

UNIVERSITY OF MIAMI SCHOOL OF LAW
MOCK TRIAL TEAM

CONSTITUTION & BYLAWS

January 2014

UNIVERSITY OF MIAMI SCHOOL OF LAW MOCK TRIAL TEAM
CONSTITUTION & BYLAWS

PREAMBLE

The University of Miami School of Law Mock Trial Team is a student organization dedicated to trial advocacy, advancing the trial advocacy skills of its members, and successfully representing the University of Miami School of Law in trial advocacy competitions around the nation. It is made up of the finest trial advocates in the University of Miami School of Law and seeks to represent that level of competition on behalf of the University of Miami School of Law throughout all of its competitions.

ARTICLE I: MEMBERSHIP

Membership on the University of Miami School of Law Mock Trial Team shall be open to all second- and third-year students as well as to second-semester first-year students of the University of Miami School of Law in good standing who have demonstrated excellence in trial advocacy.

A. Membership Criteria:

1. Applicants must participate in the Terence J. Anderson Closing Argument Competition (“Competition”).
2. Participation in the Competition is the only means of obtaining membership to the team.

B. Selection Process

1. Membership on the team will be granted to the top twelve competitors in the Competition, unless the Executive Board, by a two-thirds (2/3) majority vote, feels that the Competition warrants more invitations to the team.
2. The individual scores used to rank competitors will be determined solely by the closing argument.

C. Terence J. Anderson Closing Argument Competition

1. The Competition will take place annually in the spring semester.
2. The Competition will consist of:

- a. One preliminary round.
 - b. One quarterfinal round consisting of eight (8) individuals.
 - c. One semifinal round consisting of four (2) individuals.
 - d. One final round consisting of two (2) individuals.
3. The Competition problem will be selected by the President and the Terence J. Anderson Closing Argument Competition Chair.

ARTICLE II: DUTIES OF TRIAL TEAM MEMBERS

A. Candidates

1. Upon selection to the Trial Team, a Competition participant becomes a candidate for membership. Candidates may refer to themselves as members on their résumés before they actually attain full member status.
2. In order to become a full member, a candidate must fulfill all candidacy requirements.
3. Candidates shall be considered full members if they have complied with all requirements outlined below.
 - a. Scout Team
 - i. Each candidate not assigned to compete in a Competition for the current semester shall serve on a scout team for at least one competition.
 - ii. The duties of the scout team shall be determined by the coaches and team leaders on each Competition.
 - b. Meetings
 - i. All candidates must attend all Trial Team meetings. No unexcused absences will be accepted for an election meeting. If a candidate must miss a meeting due to extenuating circumstances, that individual must give advance notice and a confirmation in writing to the President or Vice President. No more than two (2) excused absences shall be allowed during any academic year. After a candidate's second

excused absence, any subsequent absence--excused or otherwise- shall be counted as an absence. Arriving more than 15 minutes late for a meeting shall be considered an absence. A candidate shall be removed from the Trial Team on the third absence. Any candidate who, without prior notification and approval from the President or Vice President or absent extenuating circumstances, leaves a meeting before it has adjourned, shall be considered absent.

ii. The President or Vice President, subject to reversal by the Executive Board, shall determine what constitutes an extenuating circumstance. The decision of the Executive Board can be overridden by a two-thirds (2/3) vote of the full Team.

c. Judging/Bailiffing. All candidates who have not graduated must judge and/or bailiff for the Terence J. Anderson Closing Argument Competition. Candidates shall judge/bailiff as many rounds as the Vice President deems necessary to fulfill the needs of the competition.

d. Competition Requirement. All candidates and members must compete in at least one (1) interschool competition prior to graduation. Interschool Competitions include, but are not limited to, any State, Regional, or National competition to which the Trial Team sends a team. Other competitions may satisfy this requirement, provided that the competition is approved in advance by the President and Interschool Competition Chair.

B. "4L" Board Candidates:

1. An individual in good standing with the Trial Team entering his or her third year of Team participation that has elected to continue to be involved as an active member of the Team shall be subjected to the same requirements as required of all other returning candidates.

C. Procedure for Removal from the Board

1. Written notice shall be given to any candidate or member who is within one absence of expulsion.
2. Any candidate who fails to fulfill his/her duties shall be removed by the Executive Board. Any candidate removed from membership may appeal

the Executive Board's decision to the full membership at the next scheduled meeting. The full membership can override this decision by a two-thirds (2/3) vote.

