

BY-LAWS

OF THE

VALPARAISO UNIVERSITY

SCHOOL OF LAW

MOOT COURT HONOR SOCIETY

The following By-Laws have been adopted by the members of the Moot Court Honor Society of the Valparaiso University School of Law as the Governing Rules and Regulations of the Society. The Moot Court Honor Society has promulgated these By-Laws in order to ensure the continual development of an exemplary organization devoted to written and oral appellate advocacy.

ARTICLE 1. GOVERNMENT

§1. GOVERNING BOARD

The Society shall be governed by an Executive Board consisting of a Chief Justice and five [5] Associate Justices.

§2. ELIGIBILITY FOR THE GOVERNING BOARD

To be eligible for a position on the Executive Board, a candidate must:

- a. Have successfully completed two semesters of the good standing requirements necessary to become a member of the Society;
- b. Have successfully completed participation in the intra-school competition; and
- c. Express an interest in membership

§3. APPLICATIONS FOR EXECUTIVE BOARD MEMBERS

Applications for positions on the Executive Board shall be accepted from any member of the Society in good standing during a period of two weeks, such period to be announced by the current Executive Board the Spring Term of each school year. Such applications shall be made in written form and shall be submitted to the Executive Board.

If during the application period, less than two [2] nominations are received by the Executive Board for the position of Chief Justice, or less than six [6] nominations are received for the Associate Justice positions, a notice describing such will be posted and an additional week of applications will ensue.

If, at the conclusion of this additional period of one week, the Executive Board has received zero [0] additional nominations for the position of Chief Justice or less than four [4] nominations for the Associate Justice positions, the Executive Board shall determine a reasonable and expedient method selecting the new Chief Justice and/or appointing the new Executive Board.

§4. SELECTION OF THE EXECUTIVE BOARD

Each Society member shall indicate in writing his/her desire to serve on the Executive Board, and may recommend candidates for other positions. The Executive Board may conduct interviews. The Executive Board will be selected from candidates recommended from the Society at large. Each member of the Executive Board shall vote in the selection of the new Executive Board. The election shall held in the first Monday of April. In the case of a tie vote, the Chief Justice shall cast an additional deciding vote. The Executive Board shall not be obligated to select only from among those members who have applied. The Executive Board, at its sole discretion, may interview and select from other qualified members of the Society. The Executive Board-elect shall continue to fulfill their current duties as members of the Society and

will assume office at the end of the academic year.

§5. TERM OF OFFICE

All Executive Board members shall serve for a full two-semester term. In the event that any Executive Board member is unable to complete the full term in office, the remaining Executive Board members shall elect a replacement. No student shall serve as a member of the Executive Board for more than four [4] semesters.

§6. REMOVAL FROM OFFICE

Any participant of the Executive Board may be censured or dismissed from the Executive Board for good cause by two-thirds [2/3] vote of the entire Executive Board. Each member of the Board will have one [1] vote, and any member of the Board may introduce a motion for censure or dismissal for good cause. Before any vote is taken, the accused participant shall be given the right to appear before the Board and hear all charges against him/her and make any explanations he/she desires. A member who is dismissed shall remain a member of the Society but is considered never to have been a member of the Executive Board. He/She may never mention his/her previous Executive Board status in the Law School Career Service Bulletin, Martindale-Hubble, or any other publication. The reasons for censure or dismissal are a matter of concern only to the Executive Board and must remain confidential.

Good Cause for dismissal shall include, but not be limited to, failure to fulfill the good standing requirements as found in Article II, §5, subsection A and breaches of the Valparaiso University School of Law Honor Code.

Any member of the Executive Board may appeal any action taken by the Executive Board to the Faculty Advisor who shall convene a panel consisting of the Dean, the Associate Dean and the Faculty Advisor. All decisions of this panel shall be final.

§7. DUTIES OF THE EXECUTIVE BOARD

- A. Associate Justices: The Associate Justices of the Society shall divide among themselves the following duties and responsibilities:
1. Organization of the Luther M. Swygart Memorial Moot Court Competition;
 2. Select, in conjunction with current team members, the future members of Inter-school Appellate Advocacy Teams;
 3. Attendance at all plenary, executive board and special meetings as required;
 4. Determine the award of credit for all Society members;
 5. Select subsequent Executive Board Members;
 6. Select and prepare all intramural and Candidacy Appellate Advocacy problems; and
 7. Carry out such other reasonable duties as assigned by the Chief Justice;

B. The Associate Justices will be appointed to the following positions:

Interscholastic Competitions: Responsible for organizing travel arrangements for interscholastic teams and maintaining a budget for interscholastic travel.

