



# THURGOOD MARSHALL SCHOOL *of* LAW

## JAMES M. DOUGLAS: BOARD OF ADVOCATES

### PREAMBLE

This document is the Constitution of the James M. Douglas Board of Advocates of Thurgood Marshall School of Law, referred to as BOA in this Constitution. The BOA is a student organization formed to promote the practice of effective trial and appellate advocacy by sponsoring all mock trials, moot courts, and other dispute-resolution competitions at Thurgood Marshall School of Law; as well as hosting legal seminars and field trips to enhance the legal knowledge of all BOA members. The BOA is charged by the Law School with selecting competitions for participation that will best enhance the reputation of the school and the organization. The BOA also assists in preparing students for participation in national trial and appellate advocacy competitions, as well as sponsoring seminars and workshops for law students. This educational goal will guide any interpretation of this Constitution. Wherever this document permits more than one course of action by the BOA, the course of action that best furthers the goal of training law students to be effective advocates will be chosen.

### ARTICLE I. MEMBERSHIP

#### Section 1. General Rules of Membership

Clause 1 - Initial eligibility. To qualify for membership on the Board of Advocates, a student must be enrolled at Thurgood Marshall School of Law, be in good standing, and have earned a minimum of five (5) participation points and/or competition points in their 1L year or seven (7) in their 2L year.

Clause 2 - Continuing eligibility. To maintain eligibility, members of the BOA must not be on academic or disciplinary probation. Additionally, BOA members must fulfill the requirements outlined in Section 3, Clause 1.

#### Section 2. Gaining Membership Status

Clause 1 - Application. Any full-time student at Thurgood Marshall School of Law may apply for membership during the annual application period held during the Spring Semester so long as they have met the initial eligibility requirements outlined in Section 1, Clause 1.

Clause 2 - Acceptance. Applications will be reviewed by (1) the Outgoing Senior Board AND (2) the newly elected incoming Senior Board. They will grant membership status to all applicants who have earned the required minimum points and have passed an interview.

#### Section 3. Retaining Membership Status

Clause 1 - Individual member responsibilities. Each member of BOA must fulfill the following enumerated responsibilities:

- a. Specific position responsibilities as outlined in Art. III, Sect. 2
- b. Submission of 2 Judges
- c. 2 Advocacy points
- d. Attendance at BOA general member meetings – number of absences is at discretion of the Senior Board
- e. Assistance in organizing and conducting BOA sponsored events
- f. Attendance at 1 BOA sponsored community service event per semester

Clause 2 - Yearly review. Each BOA member is required to apply and interview each academic year they seek to continue their status as a BOA member.

#### **Section 4. Losing Membership Status**

Clause 1 - Failure to maintain. Upon failure to meet the member responsibilities outlined in Section 3 of this Article, members shall lose their membership status.

Clause 2 - Appeal. Members who lose their membership status may appeal the loss of that status to the Senior Board. The appeal must be in writing and submitted to the Parliamentarian. The Senior Board shall act upon the appeal at its next meeting, following receipt of the appeal. The Executive Board shall vote on the appeal at that meeting and, by simple majority, shall vote to take one of the following courses of action:

1. Deny the appeal; or
2. Grant a stay of the termination of membership status contingent upon the performance of specified BOA duties. It will be the responsibility of the individual member to remit to the Senior Board accomplishment of duties assigned to reinstate his/her membership status.

Clause 3 - Executive Board Termination. If any member of BOA believes another member has acted in a manner that is a grave departure from conduct expected of a BOA member, the member may recommend termination of that member's membership status. The complaining officer must give written notice to the Parliamentarian or Senior Board of the termination recommendation of the member in question. The recommendation shall be voted on by the Executive Board at the next meeting held following written notice to the member in question. The member shall be afforded an opportunity to respond to the recommendation before the Executive Board takes its vote on the recommendation. A two-thirds vote of all officers (excluding the recommending officer, who shall not take part in the vote) will be necessary to give effect to the recommendation.

#### **Section 5. Moot Court Class.**

Third Year law students who are members of the Board of Advocates become eligible for enrollment in the Moot Court Seminar for academic credit during the Spring Semester. Special Accommodations shall be given to those who graduate in December.

