



# MOOT COURT ASSOCIATION

---

## BY-LAWS AS OF AUGUST 2022

---

The Members of the Marquette University Law School Moot Court Association Board (“Board”) have adopted the following By-Laws. The purpose of the Board is to ensure the development of appellate advocacy skills and abilities for all competitors in the Marquette University Law School Moot Court Program.

### I. DEFINITIONS

- a. **Competition Faculty Advisor(s):** A faculty member appointed by the Program Faculty Advisor(s) to oversee an Interscholastic Moot Court Competition Team. Each Interscholastic Moot Court Competition Team will have at least one (1) Competition Faculty Advisor.
- b. **Executive Board:** The Executive Board is selected according to these By-Laws from the members of the Board. The Executive Board consists of:
  - i. A Chief Justice
  - ii. Nine (9) Associate Justices
- c. **General Board Members:** Students not selected to serve as members of the Executive Board are members of the General Board. The General Board is selected according to these By-Laws.
- d. **Jenkins Honors Moot Court Competitors:** Students who are competing in the intramural Jenkins Honors Moot Court Competition.
- e. **Interscholastic Moot Court Competition:** Any regional, national, or international moot court competition.
- f. **Interscholastic Moot Court Competition Team:** Any team of Students competing in an Interscholastic Moot Court Competition. Individuals on a team may be referred to as Team Members.
- g. **Marquette University Law School Moot Court Board:** All Students invited to join the Board pursuant to the By-Laws. Also known herein as the Board, without further qualifiers. Individual members of the Board shall be known as Board Members.
- h. **Members-At-Large:** The general membership shall consist of:
  - i. Executive Board Members,
  - ii. General Board Members,

- iii. Interscholastic Moot Court Competition Team Members,
  - iv. Students enrolled in the Appellate Writing & Advocacy course, and
  - v. 1L bailiffs.
- i. **Moot Court Team:** Any intramural, regional, national, or international moot court team.
  - j. **Notification by Reasonable Means:** Notification by reasonable means is defined as contact via telephone, email, or text message.
  - k. **Practitioner Coach(es):** A Marquette University Law School alumnus who had been a member of the Board or a non-alumnus legal practitioner assigned to coach an Interscholastic Moot Court Competition Team.
  - l. **Program Faculty Advisor(s):** The faculty or staff member(s) appointed by the Dean to oversee the operations of the Moot Court Association Program. There shall be at least one (1) such person so appointed.
  - m. **Quorum:** A majority of the Board Members constitutes a quorum.
  - n. **Student(s):** Any Marquette University Law School student governed by these By-Laws as a member of Moot Court Association.
  - o. **Team Coach:** A Student who coaches or assists with coaching an Interscholastic Moot Court Competition Team, for which the Student receives one (1) academic credit.
  - p. **Team Member(s):** A Student who competes on an Interscholastic Moot Court Competition Team, for which the Student receives two (2) academic credits.

## II. MEMBERSHIP OF THE MOOT COURT ASSOCIATION

### a. General Membership

- i. The general membership of the Moot Court Association shall consist of the Members-at-Large.

### b. Recording Hours

- i. All Board Members are responsible for recording the number of hours worked.
- ii. Board Members are responsible for submitting their hours and progress of requirement completion for review by the Associate Justice of Administration on the second Tuesday of each month.
- iii. The Chief Justice and the Associate Justice of Administration shall annually review the process for recording and submitting hours and may alter the process prior to the upcoming academic year.
- iv. The Moot Court Association Handbook for each academic year will outline the current process for tracking and submitting hours.

c. **Academic Credit**

i. **Generally.**

1. Board Members who complete the requirements outlined in these By-Laws and the academic service hour component shall receive academic credit.
2. The Chief Justice shall recommend to the Program Faculty Advisor(s) all Board Members who have completed the requirements for academic credit, and the Program Faculty Advisor(s) shall review and approve credit.
3. Students who do not complete either the requirements in the By-Laws or the service hour component will receive zero (0) academic credits on the Student's transcript.

ii. **Executive Board.** Executive Board Members are eligible for two (2) academic credits upon the successful completion of all requirements as outlined within the By-Laws or as assigned by the Program Faculty Advisor(s) from time to time. These academic credits will accrue during the academic year and will be awarded in the Spring semester upon qualified academic service of a minimum of one-hundred-twenty (120) hours to the Board. (See Table 1.)

iii. **General Board Members.** General Board Members are eligible for one (1) academic credit upon the successful completion of all requirements as outlined within the By-Laws or as assigned by the Program Faculty Advisor(s) or the Executive Board from time to time. This academic credit will accrue during the academic year and will be awarded in the Spring semester upon qualified academic service of a minimum of sixty (60) hours to the Board. (See Table 1.)

1. Students who are participating on the General Board are making a two-semester commitment. If a Student completes the first semester but does not complete the second semester, they will be given a grade of W for the first semester and a grade of U for the second semester.
2. If a Student does not submit hours by the deadline established by the Program Faculty Advisor(s), that Student will receive a U for the semester.
3. Credit is not awarded for classes bearing grades of W and U.
4. The Program Faculty Advisor(s) may, at their sole discretion, award a Student credit for a single semester of General Board participation.

