

CONSTITUTION OF THE
NOVA SOUTHEASTERN UNIVERSITY MOOT COURT HONOR SOCIETY

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

ARTICLE I — NAME

The name of the organization is Nova Southeastern University Shepard Broad College of Law Moot Court Honor Society (“Society”).

ARTICLE II — PURPOSE

This Society is established and dedicated to aid students in the development of their oral and written skills in the context of appellate advocacy. The Society administers and participates in competitions and develops other activities in furtherance of this purpose.

ARTICLE III — MEMBERSHIP

The membership shall be comprised of Officers of the Executive Board, the General Board, General Society Members, Alumni-Community Board Members, and a current NSU Law Faculty Advisor.

Amendment I—Grade Point Average Requirement

For students who matriculated into the College of Law in Fall 2019 or later, they must currently have and must maintain a minimum cumulative GPA of 2.75, as well as remain a student in good standing as per the Code of Academic Regulations. Additionally, members whose cumulative GPA falls below the required amount must notify the Executive Board of the Society immediately. Upon notification, the Chief Justice shall place the member on temporary suspension. Failure to timely notify the Executive Board may result in a revocation of the student’s membership. If the student has already had his or her membership temporarily suspended when his or her GPA falls below

the minimum requirement, the Executive Board, with the advice and guidance of the Academic Advisor of the Society, shall have the discretion to terminate the student's membership.

Amendment II–Reinstatement of Suspended Membership

Effective October 1, 2019, if a member's GPA falls below the minimum requirement addressed in Article III, Amendment I—"Grade Point Average Requirement," the student's membership will be suspended for one semester, after which the member must attest to the fact that the student's GPA has been raised back to the minimum requirement in order to have the student's membership reinstated. Upon confirming that the suspended member has raised their GPA to meet the minimum requirement, the Chief Justice shall reinstate, without restriction, said student's membership.

Amendment III–Travel Team Tryout Restriction

Effective August 22, 2011, any member who is contemplating transferring from or otherwise leaving Nova Southeastern University Shepard Broad College of Law at the end of the academic year, is not permitted to try out for a Summer or Fall travel team. Those members who are contemplating a transfer, may, however, try out for a Spring travel team. Any member who tries out for a Summer or Fall team, makes the team, then transfers, will be deemed to have violated the honor code and will not be a member in "good standing" for the purposes of any letters of recommendation from the Society.

Any member who competed on a specific travel team the year prior may remain on that team without trying out if the coaches wish for that student to remain on the team. Students who have competed in a prior competition and wish to compete in a different competition must try out again.

Amendment IV–Executive and General Board Credit Hours

Effective August 19, 2016, any member of the Executive Board can receive no more than four credit hours for serving on the Executive Board throughout the academic year. Additionally,

Executive board members can receive a maximum of two (2) credits per semester and a minimum of zero (0) credits per semester. Members of the General Board will not receive credit for serving on the general board.

ARTICLE IV—EXECUTIVE BOARD

Section 1. 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 to
- (3) 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 this Constitution.

Section 2. Executive Board: The Executive Board of the Society shall consist of the Chief Justice, Executive Justice for Competitions, Executive Justice for Teams, and Executive Justice for Academics.

Section 3. Officers: The Officers of the Executive Board of the Society shall consist of the Chief Justice, Executive Justice for Competitions, Executive Justice for Teams, and Executive Justice for Academics.

Section 4. Chief Justice: The Chief Justice is the Chief Officer of the Society and is ultimately responsible for the supervision of all functions that may affect the Society. The Chief Justice's fundamental purpose is to act as the Executive Board's representative to the students, faculty, administration, and public. In the furtherance of this purpose, the Chief Justice will represent the

Society at all official Society activities and any other activity where the Society's presence is reasonably requested. The Chief Justice shall have the plenary authority:

- (1) to coordinate and oversee all activities and all financial expenditures within the Society, and ensure that all officers and committee members are carrying out their duties and fulfilling their responsibilities;
- (2) to maintain the power to implement all disciplinary actions set forth by this Constitution and the Society's Bylaws;
- (3) to conduct all board meetings and general membership meetings. If the Chief Justice is prohibited from otherwise conducting a general or special meeting, the meeting shall be conducted by a designee of the Chief Justice; and
- (4) unless otherwise provided for in the Constitution, to serve as an ex-officio voting member with regard to substantive issues.

Section 5. Executive Justice for Competitions: The Executive Justice for Competitions oversees all internal competitions sponsored and administered by the Society. The Executive Justice for Competitions shall have the authority:

- (1) to plan and organize any and all competitions the Society hosts, and have any other additional powers and duties assigned and approved by the Chief Justice;
- (2) to supervise all Justices for Competitions and to assist the Justices for Competitions in the planning and organization of all competitions the Society hosts; and
- (3) to serve as "Acting" Chief Justice in the event a vacancy arises for any reason until such vacancy is filled.

