

Nova Southeastern University
Shepard Broad College of Law



NSU Trial Association Constitution & By-Laws
Adopted 07-2016

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NSU Trial Association Constitution
Nova Southeastern University Shepard Broad College of Law

PREAMBLE

In 1973, the Association of Trial Lawyers of America (ATLA) emerged as the world's largest trial bar, promoting justice and fairness for injured persons, safeguarding victims' rights—particularly the right to trial by jury—and strengthening the civil justice system through education and disclosure of information critical to public health and safety. Over the years, through its large network of lawyers and law students, ATLA provided lawyers with the information and professional assistance needed to serve clients successfully and protect the democratic values inherent in the civil justice system. It wasn't long before the Nova Chapter of the Association of Trial Lawyers of America came to fruition at the Shepard Broad Law Center. For decades, ATLA has been a Nova honors co-curricular organization that devoted itself to inspiring up-and-coming trial lawyers with the national ATLA's ideals.

In 2006, the national ATLA, in an effort to better itself, voted to adopt a new name: the American Association for Justice (AAJ). While ATLA remained in existence, it now holds itself out to be the top 100 trial lawyers from each state. Membership is exclusive, as it can only be obtained through special invitation and is extended only to those attorneys who have exemplified superior qualifications of leadership, reputation, influence, stature, and profile as civil plaintiff or criminal defense trial lawyers.

In 2009, the Executive Board of the Nova Chapter of ATLA, aspiring to change the image of the trial association and NSU Law, voted to adopt a new name: The Nova Trial Association.

In 2016, the Executive Board of the Nova Trial Association renamed the organization to the NSU Trial Association. It also drafted and adopted this new Constitution and By-Laws. The purpose of the following Constitution is to strengthen the NSU Trial Association as an evolution of the Nova Trial Association ATLA, so we may continue to help NSU students develop their litigation skills so that when they leave law school they take with them not only a degree, but the tools necessary to be a successful and skillful lawyer wherever they may practice. We seek to instill our Members, and those who are aspiring to become one, with the character and skill necessary to be effective and successful advocates in the classroom, the courtroom, or wherever the law may take th

ARTICLE I
MISSION STATEMENT

The mission of the NSU Trial Association is to develop trial advocacy skills and to successfully represent the Shepard Broad College of Law in statewide, national, and even international competitions against other law schools.

ARTICLE II
ETHICS

The highest ethical conduct is expected of all Trial Association members. This includes avoiding the appearance of impropriety. All Trial Association members have an affirmative duty to report any potential ethical violation to the Executive Board for their consideration.

ARTICLE III TRIAL ASSOCIATION OFFICERS
A. EXECUTIVE BOARD GENERALLY

The Executive Board shall act as the governing body of the Trial Association. The Executive Board will facilitate communication between the Members, other law students, faculty, and administration. The Executive Board will consist of:

- President
- Vice President of Competitions
- Vice President of Teams
- Vice President of Internal Operations
- Vice President of External Operations

B. BY-LAWS

The Executive Board shall establish By-Laws to facilitate administration of Trial Association activities and to implement the Constitution. The By-Laws are binding on all Trial Association members. Any Trial Association Member may challenge a By-Law at a general meeting. A By-Law may be repealed or amended upon a majority vote at a general meeting. (See Art. VI, Meetings.).

C. DESCRIPTION OF EXECUTIVE OFFICERS

1. President

The President shall act as the chairperson of the Executive Board. In that capacity, the President shall assign additional responsibilities to the other Executive Officers, organize and preside over all Executive Board and Trial Association meetings, appoint ad hoc committees, preside over all Executive Board Members and Chairpersons, and generally supervise the work of all other Officers. In addition, the President shall act as a liaison between the Trial Association, the Faculty Advisor(s), the law school administration, and the public.