## **ARTICLE II. POINTS**

### **Section 1. Generally**

BOA points are used to determine eligibility to join the BOA. Points can be accumulated by:

1. *Competing.* If a student competes in a BOA competition they receive 2 points. If they win such competition they receive 3 points.
2. *Volunteering.* A student who volunteers to help the BOA or a student team receives 1 point for each round they volunteer, with a maximum of 2 points per competition. (*Example: Student A is a timekeeper in 1 round of negotiations. Student A receives 1 BOA point for volunteering. Student B is a timekeeper for 3 rounds of negotiation. Student B receives 2 BOA points for volunteering.*)
3. *Final Rounds.* A student who is a non competitor/non volunteer will obtain 1 point for attendance in the final round of each competition
4. *CLE.* Students who attend CLE seminars shall receive 1 point

## **ARTICLE III. OFFICERS**

### **Section 1. Executive Board**

Clause 1 - Composition. The Executive Board shall be composed of the following officers: Chief Justice, Associate Chief Justice, Of Counsel, Secretary, Treasurer, Parliamentarian, Head Judge Coordinator, Publicist, Historian, Community Service Chair, Head Marketing Coordinator, and Rooms Coordinator.

Clause 2 - Purpose. The Executive Board shall initiate, plan, establish objectives, adopt goals and program plans for the competitions of the BOA and evaluate the effectiveness of all activities.

Clause 3 - Qualifications. To become eligible for positions on the Executive Board, persons must be able to serve one complete academic year, both Fall and Spring semesters. They must have competed in one of the following competitions: a National Moot Court Competition, National Mock Trial Competition, State bar competition, an ABA client counseling competition, or an intramural competition. The Senior Board has the discretion to make exceptions, as it deems necessary.

Clause 4 - Appointment. To be considered for an executive position a person shall request consideration on their application to gain or retain membership. The outgoing Senior Board along with the newly elected incoming Senior Board shall select the new Executive Board by majority vote. Members seeking an appointment may not participate in the selection process.

Clause 5 - Senior Board Members. Senior Board Members of the Executive Board of Advocates are the Chief Justice, the Associate Chief Justice, and Of Counsel.

Clause 6 - Vacancies. General members shall fill vacancies on the Executive Board by a majority vote of the remaining Executive Board, except that if the Chief Justice position becomes vacant, the Associate Justice shall automatically ascend to that position.

Clause 7 - Involvement. It shall be mandatory for all the officers to attend all the meetings and functions of the BOA.

## **Section 2. Executive Board Duties**

Clause 1 - Generally. The BOA will initiate, plan, and publicize all intramural, regional, and national advocacy competitions that are sanctioned by Thurgood Marshall School of Law. Coordination of competitions not listed below will be assigned by the Executive Board as they arise. The Executive Board will also establish objectives for, adopt goals for, and sponsor activities designated for the edification of effective advocacy skills in the student body. The Executive Board will be required to maintain office hours as assigned.

Clause 2 - Chief Justice. The duties of the Chief Justice shall include, but are not limited to, presiding over all BOA meetings according to this Constitution and Robert's Rules of Order and representing the BOA in its official capacity. The Chief Justice is the Chief Executive Officer and shall represent the BOA in all official contact with the Dean of the law school, Faculty of the law school, and the legal community with the assistance of the Executive Board. The approval of the Chief Justice shall be required for any disbursement of BOA funds. The Chief Justice shall appoint all committee members with the provision that his/her authority can be delegated. The Chief Justice may actively seek alternative funding sources to augment the BOA annual budgeted funds.

Clause 3 - Associate Chief Justice. The duties of the Associate Justice shall include but are not limited to assisting the Chief Justice as so directed. The Associate Chief Justice shall be the Chief Executive Officer in the absence of the Chief Justice and will assume all of the aforementioned authority of the Chief Justice.

Clause 4 - Of Counsel. The Of Counsel shall advise the Chief Justice and Associate Chief Justice and assist them as directed. The Of Counsel shall be the Chief Executive Officer in the absence of the Chief Justice and Associate Chief Justice and will assume all of the aforementioned authority of the Chief Justice.

