

NOTRE DAME LAW SCHOOL MOOT COURT BOARD BYLAWS

Updated as of January 2022

ARTICLE I: OFFICIAL NAME

The name of this organization shall be the Notre Dame Law School Moot Court Board (the “Board”).

ARTICLE II: OBJECTIVES AND PURPOSE

The Board is a student organization whose objectives are to facilitate the development of both written and oral appellate advocacy skills. To accomplish this mission, the Board is authorized to take any means necessary within the constraint of the law, professionalism, ethics, and the Notre Dame Law School Hoynes Code.

ARTICLE III: MEMBERSHIP AND DUTIES OF BOARD MEMBERS

Section 1. The Board shall be comprised of thirty-eight oralists and twelve brief writers.

Section 2. Members of the Board shall be students in good academic standing at Notre Dame Law School who have completed at least two semesters of law school and who have fulfilled the requirements of Board membership.

Section 3. Members are expected to serve four consecutive semesters (two during the second year and two during the third year). Members may resign from the Board at any time upon submission of written notice to the Executive Board. Once such resignation is accepted, the former member may not be reconsidered for Board membership and shall receive no course credit for membership in that semester or any semester following.

Section 4. An officer may resign from any office at any time upon submission of written notice to the President, or if the President is resigning, to the Vice President. Once such resignation is accepted, that Board member may not be considered for office again. Resignation from office is not a resignation from the Board.

Section 5. Each Board member shall earn one co-curricular academic credit each semester upon completion of the following:

- a. 2L Fall: participating in orientation, completing an internal tournament (discussed *infra* in Article IX), participating in an all-Board workshop, and serving on committees as assigned;

- b. 2L Spring: preparing 3L Board members for 3L competitions, serving as judges in the 1L tournament, participating in elections, and serving on committees as assigned;
- c. 3L Fall: participating in orientation, participating in an all-Board workshop, and serving on committees as assigned; and
- d. 3L Spring: competing in one external tournament discussed *infra* in Article III Section 6 subsection (d), serving as judges in the 1L tournament; participating in elections; and serving on committees as assigned.

Section 6. The duties of each Board member shall also include:

- a. Reading and adhering to the Bylaws, understanding that ignorance of the Bylaws is not an excuse for non-compliance with the Bylaws;
- b. Assisting in fulfilling the Board’s objective set forth *supra* in Article II by aiding the faculty in the instruction of oral advocacy when required, and by conducting activities that highlight appellate advocacy;
- c. Attending all Board meetings, including attending an annual orientation designed to acclimate those members to the duties, requirements, and expectations membership;
- d. Serving as an attorney participant or brief writer in at least one external or intrastate appellate competition team sponsored by the Board and/or Notre Dame Law School during the students’ 3L year;
- e. Serving as judges during internal competitions such as the 1L Tournament;
- f. Assisting in selecting and preparing problems if required;
- g. Assisting in the administration of the Religious Freedom Tournament as directed by the Religious Freedom Tournament Director and the President;
- h. If spending funds from the Board bank account, keeping diligent records, including itemized receipts when available, and producing such reports upon request. All expenditures must comport with University policy and be reported to the President (or seek approval first);
- i. Serving on committees as assigned;
- j. To the best of their ability, participating in voluntary activities such as attending the following: the annual Showcase Argument, the annual Religious Freedom Tournament, Board social gatherings, and team events such as pictures; and
- k. Any other duties imposed by the Board President, Board’s Faculty Advisor, or any other faculty or administrator of Notre Dame Law School.

Section 7. Without prior written and signed approval by both the President and the Board’s Faculty Advisor, each Board member shall not:

- a. Participate in a study abroad program during 3L year in order to be an active participant in the external or intrastate appellate competition team discussed immediately above in Section 6 subsection (d);
 - i. For the avoidance of doubt, “study abroad program” includes all programs outside of Notre Dame’s main campus (international programs such as London, Dublin, or other affiliate programs that may be established and maintained as well as domestic programs such as Chicago, Washington DC, or other affiliate platforms that may be established and maintained);

- b. Simultaneously commit to participating in an additional moot court course for credit, outside of those explicitly sanctioned by the program (including but not limited to Moot Court Trial Team ("Barristers")), without the prior written approval of both the President and the Board's Faculty Advisor; and
- c. Violate of any other conduct included in any other Article or Section of the Bylaws.

Section 8. Violation of any part of Section 7 immediately above may subject the offending Board member to removal according to Article XI.