Judging: Responsible for procuring rooms for practice rounds for Interscholastic Teams; responsible for procuring faculty, Society members, and outside attorneys as judges for all team practice rounds; responsible for obtaining a faculty sponsor/coach for each interscholastic team before members are assigned to teams; and responsible for maintaining records on members' participation in judging rounds.

Luther M. Swygert Memorial Moot Court Competition: Responsible for preparing the problem, scheduling the competition, procuring the final round judges, and conducting the dinner for the Swygert Competition.

Finance/Newsletter: Responsible for overseeing the general financial needs of the Society, including submitting a yearly budget to the Chief Justice and the Valparaiso University School of Law Administration.

The Associate Justice of Finance/Newsletter is also responsible for overseeing the development and distribution of the newsletter each semester. Included in this authority is the power to recruit other members to assist in the development of the newsletter which goes out to Moot Court alumni once per semester or to appoint a member of the Society to handle most of the newsletter responsibilities. However, the Associate Justice of Finance/Newsletter is solely responsible for the development and distribution of the newsletter and will be held accountable for all newsletter issues.

The Associate Justice of Finance will also coordinate the formation and the maintenance of a Moot Court Honor Society trust account. Responsibilities in maintaining the trust will include solicitation of alumni, coordination of fundraising efforts with the law school administration, and maintenance of the account records to be submitted to the Chief Justice and the Valparaiso University School of Law Administration. The Executive Board will administer the proceeds from the trust in accordance with these bylaws.

1L Oral Arguments and Membership Tryouts: Responsible for providing judging assistance to the faculty for second-semester oral arguments. Organize and coordinate the Candidacy Appellate Advocacy Oral Arguments.

C. **Chief Justice:** The Chief Justice shall:

1. Supervise the Associate Justices and assist them in the furtherance of their duties;
2. Supervise the Associate Justices in charge of the various committees;
3. Serve as a liaison with the faculty and the administration;
4. Attend all meetings, when necessary, as the student representative of the Society

- or designate a replacement;
- 5. Present a list of Bona Fide members and candidates of the Society to the Career Services Office at the beginning of each semester; and
- 6. Cast one additional vote in the event of a tie vote among Executive Board members.

§8. MOOT COURT SOCIETY COACH

- A. It is within Executive Board's discretion, upon approval from the Dean of the Law School and the Administration, to select an attorney for the purpose of serving as the Moot Court Society's Coach. The Coach will be compensated by the Law School as an adjunct professor and will be employed for a period determined by the Dean and the Executive Board of the Society.
- B. The Moot Court Society Coach's duties will include:
 - 1. Assisting each team with all necessary preparation for interschool competitions, within each competition's limitations, rules, and restrictions regarding outside assistance.
 - 2. Conducting at least one (1) workshop on oral arguments or any topic relating to appellate advocacy as selected by the Associate Justice of Swygert in consultation with the Executive Board, and which is to take place before the beginning of the Swygert Competition.
 - 3. Attending as many interschool competitions with competing teams as appropriate and reasonable within the Society's budget, convenience, and Executive Board discretion.
 - 4. Working with the Executive Board to determine the specific functions of the Coach within the Executive Board's vision and concept of how the Society should run for that particular year and for future terms.
 - 5. Being available, within reason, for consultation with the Executive Board or any competing member who might need interschool competition assistance.
 - 6. Participating in a practice round for the finalists of the Swygert competition prior to the final round.

§9 MOOT COURT ALUMNI NEWSLETTER

- A. The Moot Court Society shall produce a Moot Court Honor Society Alumni Newsletter once per semester. It is within the Executive Board's discretion to designate a member as the Newsletter Director. This member may be a person who is not on the Executive Board. This member will operate under the supervision of the Chief Justice and the Executive Board and will be responsible for the production of the Moot Court Alumni Newsletter.
- B. The Moot Court Alumni Newsletter Director's duties include:
 - 1. Maintaining a list of Moot Court alumni who are to receive the newsletter.