Clause 5 - Secretary. The Secretary shall take the minutes of all meetings of the BOA. The Secretary shall publish the minutes of the Executive Board meetings and General Body meetings unless instructed otherwise by the Executive Board. The Secretary shall maintain and have custody of all records of the BOA, which are not specifically assigned to other officers. The Secretary shall give notice of all meetings to members at least four (4) business days prior to that meeting. The Secretary shall perform such other duties as assigned by the Senior Board from time to time.

Clause 6 - Treasurer. The Treasurer shall maintain custody of all funds of the BOA. The Treasurer shall serve as Chief Financial Officer of the BOA and shall advise the BOA on financial matters. The Treasurer shall make reports on the budget and financial status of the BOA at all executive meetings. Such reports shall include all receipts, disbursements and voucher requests. The status of the BOA budget and finances shall be made available, upon request, to any Executive Board member. The Treasurer's approval shall be required on all disbursements of the BOA funds. The Treasurer shall assist the Chief Justice with obtaining alternative funding for the BOA annual budget. The Treasurer shall perform such other duties as assigned by the Senior Board.

Clause 7 - Parliamentarian. The Parliamentarian shall see that all BOA meetings conform to Robert's Rules of Order. The Parliamentarian shall maintain order at all meetings and inform the Executive Board of any irregularities during the meeting. The Parliamentarian shall take care to see that all members of the BOA receive a copy of the Constitution, inform any member of violation of the Constitution, report any violation of the Constitution to the Senior Board and impose the appropriate penalty as directed by the Senior Board. The Parliamentarian shall be the liaison in resolving all disputes arising from BOA sponsored intramural competitions. The Parliamentarian shall perform such other duties as assigned by the Senior Board.

Clause 8 - Judge Coordinator. The Judge Coordinator shall oversee the recruitment of volunteers to serve as Judges for all competitions. The Judge Coordinator will work with the competition coordinators to ensure that all judging needs are fulfilled. The Judge Coordinator shall schedule all volunteer judges and provide them with all necessary materials for the competition. The Judge Coordinator shall maintain a list of contacts for all Volunteer Judges. This list shall be kept confidential, except as requested by the Senior Board. The Judge Coordinator shall perform such other duties as assigned by the Senior Board.

Clause 9 - Publicist. The Publicist shall publicize the appropriate literature and correspondence to the faculty, staff, students, and the public. The Publicist shall maintain the BOA website consisting of all BOA activities. The Publicist shall also assist the Chief Justice with alternative funding for the BOA annual budget. The Publicist shall perform other duties as assigned by the Senior Board.

Clause 10 - Historian. The Historian shall document all BOA events via photographs and other forms of media. The Historian shall work in conjunction with the Publicist in disseminating this information to the faculty, staff, students, and the public. The Historian shall perform other duties as assigned by the Senior Board.

Clause 11 - Community Service Chair. The Community Service Chair shall plan and organize all community service events sponsored by the BOA. The Community Service Chair is responsible for fulfilling Thurgood Marshall School of Law's Student Bar Association community service requirement. The Community Service Chair shall perform other duties as assigned by the Senior Board.

Clause 12 - Marketing Coordinator. The Marketing Coordinator shall oversee all publicity and advertising for events sponsored by the BOA. The Marketing Coordinator is to promote and encourage students to participate in the BPA activities. The Marketing Coordinator shall perform other duties as assigned by the Senior Board.

Clause 13 – Rooms Coordinator. The Rooms Coordinate shall book and oversee scheduling for rooms necessary to house events sponsored by the BOA. The Rooms Coordinator shall work closely with faculty and administration to ensure that proper accommodations are made in a timely fashion. The Rooms Coordinator shall perform other duties as assigned by the Senior Board.

### **Section 3. Other Officer Duties**

Clause 1 - Coordinators and Associate Coordinators.