**Table 1**

<b>Moot Court Board</b>	
	<b>Spring Semester Credits</b>
<b>Executive Board Members</b>	<b>2</b>
<b>General Board Members</b>	<b>1</b>

- iv. **Mandatory Requirements.** To obtain one (1) academic credit and fulfill the sixty (60) hours, General Board Members must complete the following minimum requirements:
  - 1. Attend all Board meetings;
  - 2. Attend the Moot Court Association Fall and Spring Receptions;
  - 3. Attend the Moot Court Association Appellate Practice Panel;
  - 4. Serve as a coach to participants in the Appellate Writing and Advocacy course and in the Jenkins Honors Moot Court Competition;
  - 5. Serve as a bailiff to participants in the Appellate Writing and Advocacy course, in the Jenkins Honors Moot Court Competition, and in the National Moot Court Competition (NMCC), as needed;
  - 6. Participate in Panel Weekend for the Appellate Writing and Advocacy course and for the Jenkins Honors Moot Court Competition;
  - 7. Volunteer for Moot Court Association-sponsored competitions and events;
  - 8. Serve on a committee, as assigned by the Chief Justice; and
  - 9. Fulfill any other duties considered necessary by the Executive Board and/or the Program Faculty Advisor(s).
- v. **Academic Honesty.** All Board Members will be required to record the completion of the mandatory requirements within a signed affidavit at the end of the Fall and Spring semesters.
  - 1. This affidavit will then be approved by the Chief Justice and Program Faculty Advisor(s).
  - 2. Any dishonesty in recording the completion of requirements will be considered a direct violation of the Marquette University Law School Academic Regulations and will be handled accordingly.
- vi. **Interscholastic Moot Court Competition Teams.** Team Members are eligible for academic credit for participating in competitions above the intramural level. Two (2) academic credits will be awarded for each Interscholastic Moot Court Competition.
  - 1. These academic credits will be awarded in addition to the academic credit any Team Member receives for concurrently serving as a General Board Member or an Executive Board Member.
  - 2. Academic credit will be awarded upon qualified academic service of a minimum of one-hundred-twenty (120) hours of competition preparation and participation. (See Table 2.)
  - 3. Credit will be granted in the semester that the competition is held upon the successful completion of all requirements outlined within these By-Laws, the Moot Court Association Handbook, and as assigned by the Program Faculty Advisor(s), the Competition Faculty Advisor(s), the Practitioner Coach(es), or the Executive Board.
- vii. **Interscholastic Moot Court Competition Team Coaches.** Team Coaches, if any, are eligible for one (1) academic credit per academic year upon the successful completion of all requirements set forth within these By-Laws, the Moot Court Association Handbook, and as assigned by the Program Faculty Advisor(s), the Competition Faculty Advisor(s), the Practitioner Coach(es), or the Executive Board.

1. This academic credit can be awarded in addition to the academic credit any Team Coach receives for currently serving as a General Board Member or an Executive Board Member. (See Table 2.)

**Table 2**

<b>Interscholastic Moot Court Competitions*</b>		
	Team Members receive 2 Credits; Team Coaches receive 1 credit in:	
<b>Competition Name</b>	<b>Fall Semester</b>	<b>Spring Semester</b>
Billings, Exum & Frye National Moot Court Competition (Elon)	X	
Chicago Bar Association Moot Court Competition	X	
Dominick L. Gabrielli National Family Law Moot Court Competition		X
Duberstein Moot Court Competition		X
Emory Civil Rights & Liberties Moot Court Competition	X	
Evan A. Evans Constitutional Law Moot Court Competition		X
Giles Sutherland Rich Memorial Intellectual Property Moot Court Competition		X
Jeffrey G. Miller National Environmental Law Moot Court Competition		X
Leroy R. Hassell, Sr. National Constitutional Law Moot Court Competition	X	
Mardi Gras Sports Law Competition		X
National Appellate Advocacy Competition		X
National Criminal Procedure Tournament	X	
National Moot Court Competition	X	
Robert F. Wagner National Labor & Employment Law Moot Court Competition		X
Saul Lefkowitz Moot Court Competition		X
Touro Law Center's National Moot Court Competition in Law & Religion		X
William B. Spong Moot Court Competition		X
William E. McGee National Civil Rights Moot Court Competition		X
*This Table lists national competitions in which Team Members have recently participated. Participation in specific competitions varies from year to year and may include competitions not listed here.		

### III. GOVERNMENT: EXECUTIVE BOARD

a. **Structure of the Executive Board.** The Board shall be headed by an Executive Board. The Executive Board shall consist of the following officers:

- i. A Chief Justice;
- ii. An Associate Justice of Administration;
- iii. An Associate Justice of Education;
- iv. Two Associate Justices of Interscholastic Competitions;
- v. Two Associate Justices of Intramural Competitions;
- vi. Two Associate Justices of the National Moot Court Competition (NMCC); and
- vii. An Associate Justice of Communications & Social Media.

b. **Eligibility for the Executive Board**

- i. To be eligible for a position on the Executive Board, a Student shall:
  1. Have competed in the Jenkins Honors Moot Court Competition or any other competition approved by the Program Faculty Advisor(s);
  2. Be in good academic standing as of the date nominated for a position and maintain that good standing throughout the term of office; and
  3. Not permit other commitments and responsibilities to impair their duties as an Executive Board Member.
- ii. All candidates for the Executive Board shall:
  1. Submit a statement stating qualifications and interest (including which positions they are interested in) and
  2. Fulfill any other criteria determined by the outgoing Executive Board in consultation with the Program Faculty Advisor(s).

c. **Nominations for Chief Justice**

- i. Within five (5) school days after the completion of the Jenkins Honors Moot Court Competition, the outgoing Executive Board shall solicit nominations for the following year's Chief Justice.
- ii. The outgoing Executive Board shall provide a reasonable time period for accepting nominations.
- iii. After the nomination period is closed and five (5) school days prior to elections, the outgoing Chief Justice shall post a list of those Students who have been nominated for the position of Chief Justice.
- iv. If, after the nomination period closes, no Student is nominated for Chief Justice, the outgoing Executive Board in consultation with the Program Faculty Advisor(s) shall determine a reasonable method of selecting a new Chief Justice.

d. **Election of the Chief Justice**

- i. The outgoing Executive Board shall administer the election process, which may include holding a candidate forum either in person or virtually, where the Students running for the position of Chief Justice will provide an oral statement as to why they should be elected.
- ii. At least five (5) school days prior to the election (or some other reasonable period of time), the outgoing Chief Justice shall notify the outgoing Executive

Board Members and all incoming General Board Members when the election will occur.

