

NOVA SOUTHEASTERN UNIVERSITY

MOOT COURT SOCIETY BYLAWS

Adopted March 24, 2007, Amended and Adopted September 5, 2022.

§ 1. PURPOSE AND SCOPE OF BYLAWS

1.1

Purpose: These Bylaws are the general guidelines for the operation of the Nova Southeastern University Moot Court Honor Society (the Society). They are construed consistently with the Nova Southeastern University Moot Court Honor Society Constitution (Constitution) and are subject to change by the Executive Board as specified in Article XI of the Constitution and Section 9 of these Bylaws pertaining to amendments.

1.2

Scope: In the event that the Constitution and Bylaws are silent on a matter, the Chief Justice shall have discretion to act, or direct any Executive or General Board member to act, on the matter in a way so as to reasonably execute the duties of the office and to further the purpose of the Society. Such action, upon motion of an Executive Board member in a regularly scheduled or special meeting of the Executive Board, is subject to review by the Executive Board. Upon review, the Executive Board, by a majority vote, may amend the Bylaws to approve or veto such future actions or may act to correct what it judges to have been an erroneous action on the part of the Chief Justice.

§ 2. EXECUTIVE BOARD

2.1

Designation: For the purposes of announcements, meetings, and correspondence, all of those designated Officers of the Executive Board in the Society Constitution are referred to as "Officers," and those

designated members of the Executive Board shall be referred to as "Executive Board Members."

2.2

Purpose, Powers, and Duties of the Executive Board: The Executive Board has the general power to:

- (1) control and manage the affairs, funds, and property of the Society;
- (2) disperse the Society's monies and dispose of its property in fulfillment of the Society's purpose; and
- (3) to delegate authority to committees or individuals and determine compensation, if any, as it deems necessary for the carrying out of the purposes and business of the Society as set forth in the Constitution and Bylaws.

2.3

Duties: In addition to any duties specified in the Constitution, the following duties are assigned:

- (1) **Chief Justice:** Shall chair the Executive Board and General Board; act as Chief Executive Officer of the Society; oversee all operations of the Society; work to maintain good working relationships with the Law School administration, student body, and other student organizations; and develop long-range planning and policy subject to these Bylaws and the Constitution. Reporting to the Chief Justice shall be the Executive Justice for Competitions, Executive Justice for Teams, and the Executive Justice for Academics.

(2) Executive Justice for Competitions: The Executive Justice for Competitions shall plan and organize any and all competitions the Society hosts and shall have such additional powers and duties as may from time to time be assigned by the Executive Board or Chief Justice. The Executive Justice for Competitions shall supervise Justices for Competitions who maintain positions on the General Board, as defined herein (§ 3), to assist in the planning and organization of the competitions hosted by the Society, and the Feinrider Competition, subject to the approval of the Chief Justice and the Executive Justice for Teams. The Executive Justice for Competitions shall be responsible for reserving the necessary room(s) required for each respective event. The Executive Justice for Competitions shall serve as Acting Chief Justice in the event a vacancy arises for any reason, until such vacancy is filled.

(3) Executive Justice for Teams: The Executive Justice for Teams shall facilitate the activities of the team competitors and shall have such additional powers and duties as may from time to time be assigned by the Executive Board or Chief Justice. The Executive Justice for Teams supervises the preparation and mailing of briefs submitted by team members for each interscholastic competition. The Executive Justice for Teams is responsible for organizing a sufficient number of practice rounds for the interscholastic competitions and soliciting practice round judges from the faculty, attorneys, judges, and members of the Society. The Executive Justice for Teams shall supervise the Justice(s) for Teams to assist all interscholastic competition teams, subject to the approval of the Chief Justice and the Executive Justice for Competitions. The Executive Justice for Teams is responsible for confirming the registration of any and all interscholastic competitions and ensuring that the proper fee is received by the host school or organization by the appointed

deadline. The Executive Justice for Teams is responsible to the teams for clarification of any and all applicable competition rules and shall serve as the liaison between the host school and the team. The Executive Justice for Teams is responsible for providing each interscholastic competition team with CLIO accounts, so each respective team may keep record of their time.

