



**Moot Court  
Constitution  
2009-2010**

**LOYOLA UNIVERSITY SCHOOL OF LAW  
MOOT COURT PROGRAM  
CONSTITUTION**

**ARTICLE ONE – NAME**

This organization will be recognized as the Loyola Moot Court Program.

**ARTICLE TWO – PURPOSE**

The purpose of the Moot Court Program is to foster the art of appellate advocacy with responsiveness and enthusiasm through team advancement, academic support, and university involvement, thereby enhancing national recognition and pride among its members.

**ARTICLE THREE – MOOT COURT PROGRAM COMPOSITION**

The Moot Court Program shall be composed of a Moot Court Staff and shall be governed by a Moot Court Board consisting of seven members.

**ARTICLE FOUR – MOOT COURT BOARD**

**Section One - General Authority**

The Moot Court Board shall have the authority to establish all policies and procedures for the Moot Court Program not in conflict with this Constitution, and to preside over any situation not covered by this Constitution.

**Section Two – Voting**

The Moot Court Board shall employ a unanimous, 7-0 vote for the following decisions: (1) selection of new Board Members; (2) selection and removal of a National Team Member; (3) removal of any Team Member; (4) any Constitutional changes; and (5) removal of any Staff Member.

The Moot Court Board shall employ a 6-0 vote for removal of any Board Member.

The Moot Court Board shall employ a 6-1 vote for the following decisions: selection of new Team Members; probation of any Staff Member.

The Moot Court Board shall employ a 5-2 vote for selection of new Staff Members through the Intramural and Argue-On processes.

For any decisions not explicitly addressed in this document, the Moot Court Board shall employ a 4-3 vote.

### **Section Three - Composition**

The Board shall be comprised of seven students, and each shall be either a 3L Day or Evening, or 4L Evening student. The seven Board positions are: (1) Chairperson; (2) National Team Coach; (3) 3 Fall/Spring Team Coach; (4) Selection Committee Chair; (5) Alumni Chair. Board members shall not serve more than one academic year on the Moot Court Board.

Each of these positions has the authority to head a committee composed of Staff members. The purpose of the committee is to assist the Board member successfully carry out his or her numerous responsibilities. The Staff members shall select which committee to join at the first Staff meeting of each new academic year.

### **Section Four – Eligibility**

The respective Board members must be either a 3L Day or Evening, or 4L Evening law student and must have served as a Moot Court Staff Member for two (2) complete academic semesters. Loyola University School of Law grants a one-half tuition scholarship to each Board member. A Board member is permitted to participate in one of the following extracurricular activities: clerkship, law clinic, or externship. A ten (10) hour weekly time limit is imposed on the Board member in the selected activity. In the event that any Board member receives a full scholarship for Moot Court activities, that Board member will be precluded from participation in any clerkship, law clinic, or externship. All Board Members will be precluded from engaging in the following: Law Review Board; Moot Court and/or Legal Writing and Research Teaching Assistant; Moot Court Competition Teams; Officer in SBA (except as a class representative or Honor Board representative); Officer or competitor in a legal or social organization on campus.

### **Section Five – Chair of the Board**

The Chair shall be responsible for controlling and maintaining the budget for the Moot Court Program. Additionally, the Chair is the primary liaison between the Moot Court Program and the Dean's Office. Furthermore, the Chair shall also assist the Alumni Chair with team sponsorship, which includes contacting area law firms for donations and/or team sponsorships. Finally, the Chair is the general manager and agenda setter of the Moot Court Program, and any task or duty not specifically delineated to another Board Member is the responsibility of the Chair.

### **Section Six – National Team Coach**

The National Team Coach shall prepare the National Team for the Regional Competition in the fall and the National Finals in the spring. This includes, but is not limited to: setting deadlines; brief research and writing assistance (as allowed by the competition rules); scheduling practices, arranging for judges; making all travel arrangements and reservations; copying, binding, and shipping the briefs; working with the Chair to set a team budget; and maintaining team harmony. If the National Team does not advance to

the National Competition, the National Team Coach shall meet with the Chair to determine appropriate duties and how to best maximize the coach's talents in the spring semester. Finally, the National Team Coach shall advise any team not coached by a Moot Court Board member and shall provide the Board with weekly updates of each team's progress.

