

MOOT COURT BOARD BY-LAWS

Amended 09/12/2003

ARTICLE 1 - - STATEMENT OF PURPOSE

The purpose of the Moot Court Board is to promote and supervise all designated Moot Court sponsored competitions, in accordance with the faculty resolution dated April 9, 1970, establishing Moot Court Board, and to work toward student awareness, interest, and competence in the art of dispute resolution, trial and appellate advocacy. To accomplish this purpose, the Board shall promote a close, working relationship with peers, the local bar, and the law school faculty.

Enabling Clause: These by-laws shall become effective upon ratification by a majority of those members present and voting at a meeting called by the Chair no later than April 30, 1991.

ARTICLE II - - DUTIES OF THE BOARD

The Moot Court Board shall be responsible for the promotion and supervision of all Moot Court sponsored competitions. A sponsored Moot Court competition is one that is approved by the Board.

ARTICLE III - - - MEMBERSHIP

- A. The Moot Court Board shall consist of no less than ten third-year students and no less than ten second-year students.
- B. Each Board member shall follow the by-laws and contribute to Board activities.
- C. Tenure: Students selected to the Moot Court Board shall serve continuously as governed by this Article of these by-laws. A student shall be considered a member of the Board until the student:
 - 1. Withdraws from Willamette University College of Law;
 - 2. Withdraws from the Moot Court Board;
 - 3. Is placed on academic probation; or
 - 4. Is expelled from the Board pursuant to Article VII of these by-laws. If a student is removed, pursuant to 1, 2, or 3 above, the student must petition the Executive Board of the Moot Court Board for reinstatement. In the case of expulsion under 4, unless otherwise noted in these by-laws, on petition to and upon a favorable finding by the officers, the matter shall be put to a majority vote of the Board at the next regularly scheduled Board meeting.
- D. Credit Requirements:
 - 1. To maintain Moot Court Board membership, each member must:
 - a. Actively participate in at least one Moot Court committee during the academic year;
 - b. Compete in at least one Moot Court sponsored or approved competition during the academic year; and

- c. Attend Board meetings in accordance with the Attendance Policy set out in Article VII.
2. To earn available academic credit(s) for participating in a sponsored Moot Court competition, a student must:
 - d. Abide by the Willamette University College of Law Honor Code and the specific competition's rules.
 - e. Attend one Moot Court sponsored Educational Meeting, preferably related to the specific competition, during the semester the competition is offered. If a student is unable to attend one of these meetings, an equivalent CLE course may be approved by the Executive Board to fulfill this requirement.
3. A student may participate in a specific Moot Court sponsored competition more than once. However, a student shall receive any available academic credit only once for participating in that specific Moot Court competition.

ARTICLE IV - - MEMBERSHIP SELECTION

A. Selection Process

1. The newly elected officers shall develop a tentative schedule of competitions and activities for the next year and determine the approximate number of Board members needed to fulfill the functions of the Board.
2. The newly elected officers shall widely publicize the purpose and activities of the Moot Court Board by the first week of Fall classes and during the First Year Appellate Competition. This shall include notice on how to apply for membership in the Board. The notice shall contain:
 - a. The criteria for selection;
 - b. The method to be used for application;
 - c. A designation of a place for submission of applications;
 - d. The deadline for submitting applications; and
 - e. A statement that a copy of these by-laws and the faculty resolution of April 9, 1970 are available at the reserve desk in the library.
3. Invitations for membership shall be offered to the Judge's final round first ranked winner of each section of the First Year Appellate Competition and winners of any Moot Court Board sponsored competition that receives academic credit.
4. Applications shall be accepted until 12:00pm on the Friday four weeks prior to the last day of spring classes.
5. The elected officers shall offer interviews to the First Year Appellate Competition finalists and at least 51% of the applicants.
6. The elected officers shall establish a system to interview and select new Board members using the membership criteria below. They system must be consistently applied and readily explainable to any applicant or Board member.
 - a. Involvement in law school:
 - 1) Participation in competitions as a competitor, bailiff, witness, or juror.
 - 2) Achievement in competitions
 - b. Education / training:

- 1) School organizations
- 2) Post high school
- 3) Post college
- 4) Employment Training
- c. Life experiences:
7. Selection shall be by elected officers or an alternate selected by an absent officer.
8. Notification of selection shall be made no later than the last scheduled meeting during spring semester.