(4) Executive Justice for Academics: The Executive Justice for Academics oversees and organizes all academic facets of the Society and serves as a liaison between the Society and the Legal Research and Writing (LRW) Department. The Executive Justice for Academics shall create all problems used in all competitions administered by the Society and may consult with the LRW Department, the Society's Team Coaches, the Society's Faculty Advisor, the General Board Members, the Executive Board Members, and any other expert for the purpose of problem creation. The Executive Justice of Academics retains the power to give final approval of the topic of a problem, which is only subject to veto by a unanimous vote of the Chief Justice, Executive Justice for Competitions, and Executive Justice for Teams. For competitions administered by the Society, the Executive Justice of Academics shall be responsible for overseeing brief scoring where applicable, the receipt of oral scoring from such competitions' judges, and all score calculations. The Executive Justice for Academics shall be responsible for organizing and hosting various Moot Court Workshops throughout the year, as well as reserving the necessary room(s) required for each respective event. The Executive Justice for Academics shall supervise the Justice(s) for Academics and Fellowship Director(s), if any, including but not limited to in the execution of NSU Law's Fellowship Program.

2.4

Election and Term of Office: The departing executive board shall appoint the new Executive Board upon application from the membership, by a majority vote during the month of April for a term of one full year. Executive Board Members-Elect shall assume office on May 1 of each year and prior to May 1 shall work under the direction of the departing officers to ensure a smooth administrative transition. The departing Executive Board shall provide the new Executive Board with all files regarding the Society, as well as the key(s) to the Advocacy Office.

2.5

Credit Hours: No Executive Board Member shall receive more than four (4) credit hours for serving on the Executive Board throughout their term as defined in Section 2.4 above. Credit hours must be tracked using the Clio program. All hours must be tracked with the dates, times, location, and description of the activity.

2.6

Removal of Officers: Any Executive Board Member may be removed for just cause, at any time, at any Executive Board meeting at which a quorum is present, by a majority vote of all Executive Board Members then serving in office.

2.7

Vacancies: Vacancies among the Executive Board, however arising, shall be filled by a majority vote of all Executive Board members then serving in office.

§ 3. GENERAL BOARD

3.1

Purpose, Powers, and Duties: The General Board has the general power to control and manage the responsibilities expressed in Article V, and to delegate authority to committees or individuals as it is deemed necessary for the carrying out of the purposes and business of the Society.

3.2

Number and Positions: The General Board of the Society shall work under the discretion of the Executive Board and may comprise the Justice(s) for Competitions, Justice(s) for Teams, Justice(s) for Administration, Justice for Treasury, Justice for Legal Community Relations, Justices for Academics, and Fellowship Director(s).

3.3

Election, Term, and Maintenance of Board Membership: The positions designated herein shall be appointed from within the membership of the Society by a majority vote of the Executive Board and shall not serve a term of more than one year without reappointment by majority vote of the Executive Board.

3.4

Resignation and Removal of Board: Any General Board member may resign by giving two weeks' notice of resignation to the Chief Justice and respective supervising Executive Board Member, in email form. Such resignation shall take effect two weeks from the date of receipt. Any General Board Member may be removed at any time with just cause by a majority vote of all Executive Board members then serving in office.

3.5

Vacancies: Vacancies in the General Board, however arising, may be filled by a majority vote of the Executive Board then serving in office at any regular meeting of the Executive Board, or at a special meeting of the Executive Board called for that purpose.

3.6

Justice(s) for Administration: Shall act under the supervision of the Chief Justice, and shall have charge of, and responsibility for, all promotional activities the organization undertakes, including, but not limited to, the Society's website, social media accounts, and newsletter.