2. Choosing newsletter topics and assigning members of the Executive Board articles which will comprise the newsletter.
3. Maintaining all materials such as software and equipment that are used for newsletter production.
4. Working with the Chief Justice and entire Exec Board on newsletter design, formatting and production.
5. Overseeing newsletter mailing and alumni relations.
6. Working with Chief Justice and Associate Justice of Financing on newsletter financing and budgeting.

ARTICLE II. MEMBERSHIP

§1. ELIGIBILITY REQUIREMENTS FOR JOINING THE SOCIETY

A. NUMBER OF INVITATIONS

The Executive Board has the sole discretion in deciding how many participants, both Full Member and Associate Members, may be invited to join each year based on financial and other considerations.

The Executive Board may take “Associate Members” that participate only in the intra-school competition. If a vacancy arises among Full Members, an Associate Member may be moved up to Full Membership and is eligible to participate in a national competition based on all relevant conditions.

B. TRY-OUTS

Each participant shall compete in the Society’s try-outs, which consist of two rounds. Each participant is judged on their appellate advocacy abilities, including oral and written advocacy skills.

The try-out is open to all full and part-time first and second year students who are in good standing. (See §1.C. “Other Qualifying Factors” and §5.A. “Good Standing” below).

Each participant shall sign a grade release form, allowing the Executive Board to access to their first semester legal writing grade.

Each participant will argue before a panel consisting of current and incoming Executive Board Members, based on the appellate brief written in his/her first year legal writing class.

The Associate Justice in charge of try-outs has discretion in deciding the format of the try-out. He or she shall base the format on the guidelines set forth in this Section.

The Associate Justice in charge of try-outs has discretion in setting the date, time, and

deadlines for the try-outs.

Round One:

Each person's score shall be based 50% on the first year, first semester legal writing grade and 50% on oral argument score.

After the first round scores are tallied, the candidate pool shall be appropriately reduced, based on the number of participants, at the discretion of the Associate Justice in charge of tryouts.

Round Two:

Each person's score shall be comprised of a combination of the applicant's oral argument score and appellate brief.

Scoring of oral argument shall be based on organization of argument, courtroom presentation, how each participant handles questions, legal reasoning and persuasiveness.

Scoring of the appellate brief will be at the discretion of the incoming Executive Board. Only the Associate Justice in charge of try-outs will know authorship of the appellate brief.

The formalities of the scoring process are left to the Associate Justice in charge of try-outs.

Following the tabulation of the final scores the Board will extend an invitation to qualifying participants based on each person's score and number of participants the incoming Executive Board has determined for membership.

C. SPECIAL CONSIDERATION

The Executive Board may offer an invitation to join the Moot Court Honor Society to an individual based on special consideration.

D. OTHER QUALIFYING FACTORS

In order to fulfill the academic requirements of the School of Law, each member must have attained a Cumulative Grade Point Average 2.0 and maintain non-probationary status prior to the beginning of the semester during which the student will be enrolled in Moot Court Honor Society.

Should a member lose his/her eligibility for membership, he/she may petition the Executive Board for special consideration. Such consideration shall be granted by the Executive Board based on the potential for academic improvement and on the reasons for lowered academic grade point average during the previous semester. The decision of the Executive Board may be appealed through the Appellate Process

in Article I, §6, entitled “Removal From Office.”

Invitations to become a member of the Society shall be issued by the Executive Board, in writing, to each invitee. The names of those candidates who accept shall be published in the School of Law publications.

§2. BONA FIDE MEMBERSHIP

In order for the Executive Board of the Society to confirm inquiries by the Valparaiso University School of Law Career Services Office or other inquiries, bona fide membership in the Society shall be limited to those members who have completed enrollment in one [1] semester of Moot Court, and who have participated in the Swygert Moot Court Competition.

For purpose of completing enrollment applications, scholarship applications or elective course applications, or for other similar purposes, no Member shall state orally or in writing that he/she is a Member of the Moot Court Honor Society until such time as he/she has completed enrollment in two semesters of Moot Court, and has participated in the Swygert Moot Court Competition. To do otherwise will constitute a violation of the Valparaiso University School of Law Honor Code and the student will be subject to all penalties associated with such a violation. Members may only state that they are Members in the Moot Court Honor Society for the aforementioned purposes. Where appropriate, members may list participation on any teams and offices held.