3. Once selected to the Team, all members and candidates must serve until their respective graduation date from the University of Miami School of Law. If a candidate or member is removed or resigns from the Team prior to graduation, the candidate shall be barred from placing Trial Team or Trial Team Member on his/her résumé.

ARTICLE III: IMPEACHMENT

A. Impeachment of Officers:

1. Any member in good standing may, if he or she deems an Executive Board Member guilty of a failure to fulfill the duties and obligations of his/her office as provided for in Articles IV or V, call that Executive Board Member to account for his or her actions.

B. Impeachment Procedures:

1. The accusing party shall submit, in writing, all allegations against the Executive Board Member to any member of the Executive Board at least two weeks prior to the next general meeting. A majority vote by the entire Executive Board, absent the accused member, may remedy the situation by:
 - a. dismissing the charges or
 - b. removing the member from the Executive Board.

- C. If the actions taken by the Executive Board pursuant to the foregoing subsection (B) proves unsatisfactory to the party bringing charges, the party may bring the allegations, along with supporting evidence, before the general membership, with at least two weeks notice being given directly to the accused. The accused has the right to bring forth evidence in their defense. The Executive Board member shall be removed from office by a two-thirds (2/3) vote of all the members in good standing attending said meeting.

- D. The accused may also appeal the Executive Board's decision at the next general meeting, and if he or she was removed from the Executive Board, may be reinstated by a two-thirds (2/3) vote of all the members in good standing attending said meeting.

E. The Executive Board, in its discretion, may hold a general election to fill a vacancy on the Executive Board occasioned by impeachment by the following procedure:

1. A candidate must circulate his or her name and/or statement one week prior to the election date. Nominations shall not be permitted from the floor.
2. The candidate must be elected by majority vote of all the members present at the election meeting.

ARTICLE IV: ELECTION OF OFFICERS

A. Election Procedures:

1. Two (2) weeks prior to the election, the Vice President shall collect names of those interested in running for elections.
2. One (1) week prior to the election, the Vice President shall circulate the names and statements of those running for positions on the Executive Board. Nominations from the floor shall only be allowed if no member is running for a position.
3. All members of the Executive Board shall be elected by a majority vote of the membership. The newly elected Executive Board will begin their term upon completion of the School of Law's "Passing of the Gavel" ceremony.
4. The Executive Board shall consist of the following positions, and voting shall proceed in the following order:
 - a. President
 - b. Vice President
 - c. Interschool Competition Chair
 - d. Terence J. Anderson Closing Argument Competition Chair
 - e. Treasurer
 - f. Secretary/ICC Delegate

5. A candidate is allowed to drop to a lower position if they lose their initial election.
6. Absentee voting shall be allowed only at the discretion of the Executive Board.
7. In the event of a vacancy in the Executive Board, the remaining Executive Board may fill the vacancy with a special election held in the same manner as these bylaws provide for the general election. A simple majority of the Executive Board is all that is needed to call for a special election.

ARTICLE V: OFFICERS

A. President

1. The President shall be responsible for coordinating the activities of the Trial Team in furtherance of its goals and responsibilities as herein described. The duties of the President include the following:
 - a. Coordinating efforts with the Alumni Advisory Board.
 - b. Oversee the budget for competitions and provide necessary assistance to the Chairs running the competitions.
 - c. Be present at any competitions hosted by the University of Miami School of Law.
 - d. Oversee the completion of assigned duties of the general membership.
 - e. Coordinate and organize all social gatherings for the membership. Purchase and award honorary medals for graduating members.
 - f. Coordinate and organize all meetings with the administration.
 - g. Schedule and organize all membership meetings.
 - h. Manage the Team budget, in conjunction with the Treasurer.
 - i. Select competitions the Team will be participating in, in conjunction with the Interschool Competition Chair.
 - j. Select the problem for the Competition, in conjunction with the

Terence J. Anderson Closing Argument Competition Chair.

- k. Select the team Captain for each Competition.

B. Vice President

1. The duties of the Vice President are as follows:
 - a. Provide all new members with a copy of the Trial Team Bylaws.
 - b. Compose scout teams of all members not competing that semester.
 - c. Procure coaches for each competing team.
 - d. Facilitate practices for competing teams and coaches.
 - e. All other duties as the President shall assign.