ARTICLE IV: ETHICAL STANDARDS

Section 1. Board members shall be bound by the Notre Dame Law School Hoynes Honor Code.

Section 2. At all times, Board members must remember they represent Notre Dame Law School, and that their conduct and performance reflect on the school. Board Members disadvantage their peers when they perform or turn in substandard work. Board members are expected to conduct themselves and perform in a professional manner at all times.

Section 3. Board members shall not use the property or powers of the Board to their personal advantage or in such a way that is unfair or unjust to other students.

Section 4. Board members shall not involve themselves in any relationships that create or appear to create a conflict of interest with his or her Board member duties. Board members who have such a conflict shall contact the Executive Board immediately, so as to allow action to be taken to avoid problems.

Section 5. Board members shall not falsely accuse another member of a violation of ethical standards set out by the Board. Such an accusation shall be grounds for expulsion.

ARTICLE V: EXECUTIVE BOARD AND TEAM REPRESENTATIVES' ROLES AND RESPONSIBILITIES

Section 1. The officers of the Executive Board shall be as follows:

- a. President;
- b. Vice President;
- c. Oralist Selection Chair;
- d. Brief Writer Selection Chair;
- e. 1L Tournament Chair;
- f. Communications Chair;
- g. Treasurer; and
- h. Religious Freedom Tournament Director;

Section 2. There shall be one Team Representative from each of the current teams as follows:

- a. ABA Team Representative;
- b. Intellectual Property Team Representative.
- c. Jessup International Team Representative;
- d. Showcase Team Representative; and
- e. 7th Circuit Team Representative;

Section 3. Officers of the Executive Board and Team Representatives shall fulfill both the duties of Board members as well as those of their respective offices.

Section 4. Following elections and transfer of power to the newly-elected officers, both the old and newly-elected Executive Boards shall also attend a strategic planning session at a time and location designated by the newly-elected Executive Board.

Section 5. Each Executive Board member and Team Representative is responsible for training his or her successor both through discussion during the strategic planning session discussed in immediately above in Section 4 and by written memorandum.

Section 6. The duties of the President shall include:

- a. Selecting members to the Board, including organizing any meetings necessary for the selection of new members; presiding over any meeting necessary for the selection of new members; and communicating both internal and school-wide updates such as completion of the process;
- b. Sorting 2L Board members into respective teams according to Article IX;
- c. Acting as principal liaison between the Board and the Dean, the Board's Faculty Advisor, the general faculty, and the administration of Notre Dame Law School; the Board and the alumni of Notre Dame Law School; the Board and the Notre Dame Law Journals; and the Board and greater legal community inside and outside of Notre Dame Law School;
- d. Attending and participating in events to increase the Board's exposure to the greater school community, including events such as 1L Orientation Informational Session on Journals and Moot Court; Student Club and Organization Fair; Admitted Students' Weekend; and other pertinent occurrences;
- e. Ensuring all members of the Executive Board and Team Representatives successfully fulfill the duties of their respective offices;
- f. Presiding over all meetings of the Board and the Executive Board, including orientation, elections, workshops, 1L Tournament informational meetings in conjunction with the 1L Tournament Chair; and other pertinent meetings;
- g. Ensuring each Board member fulfills the semester credit requirement and reporting such completion of each Board member to Board's Faculty Advisor prior to the exam period each semester;
- h. Either independently, in conjunction with Team Representatives, or through appointment of a Workshop Leader, planning and hosting at least one fall semester workshop used to fulfil the credit requirement for that semester or, in the alternative,

coordinating a sufficiently educational program for all Board members to earn their credits and be endowed with knowledge of the craft and skills set forth in the mission statement of the Board;

- i. Regularly coordinating and transmitting all Board correspondence both internally and externally;
 - i. Examples of internal communications include but are not limited to: calling new members to extend offers; scheduling of pictures; updating the team about semester events; providing workshop information; and other intra-team information.
 - ii. Examples of external communications include but are not limited to: reporting out tournament completion and results to the school; distributing 1L Tournament information; and other external information.
- j. Maintaining all Board data files and a record of all Board communications, including maintaining and regularly checking the Board's G-mail account (ndmootct@nd.edu) and updating the Board's listservs;
- k. In conjunction with the Vice President, ensuring Bylaws are consistently current and amending them as necessary from time to time;
- l. Reporting tournament performance results of any and all tournaments in which a Board member participates to the national ranking body. As of 2022, the reporting site is located at <https://www.law.uh.edu/blakely/mcnc/rankings.asp>;
- m. In conjunction with the Vice President and Communications Chair, creating an alumni newsletter at least annually, at most twice-annually;
- n. Unless otherwise designated by the Executive Board, providing amenities for all visiting jurists and other guests as part of Board-sponsored activities;
- o. Appointing ad hoc committees as needed; and
- p. Any other duties as requested or required by the Board's Faculty Advisor or administration.

