

# *Constitution for the Mock Trial Club at the University of Delaware*

## **Preamble**

We, the students at the University of Delaware, do hereby form the student organization to be known as the Mock Trial Club at the University of Delaware, for the purpose of establishing a respected association of students dedicated to the expansion of legal education, knowledge and experience; continually endeavoring to always promote justice, professional excellence and respect for the law.

## **Article I**

The organization shall be explicitly known as the Mock Trial Club at the University of Delaware.

## **Article II**

The Mock Trial Club at the University of Delaware has the specific vision to further our knowledge and understanding of the various facets of the law through preparation for and participation in mock trials or moot courts. We intend to fulfill this vision of education through guest speakers and guest legal professionals who will aid the Mock Trial Club in preparation for court and dispense scholarly advice as appropriate.

## **Article III**

The Mock Trial Club at the University of Delaware will receive its case materials, rules, announcements and will also be a member of the American Mock Trial Association. The Mock Trial Club at the University of Delaware will also glean legal assistance from attorneys who will facilitate classroom discussions about the law and the myriad opportunities for aspiring legal students.

## **Article IV**

In order to be a member of the Mock Trial Club at the University of Delaware, you must be a full-time, matriculated undergraduate student of the University of Delaware and agree to the purpose and object of the group. One is eligible for membership to this organization after attending one formal meeting and paying the necessary dues set forth by the Treasurer. The Mock Trial Club should limit itself to a small group of individuals who are ever cognizant of the stringent and arduous responsibilities associated with the organization. However, there shall be no numerical cap placed on this organization

henceforth, as all who would like to share in the development of the trial shall not be hindered from doing so.

### **Article V**

The organization agrees to adhere to all policies and procedures of the University and all local, state, and federal laws. Members will become acquainted with policies and procedures in the Official student handbook and other policies and procedures provided by the University. This organization is a viable, functioning organization, composed of at least six full time undergraduate students and we do not discriminate on the basis of race, creed, color, gender, age, religion, national origin, veteran, handicap status, or sexual orientation.

### **Article VI**

As a member of the Mock Trial Club at the University of Delaware, there are certain responsibilities that membership affords.

- You, as a member of the Mock Trial Club, must always endeavor to attend every formal meeting that is scheduled or present an excuse to the President *before* the meeting takes place
- You, as a member of the Mock Trial Club, must abide by and support the policies and procedures outlined in the Official Student Handbook as well as the policies and procedures outlined in the University of Delaware Code of Conduct
- You, as a member of the Mock Trial Club, will also be entitled to actively participate in any fund-raising opportunities for the Club and are also entitled to full voting rights

### **Article VII**

The Advisor of the Mock Trial Club at the University of Delaware shall usually not have voting rights; rather, he or she will be in charge of tallying the votes of the elections at the end of the year of when new officers are elected to the Executive Board of the Club with the exception of a tie at the election; thus, the Advisor must cast the official tie-breaking vote. At all other times of voting, the President of the Club shall tally the votes and in the event of a tie, the President shall cast the official tie-breaking vote, with the exception of the election tie-breaking vote which the Advisor has the only sole authority to cast. All other honorary guests are to be treated with the same decorum of their position, but they are not granted voting rights in the Club.

### **Article VIII**

All members of the Mock Trial Club at the University of Delaware must always endeavor to make a conscious effort to attend each formal meeting that is scheduled. If an absence is foreseeable, then an appropriate excuse must be given to the President of the Club *before* the meeting time. In the event of an unforeseeable absence, the meeting will continue without you, but courtesy

and respect demand that every effort is made to present yourself at all required meetings.

## **Article IX**

In the unfortunate event that a member is unfit to carry out his or her duties to the Mock Trial Club at the University of Delaware, a resignation is requested from that individual.