2. Vice President of Competitions

The Vice President for Competitions shall organize and be responsible for all aspects of any in-house competitions in accordance with the Constitution and the By-Laws of the Trial Association. The Vice President of Competitions shall delegate the responsibilities for the Annual Tryout Competitions as set forth in the Constitution. The Vice President for Competitions, along with the

President, shall have the authority to make final decisions regarding the competition, including, but not limited to, competition scoring procedures and the numbers of new members selected for the Trial Association.

3. Vice President of Teams

The Vice President for Teams shall be responsible for the overall operations of the Trial Association's away competitions. The duties shall include but are not be limited to: finding and researching national and local competitions for Trial Association participation in both the fall and spring semesters; managing all paper work and deadlines regarding competitions, including team selection; and selecting competition coaches. The Vice President of Teams shall supervise the Teams Coordinators.

4. Vice President of Internal Operations

The Vice President of Internal Operations shall be responsible for handling the day to day operations of the Trial Association, including maintaining the Trial Association's budget and promotion of its activities. The responsibilities also include disbursement of billing and expense payments, reimbursing members for individual Trial Association expenses, planning and making arrangements for banquets, luncheons, and other social events as the Executive Board decides. The Vice President for Operations shall supervise the Internal Operations Coordinators and the Financial Coordinator.

4. Vice President of External Operations

The Vice President of External Operations shall be responsible for handling the external public relations of the Trial Association, including: social media, websites, advertising platforms, and electronic databases for public relations materials and Friends of the NTA (including recent graduates, alumni, judges, and local practitioners). Additional responsibilities involve ensuring that NTA events and trial competitions are documented through photo and video footage; maintaining contact with Friends of the NTA; and making arrangements for external events such as banquets, socials, and fundraising opportunities.

D. EXECUTIVE BOARD DECISION PROCESS

The Executive Board, with the President as presiding officer, shall vote to determine issues that arise from the provisions set forth by this Constitution. During the voting process, each Executive Board member's vote shall count once, and in the event of a deadlock, the President's vote shall count twice.

E. OTHER OFFICERS

1. Executive Coordinator

There shall be at least one Executive Coordinator who is responsible for assisting the President in his/her duties. The Executive Coordinator also acts as a liaison between the Trial Association, the Faculty Advisor(s), the law school administration, other honors organizations, and the public. The Executive Coordinator shall also keep the President up to date on important events within the law school, as well as within the legal community. The Executive Coordinator shall also be responsible for monitoring the Trial Association forum.

2. Team Coordinators

There shall be at least two Team Coordinators. They shall advise and assist in all of the duties and responsibilities of the Vice President of Teams. This includes, but is not limited to: researching statewide and national competitions, coordinating with competition hosts, making travel arrangements for competition teams, and facilitating competition team tryouts.

3. Internal Operations Coordinator:

There shall be at least two Internal Operations Coordinators. The Operations Coordinator helps the VP of Internal Operations with accounting for the NTA budget each month and ensuring that all expenses are deducted in a timely and efficient manner. You will be required to help collect money, keep detailed records, make deposits with the school and work closely with the director of finance to ensure that the budget is correct each month. The Internal Operations Coordinator helps the VP of Internal Operations work with the students to make sure they are reimbursed for their travel expenses. There will be two internal operations coordinators.

4. External Operations Coordinator:

There shall be at least two External Operations Coordinators. The External Operations Coordinator helps the VP of External Operations with maintaining an electronic data base of Trial Association public relations materials, maintaining an electronic database of all prior alumni, prior judges, and recent graduates, making arrangements for banquets, and Trial Association external events and socials. The External Operations coordinators shall also be responsible for recording minutes of Member meetings and assisting the VP of External Operations with managing all of the social media profiles for NTA. There will be two external operations coordinators.

5. Competitions Coordinators

There shall be at least two Competitions Coordinators. They shall advise and assist in all of the duties and responsibilities of the Vice President of Competitions. Their duties include, but are not limited to: organizing all in-house competitions, maintaining a network with alumni, local attorneys, and judges to ensure that all in-house competitions have adequate judges. Also, the Competition Coordinators may be responsible for all communications and accommodations for Trial Association in-house competition judges.