3.7

Justice for Treasury: Shall act under the supervision of the Chief Justice, and shall keep, or cause to be kept, the minutes of all meetings of the Society in one or more books provided for that purpose and shall see that minutes of meetings are distributed promptly to all members of the Executive Board and posted on the Moot Court bulletin board. The Justice for Treasury shall see that all notices are duly given in accordance with the Society's Constitution and Bylaws. The Justice for Treasury shall have charge of the books, records, and papers of the Society relating to its organization, shall see that all reports, statements, and other documents as may be required are properly kept or filed, and shall fulfill other duties as may from time to time be assigned by the Chief Justice.

3.8

Justice for Legal Community Relations: Shall act under the supervision of the Chief Justice and shall be responsible for developing, coordinating, and promoting community support for the organization.

3.9

Justice(s) for Academics: There shall be at least one, but no more than three Justices for Academics. Justices for Academics shall act under the supervision of the Executive Justice for Academics and are responsible for all responsibilities delegated to them by the Executive Justice for Academics to support the academic facets of the Society, including but not limited to: assisting the Justice for Academics with competitions administered by the Society by performing research and writing responsibilities for problem development, scoring competitors' briefs that have been anonymously submitted, gathering oral scores from such competitions' judges, and calculating competitors' final scores; assisting the Executive Justice of Academics with Moot Court workshops hosted by the Society, including but not limited to the Ex-El Immersion Program with NSU undergraduate students; assisting the Executive Justice of Academics and/or the Fellowship Director(s) by participating in NSU Law's Fellowship Program as Fellowship Mentors (unless excused by the Executive Justice for Academics); and assisting the Executive Justice of Academics with the coordination of Academic Support Team members (if any).

a. Scoring Division: For internal competitions hosted by the Society, Justices for Academics shall assist the Executive Justice for Academics with brief review and scoring; receipt, assimilation, recording, and organization of competition judges' oral argument scoring; and all competitor score calculations.

b. Academic Support Team: The Academic Support Team (AST), if formed during any given academic year in the Executive Board's discretion, will consist of up to eight (8) Members (as defined herein) selected on a merit basis by the Executive Board. As directed by the Executive Justice of Academics or Fellowship Director as applicable, and

coordinated by the Justices of Academics, the roles and responsibilities of AST members shall consist of the following in the Executive Justice of Academics' discretion:

- i. attendance and participation at NSU Law's annual Ex-El Immersion Program;
- ii. participation in Brief Grading Committees for competitions administered by the Society; and
- iii. participation in NSU Law's Fellowship Program as Fellowship Mentors to high school student participants as directed by the Executive Justice of Academics and/or the Fellowship Director.

Academic Support Team members shall not be required to compete in the Society's Intramural Competition to maintain Moot Court membership. For the avoidance of doubt, the Academic Support Team members are not General Board members.

3.10

Fellowship Director(s): There may be at least one, but no more than two Fellowship Directors. The Fellowship Director(s) shall act under the supervision of the Executive Justice for Academics and shall be responsible for preparing, organizing, and conducting the Fellowship Program, including but not limited to: working with the Executive Justice of Academics, the Society's faculty advisor, and the high school teacher assigned to the Fellowship Program; recruiting Members of the Society to be mentors as needed, which may include Executive and/or General Board Members, AST members if any, and other Society members (collectively, Fellowship Mentors); assigning Fellowship Mentors to high school students in the Fellowship Program (the Fellows); preparing and providing Fellowship Program materials to the Fellows and Fellowship

Mentors; organizing and conducting bi-weekly educational instruction meetings to be attended by the Fellows and their Fellowship Mentors; organizing and presiding over the Fellows' oral argument competition at the end of the corresponding semester.