### **Section Seven – Fall/Spring Team Coach**

The Fall/Spring Team Coach shall prepare each of his/her teams for their respective competitions. This includes, but is not limited to: setting deadlines; brief research and writing assistance (as allowed by the competition rules); scheduling practices, arranging for judges; making all travel arrangements and reservations; copying, binding, and shipping the briefs; working with the Chair to set a team budget; and maintaining team harmony.

### **Section Eight – Selection Committee Chair**

The Selection Committee Chair shall plan and organize the Argue-On Competition in the fall semester. This competition allows 2L Day, 2L Evening, and 3L Evening students an opportunity to become members of the Moot Court Staff. The Selection Committee Chair is responsible for reserving rooms, scheduling judges, and coordinating efforts with the Technology Assistant for the law school to ensure the camera and microphones set up. Additionally, this position will be responsible for T-Shirt sales in the fall.

In the Spring, the Selection Committee Chair shall plan and organize the Intramural Competition for the first year class. The Selection Committee Chair shall be in charge of setting up the times for all Moot Court class participants as well as lining up faculty and local attorneys to judge throughout the weekend. You must also work closely with the Head Teaching Assistant to coordinate these events with the class.

#### **SUB-SECTION ONE: THE ARGUE-ON COMPETITION**

The Argue-On competition is held during the fall semester and is open to all 2L Day, 2L Evening, and 3L evening students who have successfully completed the Loyola University School of Law Moot Court course and received at least a B in the class. The Board is responsible for the selection of the new Staff members. The Board shall serve as judges for this event. This competition should be planned before any fall fundraising activity so that the new members can participate. Successful Argue-On candidates are assigned to the Intramural Committee to fulfill their Staff requirements.

#### **SUB-SECTION TWO: THE INTRAMURAL COMPETITION**

The Intramural competition is held in the spring semester in conjunction with the Moot Court class. The Board is responsible for choosing the new Staff members, through an objective and subjective process. Staff selection is based upon the

student's brief score and the student's oral argument evaluation. In selecting new Staff members, the Board shall consider the nature of this achievement organization, and that only highly skilled oralists and brief writers shall be invited to be a member of the Moot Court Staff.

The Intramural competition shall be set forth as:

(1) All students taking the Moot Court class must compete in the first round. The judging panel for this round should consist of one Loyola Law professor, one Board member, and one practitioner.

(2) The second round consists of the newly selected for Moot Court Staff. The judging panel for this round should consist of local judges and practitioners.

(3) The Board shall select eight members of the newly selected Staff to advance to the semi-final round of the competition. A panel consisting of local judges should judge the semi-final round.

(4) The Board selects four oralists of the eight to advance to the Final Four Round.

(5) A panel consisting of distinguished judges shall judge the Final Round, and they will determine the First, Second, Third and Fourth Best Oralist of the Moot Court class. The Final Four Oralists shall be honored at the annual Moot Court Awards Banquet.

### **Section Nine – Alumni Chair**

The Alumni Chair shall be the liaison between Moot Court alumni and the current Board and Staff. Additionally, the Alumni Chair shall plan the annual spring awards banquet and the Team Sponsorship Campaign.

#### **SUB-SECTION ONE: FALL FUNDRAISER**

During the fall semester, the Moot Court Program traditionally hosts a fundraiser. The choice of fundraiser is to be determined by the Board. The Alumni Coordinator, with the assistance of all Board Members, will ensure the smooth functioning of the event. Additionally, the Alumni Coordinator may select a Committee or Committees to assist in this effort.

#### **SUB-SECTION TWO: ANNUAL SPRING AWARDS BANQUET**

During the spring semester, The Moot Court Program shall host an Awards Banquet. This Banquet shall follow the Intramural Competition and the selection of the new Moot Court Board and Teams. The Alumni Coordinator, with the assistance of the Board, is responsible for planning the Awards Banquet.

