constitution and these Bylaws.
  - 3. The Chair shall compile a list of all members of the Board whom the Chair recommends receive academic credit and a list of all members of the Board whom the Chair recommends be denied academic credit.
  - 4. The Executive Committee may reverse or ratify the Chair's determination with respect to any member of the Board by the affirmative vote of a simple majority.
  - 5. The Executive Committee shall recommend credit for the Chair by simple majority.
  - 6. The Chair shall transmit to the Faculty Advisor and the Associate Dean for Academic Affairs the list of all members of the Board whom the Executive Committee recommends receive academic credit and the list of all members of the Board whom the Executive Committee recommends be denied academic credit.
  - 7. The Faculty Advisor shall raise objections, if any, with the Executive Committee. After review, and upon resolution of all objections, if any, the Faculty Advisor shall transmit the list of members of the Board receiving and not receiving credit to the registrar.
- I. Selection of Officers.

1. The Executive Committee shall convene after all Teams have returned from their competitions and interview members of the Board interested in becoming Officers in the following academic year.
2. The Executive Committee shall select from the interviewees the officers for the following academic year.
3. All advocates in good standing are eligible to become officers. "Good standing" is defined as having successfully completed one semester as a member of the Board, and not under any disciplinary sanction for failing to discharge the duties and responsibilities of membership.
4. The Chair shall set a date by which any Advocate interested in becoming an officer for the successive year must provide written notification of his or her interest in a position. This notification should state the Advocate's name, the position(s) in which he or she is interested, and a statement why he or she is best suited for a position as an Officer. While advocates may apply for more than one position, he or she must indicate the priority in which the Advocate wishes to be considered.
5. After the period for notification has passed, the Chair shall schedule interviews for these positions. Interviews shall be conducted by the current Officers and be presided over by the Chair.
6. Once all interviews required by this section are complete, the Officers shall select, by majority vote, the individual applicant who will fill each Office. The Faculty Advisor shall have the right to veto any selection made pursuant to this section. In such case, the current Officers shall select from the applicants a student acceptable to the Faculty Advisor.
7. Should Advocates not run for or accept Officer positions, the current and incoming Officers shall use their best efforts to ensure that all Executive Offices are filled. Vacant positions may be filled whether through appointment of individuals that do not hold another Board position, or, if they consent, any incoming Officer may fill occupy multiple Executive Offices. In situations where, despite the best efforts of the current and incoming Officers, there remain vacancies, the Chair shall discharge the duties of the vacant Executive Office, however, the Chair may equitably divide responsibilities for the office among the other Executive Officers.

J. Officer Terms.

1. All Officers shall assume their duties on the final day of the Spring semester prior to the academic year for which they shall serve as officers.

K. Permanent Vacancy

1. The Chair. Should the Executive Office of Chair become vacant for any reason, the Executive Vice-Chair shall assume the duties of the Chair. The Officers shall appoint a Senior Advocate to fill the ensuing vacancy in the Executive Office of Executive Vice-Chair.
2. Any other Executive Office. Should any other Office become vacant, the Chair shall immediately notify the members of the Board. In this notification, the Chair shall solicit candidates for the position. The Officers shall then vote to select a candidate to fill the vacancy. The Officers shall establish any other procedures necessary to select the candidate in accordance with these requirements.

L. Removal Procedure for Officers.

1. Either the Board or the Executive Committee may petition to remove any Officer. The Board petitions to remove an officer by the affirmative vote of three-quarters (3/4) of its members. The Executive Committee Petitions to remove an Officer by the affirmative vote of three-quarters (3/4) of the Officers. A petition to remove an Officer shall be accompanied by a written statement of reason for which the Officer should be removed.
2. Once the Petition has been submitted to the Chair, or the Executive Vice-Chair if the Chair is the subject of the Removal Petition, he or she shall schedule a general meeting. At the general meeting, the Officer who is the subject of the Removal Petition shall have an opportunity to respond to the written reasons for removal. At the conclusion of the meeting, the Board shall vote by secret ballot. The Officer shall be removed by the affirmative vote of three-quarters (3/4) of the members of the Board. If removed, the former Officer shall retain the status of Senior Advocate. This procedure shall not prevent the Executive Committee from seeking to remove the former officer from the position as a Senior Advocate.

## **Bylaw II: Selection Competition**

A. General Eligibility.

1. Except as provided for in Bylaw II(B), participation in the Selection Competition and subsequent assignment to a Team is the only means by which a student may become a member of the Board.
2. Students shall be eligible for membership on the Board to the extent provided for in Article V of the Constitution.