A. *Mock Trial Coordinator.* The Mock Trial Coordinator shall develop, plan, implement, and coordinate the Helen Dawn Williams Mock Trial competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;
2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The trophy awarded to the winners of the Helen Dawn Williams Mock Trial competition will be called The Galow-Sullivan Cup in honor of Jerry Galow, and Ed & Stephanie Sullivan. The Mock Trial Coordinator shall perform such other duties as assigned by the Senior Board.

B. *1L Mock Trial Coordinator.* The Mock Trial Coordinator shall develop, plan, implement, and coordinate the Catherine Haley Shaw Mock Trial competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;
2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The 1L Mock Trial Coordinator shall perform such other duties as assigned by the Senior Board

C. *Moot Court Coordinator.* The Moot Court Coordinator shall develop, plan, implement, and coordinate The Henry Doyle Moot Court competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;
2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The Moot Court Coordinator shall perform such other duties as assigned by the Senior Board.

D. *1L Moot Court Coordinator.* The 1L Moot Court Coordinator shall develop, plan, implement, and coordinate The Neal Speedon Moot Court competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;
2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The 1L Moot Court Coordinator shall perform such other duties as assigned by the Senior Board.

E. *Client Counseling Coordinator.* The Client Counseling Coordinator shall develop, plan, implement, and coordinate the Heman Marion Sweatt Client Counseling competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;

2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The Client Counseling Coordinator shall perform such other duties as assigned by the Senior Board.

- F. *Negotiations Coordinator.* The Negotiation Coordinator shall develop, plan, implement, and coordinate the Prestage Woods Negotiation competition. This includes but is not limited to the following:

1. Selecting competition dates, times, and rules;
2. Making brackets;
3. Re-planning and re-structuring due to exigent circumstances;
4. Requesting services of any and all BOA members, if needed; and
5. Obtaining judges and verification.

The Negotiation Coordinator shall perform such other duties as assigned by the Senior Board.

- G. *Symposium Coordinator.* The Symposium Coordinator shall develop, plan, implement, and coordinate the annual BOA Symposium. This includes but is not limited to the following:

1. Selecting dates and times;
2. Scheduling speakers;
3. Selecting a theme surrounding relevant issues;
4. Requesting services of any and all BOA members, if needed; and
5. Working with TMSL faculty and staff.

The Symposium Coordinator shall perform such other duties as assigned by the Senior Board

- H. *Associate Coordinators.* The Associate Coordinators shall assist the coordinators of the Moot Court, Mock Trial, 1L Mock Trial, 1L Moot Court, Client Counseling, Negotiations, and Symposium events in developing, implementing, and coordinating all competitions. The Associate Coordinators shall perform such other duties as assigned by the Senior Board.

- I. *Liaisons.* The Mock Trial and Moot Court Liaisons shall work with external competition teams and coaches to influence their respective intramural events sponsored by the BOA. The Liaisons are responsible for coordinating and organizing primers regarding their respective intramural competitions.

Clause 2 – General Member Duties. The duties of general members are to assist senior board members, executive board members, and other officers in coordination and implementing advocacy competitions by fulfilling assigned duties.

## **ARTICLE IV. MEETINGS**

### **Section 1 - General**

Clause 1 - Date & Time. The regular BOA meeting of the entire BOA membership shall be held monthly unless otherwise ordered by the membership.

Clause 2 - Absences. A member of the BOA may not be absent from more than one (1) BOA meeting per semester. Absence from BOA meetings will only be excused for good cause such as illness, death, etc. Good cause will be determined by the Senior Board. Notice of absence and reason for absence must be given to the Parliamentarian or Senior Board at least 24 hours prior to or after the meeting time. Absences in excess of one (1) per semester will result in dismissal from the BOA. Communications regarding absences will be made by the Parliamentarian.

## **Section 2 - Special Meetings**

Clause 1 - First Executive Board Meeting. The Chief Justice shall call the first Executive Board meeting during the first two weeks of class in the fall semester. The meeting must entail:

1. A review of all duty assignments as per the constitution;
2. A selection of competitions to be entered into and the creation of a preliminary schedule master schedule; and
3. The establishment of a preliminary budget.

Clause 2 - First General Meeting. The Chief Justice shall call the first general meeting during the first month of class in the fall semester.