Section 7. The duties of the Vice President shall include:

- a. Organizing external tournament information;
- b. Organizing an internal mentorship program, pairing each 2L with at least one 3L;
- c. Updating and maintaining the alumni database housed within the Board's team Google Drive;
- d. In conjunction with the President, ensuring Bylaws are consistently current and amending them as necessary from time to time;
- e. If the administration, in conjunction with the Dean, mandates the creation of a "Dean's Cup" or other newly created internal tournament for general participation within Notre Dame Law School, ensuring the successful administration of such tournament;
 - i. The Vice President and any appointed tournament committee members shall not compete in the "Dean's Cup" or other newly created internal tournament, nor shall any competing Board member receive an advantage over any other competitor;
- f. In conjunction with the President and Communications Chair, creating an alumni newsletter at least annually, at most twice-annually;

- g. In conjunction with the Communications Chair, maintaining and organizing the Moot Court Board Office;
- h. Appointing ad hoc committees as needed; and
- i. Any other duties as requested or required by the President, Board's Faculty Advisor, or administration.

Section 8. The duties of the Oralist Selection Chair shall include:

- a. Reviewing and organizing all scores of oralist applicants to the Board;
- b. Assisting the President in selection of new Board members following the 1L Tournament;
- c. Assisting the President in the sorting of 2L Board members into respective teams according to Article IX;
- d. Making him or herself available for mentorship involving oral advocacy or any questions that Board members have about oral advocacy generally; and
- e. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.

Section 9. The duties of the Brief Writer Selection Chair shall include:

- a. Executing the reading and scoring all briefs of applicants to the Board as brief writers;
- b. Assisting the President in selection of new Board members following the 1L Tournament;
- c. Assisting the President in the sorting of 2L Board members into respective teams according to Article IX;
- d. Making him or herself available for mentorship involving written advocacy or any questions that Board members have about written advocacy generally;
- e. Working with the Religious Freedom Director to score Religious Freedom Tournament briefs;
- f. Appointing ad hoc committees as needed for the purpose of carrying out subsection (a) and (e) of this Section 9; and
- g. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.

Section 10. The duties of the 1L Tournament Chair shall include:

- a. Organizing and administering the spring semester 1L Moot Court Competition; that being, the tournament occurring in the spring semester of the 1L Tournament Chair's election or appointment;
- b. Propagating rules, regulations, and standards to govern the 1L Moot Court Competition;
- c. Gathering and compiling all materials received as part of the 1L Moot Court Competition;
- d. Obtaining and scheduling judges for the 1L Moot Court Competition;
- e. Communicating logistics with all participants, including argument dates, times, location, and opponents;

- f. Overseeing the non-Board mooting program, including working with the administration to facilitate participation and accountability to the program;
- g. Appointing ad hoc committees as needed such as a 1L Tournament Committee; and
- h. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.

Section 11. The duties of the Communications Chair shall include:

- a. Supervising and executing all Board technology initiatives including, but not limited to, the maintenance of the Board's website, usage of all Notre Dame Law School technology, electronic recording of Board activities, and any other Board technology initiatives;
- b. Designing and/or commissioning the design of advertising materials and team logos for external team communications, including the 1L Tournament, the Notre Dame Law School Religious Freedom Tournament, Admitted Students' Weekend, 1L Orientation, Showcase Argument, and other events as needed;
- c. Coordinating the publishing of Board updates and initiatives on social media or other affiliate platforms that may be established and maintained;
- d. Working closely with the University's Digital Editor (the role currently held by Amanda Gray) in order to ensure that the Board information on the administration-run Notre Dame Law School webpage is accurate and regularly updated;
- e. Drafting and submitting relevant information for the Notre Dame Law School Student Bar Association's Monday Morning Updates;
- f. Organizing social events as appropriate, including a gathering following Orientation, a 1L Mixer, community service and volunteer opportunities, and other pertinent events;
- g. Designing and/or commissioning the design of Board apparel for merchandising or other analogous reasons;
- h. In conjunction with the President and Vice President, creating an alumni newsletter at least annually, at most twice-annually;
- i. Ensuring sufficient pictures are taken throughout the year including, but not limited to, asking Team Representatives for photos from each team's respective tournaments, taking pictures at events such as those listed in this Section 11 subsection (b) and (f), and working with the photographer during the team photo day to execute preferred poses for each team's photo and the all-Board photo;
- j. In conjunction with the Vice President, maintaining and organizing the Moot Court Board Office;
- k. Appointing ad hoc committees as needed; and
- l. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.