3.11

Justices for Competitions: There shall be at least three, but no more than five Justices for Competitions, including a Justice for Competitions (Logistics Division), a Justice for Competitions (Judge Recruitment Division), and at least one but no more than three Justices for Competitions (LRW Liaison Division). All Justices for Competitions shall act under the supervision of the Executive Justice for Competitions, and shall have charge of, and responsibility for, planning and coordinating any and all competitions that the Society hosts.

(1) Justice for Competitions Scoring Division: Shall have the authority to appoint a committee for the purpose of carrying out duties associated with such competitions.

(2) Justice for Competitions Logistics Divisions: Shall be responsible for all competition logistics, including, but not limited to, room reservations, competitor and judge placement, and shall serve as liaison between the Society and candidates for Society membership; and shall have the authority to appoint a committee for the purpose of carrying out these duties. All communications must be approved by an Executive Board Member or the Chief Justice.

(3) Justice for Competitions Judge Recruitment Division: Shall be responsible for recruiting and communicating with attorneys and judges for the purpose of judging oral arguments in all internal competitions; and shall have the authority to appoint a committee for the purpose of carrying out these duties. All communications must be approved by an Executive Board Member or the Chief Justice.

(4) Justice for Competitions: LRW Liaison(s): Shall be responsible for working with the Legal Research and Writing faculty members in preparation of the annual 1L oral arguments. Will communicate with the Executive Justice for Competitions to create a seamless transition from mandatory 1L arguments into the Moot Court Society 1L competition.

3.12

Justices for Teams: There shall be two Justices for Teams, including a Team Travel Division and Team Practice Division. All Justices for Teams shall act under the supervision of the Executive Justice for Teams, and shall have charge of, and responsibility for, planning and coordinating any and all external competition teams of the Society.

(1) Justices for Teams Team Travel Division: Shall be responsible for making all travel arrangements for each travel team. The Justice is required to have a valid credit card to make hotel and car reservations/deposits and any charges shall be reimbursed through administration. Justice shall also be responsible for coordinating reimbursements for travel team members through administration; and shall have the authority to appoint a committee for the purpose of carrying out these duties.

(2) Justices for Teams Team Practice Division: Shall be responsible for scheduling and coordinating all team practices, including, but not limited to, organizing a sufficient number of practice rounds, soliciting a sufficient number of judges, and the timely mailing of all external competition team briefs; and shall have the authority to appoint a committee for the purpose of carrying out these duties.

(3) Justice for Teams Specialty Competitions Division: Shall be responsible for communicating with all minority or specialty competition teams and their respective sister

organizations, coordinating minority and specialty team practices including, but not limited to, organizing a sufficient number of practice rounds, soliciting a sufficient number of judges, and the timely mailing of all external competition team briefs; and shall have the authority to appoint a committee for the purpose of carrying out these duties.

§ 4. GENERAL BOARD MEETINGS

4.1

The Chief Justice shall schedule and conduct at least one (1) meeting of the Society general membership during the fall semester, and at least one (1) meeting of the same during the spring semester. Chief Justice has discretion to schedule and conduct additional meetings as necessary.

4.2

Should the Chief Justice or the Executive Board decide that it is necessary because of scheduling conflicts, split meetings of the Society are authorized. Two meetings at alternate times, one in the early afternoon and one in the evening after night classes, may be scheduled in the same day. Members may attend either meeting and for the purpose of quorums and votes on business, attendance for the two meetings shall be combined. All old business conducted at the early meeting will be tabled for final disposition in the second meeting. All new business from the first meeting not referred to the Executive Board will be tabled for final disposition in the second meeting. Members may attend and be recognized at both meetings but may vote in only one of the meetings.

4.3

The Executive Board shall make reasonable efforts to notify all Board members of all regularly scheduled meetings at least seven (7) days prior to the meeting. This may include but is not limited to: emails, announcement at prior meetings, notification through student mailboxes, and signs posted around the Law School.