- iii. The Chief Justice shall be elected from those nominated for the position of Chief Justice.
- iv. Individual Executive Board Members and Program Faculty Advisor(s) are prohibited from endorsing a particular candidate.
- v. The Chief Justice shall be elected by a majority vote of the outgoing Executive Board Members and the incoming General Board Members.
- vi. If, at the conclusion of the balloting, no single nominee has received the necessary majority, a run-off election shall be held between the two nominees receiving the most votes.
- vii. The outgoing Executive Board Members and the incoming General Board Members can fill out an absentee ballot if they cannot attend the election, and they may vote by proxy for any run-off elections that may be held.

**e. Nominations for Associate Justices**

- i. Within five (5) school days after the completion of the Jenkins Honors Moot Court Competition, the outgoing Executive Board shall solicit nominations for the following year's nine (9) Associate Justice positions following same procedures as the nomination of the Chief Justice (Section III(c)).
- ii. A Student may be nominated for any or all Associate Justice positions.
- iii. If, after the nomination period ends, there are fewer Students to serve as Associate Justices than there are open Associate Justice positions, the outgoing Executive Board in consultation with the Program Faculty Advisor(s) shall determine a reasonable method of selecting the new Associate Justices.

**f. Election of Associate Justices**

- i. The outgoing Executive Board shall administer the election process, which may include holding a candidate forum either in person or virtually, where the Students running for each Associate Justice position will provide an oral statement as to why they should be elected.
- ii. At least five (5) school days prior to the election (or some other reasonable period of time), the outgoing Chief Justice shall notify by any reasonable means all outgoing Executive Board Members and incoming General Board Members when the election will occur.
- iii. Associate Justices shall be elected from those nominated for the positions of Associate Justices.
- iv. Individual Executive Board Members and Program Faculty Advisor(s) are prohibited from endorsing a particular candidate or candidates for any Associate Justice position.
- v. The Associate Justices shall be elected by a majority vote of the outgoing Executive Board Members and the incoming General Board Members.
- vi. If, at the conclusion of the balloting, any of the Associate Justice positions are not filled because the nominee failed to receive the necessary majority, a run-off election shall be held between the two nominees receiving the most votes.



- vii. The outgoing Executive Board Members and incoming General Board Members can fill out an absentee ballot if they cannot attend the election, and they may vote by proxy for any run-off elections that may be held.

**g. Term of Office**

- i. Each Executive Board Member is expected to serve one (1) term, from the date of their election until the end of the Spring semester of the following academic year.
- ii. In the event the Chief Justice is unable to complete their full term in office, the replacement Chief Justice shall be selected from the existing nine (9) Associate Justices by the vote of the General Board Members.

**h. Duties of the Executive Board**

**i. Duties of the Chief Justice:**

1. Supervising, in conjunction with the Program Faculty Advisor(s), the Associate Justices and assist them in the furtherance of their duties;
2. Participating during either the Fall or Spring semester as a Team Member of one of the Interscholastic Moot Court Competition Teams;
3. Presiding over all meetings of the Executive Board and meetings of the Board or, in exceptional circumstances, appointing another individual to preside over such meetings;
4. Assisting the Associate Justices in determining, organizing, coordinating, scheduling, and hosting all moot court competitions, including any intramural competitions held during the term of office;
5. Serving as liaison between the Program Faculty Advisor(s), the faculty members teaching any associated courses, the Law School Administration, and the Board;
6. Attending faculty, staff, and organizational meetings as the student representative of the Board or designating a replacement when appropriate;
7. Serving as the host of all Board-sponsored functions;
8. Coordinating the selection of the following year's Members-at-Large;
9. Evaluating and proposing changes to the program and By-Laws in consultation with Board Members and the Program Faculty Advisor(s);
10. Working with the Associate Justice of Communications and Social Media to develop content for social media; and
11. Completing any other tasks necessary to successfully fulfill the duties and responsibilities associated with the office of Chief Justice and the Board.

**ii. Duties of Associate Justices**

1. The duties of the Associate Justices will be divided into six areas:
  - a. Administration;
  - b. Education;
  - c. Interscholastic Competitions (2);
  - d. Intramural Competitions (2);
  - e. National Moot Court Competition (NMCC) (2); and
  - f. Communications and Social Media.