### **Section 1: Policies and Procedures for Removing a Member**

In the unfortunate event that a member must be removed from the Mock Trial Club at the University of Delaware, a vote of no confidence must be called for by any member and then seconded by another member in order for the vote to be cast. For a member to be voted out of the Club, either for disciplinary or punitive issues, a 2/3 super-majority vote is imperative for the removal of a member. However, this vote *must* come after each party has had the chance to speak for or against the matter of juncture. The Advisor should mediate this delicate matter.

### **Section 2: Appealing the Disciplinary Action**

The process for appealing a disciplinary action against a member follows the same guidelines set forth in Sub-Sections 8.1-3. Please refer to these sections as they are parallel to the processes for appealing the disciplinary actions with the exception of Sub-Section 8.1 which is as follows: An appeal generated from a non-Officer must be sent to the President of the Executive Board and within one week of receiving the appeal, the Executive Board, after a closed appeals conference, must come to a 3/4 or 3/5 majority decision to grant a hearing.

## **Article X**

Officers of the Club should be elected based upon their qualification for the specific position to which they endeavor to hold. Each academic school year should start with an Executive Board in place from the elections that were held the previous academic year. This is to ensure that there will always be an Executive Board to handle any affairs that may arise at unexpected times. The Executive Board shall consist of: the President, the Vice-President, the Secretary and the Treasurer. The Web Master shall be a President-appointed position with the majority approval of the Executive Board and is not considered part of the Executive Board.

### **Section 1: President**

The President of the Mock Trial Club at the University of Delaware shall be entrusted with the duties of calling and running the meetings and handling the day to day affairs of the Club. The President shall be responsible for the registration of the Registered Student Organization and all required paperwork for the continuation of the organization, including but not limited to: the End of the Year report (Annual report), Summer Contact Information, Annual Survey, and RSO Questionnaire. The President will receive all information from the

Activities and Programs Office from an undisclosed e-mail database. This information is to be used to help the Mock Trial Club function, so please disseminate the information accordingly. The President will also help to appoint all standing and special committees as applicable. The President will also act as the spokesperson for the Mock Trial Club and all information disseminated to outside parties should go through the President. The President of the Mock Trial Club is also entrusted with the power to appoint an Advisor on behalf of the Club.

### **Section 2: Vice-President**

The Vice-President of the Mock Trial Club at the University of Delaware shall serve the role of the President if the President is absent, unable to serve the duties of President, or if the President resigns. The Vice-President should also be responsible for checking the organizations mailbox and for disseminating information about the other activities offered by the other Registered Student Organizations and business promotions. The Vice-President will receive information from other Registered Student Organizations and the Activities and Programs Office through the [Student-Leaders@Udel.edu](mailto:Student-Leaders@Udel.edu) e-mail database.

### **Section 3: Secretary**

The Secretary of the Mock Trial Club at the University of Delaware shall record the events of all meetings of the organization, shall maintain the minutes of those meetings and shall disseminate those minutes to the members for their own records. The Secretary shall also take attendance of those present at the formal scheduled meetings as necessary. The Secretary shall disseminate the information regarding meeting times and locations to all members. The Secretary shall have the title of Club Historian in addition, as it will be necessary to pass on accurate records of what the group has done over the past year and who was involved and the nature of their involvement. The Secretary shall also maintain the membership list and e-mail database.

### **Section 4: Treasurer**

The Treasurer of the Mock Trial Club at the University of Delaware shall be responsible for all group finances including expenditures and revenues. The Treasurer shall sign any checks written by the organization for the purpose of the organization and maintain all group ledgers. The Treasurer should also be responsible for requesting funds from the allocation board. The Treasurer will have checks co-signed by the appropriate administrator.

### **Section 5: Web Master**

The Web Master of the Mock Trial Club at the University of Delaware shall be responsible for the monthly, and sometimes weekly, upkeep of the Mock Trial Club website and have it approved by the Executive Board. The Web Master must stay in contact with the President after the academic year has ended to ensure that the most current and updated information is available for other members to view on the website. This is especially imperative in the month of

August because the case from the National Mock Trial Association is usually available around mid-August and it must be accessible to all members of the Mock Trial Club at the University of Delaware.

