

NOVA SOUTHEASTERN UNIVERSITY

MOOT COURT SOCIETY
BY-LAWS

Adopted March 24, 2007 Amended and Adopted June 30, 2018.

§ 1. PURPOSE AND SCOPE OF BY-LAWS

1.1

These by-laws 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") of the Board and are subject to change by the Executive Board as specified in Art. XV of the Constitution and § 9 of these bylaws pertaining to amendments.

1.2

In the event that the Constitution and By-Laws are silent on a matter, the Chief Justice shall have discretion to act, or direct a 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 vote of two-thirds of the Executive Board, 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 officer in question.

§ 2. EXECUTIVE BOARD

2.1

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 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.

2.3

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

- (1) **Chief Justice:** 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, including but not limited to the Intramural, Upperclassmen, 1L Competitions, and shall have such additional powers and duties as may from time to time be assigned to him or her by the Executive Board or Chief Justice. The Executive Justice for Competitions shall supervise three 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 Competitions, subject to the approval of the Chief Justice and the Executive Justice for Teams. The Executive Justice for Competitions is responsible for organizing a sufficient number of practice rounds prior to the Feinrider Competitions and shall solicit judges from the faculty, attorneys, judges and members of the Society for the practice rounds and the actual competition. 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. The Executive Justice for Competitions shall be responsible for reserving the necessary room(s) required for each respective event.
- (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 to him or her 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 two Justices for Teams to assist each interscholastic competition team, 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 shall 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 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. 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.

2.4

Election and Term of Office: The departing executive board shall appoint the new Executive Board upon application from the membership, by a simple 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 vote of two-thirds of all Executive Board Members then serving in office.

2.7

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

§ 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 comprise of the Executive Board, as well as Justices for Competitions, Justices for Teams, a Justice for Administration, Justice for Treasury, Justice for Legal Community Relations, and Justice(s) for Research and Problem Development.

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 simple majority vote of the Executive Board and shall not serve a term of more than one year without reappointment.

3.4

Resignation and Removal of Board: Any General Board Member may resign by giving two-week notice of his or her 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 two-thirds vote of all Executive Board members then serving in office.

3.5

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

3.6

Justice 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.

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. He or she shall see that all notices are duly given in accordance with this constitution and the Society's by-laws. He or she 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.

3.9

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.

3.10

Justice(s) for Research and Problem Development: There shall be at least one, but no more than three Justices for Research and Problem Development. Justices for Research and Problem Development shall act under the supervisions of the Executive Justice for Academics and are responsible for all research and writing responsibilities delegated to them by the Executive Justice for Academics.

3.11

Justices for Competitions: There shall be at least three, but no more than five Justices for Competitions, including a Justice for Competitions (Scoring Division), 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: Scoring Division:** Shall be responsible for overseeing brief scoring, oral scoring, all score calculations, and bailiffs; and shall have the authority to appoint a committee for the purpose of carrying out these duties.
- (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.

3.12

Justices for Teams: There shall be two 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) **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

§ 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.

4.3

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.

4.4

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, signs posted around the Law School.

4.5

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 Art. IV, § 2 of the Constitution, and § 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 these bylaws and the Constitution. The Officers of the Executive Board shall include those persons specified in Art. IV, § 3 of the Constitution.

5.2

The Chief Justice shall regularly schedule and conduct meetings of the Executive Board at his or her 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 Law School. Selection of teams shall be by the Officers Executive Board 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 Officers of the Executive board and an advisor a complete consensus of the Officers of the Executive Board shall have the final say on the selection.

§ 7. FACULTY ADVISOR

7.1

The advisor shall be selected by a simple 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 simple majority vote. The Executive Board of the Society may require additional requirements of membership by simple 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 § 4.5 of these By-laws. All members must attend all oral argument competitions 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 semester, and 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 24 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 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.

9.7

Maintaining Minimum GPA: All members who received an invitation to join the Moot Court Society during or after Fall 2008 must currently have and must maintain a minimum cumulative Grade Point Average (“GPA”) of 2.5, as well as remain a student in good standing as per the Code of Academic Regulations. Any Member whose cumulative GPA falls below 2.5 must notify the Chief Justice of the Moot Court Society immediately.

§ 10. CODE OF CONDUCT

10.1

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

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. BY LAWS & CONSTITUTION

11.1

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