

**Michigan State University  
– College of Law  
Moot Court &  
Advocacy Board**



**Statement of Purpose**

The Moot Court & Advocacy Board at Michigan State University – College of Law is an intensive program of advocacy training in a competitive environment. The program provides students the opportunity to further develop written, oral and team-based advocacy skills. Each year, the Board sends twelve to fifteen teams across the country to compete against other law schools for top honors. The Moot Court & Advocacy Board has developed a prestigious national presence, built by years of hard work and dedicated members. The Board looks forward to carrying on this winning tradition far into the future.

*Michigan State University – College of Law*

**Moot Court & Advocacy Board**

**BY-LAWS**

**Amended November 9th, 2005**

## BY-LAW 1

### ARTICLE ONE

#### MEMBERSHIP

**1.01. Membership:** To be eligible for membership on the Moot Court & Advocacy Board, an individual must successfully complete the Moot Court Competition Class, submit a Moot Court & Advocacy Board Application, and be nominated for interview before the Board.

- a) Application of New Members
  - 1) Fall
    - a) Following the Fall Moot Court Competition Class, the Class Director shall issue to the Board a list of the Top 26 participants, based upon the combined written and oral scores. These 26 students will be invited to interview for membership on the Moot Court & Advocacy Board.
    - b) The Class Director and Issue Directors may additionally select up to seven students from the class who do not fall within the Top 26, but warrant admission interviews.
    - c) After review of new member application, members of the Moot Court & Advocacy Board may cast a single nomination of someone not listed by the Class Director for interview. An individual seeking admission must have three nominating votes to be considered for the interview process.
  - 2) Spring
    - a) After filing Spring applications for membership, Moot Court & Advocacy Board members will utilize the same nomination process as applies to the Fall election, found in 1.01 (a)(1)(c).
- b) Applicants must be at least in their third term as a day or evening student to be eligible for consideration for the Moot Court & Advocacy Board. Applicants must have a Grade Point Average of 2.5 or higher. An applicant may be placed on the Board conditioned upon their cumulative Grade Point Average rising above a 2.5 upon the release of grades for the semester in which the election occurs.
- c) Members should be selected based upon their written brief scores from the Moot Court Competition Class, oral advocacy scores from the Moot Court Competition Class, participation and performance in Moot Court sponsored events, including but not limited to, the All-School Competition, the Negotiation Competition, the National Trial Advocacy Competition, and Dress Rehearsals, outside writing or advocacy experience, and ability to display professional conduct in a working environment.
- d) Membership shall not be denied on the basis of age, color, disabled status, gender, height, marital status, national origin, political persuasion, race, religion, sexual orientation, veteran status, or weight.

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**ARTICLE TWO**

**STRUCTURE**

**1.02. Structure:**

- a) The Executive Director shall serve for a term of one year, beginning two weeks following the Spring Semester election, subject to the provisions of Article 6(c).
- b) The *Fall Semester Executive Council* shall consist of: the Executive Director, the National Trial Advocacy Competition, the Director of Competitions, and the Class Director. The *Spring Semester Executive Council* shall consist of: the Executive Director, the Director of Competitions, and National Trial Advocacy Competition Director.
- c) The *Fall Semester Administrative Council* shall consist of: the Executive Director, the National Trial Advocacy Competition Director, the Director of Competitions, the Class Director, two Class Issue Directors, the Advocacy Executive Assistant, and all Team Captains. The *Spring Semester Administrative Council* shall consist of: the Executive Director, the Director of Competitions, National Trial Advocacy Competition Director, the Advocacy Executive Assistant, and all Team Captains.
- d) The *Moot Court & Advocacy Board* shall consist of the Administrative Council, all members of Competition teams, and all in-house Board members.
- e) Excluding Team Captains, no Administrative Council member shall be a member of a Competition Team.
- f) Scholarships and credits shall be granted as follows:

**Summer Semester**

- Executive Director – (full scholarship)
- National Trial Advocacy Competition Director (full scholarship)
- Class Director – (full scholarship)
- Two Issue Directors – (half scholarship)
- Advocacy Executive Assistant – (half scholarship)

Fall Semester:

Executive Director	(full scholarship)
National Trial Advocacy Competition Director	(full scholarship)
Class Director	(full scholarship)
Two Issue Directors	(half scholarship)
Advocacy Executive Assistant	(half scholarship)
Team Captains	(half scholarship)
Competition brief writers, oralists	(2 credits)
Trial Advocacy Assistants	(2 credits)
In-house Counsel	(non graded non credited)

Spring Semester:

Executive Director	(full scholarship)
National Trial Advocacy Competition Director	(full scholarship)
Competition Director	(full scholarship)
Advocacy Executive Assistant	(half scholarship)
Team Captains	(half scholarship)
Competition Brief Writers, Oralists,	(2 credits)
Trial Advocacy Assistants	(2 credits)
In-house Counsel	(non graded non credited)