§3. LEAVE OF ABSENCE

Any member of the Society may request a leave of absence for no more than one [1] semester. Such request must be made in writing to the Executive Board in a timely manner. The Executive Board shall determine the reasonableness of the request and will grant a leave of absence at its discretion.

§4. GRIEVANCE PROCEDURE

Each Society member may bring any matter of concern of the Society to the Executive Board by stating such a concern and presenting a copy to the Chief Justice of the Executive Board.

If the complaining Society member is not reasonably satisfied with the action taken on the matter by the Executive Board, then that Society member may appeal to the Faculty Advisor who shall convene a panel consisting of the Dean, Associate Dean, and the Faculty Advisor. All decisions of this panel shall be final.

§5. DUTIES AND OBLIGATIONS OF MEMBERS

A. GOOD STANDING

Each person selected from the Spring Appellate Competition will be extended an invitation to join the Moot Court Honor Society as a member. Each member in the Society will be required to fulfill the following good standing requirements to be considered a member of the Moot Court Honor Society the following year.

1. Serve as a judge for a requisite number of appellate advocacy arguments, as determined by the Executive Board;
2. Participate in the Luther M. Swygert Memorial Moot Court Competition;
3. Until such time as second-year students have participated in the Luther M. Swygert Moot Court Competition such members shall attend practice sessions of inter-school teams as observers or judges, in such manner and number as the Executive Board shall determine;
4. All members must successfully attend and complete the Appellate Advocacy course as held by the Valparaiso University School of Law at least once during their membership with Moot Court. The Executive Board retains discretion to excuse a member from completing this requirement in exceptional circumstances;
5. All members must attend the scheduled meetings as designated by the Moot Court Executive Board; and
6. Generally fulfill all of the additional reasonable duties or responsibilities as required by membership of an Inter-school Competition Team or as determined by the Executive Board.

The fulfillment of these requirements serves a two-fold purpose. First, this service will provide each Society member with multiple opportunities to further heighten and develop his/her ability to speak, think, and write in an effective and persuasive manner. Second, such service will promote the internal standing of the Society within the School of Law as well as the external standing of the Valparaiso University School of Law. Failure to participate in the process of realizing these purposes will result in good cause removal from the Society.

B. ATTENDANCE

Attendance by all Moot Court Honor Society Members at all plenary meetings and other activities of the Society is mandatory. A full quorum of the Society must be present to call any vote on any issues. The Chief Justice shall call all meetings of the Society. If the Society members wish to call a meeting they must submit a petition to the Executive Board with the signatures of 51 percent of the Society membership. The Chief Justice shall then call a meeting of the Society in a timely fashion. The Chief Justice will attempt to schedule all meetings and activities so that they do not conflict with class schedules or outside activities. However, attendance at any meeting or activity may be excused only by written response to a written request describing sufficient reason to the Chief Justice made at least

twenty-four [24] hours in advance of the meeting or the activity.

Unexcused absences shall constitute good cause for failure to fulfill the good standing requirement as determined by the Executive Board. However, unexcused absences may be cured by additional participation in the Society activities prescribed by the Chief Justice, but only if such additional participation is available and only at the discretion of the Chief Justice which may be reviewed by the Executive Board.

C. PARTICIPATION IN THE LUTHER M. SWYGERT MEMORIAL MOOT COURT COMPETITION

All Society candidates and members are eligible to participate in the Swygert Competition. All Society candidates and members who are not serving as members of the Executive Board are required to participate in the Swygert Competition each year. Failure to satisfy the requirement set forth in this subsection will constitute good cause for removal from the Society.

Scores of the appellate briefs submitted to the Swygert competition will be judged by the Executive Board in a manner determined by the Board under the direction of the Associate Justice responsible for the Swygert Competition. Brief scores will be graded out of one hundred [100] points.

The competition shall consist of a First and Second Round in which everyone participates. Competitors will argue in the First Round for the side they wrote the brief for, and the opposite side for the Second Round. From the original number of competitors, the number shall be reduced after the Second Round to sixteen [16] for a Quarterfinal Round. To determine the cut, the top sixteen [16] scores will be taken from a combination of fifty [50] percent for the brief score, and twenty-five [25] percent each for the First and Second rounds. All efforts shall be made to ensure that each competitor faces someone different in each round.