B. NBLSA Frederick Douglass Moot Court Team Selection Process.

1. Due to the Unique rules of the Frederick Douglass Moot Court Competition, participation on the Frederick Douglass Team shall be limited to qualifying members of the Penn State Law chapter of the National Black Law Students Association (“NBLSA”). Qualifying members are those in good standing in BLSA or who were BLSA members in good standing during the previous academic year.
2. The Penn State Law chapter of NBLSA shall select prior to the end of the Add/Drop period which of its members shall compete as Advocates in and coach the Frederick Douglass Team. Persons so selected shall add COCR 900.
3. Bylaw II(B) supersedes any inconsistent portion of Bylaw II.

C. The Selection Competition.

1. The Vice-Chair for Recruitment shall administer and oversee a Competition for the purpose of selecting the members of the Board.
2. The Competition will be open to second and third-year J.D. candidates. The Vice-Chair for Recruitment shall be the final authority on determining eligibility of persons to compete in the Selection Competition. J.D. candidates who unsuccessfully competed in the selection competition in their second year are not precluded from competing in their third year.



3. The Selection Competition shall be based on a single Problem developed by the Vice-Chair for Recruitment. The Problem shall be “closed,” meaning that all necessary sources of authority shall be furnished to competitors, with outside legal research neither permitted nor required. These materials may include without limitation statutes, cases, regulations, and secondary sources. The Vice-Chair for recruitment shall endeavor to make the problem as balanced as possible, meaning that equally compelling arguments are both sides.
4. The Vice-Chair for Recruitment shall make available to all students at Penn State Law the materials and problem for the Selection Competition.
5. Persons interested in joining the Board (“Competitors”) shall write and submit a brief advocating for whichever side they choose. The Officers shall grade these briefs, and the score from this brief shall constitute 40% of the competitor’s overall score in the Selection Competition.
6. After all briefs are received, the competitors shall be assigned to argue orally a side of the problem. The Officers shall compose the tribunal to which the competitors deliver their oral arguments. These oral arguments shall compose 60% of the competitor’s overall grade in the Selection Competition.

#### D. Scheduling.

1. Prior to the end of each Spring semester, the Chair shall cause to be scheduled and advertised at least two informational sessions where the Chair and Vice-Chair for Recruitment shall explain the timing and schedule of the upcoming Selection Competition.
2. At these sessions, the Officers shall provide information about each of the Moot Court competitions to which the Board sends Teams.
3. The Vice-Chair for Recruitment shall release the Selection Competition Problem during the summer, and after the scholarly journals have received all submissions for their members. Competitors shall have no less than 10 calendar days following the release of the Problem to write a brief.
4. Oral arguments shall be scheduled for the competitors prior to the end of the Add/Drop period. Oral arguments shall be presented to a panel composed of Officers. Oral arguments shall be evaluated by each panelist based on a uniform set of grading criteria.
5. All Teams must be set prior to the end of the Add/Drop period. All members of the Board must add COCR 900 in order to receive credit.

#### E. Evaluation, Disqualification, and Outside Help.

1. The Written component shall constitute 40% and the oral component shall constitute 60% of each Competitor’s overall score.
2. No Competitor may receive any unfair advantages in either writing the brief or preparing for oral arguments. “Unfair advantages” include without limitation receiving assistance from faculty, alumni, practitioners, current members of the Board, or any other person. “Unfair advantages” also includes any other conduct that provides a Competitor with assistance that is not otherwise available or sanctioned by the rules of the Competition.
3. Any student who violates the rules of the Selection Competition may, at the discretion of the Vice-Chair for Recruitment, be penalized points or disqualified entirely from the Competition.

F. Team Selection and Assignment.

1. When students appear for their oral arguments, they shall submit a preference form, provided by the Vice-Chair for Recruitment, listing the Teams the Board is sponsoring that year. This form shall enable the Competitor to rank in order of preference the Teams on which the Competitor would like to be placed.
2. At the conclusion of the oral arguments, the Officers shall meet and tabulate each Competitor's score. Each competitor should then be assigned to the Team he or she most prefers unless that Team has already been filled by Competitors with higher scores. In such cases, a Competitor should be assigned to the Team he or she second-most prefers, unless it is also filled with higher-scoring Candidates. In such cases, a Competitor should be assigned to the Team he or she third-most prefers, unless it is also filled with higher-scoring Candidates. This pattern for assigning Competitors according to preference, subject to the preference of higher scoring Competitors, shall be repeated until the Competitor is placed on a Team or each Team is full.

G. L.L.M. Specific Competition Selection Process.

1. The Board may include among the competitions for any given year an L.L.M.-specific competition. In doing so, the Board may absorb an existing competition not previously affiliated with the Board or participate in an entirely new Competition.
2. Participation in the L.L.M.-specific competition shall only be open to L.L.M. candidates.
3. Students who participate in the L.L.M.-specific selection competition shall only be eligible to participate in that competition.
4. Due to the academic timeline of the L.L.M. degree track as well as the nature of the competition, the selection process may consist only of oral rounds based on a closed problem.
5. The timeline and nature of the L.L.M.-specific selection competition shall be determined by the Vice-Chair for Recruitment.
6. The Advocates and Coach(es) of any L.L.M. Team(s) fielded by Penn State Law shall be full members of the Moot Court Board, and excepting all references to Senior Advocates, they shall be fully subject to all duties, obligations, and benefits set forth in the Constitution and these Bylaws.