## **ARTICLE V. SANCTIONS**

### **Section 1 - General**

Clause 1 - Reasons for Sanctions. The conduct of any member of the BOA or competition participant during a BOA sponsored activity that results in injury, shame, or embarrassment to Thurgood Marshall School of Law, its faculty or students, shall be grounds for review, reprimand, and/or expulsion from participating in BOA sponsored activities. Sanctionable conduct shall be determined at the discretion of the BOA Senior Board on a case-by-case basis.

Clause 2 - Sanction Procedure. Any Executive Board Member can ask for a vote of the Executive Board to impose individual sanctions on members and non-member participants. The Senior Board and Parliamentarian must be give notice of intent for the sanction vote at least two weeks before the Executive Board meeting where the vote is to be taken.

Clause 3 - Rights of Accused. Any person who is charged with any violation shall:

1. Have the right to appear before the Executive Board and argue against their sanction before the vote is taken.
2. Be given notice of alleged violation and proposed sanction at least one (1) week prior to the Executive Board meeting where the sanctions vote is to be taken.
3. Have the right to present evidence and witnesses in their defense at the hearing.
4. Have the right to demand the Faculty Advisor's presence at the hearing.

### **Section 2 - Non-Members**

All non-members who participate in BOA sponsored competitions must sign a form subjecting them to the BOA constitution, all rules, review and sanctions.



### **Section 3 - Officers**

Clause 1 - Absences. Any Executive Officer who has acquired two (2) unexcused absences from Executive Board meetings or BOA functions shall be terminated from their position on the BOA. An unexcused absence is classified as:

1. Not being present at a BOA meeting or function;
2. Failing to give a valid reason or justification to the Senior Board; or
3. Failing to attend BOA meetings or functions without notice for reasons other than exigent circumstances. Exigent circumstances are situations that require immediate attention or effort (i.e., emergency).

Clause 2 - Removal from Office. Any Executive Officer may be removed from the BOA for any of the following reasons:

1. Not performing his/her duties as designated by the constitution;
2. Cumulative GPA has fallen below 2.0; or
3. Abusing his/her privileges as an officer, including but not exclusive of the acts described in the above reasons.

Clause 3 - Removal Process.

1. *Complaint.* Any officer may initiate the complaint process by filing a written complaint with the Senior Board and Parliamentarian. Furthermore, any officer may initiate a complaint against the Senior Board by filing a written complaint with the faculty advisor.
2. *Notice.* The Senior Board shall inform the accused officer, in writing, and a hearing shall be set no later than seven (7) school days after the Senior Board has so informed the accused.
3. *Hearing.* The Senior Board shall establish a date and time to hear evidence as to the merits of the said complaint. The hearing shall require the presence of a least a majority of the BOA excluding the complainant and the accused
4. *Evidence.* The complainant shall have an opportunity to present evidence as to the fitness of the accused to be an officer. And the accused shall have an opportunity to present evidence to rebut the complainant or to defend himself/herself.
5. *Deliberation.* The BOA, excluding the complainant and the accused, will discuss the matter in closed session and the Senior Board will take a vote at the end of the session.
6. *Recommendation & Resolution.* The findings and a recommendation supported by the findings shall be forwarded to the Faculty Advisor for final resolution.

## **ARTICLE VI. SUPPLEMENTARY PROVISION**

Any situation that arises concerning the BOA, its competitions or sponsored activities not addressed by this constitution shall be handled at the discretion of the most senior Executive Board member present and the presiding competition coordinators.

## **ARTICLE VII. ADOPTION OF CONSTITUTION**

### **Section 1 - Process.**

Clause 1 - Adoption. This constitution shall be adopted by a majority vote of the Executive Board.

Clause 2 - Amendment. This constitution shall be amended by a majority vote of the Executive Board.

Clause 3 - Approval. Adoption and amendment(s) to this constitution require approval of the Faculty Advisor and the Office of the Dean.

## **ARTICLE. VIII. FACULTY PARTICIPATION**

### **Section 1 - Advisor.**

Clause 1 - Selection. A faculty person shall be appointed by the Dean of the Law School to serve as faculty advisor for the Board of Advocates.