After the Quarterfinal Round, there shall be a cut to eight [8] competitors for a Semi-Final Round. To determine the cut, the brief shall count for twenty-five [25] percent of the competitors' score, while the oral argument shall count for seventy-five [75] percent.

In the Semi-Final Round, the judging panel shall consist of at least three [3] faculty members. The eight [8] shall be cut to four [4] for a Final Round. The determination of the four [4] finalists shall be left up to the sole discretion of the faculty judging panel. The Associate Justice of the Swygert Competition shall be the timer for the Semi-Final Round.

Each oral argument for the first four [4] rounds of the competition shall be fifteen [15] minutes. The Petitioner must ask for rebuttal time.

For the Final Round, the judging panel shall consist of three [3] members, with the

Chief Justice being a member of the Seventh Circuit Court of Appeals. The remaining four [4] competitors shall be paired up into two [2] teams. Each side's argument shall be thirty [30] minutes. The Petitioners must ask for rebuttal. Each competitor must argue for at least thirteen [13] minutes.

Certificates shall be awarded to congratulate the finalists. The content of the certificate shall be left up to the discretion of the Board. The certificate shall be signed by the Dean of the Law School, Final Round judges, Chief Justice of Moot Court, and the Associate Justice of the Swygert Competition.

Four [4] monetary prizes shall be awarded. \$200 for the Best Oralist in the Final Round; \$200 for the Best Brief; \$150 for each member of the Best Team in the Final Round. The determination of the Best Oralist and Best Team in the Final Round shall be left to the sole discretion of the judging panel. However, the Best Team shall be based on who are the better oral advocates in the Final Round, not who would have won in an actual court. A plaque shall also be awarded by the Dean of the Law School to the Best Brief winner prior to the start of the Final Round.

In order to facilitate preparation of the competition, the initial planning shall be done in the Spring before the competition by the current Board. Such planning shall include, but is not limited to, the selection of dates, and judges.

The grading of the competitors briefs must be strictly anonymous. A secret number shall be assigned to each competitor by the Associate Justice of the Swygert Competition, and kept confidential by such persons. Each brief shall be read and graded by a minimum of three [3] Executive Board members, with the Associate Justice of Swygert having discretion to have the full Executive Board grade each brief. The briefs shall be as randomly distributed as possible to ensure that possible tough graders are not always grouped together. When all the briefs have been graded, the top three [3] briefs shall be re-graded by all of the Board members except for the Associate Justice of the Swygert Competition. The top scoring brief shall be deemed the Best Brief.

The Executive Board reserves the right to remove a member from his or her interschool team for poor performance on either the written brief or the member's oral argument. Poor performance will be constituted by a combined brief and oral argument score less than sixty (60) percent. In situations where there are low scores, the Chief Justice will be made aware of who has the low scores, and the handling of such situations shall be left up to the Board. Should the Board choose to remove a member from his or her interschool team, the member will be given notice of the Board's decision. A hearing will be held at which time the member will be given the opportunity to hear the charges against him or her and answer the Board's concerns. The board, at its discretion will make exceptions for members with legitimate excuses such as, but no limited to, illness, a death in the family, etc. The Board's decision will be delivered to the member in writing within a reasonable time. Decisions of the Board will be final.

All funds needed to secure the problem, awards, judging, dinner, and any other expenses shall come out of the Swygert Fund only.

All questions about the competition shall be directed to the Associate Justice of the Swygert Competition. Questions about the brief shall not be substantive in nature. If an answer to a question is something that would benefit all, then the Associate Justice of the Swygert Competition shall make it available to all the competitors. The Associate Justice of the Swygert Competition has the sole discretion to determine what questions may be answered.

Once the problem is released, the competitors shall not talk to any other competitors regarding the problem, or seek the advice or assistance from anyone such as, but not limited to, other students, professors, spouses, relatives, etc. Only the services of the Valparaiso University Writing Center shall be allowed. Assistance shall still not be sought once the briefs are turned in. Questions about oral argument performance shall not be made to the Board members until completion of the semi-final round. Assistance may be obtained by the finalists in preparation for the Final Round.

