

**CONSTITUTION  
OF THE  
INTERNATIONAL MOOT COURT BOARD  
OF THE  
ST. THOMAS UNIVERSITY SCHOOL OF LAW**

**Preamble**

We, the students of the St. Thomas. University, School of Law, and Members of the International Moot Court Board, in order to promote the welfare and quality of student life, and in partnership with the Faculty and the Administration of the School of Law, herein and hereby, set forth fundamental principles of the Student Government for ourselves and our successors with the power to enact suitable regulations for the purpose of initiating and furthering the pursuit of excellence in moot court competitions, and do therefore ORDAIN AND ESTABLISH THIS CONSTITUTION.

**ARTICLE I**

**Name and Purpose**

1. The name of the organization shall be International Moot Court board (hereinafter "IMC" or "International Moot Court"), St. Thomas University School of Law.
2. The purpose of the International Moot Court is advancement of scholastic excellence in the area of international advocacy and moot court competitions.
3. The International Moot Court exists under the rules and policies of the St. Thomas University.

**ARTICLE II**

**Organization and Structure**

1. IMC shall be comprised of members who have shown interest in international affairs and have met the required standards as set forth in the by-laws of this organization, demonstrating exemplary oral advocacy and legal writing skills.
2. All members of IMC must be students in good academic standing at St. Thomas University School of Law and members must abide by the St. Thomas Honor Code.
3. IMC shall be governed by the IMC Executive Board (hereinafter "Executive Board").
4. The Executive Board shall be comprised as follows: President, Vice-President, Secretary, Treasurer, and Competitions Chairperson.
5. IMC shall, at all times be under the general supervision of a faculty advisor from the St. Thomas University School of Law.

**ARTICLE II**  
**Organization and Structure**

**1. The Officers shall:**

- a. Serve as a forum for the initiation of ideas and programs for moot court competitions and shall consider ideas from the floor that further the goals of the organization.
- b. Have powers to pass proposals and resolutions to execute its duties.
- c. Adopt the latest edition of Robert's Rules of Order to govern the procedures of IMC, unless expressed to the contrary in this Constitution or the by-laws.
- d. Create, oversee and dissolve teams for IMC competitions.
- e. Create, oversee and implement intra-school competitions for the selection of members and for representative teams.
- f. Create, review and approve a yearly budget.
- g. Officers shall hold office for one (1) year from April 1 to March 31.
- h. The Executive Board shall enforce all provisions of the Constitution and by-laws of IMC.

**2. The President of IMC shall:**

- a. Represent IMC as required by the office.
- b. Schedule regular meetings, general membership, meetings, and special meetings as he or she deems necessary.
- c. Preside over the meetings set out in this section, including disciplinary appeals.
- d. Vote in the event of a tie at any meeting.
- e. Represent IMC at all meetings where so required by the University or the Student Bar Association.
- f. Report to the general membership as to the status of the IMC and the upcoming events, including responding to and answering all IMC mail.
- g. Have the power to submit to the dean, and other school officials, programs and events that must be approved before implementation.
- h. Assist the Treasurer in the preparation of the IMC budget for the Director of Operations and the Student Bar Association. Deliver the budget to the IMC Faculty adviser for approval
- i. Evaluate any deficiencies reported after completion of interscholastic competitions and provide training or workshops for members accordingly.

- j. Approve all written correspondence by IMC Executive Board members,
- k. Assist in the overall running of IMC.

**3. The Vice-President of IMC shall:**

- a. Assist the President in his or her duties, and in the absence or inability of the President to perform such duties, the same shall be performed by the Vice-President.
- b. In the event of a vacancy of the Office of President, fill that office.
- c. If the Vice -President succeeds the President , elections shall be held for the office of the Vice-President
- d. Work with the Competitions Chairperson on the IL and 2L Invitational Competitions,
- e. Organize an orientation meeting with new IMC members no later than one (1) week after their selection.
- f. Make sure that all members are meeting their IMC obligations and shall prepare written report for each consideration. Written reasons provided as excuses by members for non-participation in activities shall be copied and given to the President.
- g. Conduct disciplinary hearings as set forth in the by-laws, unless the Vice-President is the subject of such hearings, wherein the President shall conduct such hearings.
- f. Oversee all ad hoc committees.
- g. Edit and produce a semester newsletter, which details the IMC's events and news.