Section 12. The duties of the Treasurer shall include:

- a. General fundraising to support external tournament participation outside of 3L spring competitions;
- b. Regularly reviewing all 2L external tournament applications and providing prompt response with approval or reasoned denial;

- c. Specific fundraising for Notre Dame Day or other affiliate all-school fundraising events that may be established and maintained;
- d. Maintaining the bank account in accordance with University regulations and the law;
- e. Keeping detailed records and budgets relating to all Board functions;
- f. Working with Student Services (currently the role held by Ann Kiley) for all reimbursements and official budget counts;
- g. Assisting the Religious Freedom Tournament Director with Religious Freedom Tournament budgeting and record keeping;
- h. Working closely with the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption) in order to ensure compliance with University regulations;
- i. Appointing ad hoc committees as needed; and
- j. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.

Section 13. The duties of the Religious Freedom Tournament Director shall include:

- a. Planning, coordinating, and executing the annual NDLS Religious Freedom Tournament including, but not limited to, selecting dates, registering teams, and releasing the prompt;
 - i. While the Religious Freedom Tournament Director is welcome to draft the prompt individually or with the support of others, he or she may also delegate the drafting to someone with sufficient religious freedom subject matter knowledge so long as the Religious Freedom Tournament Director reviews the prompt before circulating it to the tournament teams;
- b. In conjunction with the school's administration, coordinating lodging and other accommodations for judges or other dignitaries visiting the Law School for the Religious Freedom Tournament;
- c. In conjunction with the Treasurer and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), charging an application fee for participating teams in order to defray its costs and to provide funding to the Board;
- d. Managing the designated religious freedom portion of the Board bank account, ensuring all funds are deposited and funds responsibly spent;
- e. Maintaining the sponsorship, relationship, and partnership with the Program on Church, State & Society for the Religious Freedom Tournament;
- f. Sending all participating judges and other appropriate individuals thank you notes and optional gifts following the conclusion of the tournament;
- g. Appointing ad hoc committees as needed; and
- h. Any other duties as requested or required by the President, Vice President, Board's Faculty Advisor, or administration.
- i. This Section 13 shall not be construed as limiting the President from applying for a budget from the Student Bar Association or University Student Services.

Section 14. The duties of the ABA Representative shall include:

- a. Reporting to the President and Board's Faculty Advisor regarding all deadlines and responsibilities of the ABA competition teams, including results of tournament participation;
- b. Primary responsibility to ensure sufficient preparedness for the 3L ABA team competitions including, but not limited to, meeting all tournament deadlines, scheduling meetings for oral argument practices, mooting his or her teammates, and generally holding team members accountable;
- c. Unless otherwise designated by the Executive Board, with the assistance of the Board's Faculty Advisor and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), seeing that all accommodations and logistics are managed for the teams when they compete their 3L year;
- d. Working with President or appointed Workshop Leader for the fall workshop requirement, including selecting an appropriate professor to conduct a summation discussion on relevant team topics; providing an appropriate prompt for incoming team members to review; guiding incoming team members through any workshop exercises; and leading the discussion with designated workshop professor, including preparing questions in case the summation discussion ends early. If an alternative option is selected pursuant to Article V Section 6 subsection (h), the Team Representative shall help coordinate such sufficiently educational program; and
- e. Working with President or appointed Workshop Leader to accomplish any designated tasks necessary to introduce new 2L ABA team members to the internal operations of the ABA team and to fulfill the semester credit requirement.