Section 6. The Executive Justice for Teams: The Executive Justice for Teams oversees the organization and administration of all external competitions that Society Members participate in

and collaborates with the Chief Justice regarding all financial expenditures related to external teams. The Executive Justice for Teams shall have the authority:

- (1) to facilitate all activities of any and all external competition teams of the Society, and have any other additional powers and duties assigned and approved by the Chief Justice.
- (2) to supervise the Justices for Teams and to assist the Justices for Teams in the facilitation of team travel, team practice, and team preparation;
- (3) to serve as the liaison between host schools and the team, and is responsible for clarification of any and all applicable competition rules and deadlines; and
- (3) to serve as “Acting” Chief Justice in the event a vacancy arises for any reason and the Executive Justice for Competitions is otherwise unable, until such vacancy is filled.

Section 7. 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 Department (LRW). The Executive Justice for Academics shall have the authority:

- (1) to create all problems used in all competitions administered by the Society, and may consult with the Legal Research & Writing (LRW) Department, the Society’s team coaches, the Society’s faculty advisors, and any other expert for the purpose of problem creation;
- (2) to give final approval of the problem for any competition administered by the Society, which is only subject to veto by a unanimous vote of the Chief Justice, Executive Justice for Competitions, and Executive Justice for Teams;
- (3) to complete any other additional powers and duties assigned and approved by the Chief Justice; and

(4) To serve as “Acting” Chief Justice in the event a vacancy arises for any reason and the Executive Justice for Competitions and Executive Justice for Teams are otherwise unable, until such vacancy is filled.

ARTICLE V–GENERAL BOARD

Section 1. Purpose, Powers, and Duties of the General Board: 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 purpose and business of the Society. The Executive Board may elect by its majority vote to leave General Board positions vacant throughout the academic year if there is a lack of need or lack of potential candidates for any such positions. The Executive Board may also elect by a majority vote to create additional General Board positions not listed herein for a one (1) academic-year term if additional assistance is needed to execute the Society’s events and functions in that corresponding academic year.

Section 2. General Board: The General Board of the Society shall comprise the Justice(s) for Competitions, Justice(s) for Teams, Justice(s) for Administration, Justice for Treasury, Justice for Legal Community Relations, Justice(s) for Academics, and Fellowship Director.

Section 3. Election of General Board: The positions designated in Article V 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.

Section 4. 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 and newsletter.

Section 5. 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 shall see that all notices are duly given in accordance with this constitution and the Society's Bylaws. The Justice shall have charge of the books, records, and papers of the Society relating to its organization and shall see that all reports, statements, and other documents as may be required are properly kept or filed. Other duties may from time to time be assigned to him or her by the Chief Justice.

Section 6. 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.

Section 7. Justice(s) for Academics and Fellowship Director(s): There shall be at least one and no more than three Justices for Academics and there may be at least one Fellowship Director.

(1) Justice(s) for Academics: Shall act under the supervision of the Executive Justice for Academics and are responsible for all research and writing responsibilities delegated to them by the Executive Justice for Academics. Responsibilities of the Justice(s) may include assisting with: internal competition logistics (including but not limited to the Scoring Division as described below); research and problem development for the Society's internal competitions; the coordination of Members who join the "Academic Support Team;" participation in NSU Law's Fellowship program as mentors (unless excused by the Executive Justice for Academics); and the coordination/planning of and participation in workshops hosted by the Society (including but not limited to the one-day Ex-El program with NSU undergraduate students during Fall semester).

- a. Scoring Division: For internal competitions hosted by the Society, Justice(s) 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 score calculations.
- b. Academic Support Team: At the discretion of the EJOA, an Academic Support Team (AST) may be formed for any given academic year. If an AST is formed, it shall consist of no more than eight (8) general members (not General Board members) who through an application process shall be selected on a merit basis by the Executive Board and shall have the following roles and responsibilities:
 - i. attendance and participation at NSU Law's annual Ex-El Immersion Program;
 - ii. participation in the Society's Brief Grading Committees for internal competitions, for which AST members shall score competitors' anonymously submitted briefs pursuant to a grading rubric provided by the Academics Division; and
 - iii. attendance and participation in the NSU Law Fellowship Program, for which AST members shall provide guidance and mentorship to the participating high school students.
 - iv. **In recognition of the above, AST members shall not be required to compete to maintain Society membership during the corresponding academic year.

(2) Fellowship Director: A special general board member role within the Academics division, who acts under the EJOA's supervision. The Fellowship Director shall assist the EJOA

with the planning, development, coordination, and execution of NSU Law's Fellowship program with the NSU University School to be held during Winter semester. Upon majority vote of the Executive Board, the competition requirement to maintain Society membership may be waived for the corresponding academic year's Fellowship Director.