**4. The Secretary of IMC shall:**

- a. Inform members, and potential members, of the place and time of meetings, not later than seventy-two (72) hours prior to each meeting.
- b. Provide for the members an agenda for each meeting.
- c. Provide a record of the minutes of each meeting of the IMC, including member attendance. The minutes of each meeting shall be made available to the members within one (1) week after each meeting.
- d. Review, with an ad hoc committee, the Constitution and by-laws of IMC and publish annually the constitution and by-laws and file them with the Student Organizations Office.
- e. Create, Update and Maintain a calendar of events, competitions and deadlines.
- f. Create, Update and maintain a list of members with addresses, electronic-mail addresses and phone numbers.

- g. Receive all IMC keys from outgoing Board members.
- h. Organize and maintain accessible files for briefs and material from previous competitions.
- i. Provide each new member with a copy of the IMC Constitution and by-laws,
- j. In general, shall aid the President and the officers in all correspondence.

**5. The Treasurer of IMC shall:**

- a. Administer the financial affairs of IMC, receive and expend all monies of the organization.
- b. Work collectively with the Executive Board to create an annual budget.
- c. Assist the President in completion of the IMC budget for the Director of Operations of the law school
- d. Plan the IMC budget for the Student Bar Association and submit it to the Treasurer of the Student Bar Association.
- e. Oversee the maintenance of the office and purchase necessary supplies.
- f. Maintain an accurate set of records showing all receipts and disbursements which shall be at all times open to the inspection of any member of IMC.
- g. Make all travel arrangements for interscholastic competitions, including making flight, rental car, and hotel reservations at times and places convenient to the competitors.
- h. Assist in organizing the IMC Awards Banquet and purchasing awards.

**6. The Competitions Chairperson shall:**

- a. Plan and organize the 1L Invitational Competition.
- b. Plan and organize the 2L Invitational Competition.
- c. Oversee all Student Coaches for interscholastic competitions and insure that they are carrying out their responsibilities and adhering to rules and deadlines required for competitions.
- d. Provide a schedule of practice rounds for all members to sign-up for to judge competitors in interscholastic competitions.
- e. Prepare a yearly calendar of all competitions, including deadlines for briefs, dates, and locations and locations at various locales for the actual competitions.
- f. Keep all members notified of interscholastic competition developments and report on member performance at competitions.
- g. The Competitions Chairperson is not permitted to participate in interscholastic

competitions, except in extraordinary circumstances when approved by majority vote of the Executive Board.

**7. Vacancies and Resignations:**

- a. Resignations by Executive Board Members must be presented in writing to the IMC President.
- b. IMC Executive Board members are subject to disciplinary proceedings as specified in the by-laws.
- c. Elections of vacant offices will be held at the next scheduled meeting, pursuant to the Election Procedures specified in the by-laws.

**ARTICLE IV**  
**Membership**

**1. Members of IMC:**

- a. Members shall be invited to join IMC when they have shown a level of accomplishment in the International Law field and entered an intramural IMC competition.
- b. Members shall be in good academic standing.
- c. Members shall have the power to vote in all general elections
- d. Members shall be eligible to run for office in general elections.
- e. Members are required to fulfill their membership obligations by supporting, participating and/or coaching IMC competitions.

**2. Honorary Members and Associates:**

- a. Honorary Members and Associates shall be inducted upon a vote by no less than two-thirds (2/3) majority of the voting membership present.
- b. Honorary Members and Associates shall not have voting privileges, except those passed by the Executive Board.

**ARTICLE V**  
**Amendments and Quorum**

- 1. Amendments to this Constitution require a majority vote of two-thirds (2/3) of voting membership present.
- 2. Amendments to the by-laws require a majority vote of members present. Members wishing to amend by-laws must draft a proposed Amendment and submit it to the IMC President. This amendment will be presented at the next scheduled meeting and voted

on.

3. The Quorum required for a vote is five (5) members.

## **ARTICLE VI** **Adoption**

This Constitution shall be presented to the 1999-2000 Board for Ratification by a two-third (2/3) majority present.