F. OFFICER SELECTION

The Executive Board has sole discretion in who it selects as Trial Association Officers throughout the year. The Executive Board entering a school year shall interview Board Members the first week of the first semester. The Executive Board shall also interview for successor Executive Board positions during the final month of the second semester each year.

The President is responsible for offering and conducting interviews for open officer positions. Any NSU Trial Association member in good standing may apply by submitting their resume and a letter of intent to the President detailing the position desired. After the interview process, the Executive Board shall determine which candidates are most qualified for vacant positions and make their selection accordingly.

GPA Requirement: To be eligible to apply for a vacant Officer position, a Member must have at least a 2.5 cumulative GPA.

G. REMOVAL OF OFFICERS

Any officer may be removed from the Executive Board for failing to properly fulfill duties, violating University rules or regulations, for committing ethical violations or for committing any other conduct which brings disruption to the Trial Association.

H. VACANCIES

Upon a vacancy in any office, the President shall appoint a replacement to fill the vacant position.

ARTICLE IV ANNUAL TRYOUTS

A. GENERALLY

The Annual Tryout occurs during the Spring Semester for first year law schools. The Annual Tryout for Upperclassmen occurs during the Fall Semester. During each of the Annual Tryouts, Members are selected for the Trial Association.

B. ADMINISTRATION

The Executive Board will promulgate the Annual Tryout Competition rules. The Vice President of Competitions will implement and, if necessary, interpret the Annual Tryout Competition rules. The Vice President of Competitions can also assign members to play the roles of advocates and witnesses for the competition trial.

C. NEW MEMBER ELIGIBILITY

To be eligible to become a Member, a student must:

- Be in good standing with the Shepard Broad College of Law and Nova Southeastern University.
- Be selected based on the ranking of the student's scored performance at the Annual Tryout Competitions.
- Sign a New Member contract.
- Pay annual dues.

D. SELECTION PROCESS AND PROCEDURES

To become a Member, students must first try out by competing in the Annual Tryouts, which is a closing argument competition. Students will be assigned a side, plaintiff or defendant, or prosecution or defense, and then prepare closing arguments in a week. That upcoming weekend, they will deliver closing arguments before a panel of judges who will be scoring their performance. Based on these scores, a select percentage of competitors will be invited into the organization. Students may also become a member through the successful completion of the Trial Advocacy Summer Institute. The Trial Association will make reasonable efforts to ensure cultural, ethnic, and gender diversity in the selections process, including the panels judging the participants.

E. MEMBER REQUIREMENTS

- Pay annual membership dues.
- Attend all mandatory Member meetings during the semester.
- Participate in promoting and organizing in house competitions as well as other law school events.
- Maintain at least a 2.5 cumulative GPA.
- Sign a contract agreeing to the NSU Trial Association's Points System and acknowledge that if they do not meet the required number of points, they will no longer be an member of the Trial Association.

ARTICLE V

COMPETITION TEAM SELECTION

The Vice President of Teams is responsible for managing and facilitating tryouts for all competition teams. After coaches are designated, the Vice President of Competitions will arrange for potential competitors to try out for teams by performing a closing argument in front of at least one head coach. Any Executive Board Member wanting to tryout for the team is disqualified from assisting in the tryout arrangements or the logistics of that Competition. The coach(s) shall score and rank each competitor based on a scoring rubric approved by the Executive Board. Members shall be invited to participate as advocates and witnesses based on their rankings.

Upon invitation to be on a competition team, each member receiving an invitation shall accept or reject the invitation within twenty-four (24) hours. The acceptance or rejection shall be sent to the President or in the alternative, the Faculty Advisor(s). A Member may reject an invitation if they wish not to compete in the competition they were selected for. If this occurs, the next highest ranking competitor shall receive an invitation to fill that team's position. In the event that there are not enough witnesses assigned to teams, the highest ranking competitors from the Trial Association Annual Tryouts will be invited to participate as witnesses.