4.4

Attendance at all regularly scheduled Society meetings held in accordance with these bylaws and the Constitution is mandatory for all Society members. Excused absences for good cause may be obtained from the Chief Justice prior to the meeting. No absence is excused unless it is received from the Chief Justice and in writing. Failure to comply with mandatory requirements may result in disciplinary actions to be determined by the Board.

§ 5. EXECUTIVE BOARD

5.1

The Executive Board shall be the managing body of the Society and shall have the power to act for the Society in all matters consistent with these Bylaws and the Constitution. It shall be composed of those persons specified in Article IV, Section 2 of the Constitution, and Section 2 of these Bylaws. The Officers of the Executive Board shall be the managing body of the Executive Board and shall have the power to act for the Society in all matters consistent with the Society's Bylaws and Constitution. The Officers of the Executive Board shall include those persons specified in Article IV, Section 3 of the Constitution.

5.2

The Chief Justice shall regularly schedule and conduct meetings of the Executive Board at the Chief Justice's discretion during the academic year.

5.3

Each member of the Executive Board shall have one vote and the Chief Justice shall serve as the deciding vote in case of a tie.

5.4

General board members may attend Executive Board meetings and may be recognized to speak at such meetings, but the Chief Justice shall have discretion to exclude members before the Executive Board votes on any matter. Only members of the Executive Board shall vote in any Executive Board proceeding.

5.5

Unless otherwise specified in the Constitution and these Bylaws, the Chief Justice shall chair the Executive Board and conduct Executive Board meetings as follows:

- (1) there may be an opening statement of the Chief Justice including but not limited to a reading of the agenda and any other preliminary announcements;
- (2) every Officer and Executive Board Member present shall give a report regarding her or his duties and the status of her or his respective areas of responsibility. Each report shall be followed by an opportunity for Executive Board members to ask questions. Officers not present may see that another officer can give the absent officer's report;
- (3) there shall be disposal of old business, and an opportunity for new business to be conducted; and
- (4) there may be a closing statement of the Chief Justice including but not limited to announcement of the next Executive Board meeting and also of any important intervening events.

5.6

Upon election of the officers for the following academic year, the Executive Board will hold a special transition meeting in order to ensure an orderly transition from old officers to new.

5.7

Appeal of Executive Board Decision: Every current student at the Shepard Broad College of Law is permitted to appeal final decision(s) made by the existing Executive Board. A student may appeal an Executive Board decision in only the manner listed herein:

- (1) the student must provide the entire Executive Board with an email, detailing the: (a) decision; (b) date of decision; (c) all parties directly involved; (d) a memorandum detailing why the student feels the decision was in error; and (e) any documentation to support the aforesaid;
- (2) the Executive Board shall have seven (7) business days from the date of receipt of the email to review it, along with the documentation therein, and to issue a response, signed by the current or acting Chief Justice, to the student;
- (3) upon receipt of the Executive Board's response, if the student is unsatisfied with said response, the student may then transfer the appeal, including the Executive Board's response to the current Faculty Advisor for the Society, in email form;
- (4) the current Faculty Advisor shall have fifteen (15) business days from the date of receipt to reply to the student's appeal. The Faculty Advisor is permitted to meet with the Executive Board, the student, or any combination of the two in order to make a decision;
- (5) the Faculty Advisor may: (a) affirm the Executive Board's decision; (b) reverse the Executive Board's decision; or (c) remand the issue for further consideration by the Executive Board, consistent with the findings and/or interpretation of the Faculty Advisor;
- (6) all decisions made after the above appeals process has been exhausted are final.

§ 6. INTERSCHOLASTIC AFFAIRS

6.1

Every effort shall be made to select the best teams possible to represent the Society. Selection of teams shall be by the Executive Justice of Teams along with the Faculty Advisor and other traveling team advisors that the Executive Board selects. Performances may be required. If a dispute arises between the Executive Justice of Teams and an advisor, a complete consensus of the Officers of the Executive Board shall have the final say on the selection. If no consensus is reached, the Chief Justice shall render the final decision.