*Amended and Ratified April 21, 1999.*

**BY-LAWS  
OF THE  
INTERNATIONAL MOOT COURT BOARD  
OF THE  
ST. THOMAS UNIVERSITY SCHOOL OF LAW.**

**Membership Selection**

**1. 1L Invitational Competition:**

- a. IMC shall sponsor an intramural competition for first-year students every April, following the first-year Appellate Advocacy oral arguments.
- b. The competition shall be coordinated by the Competitions Chairperson.
- c. The Competitions Chairperson shall hold an informational meeting for all first-year students interested in the competition. Notice of such meetings shall be given to all first-years at least one week in advance. At this meeting, students shall be given to all first-years at least one week in advance. At this meeting, students will be informed of: 1) the dates when the three (3) copies of their appellate briefs are due; and 2) the dates of the actual competitions rounds.
- d. On the date the 1Ls are required to submit their appellate briefs, the Competitions Chairperson will distribute the following in return to students: 1) an anonymous grading number; and 2) release forms, which entitle IMC to determine if a competitor is on academic probation. Students on academic probation are precluded from participating in the 1L Invitational Competition. This release form will not entitle any IMC member to determine any candidate's specific grades- on grade point average, nor will this information be released.
- e. The Competitions Chairperson will insure that the 1L briefs with anonymous grading numbers, along with scoring sheets, are equally disbursed to IMC members, providing deadlines for returning them. Briefs must be returned to the Competitions Chairperson prior to the judging of preliminary oral rounds
- f. The Competitions Chairperson will post a sign-up sheet and scheduled pairings after receiving 1L appellate briefs. All competitors shall participate in two preliminary rounds.
- g. Judging will be conducted by Members of IMC for preliminary and semi-final rounds. The competitors shall not be judged twice by the same judge during the two preliminary oral rounds. Prior to the competition, the Competitions Chairperson will conduct a meeting for the judges, during which standard oral argument scoring sheets and bench briefs will be distributed and explained.
- h. The Semifinalists shall be determined based solely on the combined oral scores; and only the top two oral scores from the three oral rounds will be computed into the individual's total oral score and in determining the Finalists.
- i. If IMC allows student to submit written briefs for the problem from the first-year Appellate Advocacy class for the 1L Invitational Competition, the Competitions

Chairperson may obtain bench briefs from the Legal Writing Department to be used only as assistance in scoring, the written briefs.

- j. All IMC members must attend the final round of the 1L Invitational Competition. Members that cannot attend must submit a legitimate reason to the IMC President or Vice-president. The final round will be judged by a panel of distinguished Professors, Attorneys, or Judges in the legal community with an understanding or specialty in the area of international law argued by the students.
- k. The Winning Team /Individual shall automatically receive an invitation to join IMC.
- l. In addition to the winning Team /Individual, up to twenty (20) candidates with the highest scores may be invited to join IMC. Scores shall be calculated by adding the average of a candidate's two (2) oral argument scores plus the average of a candidate's written brief scores. The scores shall be weighed on a 100-point scale as follows: 30% oral and 70% written. In the event that the 1Ls have competed using the first-year Appellate Advocacy problem, scores shall be calculated by adding the average of a candidate's two (2) preliminary oral Scores and one (1) international problem oral round score plus the average of a candidate's written brief scores. The weight of the scores shall be calculated as follows: 30% oral and 70% written, with the international oral round worth only 10% of the 70% oral score.
- m. In addition to the above IMC may invite up to five (5) candidates with the highest brief scores to be invited to join MC as Brief Writers. The candidate's score shall be calculated by averaging the scores of those briefs submitted specifically for consideration as Brief Writer positions.
- n. In addition to the above, IMC may invite the winners of the Best Oralist and Best Brief Writer Awards to join the organization. The Best Brief Writer may be invited as Brief Writer at the board's discretion. .