Briefs shall be turned in on the time and date as designated by the Associate Justice of Swygert. If a competitor fails to turn their brief in by that time, there will be a penalty of a thirty three [33] point reduction in total points the brief scored. If the brief is not turned in within twenty four [24] hours of the due date, another thirty three [33] point reduction shall be enforced. If the brief is not turned in after forty eight [48] hours, a final thirty three [33] point reduction will be applied. If the brief is turned in within seventy two [72] hours, then a write-up in accordance with these bylaws will be administered, along with the appropriate penalty. If the brief is not turned in within seventy two [72] hours of the due date, the competitor will be removed from the competition, and be subject to removal from the Society for failure in moot court duties in accordance with these by-laws.

Egregious performance during the Swygert Competition may give rise to institute procedures to remove the member from the Society under Article II, Section 6.

D. OTHER REQUIREMENTS

The Faculty Advisor and/or the Executive Board may, from time to time, require additional reasonable participation by members of the Society. Such additional requirements shall be made in writing, distributed to all members posted in the Moot Court Office. Completion of these additional requirements shall be necessary for the member to fulfill the good standing requirement.

§6. DISMISSAL FROM THE SOCIETY

- A. Purpose of Section: Membership in the Moot Court Honor Society is a privilege and should be undertaken with the utmost seriousness. The following sections provide of the removal of the Society members who fail to fulfill their duties as set forth under these bylaws.
- B. Inclusively of Section: The requirements set forth in the section shall be supplement by other relevant sections of the bylaws including, but not limited, to Article III §4.
- C. Method for Removal: Upon either (a) an anonymous complaint from a Society member or (b) the Executive Board's own initiative, a member believed not to be fulfilling his or her assigned duties in good faith will be investigated by the Board. After a reasonable investigation period, the Board will conduct a hearing with the member in whom the member may confront any accusations against him or her. The Board will then vote to remove the member from the Society. The member will be removed if the Board unanimously decided that the member has not fulfilled his or her duties in good faith.
1. Good Faith Defined: the Board shall determine whether the member has complied with his or her duties in good faith by considering the following factors in addition to the requirements set forth on other sections of the bylaws:
- a) Participation in the Luther M. Swygert Competition
 - 1) Satisfactory completion of the brief and oral argument components
 - i. a composite score of 60/100 or above
 - ii. citation quality
 - iii. breadth of research
 - iv. inclusion of basic brief components such as, but not limited to:
 - Table of contents, table of authorities, title page, issues presented, and summary of argument
 - b) Attendance at Moot Court Meetings
 - c) Participation in the interscholastic competition
 - 1) factors to be considered include, but are not limited to:
 - i. partaking in an equal share of the workload among team members
 - ii. submission of an outline and rough draft to the Chief Justice
 - a. the board shall consider the timeliness of the submissions and their overall quality
 - iii. quality of the group's final brief
 - a. the Board shall consider both the member's attendance at practice rounds, preparation for practice rounds, and overall improvement throughout the practice rounds
 - b. deference will be given to the opinion of the student coach assigned to the team
 - iv. participation in the group work
 - a. the Board shall consider whether the member had a "team-orientated" attitude as opposed to shirking his or her responsibilities
 - d) Judging requirements
 - 1) the Board shall consider whether the member has fulfilled the requisite number of judging sessions as outlined in these bylaws as well as other responsibilities as determined by the Associate Justice of Judging

- e) Compliance with the School of Law Honor Code
 - f) Responsiveness to requests from the Executive Board, Law School administration, or the Faculty Advisor
 - g) The Board will inform the member of its decision in writing within a reasonable time.
- D. Determinations of the Executive Board will be final. A member who is dismissed may appeal the decision of the Executive Board pursuant to the procedure outline in Article I, Section 6.
- E. Strike System: The Moot Court Executive Board will have Good Cause to remove a member from the Moot Court Society upon the issuance, to the member, of three disciplinary strikes:
1. The Executive Board, after a reasonable investigation, may issue a strike only where the evidence clearly shows that the member has not fulfilled his or her responsibilities in good faith (as defined in Art. II, Sections 5 and 6) and/or has engaged in conduct that is detrimental to the purpose and/or image of the Moot Court Society.
 - a. The Executive Board retains sole discretion to determine the circumstances upon which a strike will be issued.
 - b. Each member of the Executive Board will have authority to recommend the issuance of a strike and to call a vote of the Executive Board for such purpose.
 - c. No strike shall issue unless approved by a majority of the Executive Board.
 - d. Strikes remain with members throughout their time with Moot Court. A member who has acquired a third strike cannot participate in Moot Court for the upcoming semester. This means the member cannot participate in any Society events or meetings, except the Swygert Competition. Strikes are cumulative and all strikes issued to a member will remain with that member throughout each semester of the member's participation in the Moot Court Society.
 - e. In addition to the Good Standing requirements enumerated in Art. II, Sect. 5, these are the circumstances under which a member will acquire strikes or lose pass/fail credit during the Fall semester of their membership:

Strikes

A member will receive strikes for any of the following:

- a) Failure to attend scheduled Moot Court meetings; or
- b) Failure to attend any Society-mandated workshop, event, or activity.

Pass/Fail Credit

A member will lose their pass/fail credit if they fail to satisfactorily complete any of the following:

- a) Attend Orientation;
- b) Attend scheduled preliminary rounds for Swygert Competition; or
- c) Write the Swygert Competition brief.

these In addition to the Good Standing requirements enumerated in Art. II, Sect. 5, are the circumstances under which a member will acquire strikes or lose pass/fail credit during the Spring semester of their membership.

Strikes

A member will receive strikes for any of the following:

- a) Failure to attend scheduled Moot Court meetings; and/or
- b) Failure to attend any Society-mandated workshop, event, or activity.

Pass/Fail Credit

Members will lose their pass/fail credit for Moot Court if they fail to satisfactorily complete any of the following (if applicable):

- a) Prepare a quality brief adhering to all competition rules, standards, etc. (quality of the brief is to be determined by team coach);
 - b) Attend all practice oral arguments for the competition in which the member is a participant;
 - c) Attend the competition in which the member is a participant;
 - d) Judge the required number of rounds for 1L Oral Arguments as determined by the Executive Board;
 - e) Attend and adequately judge practice oral arguments for the interschool team they are assigned to judge;
 - f) Failure to judge the required number of rounds for 1L Oral Arguments as determined by the Executive Board;
 - g) Fulfill their duties as a coach of an interschool team. This includes following the rules of their competition, attending all oral arguments of their team, offering insight to the team members and assisting team members when necessary.
2. The Executive Board will inform the member of its decision with respect to the issuance of a strike or the removal of a member from the Society in writing within a reasonable time and all decisions of the Executive Board will be final.
3. A member who has received a strike or has been removed from the Society pursuant to the provisions of this section may appeal the decision of the Executive Board pursuant to the procedure outlined in Article I, Section 6.

ARTICLE III: INTERSCHOOL COMPETITIONS

§1. SELECTION OF INTERSCHOOL COMPETITION

The Executive Board shall select the interschool competitions. Selection of these competitions shall be based on the following factors:

- a. Past participation and success in the competition;
- b. Quality of the organization of the competition;
- c. Topic of the competition;
- d. Cost of preparation and attendance;
- e. Availability of faculty and attorney advisors in the area of the law that is the subject of the competition;
- f. Number of qualified full members of the Society available to be appointed to teams;
- g. Competitions shall be rejected if team members are subject to race, religion, or sexual qualifications.

The goal of the selection process shall be to achieve maximum exposure of qualified members of the Society to competitive appellate advocacy, to utilize the available expertise of Society and attorney advisors, to remain within budgetary guidelines, and to promote the reputation of the Valparaiso University School of Law. Any group or individual may present proposed competitions to the Executive Board. Final approval of the competitions shall be made by the Executive Board.

Once selections have been made, the Chief Justice will publish the selection to the Society and to the Administration of the School of Law.

§2. ELIGIBILITY REQUIREMENTS FOR INTERSCHOOL TEAM PARTICIPATION

To be eligible for selection to an Interschool Competition Team, a member of the Society must:

- a. Be a full member of the society or perform exceptionally well during the Swygert Intrascchool Competition;
- b. Not have been removed from a prior Interschool Competition Team;
- c. Not have previously withdrawn as a member of an Interschool Competition Team (subject to consideration of extenuating circumstances);
- d. Not hold any position on a Moot Court team not sanctioned by the Moot Court Honor Society;
- e. Have a cumulative grade point average of 2.0 or above and maintain non-probationary status.