Section 15. The duties of the Intellectual Property Team Representative shall include:

- a. Reporting to the President and Board's Faculty Advisor regarding all deadlines and responsibilities of the Intellectual Property Team, including results of tournament participation;
- b. Primary responsibility to ensure sufficient preparedness for the 3L IP team competition including, but not limited to, meeting all tournament deadlines, scheduling meetings for oral argument practices, mooting his or her teammates, and generally holding team members accountable;
- c. Unless otherwise designated by the Executive Board, with the assistance of the Board's Faculty Advisor and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), seeing that all accommodations and logistics are managed for the team when they compete their 3L year;
- d. Working with President or appointed Workshop Leader for the fall workshop requirement, including selecting an appropriate professor to conduct a summation discussion on relevant team topics; providing an appropriate prompt for incoming team members to review; guiding incoming team members through any workshop exercises; and leading the discussion with designated workshop professor, including preparing questions in case the summation discussion ends early. If an alternative option is

selected pursuant to Article V Section 6 subsection (h), the Team Representative shall help coordinate such sufficiently educational program; and

- e. Working with President or appointed Workshop Leader to accomplish any designated tasks necessary to introduce new 2L Intellectual Property team members to the internal operations of the Intellectual Property team and to fulfill the semester credit requirement.

Section 16. The duties of the Jessup International Representative shall include:

- a. Reporting to the President and Board's Faculty Advisor regarding all deadlines and responsibilities of the Jessup International Competition teams, including results of tournament participation;
- b. Primary responsibility to ensure sufficient preparedness for the 3L Jessup International team competition including, but not limited to, meeting all tournament deadlines, scheduling meetings for oral argument practices, mooting his or her teammates, and generally holding team members accountable;
- c. Unless otherwise designated by the Executive Board, with the assistance of the Board's Faculty Advisor and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), seeing that all accommodations and logistics are managed for the team when they compete their 3L year;
- d. Work with President or appointed Workshop Leader for the fall workshop requirement, including selecting an appropriate professor to conduct a summation discussion on relevant team topics; providing an appropriate prompt for incoming team members to review; guiding incoming team members through any workshop exercises; and leading the discussion with designated workshop professor, including preparing questions in case the summation discussion ends early. If an alternative option is selected pursuant to Article V Section 6 subsection (h), the Team Representative shall help coordinate such sufficiently educational program; and
- e. Work with President or appointed Workshop Leader to accomplish any designated tasks necessary to introduce new 2L Jessup International team members to the internal operations of the Jessup International team and to fulfill the semester credit requirement.

Section 17. The duties of the Showcase Representative shall include:

- a. Reporting to the President and Board's Faculty Advisor regarding all deadlines and responsibilities of the Showcase teams, including results of tournament participation;
- b. Primary responsibility to ensure sufficient preparedness for the 3L Showcase team competitions including, but not limited to, selecting and registering for a tournament for both 3L teams to compete in, meeting all tournament deadlines, scheduling meetings for oral argument practices, mooting his or her teammates, and generally holding team members accountable;
- c. Coordinating with Notre Dame Law School Administration regarding the Showcase teams' performance in the annual spring Showcase Argument, including working with the Legal Writing Professors to select a date and time for the Argument; working with the President and Vice President to invite judges and coordinate their lodging

- arrangements; providing a bench brief to the President to circulate school-wide prior to the Argument; working with the Communications Chair for advertising of the Argument; and sending thank you notes to the judges following the Argument;
- d. Unless otherwise designated by the Executive Board, with the assistance of the Board's Faculty Advisor and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), seeing that all accommodations and logistics are managed for the teams when they compete their 3L year;
 - e. Working with President or appointed Workshop Leader for the fall workshop requirement, including selecting an appropriate professor to conduct a summation discussion on relevant team topics; providing an appropriate prompt for incoming team members to review; guiding incoming team members through any workshop exercises; and leading the discussion with designated workshop professor, including preparing questions in case the summation discussion ends early. If an alternative option is selected pursuant to Article V Section 6 subsection (h), the Team Representative shall help coordinate such sufficiently educational program; and
 - f. Working with President or appointed Workshop Leader to accomplish any designated tasks necessary to introduce new 2L Showcase team members to the internal operations of the Showcase team and to fulfill the semester credit requirement.

Section 18. The duties of the 7th Circuit Representative shall include:

- a. Ensuring each 3L member of the team is registered for the 7th Circuit externship, including working with Board's Faculty Advisor and the University's Registrar (the role currently held by Jenny Fox);
- b. Reporting to the President and Board's Faculty Advisor regarding all deadlines and responsibilities of the 7th Circuit members, including outcome of any arguments argued in front of the 7th Circuit;
- c. Unless otherwise designated by the Executive Board, with the assistance of the Board's Faculty Advisor and the Board's Faculty Administrative Assistant (the role currently held by Debbie Sumption), seeing that all accommodations and logistics are managed for the 7th Circuit arguments their 3L year;
- d. Working with President or appointed Workshop Leader for the fall workshop requirement, including selecting an appropriate professor to conduct a summation discussion on relevant team topics; providing an appropriate prompt for incoming team members to review; guiding incoming team members through any workshop exercises; and leading the discussion with designated workshop professor, including preparing questions in case the summation discussion ends early. If an alternative option is selected pursuant to Article V Section 6 subsection (h), the Team Representative shall help coordinate such sufficiently educational program; and
- e. Working with President or appointed Workshop Leader to accomplish any designated tasks necessary to introduce new 2L 7th Circuit team members to the internal operations of the 7th Circuit team and to fulfill the semester credit requirement.