## **2. 2L Invitational Competition:**

- a. IMC shall sponsor an intramural competition for all second-year students in September.
- b. The competition shall be coordinated by the Competitions Chair.
- c. The Competitions Chairperson shall hold an informational meeting for all second year students interested in the competition. Notice of such meeting shall be given to all second year students at least one week in advance. At this meeting, students will be informed of: 1) the dates when the three (3) copies of their appellate briefs are due; and 2) the dates of the actual competitions rounds.
- d. On the date the 2Ls are required to submit their appellate briefs, the Competitions Chairperson will distribute the following in return to students: 1) an anonymous grading number; and 2) release forms, which entitle IMC to determine if a competitor is on academic probation. Students on academic probation are precluded from participating in the 1L Invitational Competition. This release form will not entitle any IMC member to determine any candidate's specific grades or grade point average, nor will this information be released.

- e. The Competitions Chairperson will post a sign-up sheet and scheduled pairings after receiving 2L appellate briefs. All competitors shall participate in two preliminary rounds.
- f. Judging will be conducted by Members of IMC for preliminary and semi-final rounds. The competitors shall not be judged twice by the same judge during the two preliminary oral rounds. Prior to the competition, the Competitions Chairperson will conduct a meeting for the judges, during which standard oral argument scoring sheets and bench briefs will be distributed and explained.
- g. Up to three (3) candidates with the highest scores may be invited to join IMC Scores shall be calculated by adding the average of a candidate's two (2) oral argument scores plus the average of a candidate's written brief scores. The scores shall be weighed on a 100-point scale as follows: 70% oral and 30 % written.

### **3. Membership Duties:**

- a. Membership is contingent upon participation in activities as set out in these by-laws.
- b. Members shall have the responsibility of informing themselves of meeting times and other functions by checking the IMC bulletin board or their mail files.
- c. Members shall be required to attend all general meetings.
- d. Members shall be required to judge at least two (2) practice rounds for each competition.
- e. Second-year members (2Ls) shall be required to attend every Workshop offered per semester. Third-year members (3Ls) shall be required to attend at least two (2) Workshops per semester.
- f. Members are encouraged to promote IMC by attending the IMC Awards Banquet and other social functions.
- g. All members must participate in at least one interscholastic competition before graduating from the St. Thomas University School of Law.

### **4. Interscholastic Competitions.**

- a. The Executive Board shall examine all interscholastic competitions in April and select the competitions that IMC will participate in the following school year
  - i. The expense of the competition
  - ii. IMC's previous success at the competition
  - iii. The interest of IMC.
  - iv. Advise from Faculty Advisor
- b. The Executive Board shall be responsible for the fair, timely and efficient selection of teams for IMC competitions and for facilitating the preparation of teams for their respective competitions. Interscholastic teams shall be composed of a 3L member of the

previous year's team, with the exception of the Inter-American Human Rights competition in May. The Executive Board shall consider the following:

- i. Members that have not competed and have not been asked to compete in any interscholastic competition shall receive the most priority.
- ii. Members that have been asked to compete and have refused will receive the least priority.
- iii. The Member's level of participation in IMC activities.
- iv. The Member's field of interest.
- v. The Member's team partner preference.
- vi. The Member's oral argument and brief scores in intramural competitions. Second-year members will be selected for competitions based on their oral and brief performances in the 1L Invitational Competition, combined with their field of interests.
- vii. Where there are a significant number of members that want to participate in the same competition, beyond the limited spots available for team members, the Executive Board may allow a competitive process among members to be used to determine the fairness in selection of interested team members
- viii. Other factors that have been demonstrated to be important in the make-up of winning national teams or that would limit our teams' ability to fairly compete will be considered in the selection process, such as language considerations.

c. Competitors.

- i. Accepting a position in a competition means that a Competitor will read all competition rules carefully to insure that they prepare the best possible presentations, whether written, oral or both.
- ii. All work must be accurate, thorough, and completed by the assigned time. Preliminary drafts of briefs must be completed by the date designated by the Student Coach and the Competitions Chair, after consultation with the competing team.
- iii. All Competitors must meet the practice requirements imposed by their Student Coach. At a minimum, all Competitors should meet for a total of ten (10) practice rounds, when only required to argue one side of the issue. If required to argue both sides of the issue, then all competitors should meet for a total of fifteen (15) practice rounds.

d. Student Coaches

- i. Following the selection of interscholastic competitions, the IMC Executive Board shall select Student Coaches.
- ii. Third-year members shall be required to coach an interscholastic competition as

needed, unless specified otherwise in these by-laws.