2. Except for the Associate Justices of Education, Intramural Competitions, and National Moot Court Competition (NMCC), Executive Board Members are generally exempt from serving on moot court committees. It is, however, expected that all executive board members will assist with any committee whenever the Chief Justice so determines.
3. **Duties of the Associate Justice of Administration:**
  - a. With the Program Faculty Advisor(s), developing a budget for the Moot Court Association and submitting that budget for approval of the Associate Dean of Academic Affairs as close to July 1 as practicable;
  - b. Enforcing Board obligations, including meeting attendance and competition attendance;
  - c. Ensuring each Moot Court Team is registered and receives competition materials for regional, national, or international competitions;
  - d. Organizing the general administration of the Board, including but not limited to making sure that all obligations are paid, coordinating travel and hotel accommodations for all Interscholastic Moot Court Competition Teams, and emptying mailbox;
  - e. Taking minutes of meetings of the Executive Board and distributing those minutes within seven (7) days of the meeting;
  - f. Assigning a Board Member to take minutes at a Board meeting and ensuring minutes are distributed within seven (7) days of the meeting should they be absent;
  - g. Overseeing payment for purchases and maintaining an accurate accounting of Board expenditures;
  - h. Notifying all Team Members of their assignments to Interscholastic Moot Court Competitions and updating the teams on pertinent information;
  - i. Maintaining and monitoring all Moot Court Association correspondence, including regularly checking Moot Court email;
  - j. Planning a Fall reception for the Members-at-Large and Marquette University Law School faculty with the assistance of the Associate Justice of Education;
  - k. Planning an end-of-year event for all Members-at-Large and Marquette University Law School faculty with the assistance of the Associate Justices of National Moot Court Competitions and the Associate Justices of Intramural Competitions; and
  - l. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
4. **Duties of the Associate Justice of Education:**
  - a. Serving as chairperson of the Appellate Writing and Advocacy (AWA) Committee;
  - b. Working in conjunction with professors teaching the Appellate Writing and Advocacy course;

- c. Arranging Student coaches for students taking the Appellate Writing and Advocacy course;
  - d. Maintaining and updating all education materials distributed to students in the Appellate Writing and Advocacy course or to the Members-at-Large;
  - e. Overseeing any other matters relating to the training of competitors;
  - f. Developing the problem set and record for the Appellate Writing and Advocacy course;
  - g. Coordinating and supervising all Student coaches, including coordinating with the Associate Justices of Intramural Competitions and the Associate Justices of Interscholastic Moot Court Competitions to ensure availability of Student coaches and to schedule practices and opportunities for teams to practice before Competition Faculty Advisor(s), faculty members, or practitioners;
  - h. Organizing and coordinating moot court informational sessions at least two weeks prior to registration for the following academic year;
  - i. Aiding the Associate Justice of Administration in planning a Fall reception for all Members-at-Large and Marquette University Law School faculty; and
  - j. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
5. **Duties of the Associate Justices of Interscholastic Competitions—Fall and Spring Semesters:**
- a. Acting as the Board contacts for Interscholastic Moot Court Competitions as necessary, in conjunction with the Competition Faculty Advisor(s) and the Program Faculty Advisor(s);
  - b. Informing the Members-at-Large of competitions and coordinating dissemination of this information to the Team Member(s), Competition Faculty Advisor(s), and Practitioner Coach(es);
  - c. Working in conjunction with the Associate Justice of Administration, to forward problem packets and communications from the hosting organizations and law schools to the Competition Faculty Advisor(s) and the Program Faculty Advisor(s);
  - d. Maintaining a list of Interscholastic Moot Court Competitions in which Students compete and those competitions in which Students have expressed interest;
  - e. Promoting student interest in the Interscholastic Moot Court Competitions and Interscholastic Moot Court Competition Teams;
  - f. Offering training, support, or other resources to promote the success of Interscholastic Moot Court Competition Team Members;

- g. Aiding the Associate Justices of Intramural Competitions in coordinating, managing, and organizing any intramural competitions;
  - h. Aiding the Associate Justice of Administration in planning an end-of-year event for all Members-at-Large and Marquette University Law School faculty; and
  - i. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
6. **Duties of the Associate Justices of Intramural Competitions:**
- a. Serving as chairpersons of the Intramural Competitions (Jenkins) Committee;
  - b. Managing Jenkins Honors Moot Court Competition Teams;
  - c. Ensuring that all Jenkins Honors Moot Court Competition Teams have members and access to all necessary resources;
  - d. Coordinating and securing judges, mediators, bailiffs, time keepers, and other necessary volunteers in conjunction with the Program Faculty Advisor(s) and the Program Faculty Advisor(s)'s assistant;
  - e. Convening meetings with Jenkins Honors Moot Court Competitors to go over intramural competition tips, simulations, and other practical preparations;
  - f. Working with the Associate Justice of Education to ensure the availability of Student coaches for each competing team;
  - g. Aiding the Associate Justices of Interscholastic Competitions in coordinating, managing, and organizing any national competitions hosted by Marquette University Law School;
  - h. Aiding the Associate Justice of Administration in planning an end-of-year event for all Members-at-Large and Marquette University Law School faculty; and
  - i. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
7. **Duties of the Associate Justices of the National Moot Court Competition (NMCC):**
- a. Serving as chairpersons of the National Moot Court Competition (NMCC) Committee;
  - b. Maintaining contact with the New York Bar regarding NMCC materials, teams, deadlines, and dates;
  - c. Communicating with NMCC team members and providing the NMCC materials to the teams;
  - d. Providing visiting NMCC teams with lodging and travel information and relevant on-site logistical information;
  - e. Reserving rooms at Marquette University Law School for NMCC;
  - f. Coordinating and securing judges, bailiffs, time keepers, and other necessary volunteers in conjunction with the Program Faculty Advisor(s) and the Program Faculty Advisor(s)'s assistant;