In addition, acceptance on a team that awards two (2) credit hours requires a commitment of a specific allotment of hours of both practice, competition, and preparation. Student team members shall be required to maintain a log of their completed hours in order for the student to receive the full two (2) out-of-classroom credit hours. Coaches shall be required to keep attendance for each of the scheduled practices.

ARTICLE VI MEETINGS

A. FREQUENCY AND LOCATION

Trial Association general meetings will be held at least two (2) times each year at a time/place designated by the President. The first general meeting shall be held during the first half of the semester. The President will hold at least two Executive Board meetings each semester.

B. NOTICE

Trial Association general meetings require at least three (3) days advance notice either by posting notice on the Trial Association TWEN page, by telephone, or by e-mail to all Members. Emergency meetings require at least 24 hours notice.

C. ATTENDANCE

Trial Association general meetings and Trial Association speaker events are mandatory for all Trial Association Members. A Member who is unable to attend must notify the Vice President of Internal Operations or the President with a showing a good cause and must be excused.

D. EMERGENCY MEETINGS

Emergency Trial Association meetings may be called by the President, the Faculty Advisor(s), or by petition of a majority of Trial Association Members.

E. QUORUM

1. All Executive Officers must be present to constitute a quorum for Executive Board meetings.
2. Fifty percent of all Members constitute a quorum for Trial Association meetings.

F. MINUTES

Minutes of all Executive Board meetings shall be posted in the Trial Association office database or distributed electronically in a reasonably expedient manner to all Trial Association Members who request such minutes.

ARTICLE VII FACULTY ADVISOR

A. APPOINTMENT

Each Trial Association Executive Board may either choose to continue the Association's relationship with the current Faculty Advisor or to elect a new Faculty Advisor from the Faculty of the Shepard Broad College of Law.

B. RESPONSIBILITIES

The Faculty Advisor's responsibilities include:

- Approving academic credit for Trial Association work in accordance with the law school academic policies;
- Serving as the Trial Association's liaison with the law school administration and community;
- Assisting the Trial Association in obtaining funds for its activities;
- Advising the President and overseeing all Trial Association activities.

ARTICLE VIII DISCIPLINARY PROCESS

A. DEFINITIONS

Suspension—occurs when a Member is barred from participating in Trial Association activities for one semester. During the semester of suspension, a Member shall not represent himself or herself to employers as a Member in good standing. Such suspension does not preclude the Executive Board from assigning tasks to the suspended Member.

Expulsion—occurs when a Member is removed permanently from Trial Association Membership.

B. PROCEDURE FOR SUSPENSION/EXPULSION

No Member shall experience disciplinary action except through the sole discretion of the Faculty Advisor and/or the law school Administration. The Faculty Advisor shall be the body, which determines the disciplinary action to be imposed on any Member.

NOTICE OF DECISIONS

The President shall notify the Executive Board and the affected Member not less than one business day after the Faculty Advisor and/or the law school Administration rules on the complaint.

APPEAL

Filing an Appeal

The affected Member desiring an appeal must file a petition not later than seven (7) business days after receiving notice of the Faculty Advisor and/or law school Administration's decision. If seven (7) business days elapse after the Faculty Advisor and/or law school Administration has rendered their decision and no appeal has been filed, the decision is final.

E. COMPOSITION OF THE APPELLATE COMMITTEE

The Appellate Committee shall consist of the entire membership of the Trial Association.

F. DECISIONS OF THE APPELLATE COMMITTEE

The Appellate Committee shall act only by a two-thirds vote of the Members who participate in the hearings of the appeal.

G. EFFECT OF APPEALS

All decisions of the Appellate Committee are final.