§ 7. FACULTY ADVISOR

7.1

The advisor shall be selected by a majority of the Executive Board each year. There may be more than one advisor.

§ 8. AMENDMENT TO BYLAWS

8.1

Written notification of a proposed amendment shall be made to the Chief Justice and the Executive Board.

8.2

The Executive Board shall entertain a motion for amendment no sooner than one week after notification. Adoption shall be a majority vote of the Executive Board. The Chief Justice shall serve as the deciding vote in case of a tie.

§ 9. REQUIREMENTS OF MEMBERSHIP

9.1

All Society Members, Committee Members, and General Board Members shall fulfill the requirements of membership as expressed in this Section. Officers of the Executive Board are exempt from these requirements and may choose to exempt any member or group of members from the Society by a majority vote. The Executive Board of the Society may require additional requirements of membership by majority vote. Members may be exempt from requirements during any semester in which the member is completing a clinic, so long as the requirement conflicts with the member's obligations to the clinic.

9.2

Participation and Attendance: Members must attend all regularly scheduled meetings, unless otherwise excused by the Chief Justice, in accordance with Section 4.5 of these Bylaws. All members must attend all in-house competitions hosted by the Society and LRW Mandatory Oral Arguments in their entirety, unless otherwise excused by the Officers of the Executive Board.

9.3

Contract Commitments: Members must compete for an external travel team or the annual Intramural Competition each year to maintain their membership. This requirement will be deemed satisfied so long as the member put forth a good faith effort. A good faith effort is determined at the discretion of the Executive Board.

9.4

Tabling: Members must table at least 2 hours per in-house competition event.

9.5

Email Policy: Email shall be the primary method of communication for the Society. Members must regularly check their email for general information, scheduled meeting dates and times, and

other Society business, unless otherwise unable due to personal or technical issues. Failure to reply to an email from the Executive Board within 48 hours from the date sent is grounds for forfeiting whatever privilege or opportunity may exist within the email. Additionally, failure to respond to an email requiring a response from the Executive Board within the time period specified in the email is grounds for immediate disciplinary action to be determined by the Executive Board, consistent with the severity of the matter.

9.6

Community Activities: The Society shall participate in and sponsor additional community events within and without the College of Law. Members are expected to attend and participate in such events whenever possible.

§ 10. CODE OF CONDUCT

10.1

Misconduct: It will be considered misconduct for a member of the Society, including the Executive Board, to:

- (1) commit an act that reflects badly on the member's honesty, trustworthiness, or fitness as a member of the Executive Board and/or the Society;
- (2) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (3) engage in conduct that seriously interferes with the Executive Board's ability to responsibly administer Society activities, including, but not limited to, Moot Court competitions;
- (4) state or imply an ability to improperly influence Society members involved in administering or judging Moot Court competitions;

(5) knowingly assist any Society member in conduct that is a violation of this rule. Violation of this rule may result in expulsion from the Society, an honor code violation, and/or disqualification from any Moot Court competition in which the member is participating.

10.2

Misconduct: It shall be considered misconduct for any participant in a Moot Court Competition to:

- (1) commit any act in violation of the Nova Southeastern Law School Honor Code;
- (2) engage in conduct that seriously interferes with the Executive Board's ability to responsibly administer Board activities related to Moot Court competitions;
- (3) state or imply an ability to improperly influence Society members involved in administering or judging Moot Court competitions;
- (4) verbally abuse, or otherwise seriously mistreat, insult or demean, the chair(s) of the participant's competition;
- (5) knowingly assist any other participant in conduct that is a violation of this rule.

§ 11. BYLAWS & CONSTITUTION

11.1

The Bylaws and the Constitution work harmoniously. If a discrepancy exists between the two documents the Constitution precedes the Bylaws. If there is an issue in which both the Bylaws and the Constitution are silent the Chief Justice may decide the issue.