- g. Planning and overseeing the NMCC regional round hosted at Marquette University Law School;
  - h. Aiding the Associate Justice of Administration in planning an end-of-year event for all Members-at-Large and Marquette University Law School faculty; and
  - i. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
8. **Duties of the Associate Justice of Communications & Social Media:**
- a. Coordinating the annual Appellate Practice Panel in conjunction with the Program Faculty Advisor(s);
  - b. Attending Wisconsin State Bar Association Appellate Practice Section events;
  - c. Serving as a liaison between the Wisconsin State Bar Association Appellate Practice Section and the Moot Court Association;
  - d. Keeping the Moot Court Association pages on the Marquette Law School website updated as to Executive Board Members, Interscholastic Moot Court Competition Team Members, Jenkins Honors Moot Court Competitors and competition information, NMCC information, Moot Court Association events, and Student accomplishments;
  - e. Operating the Moot Court Association's Instagram (@MULSMC) and Twitter (@MULSMC) pages and any other social media pages, posting appropriate content as often as possible to keep the pages timely and interesting;
  - f. In coordination with the Program Faculty Advisor(s)'s assistant, maintaining a calendar of Moot Court Association events and notifying the Members-at-Large of events;
  - g. Maintaining the Moot Court Association TWEN page in coordination with other Associate Justices;
  - h. Promoting the Moot Court Association at various student organization fairs and on social media; and
  - i. Completing any other duties as determined by the Program Faculty Advisor(s) or the Executive Board.
- iii. Other duties assigned to *all* Associate Justices include the following:
- 1. Participating as a member of an Interscholastic Moot Court Competition Team during either the Fall or Spring semester;
  - 2. Attending all Executive Board and special meetings as required;
  - 3. Assisting the Associate Justice of Communication and Social Media in developing interesting and timely social medial content, including providing pictures or information as requested or necessary;
  - 4. Providing critical evaluation to the Moot Court Team members during practice sessions;
  - 5. Assisting other Executive Board Members in their respective duties as appropriate and requested; and
  - 6. Carrying out such other reasonable duties as assigned by the Chief Justice or by the Program Faculty Advisor(s).

**i. Meetings**

- i. A meeting of the Board may be called by:
  1. The Program Faculty Advisor(s);
  2. The Chief Justice;
  3. A majority of the Executive Board; or
  4. One-third (33%) of the General Board Members.
- ii. The Chief Justice shall notify all Members-at-Large, by any reasonable means, of a meeting at least five (5) school days before the meeting.
- iii. The Chief Justice shall establish an agenda for all meetings.
- iv. The Chief Justice or designee of the Chief Justice shall preside over all meetings.
- v. Votes on all matters not otherwise discussed in these By-Laws shall require a simple majority of all Board Members present and voting to pass.
- vi. In the absence of the Associate Justice of Administration, a Board Member as designated by the Associate Justice of Administration in Section III(h)(ii)(3)(f) shall take minutes of each Board meeting and shall distribute copies of the minutes to the Members-at-Large within seven (7) days of the meeting.

**j. Removal from Office**

- i. An Executive Board Member may be removed from the Board for good cause. Good cause shall include, but is not limited to:
  1. Violation of the Marquette University Law School Academic Regulations;
  2. Violation of these By-Laws;
  3. Refusal to participate in normal Board-sponsored competitions;
  4. Failure to respond to written requests from the Executive Board and/or Program Faculty Advisor(s);
  5. Failure to attend regularly scheduled meetings without notification;
  6. Falsifying hours on reporting forms; and
  7. Other actions adverse to the goals of the Board.
- ii. The following procedures shall be followed to remove an Executive Board Member from office:
  1. A written petition requesting and explaining the grounds for such removal and documenting the reasons for such request is submitted to the Program Faculty Advisor(s) and signed by at least two-thirds of the remaining Executive Board Members;
  2. Upon receipt of the petition, the Program Faculty Advisor(s) shall call a meeting of the Executive Board for the purpose of conducting a hearing. The Program Faculty Advisor(s) may call others to the meeting as they feel necessary to conduct a full investigation into the matter. The Student who is the subject of the petition is entitled to attend the meetings;
  3. The Executive Board shall provide a written decision including findings of fact that shall be submitted to the Program Faculty Advisor(s) within a reasonable time after the hearing;

4. The Program Faculty Advisor(s) shall consider the views of the Executive Board but shall have full authority to make the final decision; and
5. A Student removed from their position may request a review of the decision. After such a request, the Program Faculty Advisor(s) and the Associate Dean for Academic Affairs shall meet to consider the request. The Program Faculty Advisor(s) and Associate Dean for Academic Affairs shall investigate in whatever manner deemed appropriate, and their decision shall be final.

#### **IV. GOVERNMENT: GENERAL BOARD**

##### **a. Eligibility Requirements for Joining the Board**

- i. General Board Members shall consist of students who have completed the Appellate Advocacy and Writing course and who have been placed on an Interscholastic Moot Court Competition Team.
- ii. In limited circumstances, a Student who competed in the Jenkins Honors Moot Court Competition but has not been placed on an Interscholastic Moot Court Competition Team may be eligible for membership on the Board but must apply to be admitted.
  1. An application consisting of a letter of interest should be submitted to the Program Faculty Advisor(s).
  2. Membership for non-competing Students is at the discretion of the Program Faculty Advisor(s).
- iii. Each General Board Member will be required to serve on one of the Moot Court Association committees, as more fully described in the most recent Moot Court Association Handbook.

##### **b. Bona Fide Membership**

- i. In order to confirm inquiries as to current membership on the Board, all Board Members will be enrolled with the Registrar of Marquette University Law School to receive credits for moot court participation.
- ii. No Board Member shall state orally or in writing that they are a current member of the Board for purposes of completing resumes, employment applications, scholarship applications, elective course applications, or for other similar purposes, unless they are currently enrolled in Moot Court with the Registrar of Marquette University. TO DO OTHERWISE WILL CONSTITUTE A VIOLATION OF THE MARQUETTE UNIVERSITY LAW SCHOOL ACADEMIC REGULATIONS, and the Student will be subject to all penalties associated with such a violation.