ARTICLE V - - EXECUTIVE OFFICERS

- A. The following officers, who are accountable to the members of the Board, shall govern the Moot Court Board.
1. Chair: The Chair is a third-year student elected officer during the student's second year, with the following duties and powers:
 - a. Except as stated otherwise in these by-laws, call and preside over all meetings of the Board;
 - b. Coordinate all Moot Court Board activities between the Faculty Advisor and the Moot Court Board;
 - c. Bear ultimate responsibility for all activities of the Board;
 - d. Monitor the completion of all activities of other officers, competition coordinators, and Board members;
 - e. Delegate in executive session to the officers responsibility to oversee individual competitions. These shall be divided as evenly as possible between the officers;
 - f. Require written memorandum from the overseeing officers for each of the individual competitions sponsored by the Moot Court Board. These memoranda may be used for the compilation and revision of a Procedures Manual;
 - g. Sign, along with the Faculty Advisor, authorization of credit for participation in Moot Court Board. The Chair's final act in membership on the Moot Court Board. The Chair's final act in office shall be the signing of credit slips.
 - h. The Chair of the Moot Court Board shall receive \$750 per semester as compensation for work on the Board.
 2. Vice-Chair: The Vice-Chair is a third-year student elected officer during the student's second year, with the following duties and powers:
 - a. Be directly responsible to the Chair;
 - b. Conduct all disciplinary actions for expulsion of Moot Court Board members. In such actions, the Vice-Chair shall record and maintain permanent records of such proceedings and may appoint one third-year Moot Court Board member to record the disciplinary proceeding;
 - c. Preside over meetings of the Moot Court Board in the absence of the Chair;
 - d. Preside as Chair in the event the Chair becomes vacant, and a new Vice-Chair shall be elected by the Board;

- e. Preside over the Education Committee, which is responsible for obtaining qualified speakers on the topic of trial or appellate advocacy for Educational Meetings not less than three per semester;
 - f. Oversee the specific competitions that have been delegated by the Chair;
 - g. Prepare and circulate to the faculty a mid-semester progress report detailing completed Moot Court Board events.
 - h. The Vice-Chair of the Moot Court Board shall receive \$500 per semester as compensation for work on the Board.
3. Treasurer: The Treasurer is a third-year student elected officer during the student's second year, with the following duties and powers:
- a. Develop and implement the projected annual budget, to be presented to the Faculty Advisor during the Summer and to the Board at the first Fall general policy meeting.
 - b. Record and maintain records of all finances of the Moot Court Board;
 - c. Record and maintain minutes of all regular meetings of the Moot Court Board in the absence of the Secretary;
 - d. Preside over all meetings of the Moot Court Board in the absence of the Chair and the Vice-Chair;
 - e. Oversee the specific competitions that have been delegated by the Chair;
 - f. Solicit, interview, and oversee the Operations Manager position;
 - g. The Treasurer of the Moot Court Board shall receive \$500 per semester as compensation for work on the Board.
4. Secretary: The Secretary is a third-year student elected officer during the student's second year, with the following duties and powers:
- a. Record and maintain minutes of all meetings of the Moot court board including executive sessions;
 - b. Keep a record of attendance at all Moot Court Board meetings;
 - c. Publish all notices of the Board and the respective board committees. This shall include the posting of meeting minutes from each Moot Court Board meeting within one week of the meeting date;
 - d. Report in writing to the general membership of the Moot Court Board regarding action(s) of the Executive Board. This report shall be issued within two weeks of said action(s) and will include: topics discussed, the factors weighed, and the decision(s) reached by the Executive Board;
 - e. Conduct and maintain all correspondence of and for the Moot Court board on behalf of the Chair and other officers;
 - f. Oversee the specific competitions that have been delegated by the Chair;
 - g. Prepare an orientation for new and returning Moot Court Board members;
 - h. Prepare, maintain, and update regularly a monthly calendar of events in or near the student lounge;
 - i. The Secretary of the Moot Court Board shall receive \$500 per semester as compensation for work on the Board.
5. Judges Chair: The Judges Chair is a third-year student elected officer during the student's second year, with the following duties and powers:

- a. Preside over the Judges Committee and ensure there are an adequate number of judges for all competitions.
 - b. Keep and maintain an organized database of all potential judges for all competitions;
 - c. No later than the second Monday of each academic year the Judges Chair shall review and revise all standardized Moot Court Board score sheets and the cover letter to competition judges explaining the scoring process and what is expected from the student competitors;
 - d. The Judges Chair of the Moot Court Board shall receive \$500 per semester as compensation for work on the Board.
- B. Recalling Officers
- 1. By petition of 25% of the total Board membership, a vote of confidence meeting may be called in regard to one or more officers.
 - 2. A meeting shall be called within seven calendar days.
 - 3. Following discussion, a vote of confidence shall be called for by the presiding officer.
 - 4. If 2/3 quorum of the Moot Court Board render a vote of no confidence, the officer(s) shall be removed from office.
 - 5. The officer(s) shall be replaced by election at the next regularly scheduled Moot Court Board meeting, subject to Article V (A)(2)(d).
- C. Accounting: Only the elected Moot Court Board officers, and those appointed by them, shall have the power to charge supplies and services to the Willamette University Moot Court Board account.

ARTICLE VI - - ELECTION OF OFFICERS

- A. Elections shall take place at a regularly scheduled Board Meeting no later than March 31.
- B. Written nominations shall be accepted by a member of the Executive Board no later than seven days prior to the election.
- C. Each nominee may make a brief statement followed by questions from the floor.
- D. Vote shall be by written ballot.
- E. Election to office requires a majority vote by a quorum of the Moot Court Board.
- F. Newly elected officers shall assume their full duties at the final Moot Court Board general policy meeting of the year.

ARTICLE VII - - MEETINGS

- A. Regular Meetings
- 1. The first meeting of the Moot Court board shall be held no later than the second full week of classes. Thereafter, the Board shall announce meetings no less than one week in advance of the meeting date.
 - 2. Meetings shall be run in an organized manner.
 - 3. Moot Court board Meetings shall be conducted in either of two formats:
 - a. Policy Meetings:
 - i. Shall consider only internal board business;
 - ii. Shall be conducted at least once per semester;

- iii. Shall be the only meetings in which new business, including Temporary Committee proposals, may be presented to the Board;
 - iv. Floor amendments are prohibited except when approved by a 2/3 vote of those present at the meeting. Otherwise, the Board may only accept, reject, or refer to Temporary Committee any proposal.
 - b. Educational Meetings
 - i. Qualified speakers on topics of dispute resolution, trial or appellate advocacy;
 - ii. Shall be conducted at least three times per semester.
- B. Executive Board Meetings
 - 1. The officers shall meet as they deem necessary.
- C. Emergency Meetings
 - 1. The Chair shall, if directed in writing by 25% of the Board, call a meeting of the Board within seven days.
- D. Attendance Policy
 - 1. Members must regularly attend Moot Court Board meetings.
 - 2. After four missed meetings in one academic year, the member is dismissed from the Board by notification from the Vice-Chair.
 - 3. A member is not considered absent from a meeting if he\she is competing in a Moot Court Board sponsored competition. The member must be present at or traveling to\from the competition during the scheduled meeting in order for this exception to be applicable or if there is a make-up class scheduling conflict.
 - 4. Members shall receive a written warning after their second absence.
 - 5. Dismissed members may make an appeal within two weeks after the dismissal date to the Executive Board to be reinstated on the Board.
- E. Temporary Committees
 - 1. Temporary Committees may be formed by a majority of the Executive Board.
 - 2. Temporary Committees formed for the purpose of amending the Moot Court by-laws may be formed by 2/3 majority approval of members present at a Moot Court Board meeting.
 - 3. Temporary Committees shall have a minimum of three members.
 - 4. Temporary Committee meetings shall be open and available to all interested Board members.
 - 5. The Temporary Committee shall notify all Board members of the time and place of any meeting.

ARTICLE VIII - - VOTING

- A. A quorum shall be necessary for the conduct of all business at all meetings.
- B. A quorum shall be 50% plus one member of the total membership of the Board.
- C. Unless otherwise provided for in these by-laws, all Board decisions must be decided by a majority of those present.
- D. These by-laws may be amended by 2/3 majority of all members of the Board present and voting at a meeting called for such a purpose.
- E. All amendments to these by-laws shall become effective on the date they are passed by a vote of the Board in accordance with this article.

ARTICLE IX - - VACANCIES

A. Officer Vacancies

1. Chair

- a. In the event a vacancy occurs in the office of the Chair, the Vice-Chair shall succeed to the office of the Chair. The Chair shall notify the Vice-Chair of the Chair's intent to vacate office.

2. Vice-Chair

- a. In the event, a vacancy occurs in the office of the Vice-Chair, the Chair shall call a meeting of the Moot Court Board members within one week of the vacancy to elect a new Vice-Chair. Notification of intent to vacate this position shall be submitted to the Chair.