ARTICLE VI: ELECTIONS

Section 1. Elections shall proceed as follows subject to the discretion of the Board President:

- a. Election for the President, followed by Vice President; Oralist Selection Chair; Brief Writer Selection Chair; 1L Tournament Chair; Treasurer; Communications Chair; Religious Freedom Tournament Director; ABA Representative; Intellectual Property Team Representative; Jessup International Representative; Showcase Representative; and 7th Circuit Representative.
- b. Each candidate shall have 5 minutes to speak about their plans for the position. If the candidate does not conclude within 5 minutes, he or she will be stopped at the 5-minute mark. Each candidate's speech will be followed by questions from the rest of the Board. After each candidate has had a chance to present and answer questions, the Board shall deliberate without candidates in the room.
- c. All deliberations shall be strictly confidential.

Section 2. Each position will be elected by secret ballot. 2L Board members shall vote twice, while 3L Board members shall vote only once. The current President of the Board will act as Presiding Officer and will, with the help of the current leadership, count the ballots and determine the winner. A candidate needs the majority of votes to be declared the winner. For avoidance of doubt, "majority of votes" means a majority of the votes from Board members present during elections or voting concurrently.

Section 3. Candidates are permitted to run for multiple positions and may hold multiple positions. However, the candidate may only hold one position from positions (a) through (h) of Article V Section 1, and one position from positions (a) through (e) in Article V Section 2. If a candidate is elected to an earlier position in (a) through (h) of Article V Section 1, his or her name will be removed from the ballot for subsequent elections for the other positions in (a) through (h) of Article V Section 1.

ARTICLE VII: SELECTION TO THE BOARD

Section 1. Members shall be selected during the summer following their 1L year, commensurate with the journal selection timeline.

Section 2. Members shall be selected by a Board Selection Committee comprised, at a minimum, of the President, Vice President, Brief Writer Selection Chair, Oralist Selection Chair, and Board's Faculty Advisor. The President and Board's Faculty Advisor have final say on who is or is not selected to the Board.

Section 3. Criteria for oralist selection shall be as follows:

- a. A personal statement of three hundred words or less.
- b. All data compiled during the administration of the 1L Tournament. No scores beyond the preliminary round shall be considered. Such data includes, but is not limited to:

- i. The average of an individual's per-round ranking;
 - ii. The average of an individual's score on a scale determined by the Selection Committee, encompassing at least the following four categories: speaking ability, structure of argument, preparation and familiarity, and responses to questions;
 - iii. Subjective feedback provided by the judges during the administration of the tournament; and
 - iv. Any other factors the Selection Committee deems relevant.
- c. Evaluation of videotaped rounds released by individuals via signed waiver to the Selection Committee when available.

Section 4. One individual, designated "1L Tournament Best Oralist" shall be extended membership to the Board immediately following the conclusion of the 1L Tournament. Only the four finalists shall be eligible for consideration by the panel of judges outlined in Article VIII Section 1(e).

Section 5. Criteria for brief writer selection shall be as follows:

- a. A personal statement of three hundred words or less; and
- b. A writing sample to be determined by the Selection Committee; absent intervention by the Selection Committee, the writing sample shall be the submission of an individual's 1L Writing Program brief. Each student will be given the opportunity to revise the brief before submitting it for consideration.

Section 6. The Selection Committee shall internally select all rising members of the Board to the following teams during the fall of their second year.

- a. ABA Team – four oralists, two brief writers.
- b. Intellectual Property Team – two oralists, one brief writer.
- c. Jessup International Team – four oralists, one brief writer.
- d. Showcase Team – four oralists, two brief writers.
- e. 7th Circuit Team – five members.

Section 7. Taking into consideration each member's stated team placement preference, the President, with the advisement of the Vice President, Oralist Selection Chair, and Brief Writer Selection Chair, shall conduct an Internal Tournament in the beginning of the fall in accordance with Article IX below, whereby newly selected members shall be placed onto teams within the Board.