Section 8. Justice(s) for Competitions: There shall be at least three and no more than five Justices for Competitions, including a Justice for Competitions Logistics Division, and a Justice for Competitions Judge Recruitment 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 (Logistics Divisions): Shall be responsible for all competition logistics, including, but not limited to, room reservations, competitor and judge placement, overseeing bailiffs, and shall serve as a liaison between the Society and candidates for Society membership.

(2) 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.

Section 9. Justice(s) for Teams: There shall be at least one but no more than three Justices for Teams, including a Justice for Teams (Team Travel Division) and a Justice for Teams (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) Justice 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. The 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) Justice 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.

Section 10. Resignation and Removal of General Board Members:

(1) Resignation: Any General Board Member may resign by giving written notice of his or her resignation to the Chief Justice, who will then inform the Executive Board of their resignation.

(2) Removal: Any General 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.

Section 11. Vacancies: Vacancies among the Executive Committee, however arising, shall be filled by a majority vote of all of the members of the then serving Executive Board.

ARTICLE VI—GENERAL MEMBERS

Section 1. Purpose, Powers, and Duties: General Members (Members) shall administer and participate in competitions and develop other activities in furtherance of the Society's purpose.

Section 2. Number and Positions: General Membership shall not be limited by any fixed number. Members shall serve on committees as deemed necessary by the Executive Board.

Section 3. Selection, Maintenance, and Duration of Membership: Members shall be selected based on any one of the following:

- (1) Feinrider Intramural Competition performance;
- (2) a combination of the Upperclassmen Feinrider Intramural Competition performance and excellence in writing Memorandum of Law; or
- (3) any other method deemed appropriate by a majority vote of the then sitting Executive Board.

First-year students competing in the Feinrider Intramural Competition who are contemplating transferring from or otherwise leaving Nova Southeastern University Shepard Broad College of Law prior to commencement of their second academic year must notify the Executive Board. Membership duration and maintenance shall be established by the Officers of the Executive Board and shall be set forth in the Society's Bylaws. Failure to fulfill commitments may result in expulsion from the Society.

Section 4. Resignation and Removal of General Members: Any member may resign by giving written notice of his or her resignation to the Chief Justice. Any member may be removed with just cause by a majority vote of all of the Executive Board Members then serving in office. Just cause shall be defined as, but not limited to, failure to fulfill established commitments for each semester, unexcused absence from General Society meetings, and failure to follow through on voluntary commitments. If good cause is shown, reinstatement of membership may occur by a majority vote of all the Executive Board Members then serving in office.

ARTICLE VII—MEETINGS

Section 1. General Meeting: The general meetings of the Society shall be held at least once per semester. General meetings may only be called by Executive Board Officers, upon notice of at least seven (7) days.

Section 2. Executive Board Regular Meeting: The frequency and dates of regular meetings of the Executive Board shall be fixed by the Executive Officers.

Section 3. Executive Board Special Meetings: Special meetings of the Executive Board may be called by the Chief Justice, or other Officers of the Executive Board, or shall be called at the request of any three Executive Board Members.

Section 4. Executive Board Meetings: Meetings of the Executive Board may be held at the Moot Court Office, or at any other place within or without the College of Law campus, including by Zoom.

Section 5. Notice of Executive Board Regular and Special Meetings: The officers shall, upon fixing the frequency and dates of regular meetings of the Executive Board, furnish an initial notice to each Executive Board Member of the time and place of the regular meetings. Such initial notice shall be effective notice for all regular meetings. Written notice of the time and place of special

meetings shall be sent to each Executive Board Member and posted on the Society Bulletin Board in the College of Law or functional equivalent as determined by the Executive Board's sole discretion not less than three (3) days prior to the date of such meeting or by telephone not less than one (1) day prior to the date of such meeting.

Section 6. Waiver of Executive Board Regular and Special Meetings: Notwithstanding the provisions of any of the foregoing sections, a meeting of the Executive Board may be held at such time or place within or without the law school as the Executive Board shall designate; and any action may be taken thereat, if notice thereof is waived in writing, by every Executive Board Member having the right to vote at the meeting.

Section 7. Quorum of Executive Board Regular and Special Meetings: A majority of the Executive Board then serving in office shall constitute a quorum for all meetings of the Executive Board. In the absence of a quorum, a majority of the Executive Board present may, without giving notice other than announcement at the meeting, adjourn the meeting from time to time until a quorum is obtained. At any such adjourned meeting at which a quorum was not present, any business conducted at that time may be ratified at the next meeting at which a quorum is established.