ARTICLE IX

NON-DISCRIMINATION POLICY

The Trial Association does not discriminate on the basis of race, color, creed, gender, age, national or ethnic origin, disability, or sexual orientation.

ARTICLE X
RATIFICATION AND AMENDMENT

The Constitution shall be adopted and ratified by the Executive Board by a majority vote. Any Member in good standing can propose an amendment to the Constitution. A proposed amendment must be presented to the Executive Board at least forty-eight (48) hours prior to a meeting. A two-thirds vote of the Members present at any meeting will be required to amend this Constitution.

NSU Trial Association By-Laws

Nova Southeastern University
Shepard Broad College of Law

BY-LAW I: MEMBER ATTENDANCE REQUIREMENT

All members are required to attend all mandatory:

- General Member Meetings
- Trial Association In-House Competitions
- Trial Association Mandatory Events

BY-LAW II: GOOD STANDING REQUIREMENT

- All members of the Trial Association are required to remain in good standing and in compliance with the NSU Trial Association's Points System during the entirety of each semester.
- All Trial Association members are also considered to be in good standing when they have attended all mandatory meetings and events, have paid annual dues, and have maintained at least a 2.5 cumulative GPA.

BY-LAW III: ETHICAL MISCONDUCT

It will be considered ethical misconduct for any member of the Trial Association, including the General Board or Executive Board to:

- Commit an act that reflects badly on the member's honesty, trustworthiness, or fitness as a member of the Executive Board and/or the Association;
- Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- Engage in conduct that seriously interferes with the Executive Board's ability to responsibly administer Trial Association activities, including, but not limited to, competitions;
- State or imply an ability to improperly influence members or attorneys involved in administering or judging competitions;
- Knowingly assist any member in conduct that is a violation of this rule. Violation of this rule may result in disciplinary action taken by the Faculty Advisor and/or law school Administration.

BY-LAW IV: COMPETITION TEAMS

- Once a Member's selection to an Away Team as a witness or advocate is finalized, that Member cannot resign from his/her position, without a showing of good cause to the Executive Board.
- Any Member who resigns from a Competition Team, without good cause, after that Team has been finalized is subject to further disciplinary action if the Executive Board upon majority vote reports the violation to the Faculty Advisor.
- Any Member who finished a semester in bad standing, as defined in the Trial Association Constitution, will be unable to participate as an advocate in a competition the following semester.

Additional GPA Requirement: To be eligible to try out for a competition team, a Member must have at least a 2.5 cumulative GPA.

Reasoning: Any Member who has not shown dedication and commitment to the Team shall not benefit from the privileges of being an advocate. These rules are designed to eliminate disruption to Competition Teams and to avoid rewarding a Team member who leaves their Team at a detriment. The additional GPA requirement is provided because of the amount of time and work Members will need to compete. The Trial Association will not allow a Member who is dangerously close to being dismissed from the law school compete at their own detriment.

BY-LAW V: TRIAL ASSOCIATION RESOURCES

A. OFFICE POLICIES

Use of Office Equipment: Priority is given to Trial Association Members who are competing in away competitions and Members using the equipment for official Trial Association business.

B. OFFICE RESOURCES

- **Office:** The Trial Association Office is available for use to all Board Members unless it has been reserved for an Executive Board Meeting. Members are not allowed to use the office without the presence of a Board Member.
- **Supplies:** Office supplies are for use by Members inside the office. Please do not remove any supplies. If supplies are needed, inform the Internal Vice President of Operations or President.
- **Books:** There are a number of books in the Trial Association office available for use by all Members.
- **Refrigerator:** The refrigerator is for use by Members only. The refrigerator is small; therefore, Members shall take reasonable steps to make available space.

BY-LAWS AND CONSTITUTION

In determining NSU Trial Association policy, the By-Laws and Constitution work congruously. If a discrepancy exists between the two, the Constitution precedes the By-Laws. If there is an issue in which both the the Constitution and the By-Laws are silent, the President may decide the issue.