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### ***ARTICLE THREE***

#### **VOTING**

##### **1.03. Voting:**

- a) Returning members have a rebuttable presumption of returning to the Moot Court & Advocacy Board. This presumption shall be rebutted by an exercise of the removal procedure reference in Article 6, section (b).
- b) A quorum must be present to conduct any voting procedure. A quorum shall consist of 2/3 of the entire Moot Court & Advocacy Board.
- c) Voting of new members onto the Moot Court & Advocacy Board shall be conducted by the entire Board. Each Moot Court & Advocacy Board member shall have one vote. A majority of the votes cast is required for acceptance of a new member. The ballots of the Executive Council shall be marked with the letters "EC" or similar marking. In the event of a tie, the votes of the Executive Council will be counted again, thus removing the tie.
- d) When Board members are absent from elections due to participation at a Moot Court sponsored competition, Board members will be permitted an absentee vote by handing in their written selections to the care of the Executive Council in a sealed envelope to be opened during the counting of ballots at the election.
- e) Reconsideration of any vote of the Moot Court & Advocacy Board shall require a 2/3 vote.
- f) The E-Council on or before the first day of classes in the fall semester shall set forth the parliamentary procedure that will govern meetings for that academic year in detail and distribute to the Board. The parliamentary procedure may be amended as needed throughout the semester by a simple majority vote of the A-Council.

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### ARTICLE FOUR

#### PLACEMENT OF NEW AND RETURNING MEMBERS

##### 1.04. Placement:

##### a) *Election of Returning Members for Administrative Council (with the exception of Team Captains).*

- 1) On the Wednesday of the 12<sup>th</sup> week of each semester, all candidates for any Executive or Administrative Council position, shall submit a returning member application similar to the form in Appendix A. This date shall also serve as the deadline for an official motion for removal from the Moot Court & Advocacy Board, pursuant to Article 6(b). The application shall list all positions, and candidates for each position must indicate their desire for consideration and ranking of preference. A ranking of “1” will indicate the Executive or Administrative position of highest preference. The ranking will merely be used for consideration and is no way binding. Candidates who do not indicate a ranking for a position will not be considered for that position.
- 2) On the Friday of the 12<sup>th</sup> week of each semester, a list of candidates for all positions shall be posted prominently in the Moot Court Office for review. The date of elections for returning members shall be determined by the Executive Council. The current Executive Council shall choose a date that allows for optimal participation by members of the Moot Court & Advocacy Board. The date selected for elections shall be posted in the Moot Court Office at least 7 days prior to the selected date.
- 3) *Run-Off Election:* On the date selected by the Executive Council, the first election shall be a run-off election of Executive Director. Only those applicants who listed Executive Director as their “1” preference will be considered as candidates for that office. The run-off election shall be based on the candidates’ personal statement and performance as a member of the Moot Court & Advocacy Board. Only the candidates receiving the two highest vote totals will advance to the general election. There may be more than two candidates who receive the two highest vote totals.
- 4) *General Election:* Those candidates receiving the two highest vote totals have an opportunity to briefly address the Moot Court & Advocacy Board. The non-speaking candidate(s) must leave the room. The general election shall be conducted to determine the Executive Director. In the event of a tie, the Executive Council for the current semester shall cast the deciding vote, provided that no member of the Executive Council is a candidate for the office in question, the vote shall be repeated until the tie is broken.

- 5) The above procedure will be used for the remaining Administrative Council positions, with the exception of Team Captains. The Run-Off and General Elections shall be conducted in the following order:

*For Fall Semester:*

Executive Director, National Trial Advocacy Competition Director, Class Director, Two Class Issue Directors (separately), and Advocacy Executive Assistant.

*For Spring Semester:*

Director of Competitions, National Trial Advocacy Competition Director and Advocacy Executive Assistant.

**b) *Selection of Team Captains and Placement of Members***

- 1) The currently serving and newly elected members of the Administrative Council and any graduating Board members will determine the Team Captains for the following semester by a majority vote. Excluded from the selection and placement process are current Team Captains, members of the Board who are not graduating but not returning the next semester, and anyone who is eligible for placement on a competition team. In the event of a tie, the vote shall be repeated until the tie is broken. Only those candidates who indicated a preference for a Team Captain position will be considered for Team Captain.
- 2) A Captain's Disclosure Form will be submitted by all those returning members who wish to be considered for a Team Captain position with the returning member application. This form will be kept under seal until the Team Captain's have been chosen according to b(1). The Captain's Disclosure Form will serve as a guide in making team determinations and is non-binding. The Captains Disclosure Form shall include a preference for a particular competition, educational and experience factors that relate to the competition, and a preference of individuals for a particular team. The Captain's Disclosure Form shall be similar to the form found in Appendix B.
- 3) The placement of remaining members on particular competition teams will be determined by a majority vote. The Captain's Disclosure Form, Returning Member's Applications and New Member Applications shall be used as a guide in making team determinations. In the event of a tie, the vote shall be repeated until the tie is broken.
- 4) The Class Director shall serve in an advisory capacity at the meeting in which teams are selected. Class Director shall NOT have a vote as to the composition of the teams, but shall advise on all matters concerning members of the outgoing Moot Court Competition Class.