C. Interschool Competition Chair

1. The duties of the Interschool Competition Chair are as follows:
 - a. Select competitions the Team will be participating in, in conjunction with the President.
 - b. Assign members to the Team's competitions, in conjunction with the Terence J. Anderson Closing Argument Competition Chair.
 - c. Procure funds for each competition, in conjunction with the treasurer.
 - d. All other duties as the President shall assign.

D. Terence J. Anderson Closing Argument Competition Chair

1. The duties of the Terence J. Anderson Closing Argument Competition Chair are as follows:
 - a. Oversee the Terence J. Anderson Closing Argument Competition.
 - b. Assign judges to the Competition.
 - c. Facilitate rooms for the Competition.

- d. Select the problem for the Competition, in conjunction with the President.
- e. Notify participants of the Competition of their status following the completion of the Competition.
- f. All other necessary functions for the Competition.
- g. Assign members to the Team's competitions, in conjunction with the Interschool Competition Vice President
- h. All other duties as the President shall assign.

E. Treasurer

1. The duties of the Treasurer are as follows:
 - a. Maintain the Team budget, in conjunction with the President.
 - b. Make budgetary requests with LAFAC and the Administration.
 - c. Make travel arrangements for all out-of-town Competitions.
 - d. All other duties as the President shall assign.

F. Secretary/ICC Delegate

1. The duties of the Secretary are as follows:
 - a. Maintain records of membership attendance, scout team attendance, Anderson Competition participation, and all required meetings.
 - b. Preparation of minutes of all Trial Team meetings and distribution of minutes to all Team members.
 - c. Preparation and posting of a calendar of Trial Team events.
 - d. Attend all I.C.C. meetings on the Team's behalf.
 - e. All other duties as the President shall assign.

ARTICLE VI: AMENDMENT AND INTERPRETATION OF BYLAWS

- A. Any member may submit for membership vote any proposed amendments. A two-thirds (2/3) vote of the membership present at the next scheduled meeting shall be required to effectuate any amendment.
- B. Any ambiguities in the interpretation of the Bylaws shall be voted on by the Executive Board. A two-thirds (2/3) vote of the Board present at the next scheduled meeting shall be required to effectuate any interpretation. A failure of the Board to resolve in one meeting any ambiguity by a two-thirds (2/3) vote shall then be resolved by a majority vote of the entire membership.

ARTICLE VII: COMPETITIONS

A. Competition Bylaws

- 1. All competitions attended by the Trial Team shall be conducted pursuant to the provisions of the bylaws governing each respective competition.
- 2. In the event that the Team elects to host a competition or competitions, competition bylaws shall be created and ratified under Article VI before execution of the competition.
- 3. Terence J. Anderson Closing Competition bylaws shall be made available upon request of any student at the School of Law.

B. Qualifications for Competition

- a. No member shall be allowed to compete out-of-state competition until they have passed Evidence.
- b. No member shall be allowed to compete in an in-state State competition unless they are currently enrolled in Evidence or have completed the course.
- c. No member shall be allowed to compete in a regional or national competition unless they have passed Evidence.
- d. This section can only be waived upon 2/3 vote of the Executive Board and approval by the Faculty Advisor.

ARTICLE VIII: ALUMNI ADVISORY BOARD

A. Purpose

- a. The University of Miami School of Law Mock Trial Team shall maintain an Alumni Advisory Board to ensure that the goals of the Trial Tam are advanced over time.

B. Composition

- a. The Alumni Advisory Board shall be composed of three members for a period of one year, at which point the size of the Board shall increase to five members for one year, at which point the size of the Board shall increase to seven members, where the Board will be capped.
- b. Members of the Alumni Advisory Board shall continue in times of good service.
- c. In the case of a vacancy, the President shall nominate an individual to the Alumni Advisory Board. That member shall be confirmed to the Board upon a two-thirds (2/3) vote of the Executive Board, excluding the President.

C. Removal

- a. In the event that a member of the Alumni Advisory Board is not performing his or her functions to the satisfaction of the President, the President shall contact the Board member to inquire as to their desire to continue in that function.
- b. If, after one month, the President is not satisfied with the response or continued commitment of the Board member, the President can submit the name to the Executive Board to vote on removal of the Alumni Advisory Board Member. A Board member shall be removed upon a two-thirds (2/3) vote of the Executive Board, excluding the President. Such vote shall occur within two weeks of a submission by the President.