Section 8. The provisions of Section 1 through Section 8 of this Article VII are subject to addition and change at the joint discretion of the Board President and Vice President.

ARTICLE VIII: ADMINISTRATION OF THE 1L TOURNAMENT

Section 1. The Board shall administer an annual tournament open to any interested 1L student of Notre Dame Law School. All students who enter the tournament shall be subject to those terms and conditions specified by the Board, which are as follows:

- a. Entry to the 1L Tournament is voluntary and extracurricular. It shall have no bearing on a student's academic affairs at Notre Dame Law School;
- b. Teams must be comprised of two 1L students who are both enrolled at Notre Dame Law School and who are in good standing with the Dean. It is the sole responsibility of prospective participants to form teams that meet the aforementioned requirements;
- c. The tournament prompt shall be determined jointly by the 1L Writing Program and the President;
- d. Each oralist shall be granted ten minutes per round during which they may present oral argument. Counsel for the petitioner shall be given the opportunity for rebuttal;
- e. Each oralist shall be granted ten minutes during the final round of the tournament during which they may present oral argument. Counsel for the petitioner shall be given the opportunity for rebuttal. The final round shall be judged by the Board President, President Elect, and an additional one to three judge(s) chosen by the President, Vice President, and 1L Tournament Chair;
- f. Each round shall be staffed by, at a minimum, a panel of two judges. Eligibility to judge a round of the tournament is at the joint discretion of the President and 1L Tournament Chair; and
- g. All score sheets, video tapes, recordings, and subjective feedback maintained during the course of the tournament are the sole property of the Board and strictly confidential. Such materials are to be used exclusively in administration of the tournament, and sealed at the conclusion of each individual round. All deliberations involving judges and the 1L Tournament Committee are subject to the same rules of confidentiality listed above.

Section 2. The terms and conditions of Section 1 immediately above are subject to addition and change at the sole discretion of the Board President.

ARTICLE IX: SORTING OF 2L TEAM MEMBERS INTO RESPECTIVE TEAMS

Section 1. According to Article V Section 6 subsection (b), the President has the principal responsibility in the sorting of 2L Board members into respective teams, including organizing any meetings necessary for the sorting of new members; presiding over any meeting necessary for the sorting of new members; and communicating internal updates upon completion of the sorting.

Section 2. The sorting of 2L Board members into respective teams is done via an Internal Tournament in the fall.

Section 3. The President shall conduct the Internal Tournament in a manner wherein all members' qualifications are reviewed without any reference or consideration of their performance in the 1L Tournament.

Section 4. While the President has the final determination, the Vice President shall advise the President on the performance of each oralist and brief writer in the Internal Tournament; the Oralist Selection Chair shall advise the President on the performance of each oralist in the Internal Tournament; and the Brief Writer Selection Chair shall advise the President on the performance of each brief writer in the Internal Tournament.

Section 5. The President alone is responsible for sorting members into teams through considerations of their performance in the Internal Tournament, their stated team preference, and equitable considerations generally.

Section 6. Though detailed feedback ought to be provided to all members on their performance in the Internal Tournament, exact details on their placement are strictly confidential.

ARTICLE X: EXTERNAL TOURNAMENTS

Section 1. The President may, from time to time, provide for 2L external tournament grants to be spent out of the bank account, so long as its total balance is greater than \$1,500. The grants shall be subject to those terms and conditions specified President, Vice President, and Treasurer, which are as follows:

- a. These grants shall only be used to fund 2L Board members' travel to official moot court tournaments and related expenses;
- b. The President, with consultation with the Treasurer, may veto any such grants if they will threaten Religious Freedom Tournament operations or available budget;
- c. No grants, beyond an initial \$300 for the coverage of entry fees, shall be promised or disbursed unless the President is satisfied that applicants have exhausted all other avenues of funding. However, if pressing time constraints apply, then a grant of more than \$300 could be given on the conditional basis that grants be pursued afterward for reimbursement;
- d. Such grants shall not be used to fund 3L Team travel undertaken under Article III Section 6 subsection (d), except for cases of absolute emergency; and
- e. The grants shall not be given to teams with even one non-Board member without prior written and signed approval by both the President and the Board's Faculty Advisor.

Section 2. When the budget permits (i.e., the budget is greater than \$1,500 per Section 1 immediately above), 2L participation in external tournaments shall be highly encouraged.