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### *ARTICLE FIVE*

#### EVALUATIONS

##### **1.05. Evaluations:**

- a) Each semester, two evaluations shall be conducted of Team Captains by their team members and of team members by their Team Captain. The purpose of these evaluations is two fold: 1) To assess the performance of Board members in efforts to create more proficient oralists and brief writers, and 2) To provide sufficient documentation to address deficiencies.
- b) The Administrative Council shall adopt the evaluation forms prior to the first General Board meeting of the semester. The forms shall provide objective criteria for evaluation. All competition teams shall complete two (2) evaluations. The first evaluation shall be completed and submitted to the Executive Director no later than seven (7) days after the first Dress Rehearsal. The second evaluation shall be completed and submitted to the Executive Director no later than seven (7) days after the team's competition. Non competition positions on the Board shall submit two (2) evaluations to the Executive Director by a date set by the E-Council.
- c) The Executive Director shall take reasonable steps to ensure the confidentiality of the evaluation forms. The Team Captains shall be given the evaluation forms completed by his/her team members. The team members shall be given the evaluation form of the Team Captain. Team members and captains are encouraged to discuss their evaluations and a written response to any evaluation may be submitted to the Executive Director.

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### ARTICLE SIX

#### DISPUTE RESOLUTION, REMOVAL AND IMPEACHMENT

##### 1.06. Dispute Resolution, Removal and Impeachment

- a) **Dispute Resolution:** Team Captains and Team Members are expected to work to resolve team issues through oral and written communication. The evaluation form shall be used to detail matters that may require resolution. Documentation of resolution efforts is required. In the event that a matter cannot be equitably resolved within the team, the Team Captain or Team Member shall seek the assistance of the Executive Director. The Executive Council shall have the authority to resolve the matter based on the documentation provided and any other relevant information.
- b) **Removal from the Board:** A motion to remove an individual from the Moot Court & Advocacy Board must be submitted in writing by the Wednesday of the 12th week of each semester to the Executive Council and the faculty advisor. This motion must be offered with specificity that details why the presumption of returning to the Board should be rebutted. All evaluations and documentation of any action taken by the Executive Council shall accompany the motion for removal. The motion for removal and all supporting or opposing documentation must be made available to the entire Moot Court & Advocacy Board by Friday of the 12th week of each semester. Adoption of a removal requires a 2/3 vote of the Moot Court & Advocacy Board. At any time, the resignation of a member will end the removal procedure.
- c) **Impeachment of the Executive Director:** At any time, a member of the Moot Court & Advocacy Board may petition the Administrative Council to adopt Articles of Impeachment. The petition must state with specificity the basis for the petition and include any documentation of matters that merit the removal of the Executive Director. The petition shall be submitted to the 2 remaining members of the Executive Council and the faculty advisor. The two remaining members of the Executive Council shall provide a copy of the petition to the Executive Director. The Executive Director has 3 business days from the date of the receipt to respond to the allegation detailed in the petition. Upon receipt of the response, the Administrative Council shall meet to determine whether or not to adopt Articles of Impeachment. Adoption shall require a 2/3 vote. The entire Moot Court & Advocacy Board shall vote to ratify the Articles of Impeachment. Ratification shall require a 2/3 vote.
- d) **Emergency Removal:** If any member of the Moot Court & Advocacy Board commits a serious breach of ethics or jeopardizes the integrity and reputation of the Board the member may be removed by a 3/4 vote at an emergency meeting called by the Executive Council. The member in question will be given an opportunity to address the Board, in efforts to afford due process. Removal will be effective immediately, subject to any applicable regulations of Michigan State University College of Law.

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### ***ARTICLE SEVEN***

#### **SELECTION OF COMPETITIONS**

- 1.07.** Competitions shall be selected by the Administrative Council of the Moot Court & Advocacy Board. Selection shall be based on factors including but not limited to cost, location, date, subject matter, applicable deadlines and any other factors conducive to the enhancement of the Moot Court program. The Administrative Council shall use reasonable efforts such as electronic mail or informal polling to receive the input of the entire Board selecting competitions.

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***ARTICLE EIGHT***

**AMENDMENTS**

- 1.08.** **Amendments:** a 2/3 vote of the entire Moot Court & Advocacy Board is required to amend these By-Laws.