##### **c. Duties and Obligations of General Board Members**

- i. Each General Board Member is expected to attend and contribute at every meeting of the Board. A General Board Member's regular failure to attend and contribute to meetings without prior approval from the Chief Justice or Program Faculty Advisor(s) may be cause for removal from the Board.
- ii. Each General Board member shall participate during either the Fall or Spring semester as a member of an Interscholastic Moot Court Competition Team.



Participation shall include research, brief writing and editing, and competing or assisting in the preparations for oral argument.

- iii. Each General Board Member is expected to participate during either the Fall or Spring semester and to perform assigned duties as an active member, competitor, or Team Coach in the selected competitions or any other competition approved by the Program Faculty Advisor(s).
- iv. In rare instances, a General Board Member may compete in more than one competition subject to approval by the Program Faculty Advisor(s). If so allowed, the General Board Member must also notify the Associate Justice of Administration and the Associate Justices of Interscholastic Competitions.
- v. Each General Board Member must perform duties assigned by the Executive Board or Program Faculty Advisor(s) to satisfy their credit hour requirements, including, but not limited to:
  1. Coaching at least one (1) team for Appellate Writing and Advocacy and one (1) team for the Jenkins Honors Moot Court Competition, and
  2. Acting as bailiffs and assisting with other duties associated with competitions, including serving as bailiffs for at least one round each for the National Moot Court Competition (NMCC), the Appellate Writing and Advocacy course, and the Jenkins Honors Moot Court Competition, unless approved in advance by the Executive Board prior to each competition, and
  3. Serving in appropriate capacities for other Board activities, according to the Executive Board's direction.

**d. Removal from the General Board**

- i. A General Board Member may be removed from the Board for good cause. Good cause shall include, but is not limited to:
  1. Violation of the Marquette University Law School Academic Regulations;
  2. Violation of these By-Laws;
  3. Refusal to participate in normal Board-sponsored competitions;
  4. Failure to respond to written requests from the Executive Board and/or Program Faculty Advisor(s);
  5. Failure to attend regularly scheduled meetings without notification;
  6. Falsifying hours on reporting forms; and
  7. Other actions adverse to the goals of the Board.
- ii. The removal process is triggered when a General Board Member's alleged non-compliance or misconduct is reported to the Executive Board in writing.
- iii. Prior to removal, the Student shall be entitled to a hearing before the Executive Board and the Program Faculty Advisor(s) to discuss the reasons for the removal action.
- iv. After the hearing, the Executive Board, in consultation with the Program Faculty Advisor(s), shall inform the Student in writing of its decision within two (2) weeks of the date of the hearing.
- v. A Student removed from their position may request a review of the decision. After such a request, the Program Faculty Advisor(s) and the Associate Dean for Academic Affairs shall meet to consider the request. The Program Faculty



Advisor(s) shall investigate in whatever manner deemed appropriate, and their decision shall be final.

## **V. INTERSCHOLASTIC COMPETITIONS**

### **a. Selection of Interscholastic Moot Court Competitions**

- i. Each Spring, the Program Faculty Advisor(s), in consultation with the Executive Board, shall select the competitions for the following academic year. Selection of these competitions shall be based on the following factors:
  1. Past participation and success in the competition;
  2. Quality of the organization of the competition;
  3. Cost of preparation and attendance;
  4. Availability of faculty and attorney advisors in the area of law that is the subject of the competition;
  5. Faculty and administration input; and
  6. Applicants' preferences and qualifications available to be appointed to teams.
- ii. The objective of the selection process shall be to achieve maximum exposure to skill-building opportunities for qualified Marquette University Law School 3L Students. Further, the Board Members shall seek to use the expertise of the Board and faculty and attorney advisors to remain within budgetary guidelines and to promote the reputation of Marquette University Law School.

### **b. Interscholastic Moot Court Competition Team Participation**

- i. The Program Faculty Advisor(s) may offer to any 3L who has completed the Appellate Advocacy and Writing course in the Fall of their 3L year an opportunity to compete on a Spring Interscholastic Moot Court Competition Team.
  1. A 3L who chooses to compete on a Spring Interscholastic Moot Court Competition Team is not eligible to compete in the Jenkins Honors Moot Court Competition.
  2. Should at least two (2) 3Ls select to participate on an Interscholastic Moot Court Competition team, the Program Faculty Advisors shall locate an appropriate competition that fits the Spring schedule and shall slate a team of at least two (2) 3Ls.
  3. No 3L will be slated on a previously slated Spring team. See Section V(b)(ii).
- ii. In February of each Spring semester, the Associate Justices of Interscholastic Competitions shall invite eligible 2Ls to apply for placement on an Interscholastic Moot Court Competition Team for their 3L year.
  1. Eligible 2Ls are those who have completed the Appellate Writing & Advocacy course, regardless of whether they have been invited to participate in the Jenkins Honors Moot Court Competition.
  2. The Associate Justices of Interscholastic Competitions shall make available an application packet to all eligible 2Ls and set a deadline for applications that is no later than March 1.
  3. The Associate Justices of Interscholastic Competitions shall interview each applicant and make available to the Program Faculty Advisor(s)