The purpose of the Awards Banquet is to honor: (1) the Final Four oralists of the current Moot Court class; (2) the author the Best Brief of the preceding Moot Court class; (3) the accomplishments of the Competition Teams; (4) the “outstanding” senior Staff member(s) selected by the Board; (4) the new Board, Staff and Team members; and (5) the Gisevius Distinguished Alumni Award, given to a Loyola Alumnus, who has demonstrated dedicated service to the Moot Court Program. The Board shall select the recipient of this award.

### **Section Ten- Additional Board Duties**

In addition to the enumerated responsibilities of each Board position, each Board member shall also assume all necessary duties for the benefit of the Board and the Program as a whole.

### **Section Eleven – Selection of the Board**

At the end of each Spring semester, but before the Awards Banquet, the current Moot Court Board shall select the Moot Court Board for the upcoming year. The selection of the new Board shall be a three-day process. On the first day, the Moot Court Board shall conduct interviews with all potential and eligible candidates. On the second day, the Moot Court Board shall deliberate to decide who will be given the privilege of serving on the following year’s Board. On the third day, the Moot Court Board shall offer each position to the designated candidates. Immediately following acceptance by all candidates, the Moot Court Board shall deliver letters to all candidates who did not receive a position. These letters shall notify these members of the Board’s decision not to offer them a position and thank all Members for their participation in the Moot Court Program.

### **Section Twelve – Amending the Constitution**

The Moot Court Board, through a 7-0 vote, may amend the Constitution. The Constitution shall only be amended once per academic year, and these amendments shall occur between that academic year’s Spring Banquet and the expiration of the Moot Court Board’s term of office. The Constitution may be amended at another time during the academic year only if the absence of such amendments would result in extreme harm or extremely detrimental circumstances to the Moot Court Program.

### **75% Voter Override of Amendments**

If the Board passes an amendment to the Moot Court Constitution, they are required to show each member of the Loyola Moot Court Program the text of such an amendment. If 75% of the Loyola Moot Court Program (excluding the Board) votes against an amendment, it is thereby revoked. This process should occur in the Fall at the beginning of the semester.

## **Comments**

An example of extreme harm or extremely detrimental circumstances needed to amend the Constitution in the middle of the academic year would be to provide for the changes in the Spring Moot Court Selection Process when these changes are eminently necessary because of the impending changes in the Moot Court Class

### **Section Thirteen – Term of Office**

The Moot Court Board Members shall hold their offices for one academic year. These terms shall end upon completion of the Loyola University School of Law Commencement Exercises. The terms of their successors shall then begin.

## **ARTICLE FIVE – MOOT COURT COMPETITION TEAMS**

### **Section One – Purpose of Competition Teams**

The purpose of the Moot Court Competition Teams is to establish the Moot Court Program's reputation for excellence in appellate advocacy by excelling in nationally recognized moot court competitions, thereby enhancing Loyola University School of Law's prestige on a national scale.

### **Section Two- The National Team**

The national team shall be selected by a 7-0 vote of the Board after the aforementioned three day interview and application process. Each national team member shall receive a half tuition remission scholarship in consideration for the team member's work in preparation of and during the competition; attendance at all fundraising events, team send-offs, and moot court workshops; participation in the intramural competition as directed by the Board, and all other duties agreed upon by the Board in a 7-0 vote. The Board reserves the right to impose work and extra-curricular involvement restrictions on all national team members comparable to that imposed upon Board members if necessary.

### **Section Two – Team Member Selection**

The Moot Court Board shall select the members of the Competition Teams. The Board shall select the Competition Team members for the upcoming year. The selection of the new Teams shall be a three-day process. On the first day, the Moot Court Board shall conduct interviews with all potential and eligible candidates. On the second day, the Moot Court Board shall deliberate to decide who will be given the privilege of serving on the following year's Teams. On the third day, the Moot Court Board shall deliver letters to all candidates who did not receive a position and post the selection

results. These letters shall notify the applicants of the Board's decision not to offer them a position and thank all Members for their participation in the Moot Court Program.