- iii. A second-year Interscholastic Competitor is required to serve as a Student Coach or as a competitor for the same competition in their third-year as needed, except when such Competitor is graduating in the fall.
- iv. Student Coaches will designate dates on which preliminary briefs must be completed by the Competitors, after referring to the specific rules and consultation with the competitors.
- v. Student Coaches shall insure that bench briefs are written for the competition. All bench briefs shall be blue booked and proofread for grammatical errors in citations. All bench briefs shall be completed by the assigned time.
- vi. Student Coaches shall notify IMC members of any topics of any legal issues that competitors may need assistance researching.
- vii. Student Coaches shall obtain the Competitors schedule and plan practice rounds for their oral arguments.
- viii. Student Coaches shall insure that judges and classrooms are obtained for practice rounds. All members are expected to judge Interscholastic Competitors.
- ix. Student Coaches shall insure that thank-you notes are written to all faculty and outside attorneys who judge Competitors.

## **5. Intramural Competitions.**

- a. All members are expected to judge at least two (2) rounds for intramural competitions.
- b. All members shall attend the meeting during which judging procedures will be explained for all competitions.
- c. All members shall attend the final round of the 1L Invitational Competition. Members that cannot attend the above mentioned activities must submit a legitimate reason to the IMC President or Vice President.

## **6. Disciplinary Process**

- a. Any IMC member whose conduct is not in accordance with any Constitutional provision, by-law or duly enacted, policy of IMC, may be brought up for disciplinary action at the request of any IMC member.
- b. Members who violate the membership duties and/or responsibilities as set out by the Executive Board and the Constitution and By-Laws, shall be subject to an initial oral reprimand. The Vice-President shall orally reprimand the member and the member shall sign a statement attesting that an oral reprimand was given.
- c. Members who violate the membership duties and/or responsibilities as set out by the Executive Board and the Constitution and By-Laws for a second time, shall be subject to a written reprimand. The Vice-President shall specify the violation in writing and

the member shall sign the reprimand attesting that a written reprimand was given

- i. A member may appeal a written reprimand by filing a request of appeal within ten (10) days of receipt of the reprimand. Once an appeal is filed, the Executive Board will meet the member in an informal process whereby the member may present reasons for the violation.
  - ii. The Executive Board shall vote to either overturn or stay the written reprimand by majority vote. The decision of the Executive Board shall be final.
- d. If an IMC member has a third incident of a violation, the member shall be brought up for disciplinary actions.
- e. To initiate disciplinary proceedings, an individual IMC member shall file a complaint with the Vice-President. The complaint shall:
  - i. Allege with specificity, both the conduct of the accused member which is the subject of the proceeding; and cite the Constitutional provision, bylaw, or policy which has been violated; and
  - ii. Be copied by the Vice-President and delivered to the accused within five (5) school days, of the filing of the complaint.
- f. After the complaint is filed, the Vice-President shall set a disciplinary hearing within ten (10) school days of the filing of the complaint. The Vice-President shall inform the accused, the complainant and the Executive Board, and **shall** randomly select a non-interested faculty member to attend the hearing.
- g. All Disciplinary hearings will proceed in the following manner:
  - i. The disciplinary hearing shall be a closed proceeding,
  - ii. The Vice-President shall call the hearing to order.
  - iii. The non-interested faculty member selected to be present shall serve to insure that the proceedings are fair and impartial.
  - iv. The Vice-President shall preside over the proceedings and make procedural rulings not inconsistent with this section.
  - v. Since the Executive Board is comprised of law students, the proceedings are not subject to any formal rules of evidence. No relevant evidence or testimony will be excluded.
  - vi. The complainant shall be allowed to present evidence and testimony to the Executive Board.
  - vii. After the complainant rests, the accused shall be given the opportunity to present evidence and testimony to the Executive Board.
  - viii. At the end of the accused's presentation, both sides shall be given an opportunity to present closing arguments not to exceed ten (10) minutes each.