- each applicant's application materials, notes from the interview, and any other materials requested by the Program Faculty Advisor(s) to assist in slating the applicant.
- iii. Before or by the first day of registration for Fall semester, applicants will be assigned by the Program Faculty Advisor(s), in consultation with the Associate Justices of Interscholastic Competitions, to compete on Interscholastic Moot Court Competition Teams.
    1. Not all applicants may be slated. The reasons for not slating applicants may include (but are not limited to) lack of space on teams or concerns about the applicant's ability to be a successful Interscholastic Moot Court Competition Team Member.
    2. While an applicant's grades are considered, the applicant's grades are not determinative as to any slating or lack of slating.
  - iv. Applicants may request to compete in competitions in which Marquette University Law School has not previously participated. Applicants must obtain the approval of the Program Faculty Advisor(s) and the Executive Board and follow all proper procedures.
  - v. In preparation for any Interscholastic Moot Court Competitions hosted at Marquette University Law School, and to ensure that no conflict of interest arises, Team Members who have received approval to compete in those competitions may not assist in preparation for the competition.
  - vi. Contact with Judges at Interscholastic Moot Court Competitions.
    1. Team Members should not speak with or have any communication with the judges prior to the competition.
    2. Team Members shall not identify school name, logo, or any insignia to judges during the competition.
  - vii. Conflicts of Interest.
    1. Team Members or Team Coaches who are aware of a conflict of interest regarding a judge who will score their argument or the argument of the opposing team shall report such a conflict to the competition host as soon as possible.
  - viii. Team Members must conduct themselves in an ethical, civil, and professional manner at all times during any and all Interscholastic Moot Court Competitions.

**c. Duties of Interscholastic Moot Court Competition Team Members**

- i. Students who accept an invitation to join an Interscholastic Moot Court Competition Team shall:
  1. Attend all meetings and practices called by the Board, the Competition Faculty Advisor(s), the Program Faculty Advisor(s), or Practitioner Coach(es);
  2. Meet all mandatory scheduling conference and practice requirements;
  3. Complete all work by the deadlines set forth by the Executive Board, the Program Faculty Advisor(s), Competition Faculty Advisor(s), or Practitioner Coach(es);
  4. Complete all other requirements as outlined in the Moot Court Association Handbook;

5. Meet any and all filing deadlines set by the host of the Interscholastic Moot Court Competition;
  6. Notify the Associate Justice of Administration of any issues arising in travel arrangements, registration, etc.;
  7. Adhere to all guidelines for travel arrangements as set forth by Marquette University Law School and by Section VI of these By-Laws; and
  8. Complete all post-competition work as required.
- ii. Should an Interscholastic Moot Court Competition Team Member fail in their duties at any time during preparation and competition, the Executive Board, Competition Faculty Advisor(s), and the Program Faculty Advisor(s) shall meet to consider appropriate action.
    1. Possible actions that the Executive Board, Competition Faculty Advisor(s), and the Program Faculty Advisor(s) can take include:
      - a. Removal of the Team Member from the Interscholastic Moot Court Competition Team;
      - b. Replacement of the Team Member with a substitute Team Member;
      - c. Removal of the entire Interscholastic Moot Court Competition Team from the competition; and
      - d. Withholding of academic credit.
    2. The Executive Board will submit a suggested course of action to the Program Faculty Advisor(s).
    3. The final determination shall be left to the sole discretion of the Program Faculty Advisor(s).
- d. Selection of Team Coaches**
- i. In conjunction with the Program Faculty Advisor(s), the Chief Justice may appoint Students to serve as Team Coaches.
- e. Duties of Team Coaches**
- i. Work together to establish deadlines for Interscholastic Moot Court Competition Teams to ensure that all competition deadlines are met;
  - ii. Provide critical evaluation to the Team Members regarding performance;
  - iii. Know the rules of the competition and ensure that they are adhered to;
  - iv. Assist Team Members during initial preparation for the competition when such assistance is allowed under the rules of the competition;
  - v. Schedule practices for the Team Members with professors and/or outside attorneys and/or Students when such assistance is allowed under the rules of the competition;
  - vi. Preside over all Interscholastic Moot Court Competition Team practices; and
  - vii. Serve as liaison between the Interscholastic Moot Court Competition Team, the Board, and the Administration.
- f. Selection of the Practitioner Coach(es)**
- i. The Program Faculty Advisor(s), in conjunction with the Faculty Competition Advisor(s), may appoint practitioners to serve as Practitioner Coaches.

1. No Interscholastic Moot Court Competition Team is required to have a Practitioner Coach.
  2. The appointment of a Practitioner Coach depends on the needs of the Interscholastic Moot Court Competition Team, the rules of the specific competition, and availability of the Practitioner Coach(es).
- ii. In appointing any Practitioner Coach(es), the Program Faculty Advisor(s) shall consider the practitioner's prior involvement with Marquette University Law School's Moot Court program (or with the moot court program at another law school, including the law school from which the practitioner graduated), including their involvement with the specific competition for which they will coach.

**g. Duties of the Practitioner Coach(es)**

- i. Meet with Team Members after the Interscholastic Moot Court Competition Team submits its brief to set up panels, practices, and scrimmages in compliance with the Interscholastic Moot Court Competition Team's competition rules;
- ii. Actively participate in judging the Interscholastic Moot Court Competition Team's practice rounds; and
- iii. Give Team Members advice and constructive criticism regarding general oral argument skills—and specific competition advice, if possible—in order to better prepare for the competition.