3. Treasurer, Secretary, and Judges Chair

- a. In the event a vacancy occurs in the Treasurer's position, the Secretary's position, or the Judges Chair position, a new election shall be held to fill that vacancy within two weeks of the creation of that vacancy.

4. Any compensation that Board officers receive shall be prorated through the last day in office. The time period shall be divided by semester. The succeeding officer shall be entitled to the remainder of the compensation due that office.

B. Board Member Vacancies

1. The executive officers shall determine whether to fill Moot Court Board membership vacancies. Such determination shall be made upon a majority vote of the officers.
2. Vacancies may be filled with previous applicants from a waiting list, or through additional member recruitment as set forth in Article II and Article IV.

ARTICLE X - - PERMANENT COMMITTEES

A. The following Permanent Committees are established:

1. Competitions Committees
2. Education Committee, chaired by the Executive Vice-Chair.
3. A Judges Committee chaired by the Executive Judges Chair.

B. Committee Membership

1. The Executive Board shall determine the number of members necessary for each Permanent Committee to carry out its functions.
2. Within the first two weeks of the Fall semester the Executive Board shall identify all known competitions and publish the dates of the competitions and general competition rules to the Willamette University College of Law student body.
3. Within the first month of the Fall semester the Executive Board shall:
 - a. assign Competition Committee chairs;
 - b. assign all Board members to Permanent Committees;
 - c. submit a calendar of all known competitions and activities to the Board;
 - d. publish the final determinations above (3a - 3c) to the Faculty Advisor.
4. Competitions shall be added or deleted by a vote of the Board.

5. All Moot Court Board sponsored competitions shall consist of teams with a minimum of two and a maximum of three students, unless the adopted rules of the competition require otherwise.

ARTICLE XI - - GRIEVANCE PROCEDURE AND NO CREDIT RECOMMENDATIONS

- A. Formal dispute resolution may be initiated by a petition of two or more Board members regarding the conduct of another Board member.
- B. Upon receipt of a petition the Chair shall use the following process to resolve disputes:
 1. The Chair shall inform the Board member about the petition. The Chair may choose to mediate the dispute or notify the Board member in writing that the Chair intends to remove the Board member for cause. The notification shall inform the Board member of the Board member's right to a hearing. Failure to request a hearing in five days shall result in the Board member's removal from the Board.
 2. At the Board member's request a hearing panel shall be established. The panel shall consist of one officer other than the Chair and two Board members. One panel member shall be selected by the Board member and the other by the Chair.
 3. The panel shall review the facts of the situation and come to a decision. The decision may include removal from the Board.
 4. Appeal of a panel decision shall be through the College o Law grievance process.

ARTICLE XII - - COMPETITION PROTEST PROCEDURE

- A. Any team participating in a Moot Court sponsored competition may bring a protest to the Executive Board that is based on a violation of the competition rules or any other action that prejudiced the spirit of the competition.
- B. How to bring a protest:
 1. The protesting team must inform the bailiff and the opposing team that they are filing a protest and supply the bailiff with a written notice of protest that:
 - a. is signed by at least one member of the protesting team;
 - b. indicates the fact that they wish to protest; and
 - c. indicates the location of the room in which the round was held.
 2. If there is no bailiff for the round being protested, then a member of the protesting team must deliver written notice of protest to the Moot Court Board office (Law 116) prior to the judge's critique.
 3. No protest may be brought if the written notice of protest is not delivered to a member of the Executive Board or Competition Committee running the current competition within 15 minutes of the end of the round being protested.
 4. The protesting team must inform the other team that:

- a. they are protesting; and
 - b. that all members of the protested team should remain near the room that the round was held to await confirmation of a protest hearing.
- C. Time to bring a protest:
 - 1. A protest must be brought prior to the judge's critique of the parties and after the round is completed.
 - 2. If the judge does not perform a critique, the protesting party has 15 minutes from the completion of the round to bring the protest.
- D. Who must be informed of a protest: A protest is not a protest until a member of the Executive Board or Competition Committee running the current competition, and who is in the Moot Court Board office (Law 116), receives the written, signed notice of protest.
- E. Mootness: A protest is moot and shall not be considered if it is brought during a single elimination round of a competition by the team that won the round.
- F. Who hears the protest: All protests must be heard by three members of the Executive Board or Competition Committee running the current competition, who are not currently competing in the competition in which the protest is brought.
 - 1. Unless unavailable, the three Moot Court Board members who hear the protest must be the chair of the current competition committee, co-chair of the current competition committee, and the Executive Board member assigned to assist with the current competition.
 - 2. The availability of a Moot Court Board member to hear a protest is subject to the requirements of Article X(A)(1)(e).
- G. When the protest is heard:
 - 1. If possible, any protest must be heard immediately upon the conclusion of the judge's critique at the end of the round. If there is no judge's critique, then the protest shall be heard as soon as possible.
 - 2. The judge is not to be informed that a protest was brought.
 - a. the judge is not to be asked to remain or become involved in the hearing of the protest.
 - b. this does not apply to Moot court Board members judging the First Year Appellate Competition. These judges are eligible to hear a protest in that competition.
- H. How long does the hearing last?
 - 1. No protest hearing shall last longer than 60 minutes, unless at least two of the Moot Court Board members hearing the protest decide otherwise.
 - 2. Every party to a protest should have equal time to present their case. Any party to a protest may waive time to present their case.
 - 3. If possible, all protests must be concluded on the same night/day that the protest is brought.
- I. Issues to be heard in a protest: The three Moot Court Board members hearing a protest must decide by a majority vote if there was a violation of the rules of the competition.
 - 1. If there are not at least two Moot Court Board members finding there was a violation of the competition rules or any other action that prejudices the spirit of the competition then the protest is dismissed.

2. If two Moot Court Board members hearing the protest decide that a violation of the competition's rules has occurred, then a sanction must be levied and notice of the sanction must be given to all competitors.
 3. If two Moot Court Board members hearing a protest decide an action prejudiced the spirit of the competition, then the application of a sanction is limited by the discretion of the Moot Court Board members hearing the protest.
- J. Deciding the protest: The three Moot Court Board members who hear the protest must meet in private when discussing and deciding:
1. any finding of a rule violation or action that prejudiced the spirit of the competition; and
 2. any sanction that may be imposed for a rule violation or action that prejudiced the spirit of the competition.
- K. Sanctions:
1. In any single elimination round of a competition the only sanction possible for violating the rules of the competition is the loss of the round for the party being protested against.
 2. In any round that is not a single elimination round, then the Moot Court Board members hearing the protest may sanction the protested team by any of the following:
 - a. Deducting points from the protested team's score.
 - b. Requiring the protested team to forfeit the round.
 - c. Any combination of a & b.
 - d. Dismissal of the protested team from the competition.
 3. Dismissal from the competition has the same effect on the members of the team dismissed as though they never entered the competition; including loss of recommendation for credit and/or loss of recommendation for a transcript notation.
 4. Any sanction levied against a protested team in a round that is not a single elimination round must be approved by at least two of the Moot Court Board members hearing the protest.
- L. Appeal:
1. Any competitor that loses eligibility for academic credit as a sanction resulting from a protest may appeal the decision to the Moot Court Board Executive Board.
 2. Appeals must be brought in writing to any member of the Moot Court Board Executive Board within five school days following notice of the sanction.

APPENDIX A – BOARD DECISIONS

04/17/98 – The Board approved changing the number of required Education Meeting per semester from three to two. This modified Article VII.

01/31/96 – The Board approved extending the number of missed meeting in one year from three to four before a member would automatically be dismissed from the Board. This modified Article VII.

10/25/95 – The Board approved the International Law Moot Court Competition of the purpose of satisfying Article III, Section E, Subsection b. (This is not a Moot Court Board sponsored event.)

09/12/03 – The Board approved the following changes:

- 1) The Executive Board will offer an invitation to join Moot Court to any non-member winner(s) of any Moot Court sponsored competition that receives academic credit. This modified Article IV, Section A, Subsection 4.
- 2) The Executive Board Secretary report in writing to the general membership the actions of the Executive Board. The report will be issued within two weeks of the Executive Board's actions and will include the topics discussed, the factor weighed and the decisions reached. This modified Article V, Section A, Subsection 4 (d).
- 3) A member is not considered absent from a meeting if competing in or traveling to a competition during the scheduled meeting time, or if there is a make up class scheduling conflict. This modified Article VII, Section D, Subsection 3.
- 4) Temporary Committees may be formed by a majority of the Executive Board. This modified Article VII, Section E, Subsection 1.
- 5) Temporary Committees formed for the purpose of amending the Moot Court bylaw may be formed by 2/3 majority approval of members present at a Moot Court Board meeting. This modified Article VII, Section E, Subsection 2.