Section 3. The President may prioritize granting of funds based upon a first-come first-serve basis, but shall not prioritize the granting of funds based upon a quality assessment of the team.

ARTICLE XI: REMOVAL FROM MEMBERSHIP OR OFFICE

Section 1. Causes for sanction from the Board shall include but are not limited to the following:

- a. Failure to complete satisfactory work necessary for course credit as a Board member;
- b. Violation of any procedural standards set forth herein;
- c. False accusation of another Board member of wrongdoing or violation of the Notre Dame Law School Honor Code;
- d. Breach of confidentiality during the pendency of an investigation or disciplinary hearing;
- e. Violation of the ethical standards listed in Article IV or by the Notre Dame Law School Honor Code;
- f. Repeated physical absenteeism from Board activities;
- g. Excessive mental absenteeism from Board activities, as demonstrated by behavior such as repeated aloofness, objectively counterproductive behavior, or any other conduct that does not reflect well on the Board; or
- h. Simultaneously commitment to participating in an additional moot court course for credit, outside of those explicitly sanctioned by the program (including but not limited to Moot Court Trial Team ("Barristers")), without the prior written approval of both the President and the Board's Faculty Advisor.

Section 2. Regular and extraordinary meetings make up the necessary control and communication processes required for the Board's operation. All Board activities are to be attended. No more than three unexcused absences will be allowed. Upon a Board member's fourth unexcused absence, such member's course credit will automatically be revoked. Automatic revocation of course credit will be appealable only to the Board's Faculty Advisor.

Section 3. Any complaint against any Board member is to be referred directly to the President or the Board's Faculty Advisor. Neither the President nor the Board's Faculty Advisor nor the reporting agent shall disclose the complaint to anyone. Any breach of the confidentiality by an officer may be considered a voluntary resignation of office after review of the Executive Board. A breach of confidence by a Board member may be considered a voluntary resignation from the Board after review by the Executive Board.

Section 4. Upon receipt of a complaint, the President and Board's Faculty Advisor shall investigate the accusation. At the conclusion of the investigation, the President and Board's Faculty Advisor shall decide if the accusation warrants further action.

Section 5. If the President and Board's Faculty Advisor find that the accused individual has demonstrated cause for sanction, the Board's Faculty Advisor may impose any of the following sanctions:

- a. Removal from the Board;
- b. Removal from Executive Board or Team Lead position, if applicable;
- c. Failure to earn academic credit for the semester in which the offense occurred; or
- d. Any other sanction the Board's Faculty Advisor deems appropriate.

Section 6. An individual who is subject to sanctions under this Article XI shall have the right of appeal to the Dean of the Notre Dame Law School.

Section 7. Proceedings to remove a member or officer under this Article XI shall be independent of, and in addition to, any disciplinary action taken by the Notre Dame Law School Honor Court. The person bringing the charges against a member of this Board shall make a previous separate accusation of the member to the Honor Court to instigate Honor Court proceedings.

ARTICLE XII: PROCEEDINGS

Section 1. The Board's Faculty Advisor shall serve as the principal investigator and quasi-prosecutor in all proceedings.

Section 2. The Board's Faculty Advisor has an ethical duty to investigate all matters brought to their attention.

Section 3. Unless specified elsewhere, Board action shall be taken by an affirmative vote of the majority of Board members present at a duly noted meeting at which a majority of Board members are present. The Board by a simple majority can either vote to affirm or deny the recommended punishment suggested by the Board's Faculty Advisor.

Section 4. Up until presentment to vote by the Board, information part of the investigations shall be confidentially limited to the President, Vice President, the Board's Faculty Advisor, and necessary parties.

Section 5. Board members who are not able to attend may vote by proxy.

ARTICLE XIII: EFFECTIVE DATE, AMENDMENTS, AND DISTRIBUTION OF BYLAWS

Section 1. These Bylaws are effective once approved.

Section 2. These Bylaws may be amended either:

- a. Upon the vote of a majority of the Board members present at a Board meeting, either regular or extraordinary, at which a majority of the Board members are present, and upon subsequent approval by the Board's Faculty Advisor; or
- b. Upon the vote of a majority of the Board members by electronic petition, and upon subsequent approval by the Board's Faculty Advisor and Dean of the Law School.

Section 3. These Bylaws, as amended, shall be distributed electronically to all Board members during orientation by the President. All new officers shall be provided an electronic copy of these Bylaws, as amended, at the start of their term by the outgoing President.