### **Section 6: Qualifications for Officers of the Executive Board**

All Officers of the Executive Board of the Mock Trial Club at the University of Delaware must be full time matriculated undergraduate students at the University of Delaware. Any potential officer must be able to complete a full calendar year at the University of Delaware at the undergraduate level. This signifies that any second semester seniors will not be allowed to run for Office as they will not be able to complete a full year. However, exceptions should be noted in the case where a potential student might be considered a senior by the University of Delaware for the number of completed credit hours he or she has earned. This is a case where an exception might be made, if a student has completed the 90 credit hours to be considered a senior but is only in his or her third year at the University of Delaware and will not leave mid-year of their fourth year.

### **Section 7: Election of Officers of the Executive Board**

The election of the Officers of the Executive Board of the Mock Trial Team at the University of Delaware shall be conducted during the first week of April. The manner in which elections shall be held will be by secret ballot with one ballot prepared for everyone with all applicable names and positions. The tallying of these ballots will then be conducted by the Advisor of the Mock Trial Club. If a tie ensues, the Advisor has the only authority to cast the tie-breaking vote and the Advisor must be present at the election. Only a simple majority of votes is needed to announce a winner and a new Officer; a super-majority of 2/3 is not necessary for election voting.

### **Section 8: Policies and Procedures for Disciplining an Officer**

Holding an Office of the Executive Board of the Mock Trial Club at the University of Delaware is an honor, but in the unfortunate event that an Officer disrespects the Club and forces disciplinary action to be taken against them, there must be formal rules and procedures for disciplining an Officer. The procedures are very similar to Article IX of the Constitution which addresses procedures for disciplining a member of the Club. However, if that individual held a position on the Executive Board, then a new election will take place to fill the vacancy. The President will appoint someone *ad hoc* until the Club has elected someone to the position. The new election should take place as soon as possible. Article IX also addresses the issue if an Officer should refuse to resign from his or her position.

#### **Sub-Section 8.1: Appealing the Disciplinary Action**

The charged Officer of the Executive Board may appeal the disciplinary action to the Mock Trial Club Executive Board, where 3 members still remain. A closed conference must be called within one week of either the

President or the Vice-President receiving the appeal from the charged Officer. A decision on whether to grant the charged Officer a hearing in front of the whole Mock Trial Club must be issued within one week of the closed appeals conference and if a decision renders a hearing vote, a hearing should be scheduled within two weeks of the decision. If the closed appeals conference renders a decision not to hold a hearing, the charged Officer must then appeal to the Advisor.

### **Sub-Section 8.2: Appeals Hearing**

The charged Officer has the right to present his or her case to the entire Mock Trial Club if the Executive Board so deems it appropriate. After each party has had the chance to speak on the matter of juncture, only a 2/3 super-majority vote may overturn the original vote of no-confidence.

### **Sub-Section 8.3: Further Appeals**

Much like the Supreme Court, the Advisor of the Mock Trial Club at the University of Delaware will act as the Court of Last Resort and if the charged Officer is still unsatisfied with the decision, may appeal to the Advisor one last time to have his or her case heard. The Advisor may then remand the appeal back to the Executive Board and they will be forced to hold one final hearing or the Advisor may dismiss the appeal and that will be the final action. If the appeal is remanded back to the Executive Board, the Executive Board must hold one final hearing and give each party the chance to speak before the entire Mock Trial Club and a 2/3 super-majority vote is required to overturn the original vote of no-confidence. This is the second and final appeal for the charged Officer.

## **Section 9: Resignations**

Resignations from the Mock Trial Club at the University of Delaware shall be given to the President and any materials or work that is associated with the Mock Trial Club shall be turned over to the Club at the moment of resignation. If an Officer of the Executive Board is resigning, the same policies and procedures as stated in Section 8 will take effect.