Additionally, if the Moot Court Board provides for an additional team during the current academic year, the Moot Court Board shall conduct interviews with all interested and eligible Staff Members before the selection of the team. The Board shall follow the aforementioned interview process unless the timing of the circumstance does not allow for the three day process.

### **Section Three – Team Composition**

Each team may be composed of a coach, two oralists and a brief writer, or any combination of oralists/brief writers that the Board and competition rules shall allow. The team shall adhere to their respective competition rules as they are required. The team coach shall be responsible for keeping the Board informed regarding developments in the team, its preparation and the competition. Team coaches who are not Board members must submit a detailed report describing the competition and the results of the team.

### **Section Four – Team Member Removal**

To the greatest extent possible, each team shall be self-governing. In the event that a significant dilemma among the team develops, the team coach may consult the Board for advice. With a unanimous, 7-0 vote, the Board reserves the right to remove any member from any team for good cause shown.

### **Section Five - Mandatory Requirements for Team Membership**

In order to remain on any Moot Court Team, each team member must attend a brief writing seminar, a creative writing seminar, or any other seminar deemed necessary by the Board.

In addition, a Moot Court team member cannot be simultaneously enrolled on any competitive team in any other competitive advocacy program(s) during any semester in which preparation and/or competition for the applicable Moot Court tournament coincide.

### **Section Six – Travel Requirements**

Each Coach, with the approval of the Moot Court Chair, shall set a budget and travel plans for his/her team. In setting the budget and travel plans, the Coach shall attempt to find reasonable hotel and flight accommodations. The Moot Court Board reserves the right to control the budget and determine which travel arrangements are appropriate and feasible.

## **ARTICLE SIX – MOOT COURT STAFF**

### **Section One – Composition**

The Moot Court Staff shall be comprised of students who have been selected by the Moot Court Board to join the Moot Court Program.

### **Section Two – Selection of Staff**

Students may be selected to join the Moot Court Program either through the Moot Court Spring Class Intramural Competition held in the Spring Semester, or through the Argue-On Competition held in the Fall Semester. A student attains Staff Member status immediately upon selection to the Moot Court Program.

1L Day, 1L Evening, and 2L Evening students are eligible for selection to the Moot Court Program through the Moot Court Spring Class Intramural Competition. Any student who was previously enrolled in the Moot Court Class and withdrew or failed is not eligible for selection to the Moot Court Program, unless extreme circumstances existed. 2L Day, 2L Evening, and 3L Evening students are eligible for selection to the Moot Court Program through the Argue-On Competition in the Fall Semester. Any student who previously attempted to Argue-On and was not selected is not eligible for selection to the Moot Court Program.

Generally, in order to ensure the prestige of the Moot Court program the total number of Moot Court staff members in relation to the total number of law students for that academic year shall not exceed fifteen percent (15%).

### **Section Three – Duties of Staff Members**

In order to remain a Member in Good Standing, Moot Court Staff members are responsible for fulfilling work hour requirements as determined by the Board and announced by the first staff meeting. Work hours are to be performed for each of the two Standing Moot Court committees- Intramurals and Fundraising. No required number of hours is set forth in this document, as each school year may require a different number of hours.

#### **SUB-SECTION ONE: COMMITTEES**

There are two standing Moot Court committees- Intramurals and Fundraising. Intramural hours include but are not limited to- judging a practice round for any moot court team, argue-on participant or intramural participant, and working the argue-on or intramural competition as a bailiff, timekeeper or videographer. Fundraising hours include but are not limited to- soliciting donations for the silent auction, golf tournament, or banquet, and working or preparing for the silent auction, golf tournament, or banquet.