§3. SELECTION OF INTERSCHOOL COMPETITION TEAM MEMBERS

While the final selection of team members shall be made at the sole discretion of the Executive Board, the following considerations, in no particular order, shall guide the Executive Board in the selection process:

- a. Prior experience of a member through participation on another Interschool Competition team;
- b. Quality of prior performances as a team;
- c. Quality of participation in past Swygert Moot Court Competitions;
- d. Knowledge in a particular area of law gained through scholastic or work experience;
- e. Perceived ability to participate as a member of a “team”;
- f. Member preference.

The Executive Board shall place the selected members on a specific Interschool Competition Team in order to best serve the interests of the Society.

If the selectee is unable to participate on the particular Interschool Competition Team to

which he/she was selected, the Executive Board shall meet in an attempt to either:

- a. Select a replacement;
- b. Agree to allow the Interschool Competition Team to participate with less than the maximum number of team members;
- c. Withdraw from the competition.

Such a determination shall be made at the sole discretion of the Executive Board.

§4. DUTIES OF INTERSCHOOL COMPETITION TEAM MEMBERS

A selectee who accepts an invitation to join an Interschool Competition Team shall be responsible for the following:

- a. Attending all meetings called by the team coach or team members;
- b. Completing all work by the deadlines set forth by the team coach;
- c. All duties as a regular Society member including, but not limited to, participating as an oralist or judge in the Swygert Moot Court Competition and all Society meetings;
- d. Adhering to all guidelines for travel arrangements set forth by the University;
- e. Completing all post-competition work as required;
- f. Any additional requirements established by the Executive Board.

Should an Interschool Competition Team member fail in his/her duties at any time during the preparation of the competition, the Executive Board shall meet to consider appropriate action. Among the possible actions that the Executive Board can take are:

- a. Removal of the member from the Interschool Competition Team;
- b. Dismissal of the member from the Moot Court Honor Society;
- c. Replacement of the member with a substitute Society member;
- d. Continuation of the Interschool Competition Team with less than the maximum number of team members;
- e. Removal of the entire team from the competition.

Such action shall be at the sole discretion of the Executive Board.

§5. SELECTION OF TEAM COACHES

The Executive Board shall appoint student coaches to attend teams' practice sessions and help with teams' preparation.

§6. FACULTY PARTICIPATION

It is highly desirable for the Society to receive Faculty participation during preparation for all Interschool Competitions. It shall be the primary responsibility of the Associate Justice of Judging to procure faculty judges for practice rounds of the Interschool

Competition Teams.

§7. OUTSIDE ATTORNEY ASSISTANCE

The Faculty Advisor, members of the Executive Board, and the Associate Justice of Judging are encouraged to seek assistance of outside counsel as judges for practice rounds of the Interschool Competition Teams.

ARTICLE IV. BY-LAWS

§1. DISTRIBUTION

A copy of all amendments and/or revisions to these By-laws will be distributed to every member of the Society within a reasonable time after the adoption by the Society.

A copy of the current By-laws shall always be available in the office of the Moot Court Honor Society.

§2. ADOPTION AND AMENDMENTS

These By-laws have been adopted by the Moot Court Honor Society by vote of at least 51 percent of the members of the Moot Court Honor Society present at the meetings. A full quorum of the Society must be present to call a vote. Any article or section of these By-laws may be repealed or amended by a two-thirds [2/3] vote of the members of the Society.

Proposed By-law changes must be submitted in writing to the Chief Justice. The Executive Board shall publish the proposed changes, together with its recommendations on the merits of the change. The Society membership shall vote on the change at the first plenary meeting following the publication of the change.

§3. CREDIT

By decision of the Curriculum Committee of the Valparaiso University School of Law each member shall receive one [1] credit hour towards graduation requirements for activities completed in fulfilling the good standing requirement for each semester as a candidate and each semester as a member of the Moot Court Honor Society. No student may accumulate more than four [4] total credit hours of Moot Court courses towards graduation.

§4. MAXIMUM SEMESTER PARTICIPATION

By decision of the Curriculum Committee of the Valparaiso School of Law, members of the Moot Court Honor Society may not enroll for, nor receive credit for, more than four [4] semesters of Moot Court. However, members may continue to participate during additional semesters without cost and without receiving credit. If a student requests

such additional participation, the Executive Board and the Faculty Advisor will expect that the student participate to the same extent required of the students enrolled in the course.