## **Section 10: Officer Transition**

Officers of the Executive Board of the Mock Trial Club at the University of Delaware shall be elected in the first week of April so there is time for the new Officers to get acquainted with the duties of their new Office and this will also allow for the previous Officers to give guidance and training to the new Officers.

## **Article XI**

The Mock Trial Club at the University of Delaware shall hold meetings at least once a month for the months of August through April for all members. During the trial season, it will become necessary to meet with the other members of

your team to prepare as often as necessary. The Officers of the Executive Board should meet bi-monthly and set their own schedule. The other general meetings should be stated in advance of the preceding month and the Secretary should have the responsibility of disseminating information regarding the meeting to all members. The Advisor of the Mock Trial Club should also try to attend the general meetings if possible.

## **Article XII**

Dues will be set by the President and the Treasurer with the approval of the Executive Board and are due at the inception of membership. Members are required to pay dues to the Mock Trial Club so they can have a legitimate right to be heard in decisions involving the finances of the Club. Members who do not pay dues will not be allowed to vote and will not be considered a member of the Mock Trial Club at the University of Delaware.

## **Article XIII**

The Mock Trial Club at the University of Delaware shall establish by-laws to carry out the policies set forth in this constitution. A 2/3 super-majority vote is required to approve any by-laws or changes to existing by-laws and changes may be proposed by any member and must be seconded by any other member.

## **Article XIV**

The selection of an Advisor for the Mock Trial Club at the University of Delaware is very important because the Advisor is someone who should help guide the Club to a more academically and educationally fulfilling experience. Members of the Mock Trial Club shall not vote on an Advisor, it will be up to the President to appoint an Advisor on behalf of the club with a majority approval of the Executive Board. The Advisor will not have any voting rights, except those specifically outlined in Article X, Section 7. The Advisor must be a full-time faculty or professional staff member of the University of Delaware.

### **Section 1: The Coach of the Mock Trial Club**

The Coach of the Mock Trial Club at the University of Delaware may be the same person as the advisor; however, the Coach does not necessarily have to be a full-time faculty or professional staff member of the University of Delaware. Therefore, the Coach could be an attorney that is licensed to practice law in the State of Delaware. The Coach of the Mock Trial Club shall not have any voting rights.

## **Article XV**

The University of Delaware shall inherit the assets of the Mock Trial Club at the University of Delaware should the group become defunct. The case materials and any other miscellaneous materials associated with the Mock Trial Club are to be forfeited to the University of Delaware should the group become defunct as well.

**Article XVI**

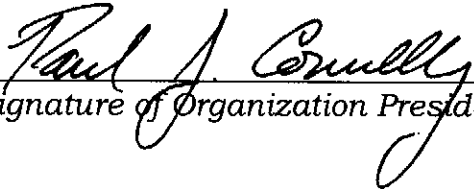
The minimum number of members from the Mock Trial Club at the University of Delaware who need to be present at a meeting in order for business to be conducted legally is to be set at 60% of the membership. This is to ensure against the possibility that a small number of individuals within an organization might get together and transact business in an under-representative way. At least one Officer of the Executive Board is to be present at all formal scheduled meetings; however, no Officer shall need to be present whenever members convene to prepare for the trials.

**Article XVII**

The Constitution of the Mock Trial Club at the University of Delaware shall take effect pending the signatures of the Organization President, Advisor and Program Coordinator for Leadership Development with the approval of the Activities and Program Office of the University of Delaware and requires a 2/3 super-majority vote of the members.

**Article XVIII**


The Constitution of the Mock Trial Club at the University of Delaware shall not be amended unless an amendment is proposed by a member and seconded by another member. A vote is then to be called for by the President or the next ranking Officer and requires a 2/3 super-majority vote of the members to amend this Constitution. Advance notice to all members of the proposed changes is also required before a vote can be called.

  
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Signature of Organization President

9/27/05  
Date

  
\_\_\_\_\_  
Signature of Organization Advisor

9/27/05  
Date

  
\_\_\_\_\_  
Signature of Program Coordinator

9/29/05  
Date