Section 8. Voting of the Executive Board Regular and Special Meetings: At any meeting of the Executive Board, every Executive Board member shall be entitled to one vote, and the act of a majority of the Executive Board members present at any meeting at which a quorum is present shall be the act of the Executive Board. The Chief Justice shall serve as the deciding vote in case of a tie. The Officers of the Executive Board may grant absent members the ability to submit a proxy vote, so long as the vote is submitted to an Officer in writing prior to the vote and the vote is cast reflecting the Executive Board member's position on the proposed issue.

Section 9. Notice of Meetings of the General Members: Written notice of the time and place of the meeting of the General Members shall be sent to each member and shall be posted on the Moot Court Bulletin Board in the College of Law or functional equivalent as determined by the Executive Board in its sole discretion at least seven (7) days prior to the date of such meeting.

ARTICLE VIII—DISCIPLINE

Section 1: Disciplinary Power: The administration of all disciplinary action will lie within the discretion of the Officers of the Executive Board. The Executive Board shall only operate in oversight of the disciplinary process as expressed in this Article.

Section 2: Disciplinary Action:

(1) Issuance of Strikes: Strikes shall be issued by a majority vote of the Officers of the Executive Board. A member may receive no more than two strikes throughout their Moot Court tenure. At two strikes, the member will automatically be recommended for expulsion from the Society, at which point the Executive Board shall make the final determination.

a) Failure to attend any or all of any Competition hosted by the Society, without prior written approval by the Chief Justice, shall result in an automatic issuance of two strikes, which would result in the member being expelled from the Society.

(2) Expulsion: A member may be expelled from the Society for just cause by a majority vote of the then sitting Executive Board.

(3) Honor Code Violation: The Executive Board reserves the right to report students found in violation of the Nova Southeastern University Student Handbook or expelled from the Society to the Nova Southeastern University Honor Board.

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

a) 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;

b) 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;

c) 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;

d) 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;

e) 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;

f) all decisions made after the above appeals process has been exhausted are final.

ARTICLE IX—ALUMNI-COMMUNITY BOARD

Section 1. Purposes, Powers, and Duties: The Alumni-Community Board may be established for the purpose of developing, promoting, and supporting the goals of the organization by rendering advisory opinions, participating in organizational activities, and providing financial assistance.

Section 2. Number and Positions: The number of members of the Alumni-Community Board shall be fixed at twelve (12). The Executive Board shall define specific roles and titles for each Alumni-Community Board member serving on the Alumni-Community Board.

Section 3. Selection and Terms of Membership: The Alumni-Community Board members shall be appointed by a majority vote of the Executive Board then serving in office for a term of three (3) years staggered. The Alumni-Community Board Members shall be appointed by June 1 of each year.

Section 4. Resignation and Removal: Any Alumni-Community Board member may resign by giving written notice of his or her resignation to the Chief Justice. Such resignation shall take effect at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective. Any Alumni-Community Board member may be removed with just cause by a majority vote of all Executive Board Members then serving in office, or by a majority vote of all Alumni-Community Board members then serving in office.

Section 5. Vacancies: Vacancies on the Alumni-Community Board, however arising, shall be filled by a majority vote by all Executive Board Members 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. The appointee shall serve the remainder of the term left vacant.

ARTICLE X—MISCELLANEOUS

Section 1. Transfer Membership Requirements: Moot Court Honor Society applicants must

satisfy the following requirements:

- (1) a letter from the advisor of the transferring society of membership in good standing to include the requirements for membership at the transferring school;
- (2) a writing sample of ten-fifteen pages submitted for approval;
- (3) a five-minute argument in front of a three-member panel including Executive Board Members or faculty and/or members who have been approved by the Executive Board;
- (4) the candidate must be in good academic standing at the Shepard Broad College of Law.

Section 2. Fiscal Year: The fiscal year of the Society shall coincide with the fiscal year of the College of Law.

Section 3. Contracts, Checks, Bank Accounts, etc.: The Executive Board shall establish fiscal policies to the extent allowed by the College of Law. The Executive Board shall have the power to enter contractual agreements on behalf of the Society to the extent allowed by the College of Law.

ARTICLE XI—AMENDMENTS

This Constitution may be altered, amended, or repealed, in whole or in part, at any duly organized meeting of the Executive Board of the organization. Adoption shall be a majority vote of the Executive Board. The Chief Justice shall serve as the deciding vote in case of a tie.

ARTICLE XII—ADOPTION AND RATIFICATION OF THE CONSTITUTION

This Constitution, in conjunction with the Society's Bylaws, is the sole governing document of the organization.

ARTICLE XII—ADOPTION AND AMENDMENT OF THE BYLAWS

The Bylaws may be adopted and amended by a majority vote of the Executive Board then serving in office. The Chief Justice shall serve as the deciding vote in case of a tie.