In order to remain a member in Good Standing of the Moot Court Program, a Staff Member will be assigned to a primary Committee and must perform work hours for that Committee. All Staff Members selected to join the Moot Court Program through the Fall Argue-On Competition will be assigned to the

Intramural Committee. All Moot Court staff members must fulfill the work hours established by the Board at the beginning of the academic year for both their primary committee and their secondary committee. Thus, each moot court staff member shall complete work hours for both the Intramural and Fundraising committee throughout the year. Additionally, the Moot Court Board may create additional committees in the best interest of the program when necessary.

## **SUB-SECTION TWO: STAFF MEETINGS**

In order to remain a member in Good Standing of the Moot Court Program, a Staff Member must attend all Staff Meetings, unless the Staff Member obtains an excused absence from a Board Member prior to the meeting. If a Staff Member has more than two unexcused absences for the year, he/she may be removed from the Moot Court Program.

### **Comments**

The Moot Court Board is not obligated to provide multiple meeting times or unreasonably early or late meeting times. All Staff Members who desire an excused absence need to obtain one before the scheduled meeting. Excused absences should only be merited in the cases of class conflicts or extreme personal situations; work conflicts are not considered a proper excuse for not attending a meeting.

### **Section Four – Applying for a Team and/or Board Position**

A Staff Member who wishes to apply for a Team and/or Board position shall submit the application and all accompanying materials requested by the Moot Court Board on or before the designated deadline. A Staff Member shall only apply for those positions in which he/she is eager and willing to perform. If a Staff Member designates a position on his/her application, is offered the position, and refuses to accept that position, the Moot Court Board may discipline the Staff Member as it sees fit.

### **Section Five – Staff Member Conflict with the Moot Court Board**

A Staff Member who has any conflict, dispute, or disagreement with the Moot Court Board shall first request and receive a formal meeting with the Moot Court Board before any other actions may be taken. If after the formal meeting the Staff Member believes that the conflict is still present or has not been handled properly, the Staff Member may then take any other action he/she deems necessary to resolve his/her dispute.

### **Section Six – Probation of a Staff Member**

The Moot Court Board, by a 6-1 vote, may place any Staff Member on probation. This probation shall last until the Moot Court Board either determines that the Staff Member has returned to Good Standing or removes the Staff Member.

### **Section Seven – Removal of a Staff Member**

A termination procedure which outlines removal procedures shall be determined by the Moot Court Board at the beginning of the academic year. In the event a Staff member has not completed either a committee or work hour requirement, or by any overt act or omission performs in a way detrimental to the Moot Court Program, the Board, pursuant to a 7-0 vote, may remove the Staff member. In applying this removal procedure, the Board shall consider the nature of this achievement organization. The Board shall give the Staff member notice and the opportunity to speak on his/her behalf.

If the Board elects to remove a Staff Member, then that Staff Member is no longer associated with the Moot Court Program. Thus, upon graduation, this person shall not receive a Certificate from the Moot Court Program.

### **Section Eight – Removal of a Board Member**

In the event that a Board Member fails to perform his or her duties, or refuses to comply with the Moot Court Constitution, the Board, by a 6-0 vote, may remove the Board Member for cause.

### **ARTICLE SEVEN – Sunset Provision**

In the academic year in which the Regional portion of the National Moot Court Competition is held at Loyola, and only for that year, a Board Position will be created to plan and organize the Regional Competition in the Fall Semester. The Regional Coordinator is responsible for reserving rooms, scheduling judges, and coordinating efforts with the Technology Assistant for the law school to ensure the camera and microphones are available and set up. In the Spring, the Regional Coordinator will coach a Team.

The Team Coach position involves preparing each of his/her teams for their respective competitions. This includes, but is not limited to: setting deadlines; brief research and writing assistance (as allowed by competition rules); scheduling practices, arranging for judges; making all travel arrangements and reservations; copying, binding and shipping the briefs; working with the Chair to set a team budget; and maintaining team harmony.

One more vote is required for all majorities as expressed in Article Four, Section Two (Voting) during the year the Regional Coordinator Position is applicable. All votes must at least reach a 5-3 majority to pass.