**VI. EXPENDITURES: MOOT COURT TRAVEL POLICY**

**a. Eligibility to Travel**

- i. All Team Members (including Team Coaches) are eligible for travel reimbursement.
- ii. For each Interscholastic Moot Court Competition Team, one (1) Competition Faculty Advisor or Practitioner Coach is eligible for travel reimbursement. The Program Faculty Advisor(s) may, at their discretion, allow both the Competition Faculty Advisor and the Practitioner Coach to travel.
- iii. The Program Faculty Advisor(s), in consultation with the Competition Faculty Advisor, has the discretion to decide whether a Practitioner Coach is eligible to travel with an Interscholastic Moot Court Competition Team and receive travel reimbursement.
  1. The Program Faculty Advisor(s) will decide eligibility based on the Practitioner Coach's engagement level, including but limited to the following: the number of practices the Practitioner Coach set up, the number of practices the Practitioner Coach attended, the number of hours spent coaching in general, and the level of interest demonstrated.

**b. Limits of Reimbursement**

- i. The Marquette University travel reimbursement policies apply to all moot court travel. All travelers are responsible for reading and understanding the University travel reimbursement policies.

- ii. The Moot Court Association Handbook should be consulted for specific details on the travel and reimbursement policy.

## **VII. INTRAMURAL COMPETITIONS**

### **a. Jenkins Honors Moot Court Competition**

- i. Each Spring semester, Marquette University Law School will host the Jenkins Honors Moot Court Competition.
- ii. Competitors in the Jenkins Honors Moot Court Competition will consist of the top students in the Appellate Writing and Advocacy course the previous Fall, as determined by the Appellate Writing and Advocacy professor(s).
- iii. All procedures and policies for the Jenkins Honors Moot Court Competition are outlined in the Jenkins Honors Moot Court Competition Handbook.

**b. Other Intramural Competitions.** The Marquette University Law School Moot Court Association reserves the right to create and host other intramural moot court competitions at the discretion of the Dean, the Program Faculty Advisor(s), and Executive Board.

## **VIII. BY-LAWS**

### **a. Adoption**

- i. These By-Laws have been adopted by the Moot Court Board with the concurrence of the Program Faculty Advisor(s).

### **b. Distribution**

- i. A copy of these By-Laws shall be distributed by the Executive Board to every Board Member and to the Program Faculty Advisor(s) via the Moot Court Association TWEN website.
- ii. A copy of all amendments and/or revisions to these By-Laws will be distributed to every Board Member within a reasonable time after adoption by the Board.
- iii. A copy of the current By-Laws shall always be available in the office of the Executive Board and also on the Marquette University Law School website.

### **c. Amendments**

- i. Any Board Member may propose an amendment to these By-Laws.
- ii. Such a proposal must be submitted in writing to the Chief Justice at least five (5) school days before an Executive Board meeting at which the proposal will be discussed.
- iii. The Chief Justice shall announce to the Executive Board at least three (3) school days before the meeting that a By-Laws amendment has been proposed, and the Chief Justice shall make copies of the proposed amendment available.
- iv. The Chief Justice shall allow reasonable debate among the Executive Board on any proposed amendment. Any such proposal shall require three-quarters of the Executive Board members to send the proposal to the Members-at-Large.

- v. The proposed amendment will become an addendum to these By-Laws upon a vote of the Quorum and approval by the Program Faculty Advisor(s).

**d. Moot Court Association Handbook.**

- i. A Moot Court Association Handbook of procedures has been established for efficient and consistent execution of these By-Laws.
- ii. The Program Faculty Advisor(s) in consultation with the Chief Justice shall annually review and modify the Moot Court Association Handbook as necessary.
- iii. Should provisions in the Moot Court Association Handbook contradict these By-Laws, the By-Laws shall control.

**IX. ANNUAL AWARDS**

**a. Interscholastic Moot Court Competition Awards**

- i. The Program Faculty Advisor(s) and Executive Board may choose to honor Students who excel in the various Interscholastic Moot Court Competitions.
- ii. The Program Faculty Advisor(s) and Executive Board may choose to honor the top competing team of Students who participated in any of the various Interscholastic Moot Court Competitions during the current academic year.
- iii. The Program Faculty Advisor(s) and Executive Board may choose to honor a Student who demonstrated outstanding sportsmanship in an Interscholastic Moot Court Competition.

**b. Intramural Awards**

- i. The Program Faculty Advisor(s) and Executive Board will honor the winning team in the Jenkins Honors Moot Court Competition.
- ii. The Program Faculty Advisor(s) and Executive Board will honor the second place team in the Jenkins Honors Moot Court Competition.
- iii. The Program Faculty Advisor(s) and Executive Board will honor the Marquette University Law School student who demonstrated outstanding oral advocacy skills in the Jenkins Honors Moot Court Competition.
- iv. The Program Faculty Advisor(s) and Executive Board will honor the Marquette University Law School students who demonstrated outstanding brief-writing skills in the Jenkins Honors Moot Court Competition.

**c. Moot Court Association Awards**

- i. The Program Faculty Advisor(s) may choose to honor Students whose participation and service to the Moot Court Association was above and beyond expectations with the Howard B. Eisenberg Award.
- ii. The Program Faculty Advisor(s) and Executive Board may choose to honor a Student who demonstrated outstanding sportsmanship during the current competition season.
- iii. The Program Faculty Advisor(s) and Executive Board may choose to honor a Competition Faculty Advisor who served as an outstanding competition advisor during the current competition season.

- iv. The Program Faculty Advisor(s) and Executive Board may choose to honor a Practitioner Coach who served as an outstanding competition coach during the current competition season.

**d. General Information**

- i. Each award shall be commemorated by a presentation of a permanent, framed certificate, plaque, or silver bowl. Funds for such Award presentations shall be derived from the budget of the Board, unless otherwise specified.
- ii. Awards for any appellate advocacy competitions sponsored by the Board shall be determined by the Executive Board and the Program Faculty Advisor(s), as appropriate.