### **Bylaw III: Membership**

A. Roles and Responsibilities. The following is a list of the roles and functions possessed by members of the Board:

1. Advocate: a member of the Board who will present or who has presented oral argument at a Moot Court competition.
2. Coach: a Penn State Law student assigned to a specific Team who develops and implements the Team's Annual Coaching Plan, and who advises the Team's advocates on ways to improve oral and written advocacy skills.
3. Senior Advocate: a third-year J.D. candidate that represented the Board as an oralist at a Moot Court competition during his or her second-year of law school.
4. Officer: a person holding an Executive Office.

B. Advocates shall:

1. Represent the Board and Penn State Law at Moot Court competitions,
  2. Attend weekly training sessions with the other members of his or her Team,
  3. Comply to the reasonable satisfaction his or her Coach with the Team's Annual Training Plan,
  4. Work with the other Advocates on his or her Team to research, draft, and revise the brief which his or her Team must submit as part of its Moot Court competition,
  5. Prepare and practice oral arguments as required by their respective competitions,
  6. Meet all deadlines imposed by his or her coach or competition rules,
  7. Complete a post-competition report with feedback and suggestions for future teams, and
  8. Commit to assist the team and Board in the following year as a Senior Advocate.
- C. Coaches Shall:
1. Prepare the Annual Training Plan, which shall, at a minimum,
    - a. Conform to the template promulgated by the Executive Committee,
    - b. Identify the training the team shall conduct each week when it is not writing its brief or preparing for its competition, and
    - c. Identify the following
      - i. the first day to register for the Team's competition,
      - ii. the date on which the competition's problem will be distributed,
      - iii. the date on which the briefs must be submitted to the competition authorities,
      - iv. at least three occasions when the team will conduct full-dress practice moots, and
      - v. the dates of its competition.
  2. Preside over weekly training sessions with his or her Team's Advocates,
  3. Ensure that the Annual Training Plan is followed, and
  4. Provide to the Vice-Chair for Competitions information on
    - a. The Team's score on its brief,
    - b. The Team's final ranking at the competition,
    - c. Each Advocate's individual score sheets (if available), and
    - d. Any honors or distinctions earned by the team or its Advocates.
- D. Senior Advocates.
1. A student who, as a second-year J.D. candidate, served as an Advocate may return to the Team on which he or she served during his or her third-year as a J.D. Candidate without participating in the Selection Competition. To return to the Team, the putative Senior Advocate must submit a short, written statement expressing such desire. The Executive Board shall approve the request by the affirmative vote of a simple majority of the officers. In making this determination, the Executive Committee shall ensure that no fewer than one-half of the Advocate positions on the Team are available to Competitors in the Selection Competition. A Senior Advocate will hold such title, but be subject to all the duties and obligations of Advocates, as provided for in Bylaw III(B).

E. Discipline and Removal.

1. The Board is a professional organization, and as such, its members are expected to conduct themselves in a professional manner. The obligation to conduct oneself in a professional manner requires without limitation that members of the Board:
  - a. Comply with all duties and obligations created in or pursuant to the Constitution or these Bylaws,
  - b. Comply with their respective Annual Training Plan to the reasonable satisfaction of their respective Coach(es),
  - c. Attend all mandatory training sessions called by the Chair or the Vice-Chair for Training,
  - d. Diligently prepare for and participate in each member's respective weekly training sessions, and
  - e. Submit to the authority structure of the Board.
2. Violations.
  - a. If an Advocate violates any express or implied provision of Bylaw III(E)(1), such Advocate shall be reprimanded by his or her Coach(es) or by an Executive Officer. Although such reprimands may be oral, they shall be reduced to writing and a copy shall be kept on file by the Chair or the Chair's designee.
  - b. If a Coach or Executive Officer violates any express or implied provision of Bylaw III(E)(1), any member observing the conduct shall report the conduct to the Executive Committee. The Executive Committee shall conduct a meeting with the implicated parties and any witnesses, and shall, by majority vote, decide on whether or not to reprimand the Coach or Executive Officer. No Executive Officer may judge his or her own case.
  - c. The purpose of a reprimand is to put the offending party on notice of the fact that some aspect of his or her conduct is unacceptable, and to provide an opportunity for the offending party to conform his or her conduct to the standard imposed by Bylaw III(E)(1).
  - d. Any member receiving more than two (2) reprimands shall be placed on probation. No member of the Board on probation at the end of an academic semester shall receive academic credit for his or her participation on the Board unless the member can provide to the satisfaction of the Executive Committee evidence of rehabilitation.
  - e. Failure to comply with any requirement of membership by a member on probation shall allow the Officers to dismiss the student from the Moot Court Board pursuant to the following procedure:
    - i. Any Officer may move for dismissal of a student from the Moot Court Board. After a majority vote of the Officers, the Chair shall notify the student.
    - ii. Alternatively, a petition signed by a majority of the Board shall also begin the removal process. Upon receipt of any such petition, the Chair shall notify the student.
    - iii. This notice to the student shall clearly state the membership requirements with which he or she has failed to comply.