- ix. The Executive Board shall then deliberate and render a verbal decision within two (2) days of the hearing. A written opinion will be filed by the Secretary in the IMC disciplinary record. To preserve the confidentiality of the proceedings, the written opinion will not be available to members, unless the aggrieved party appeals the decision of the Executive Board. Within this written opinion, agreed to by a majority vote, will be included: 1) finding of fact; 2) conclusions of law; and 3) sanctions.

h. Sanctions

- i. Sanctions for a first violation of the membership duties set forth by the Executive Board, the Constitution, and by-laws shall be an oral reprimand.
  - ii. Sanctions for a second violation of the membership duties set forth by the Executive Board, shall be a written reprimand.
  - iii. Sanctions for a third violation of the membership duties set forth by the Executive Board, the Constitution, and by-laws, shall be disciplinary action up to and including removal from IMC.
  - iv. If after a third violation, a member is not removed from IMC, but continues to violate the provisions of the by-laws, the Executive Board may at its discretion initiate disciplinary proceedings and sanctions shall be disciplinary action up to and including removal from IMC.
- i. Upon rendition of the verdict, an aggrieved party may appeal the decision of the Executive Board. The appeal shall be made to a Quorum of the Moot Court and shall take place at the next scheduled general board meeting. The appeal must proceed as follows:
- i. The IMC President shall preside.
  - ii. The appeal shall begin with a reading of the verdict of the Executive Board by the Vice-President.
  - iii. Each party shall be allocated ten (10) minutes to argue.
  - iv. A maximum of fifteen (15) minutes will then be allocated for the IMC to ask questions of the parties. The President will recognize IMC members for questions. Under no circumstances will argument or discussion be allowed during this question and answer period.
  - v. Following the question and answer period, the parties shall leave the room.
  - vi. A maximum of fifteen (15) minutes will then be allocated for discussion among IMC members present. The President will recognize members for the purpose of discussion.
  - vii. IMC members will then vote on the appeal. The President, however, shall vote in the event of a tie.
  - viii. To overturn the decision of the Executive Board, a majority of all members

present must vote in favor of reversal. Under no circumstances will proxy votes be allowed or counted.

- j. Any member who fails, to participate in a least one interscholastic competition before graduating shall be subject to removal from IMC at the discretion of the Executive Board.

## **7. Election Procedures**

- a. Members seeking Executive Board positions must be in good academic standing with the law school.
- b. Members interested in the Executive Board positions of President, Vice-President, Secretary, Treasurer and Competitions Chairperson must run for these positions in the March of their second year of law school.
- c. Members graduating early in December shall be precluded from running for an Executive Board position.
- d. Members seeking Executive Board positions must submit a letter of intent to the IMC President one week prior to election, specifying the position they are seeking and their qualifications to serve as an Executive Board officer.
- e. Elections for Executive Board positions will take place in March at a time, prior to the 1L Invitational Competition, sufficient to allow for training of the new board.
- f. Quorum is required for a valid election. Ballots listing the candidates' names and positions will be distributed to members present. All candidates shall be allowed a maximum of four (4) minutes to speak and answer questions. Executive Board members shall be elected by a majority vote.
- g. Absentee Ballots

- i. Members that cannot attend an election must submit a legitimate reason to the IMC President.
  - ii. Upon determination that a Member's reason for non-attendance at an election is legitimate, the IMC President shall issue the Member an absentee ballot, which must be used to submit their vote prior to the election.
  - iii. Absentee ballots will be prepared in advance with the names of prospective candidates and positions for which they are running and will be distributed by the President or Vice-President.
  - iv. Notice of the number of absentee ballots will be mentioned prior to voting by the President.
- h. Post-Election Procedures
- i. Terms of Executive Board positions commence in April and conclude in March of the following year.
  - ii. Following the election, Executive Board officers shall spend up to one (1) week training the newly elected Executive Board officers.

#### **8. IMC Awards and Awards Banquet.**

- a. The Treasurer shall assist in organizing the IMC Awards Banquet and purchasing awards.
- b. The Treasurer shall purchase the following member honorary plaques and certificates: 1) trophies for 1L Best Oralist and 1L Best Brief; 2) Certificates for the 1L recipients of the IMC Achievement Award and Best Overall Award; 3) Gift for the Member of the Year; 4) Gift for the Faculty Advisor; 5) Certificates to Graduating Seniors; and 6) Honorary IMC Membership Awards.
- c. 1L Invitational Competitions Awards shall be presented to students at the Championship Round.

Adopted and Ratified April 21, 1999