- iv. The student shall have the opportunity to present a defense to the Officers at a meeting no fewer than six calendar days after receiving notice.
- v. After the student has had the opportunity to present a defense, the Officers shall vote by secret ballot. A 2/3 vote of the Officers shall be required to dismiss a student from the Moot Court Board.

### **Bylaw IV: Teams**

- A. The Officers shall have the exclusive authority to discontinue or add competition Moot Court teams, though all Faculty and members of the Board are encouraged to make suggestions or recommendations.
- B. Prior to selecting new Officers in the Spring semester, the current Officers may meet and consider which competitions to add or discontinue. The criteria in considering competitions shall include:
  - 1. Student interest,
  - 2. Faculty support, interest, and expertise,
  - 3. Topic diversity,
  - 4. Quality of other competing schools,
  - 5. Quality of organization,
  - 6. Reputation of hosting entity,
  - 7. Panel/bench quality,
  - 8. Prior performance, and
  - 9. Expectation of success.
- C. Each team is responsible for writing its brief(s) pursuant to the rules of its competition. As part of its Annual Training Plan, the Coach(es) of each team will establish deadlines for completion of Brief. This may include setting deadlines for the submission of the following components to the Executive Vice Chair and Coach:
  - 1. Research plan,
  - 2. Outline of arguments,
  - 3. Draft of arguments,
  - 4. Draft of statement of facts,
  - 5. Draft of table of authorities and standard/scope of review (if applicable),
  - 6. Completed draft,
  - 7. Completed citations,
  - 8. Final edits, and
  - 9. Submission to the competition authorities.
- D. The Team must submit the final version of its brief to the Executive Vice-Chair for review no less than 48 hours prior to the competition's submission deadline. The Executive Vice-Chair shall review the brief for obvious error and evidence of professionalism. If the brief is beset with obvious error or evidence of unprofessionalism, then the Executive Vice-Chair may recommend that the Executive Committee take appropriate action. The Executive Committee shall take appropriate action upon the affirmative vote of a simple majority of the Officers. Appropriate action may include without limitation:
  - 1. Placing the members of the Team on probation,
  - 2. Withholding the Team's privilege of participating in its competition,

3. Recommending that the Team's members not receive academic credit for that semester, and
  4. Other appropriate remedial measures.
- E. Each team is responsible for preparing for oral argument pursuant to the rules of its competition. As part of the Team's Annual Training Plan, the Coach(es) will set times when the Team will practice oral arguments and conduct full-dress practice moots.

### **Bylaw V: Team Advisors**

- A. Teams may solicit members of the faculty ("Team Advisors") with relevant expertise to be an informal advisor to the Team on the substantive areas of law commonly present in its competition problems.
- B. To the extent permitted by the rules of the competition, the Team Advisor should be available to meet with the team prior to and throughout the brief-writing process to provide assistance in unpacking and examining the legal issues associated with the problem.
- C. Likewise, the Advisor should be regularly available to provide feedback to the team as they prepare for their oral argument.
- D. Teams may solicit faculty members to serve as Team Advisors during the Spring semester to serve for the following academic year, or during the Fall semester to serve during the ongoing academic year.

### **Bylaw VI: Meetings**

- A. The Officers shall convene meetings of the entire Board to provide periodic information about the status of various competition teams, training sessions and presentations, and any other purpose as may be appropriate.
- B. All members of the Board shall attend all scheduled meetings of the Moot Court Board. A member who is unable to attend a meeting must notify the Chair, who will have the power to excuse the member. If a member of the Board is absent without being excused, he or she may be immediately placed on probation unless circumstances existed that prohibited the member from notifying the Chair.
- C. Any member of the Board absent from a meeting at which a vote is taken of the members of the Board shall be considered to have voted in favor of the proposition put to the vote.

### **Bylaw VII: Amendments**

- A. These Bylaws may be amended or repealed, in whole or in part, as provided by the Constitution. Quorum for voting on amendments may be achieved electronically via email. An electronic quorum shall be satisfied if a majority of Moot Court Board members respond to the proposed amendment with a vote.