



## CONSTITUTION

### TEXAS TECH UNIVERSITY SCHOOL OF LAW BOARD OF BARRISTERS

#### ARTICLE I

##### NAME

The name of this organization shall be “The Texas Tech University School of Law Board of Barristers.”

#### ARTICLE II

##### MISSION STATEMENT

- A. It shall be the mission of the Board of Barristers:
1. to develop the advocacy skills of the students of the School of Law;
  2. to conduct intrascholastic competitions;
  3. to ensure that participants in the intrascholastic competitions are offered sufficient assistance to compete in the competitions in a competent manner;
  4. to assist the students of the School of Law, the legal profession and the community as a whole; and
  5. to continuously reevaluate the activities of the Board in an effort to more effectively achieve these goals.
- B. The rules contained in the current edition of Robert’s Rules of Order will govern the Board of Barristers in all cases to which they are applicable and not inconsistent with the Bylaws and any special rules the Board of Barristers may adopt.
- C. The Board of Barristers agrees to abide by all federal, state, and local laws; and by Texas Tech University Policies and Procedures.

- D. The Board of Barristers is committed to working with any student who may need a special accommodation in order to compete in any given competition. If a student has a physical, sight, speech, hearing or other impairment and wishes to compete in any intraschool competition, the Board will work to accommodate that individual in order to allow them to take part and grow as an advocate to the best of their ability.

## ARTICLE III

### MEMBERSHIP

#### A. Membership

The Board of Barristers shall consist of General Members and any Associate Members that may be appointed.

1. Every **Member** of the Board of Barristers must have:
  - a. participated in each of the following intraschool or interschool competitions: Moot Court, Mock Trial, and Negotiations;
  - b. completed 55 semester hours by the end of the semester in which they are appointed; and
  - c. accumulated three witness and three bailiff points as provided in the Bylaws.
2. Every **Associate Member** of the Board must have satisfied each of the requirements for membership, identified immediately above, except that an Associate Member must have completed at least 40 semester hours by the end of the semester of appointment.
3. Membership in the Board of Barristers is open only to students currently enrolled at Texas Tech University School of Law without regard to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

#### B. Limitations

The number of Members and Associate Members that may be appointed to the Board of Barristers shall be determined by the Faculty Advisor. The determination of whether or not to accept Associate Members in the spring semester is subject to the current Board of Barristers Executive Committee's discretion.

#### C. Appointment Process

1. All candidates who have qualified under the terms of Art. III, § A of this Constitution are eligible for appointment to the Board. It is the responsibility of the Vice Chair of

Competitors to review the qualifications of potential candidates and to calculate the competition points of each qualified candidate (see § D, below). Competition points shall be calculated as of the end of the final round of the last Advanced Competition of the semester for purposes of appointments. The Faculty Advisor will then offer all available appointments to the qualified candidates with the most competition points.

2. The appointment of new Members and new Associate Members will occur as soon as possible following the last Advanced Competition of the semester.

*D. Competition Point System*

1. Every member of a team that enters and completes every preliminary round of an intraschool Mock Trial, Moot Court, or Negotiations competition shall receive ten (10) competition points.

2. If a team fails to compete in every preliminary round, any team member(s) may be subject to penalties as provided in the Bylaws.

3. Following the preliminary rounds, team members shall receive five (5) competition points for every round in which they compete. In the event that multiple teams are tied for the last spot in the elimination round, all such teams shall receive five (5) points even if not advancing due to the random selection method employed, described in the Bylaws. For Moot Court, a brief writer that is not also an oral advocate shall receive the same number of competition points as the oral advocates of the brief writer's team.

4. Those teams that do not compete in rounds beyond the preliminary rounds shall receive one (1) competition point for each preliminary round won.

5. The members of the team winning the final round of a competition shall receive an additional five (5) competition points.

6. The person voted best oralist in the final rounds of Mock Trial and Moot Court shall receive an additional two (2) competition points.

7. In Moot Court competitions, a total of two (2) competition points shall be awarded to the designated brief writer(s) of the team winning the Best Brief Award. A team may designate one (1) or two (2) brief writers at the time the brief is submitted. Such designation should be made on the cover of the brief and should explicitly indicate which team member(s) is the brief writer. If only one (1) person is designated as the brief writer, that person shall receive the two (2) competition points. If two (2) brief writers have been designated, each will receive one (1) competition point. If no brief writer is designated, the oralists of the team submitting the Best Brief shall each receive one (1) competition point.

8. Special provisions for Interschool Team Members

- a. All current and former interschool team members are permitted to compete in any intraschool competition. All competitors are eligible to advance to break rounds unless:
- (1) the competitor is a current or former Board-approved interschool advocacy team member;
  - (2) the interschool and the intraschool competitions use the same problem, and
  - (3) the competitor has received coaching as a member of the interschool team on the problem prior to or during the completion of the intraschool competition.
- b. Award of honorary Board competition points – In recognition of the fact that students who are members of interschool teams may not have the opportunity to compete in intraschool competitions and attain the points necessary for membership, the Board shall, under the circumstances detailed below, award honorary competition points to members of certain interschool teams..

(1) Teams eligible for honorary competition points – Competition points will be awarded to:

(A) A member of any interschool team whose membership is determined by a member of the law faculty in consultation with the Director of Advocacy Programs after a tryout open to the entire student body; or

(B) A member of any interschool advocacy team that is approved by the Board. Board approval of an interschool advocacy team requires a majority vote of the Members of the Board at any meeting of the Board at which a quorum is present. Board approval shall only last for the particular academic year it is granted. If the Board does not approve an interschool advocacy team within 30 days of receiving a written request for such recognition, the affected parties may appeal the decision to the Faculty Advisor. The Faculty Advisor may, in his discretion, choose to give Board approval to any interschool advocacy team.

(2) Honorary points shall be awarded in the following manner:

(A) For a competition in which there are two (2) phases, e.g. a regional phase and a national phase.

- i. Ten (10) points for competing in the first phase;
- ii. Ten (10) points for breaking past the preliminary rounds in the first phase;
- iii. Five (5) points for each elimination round won;
- iv. Five (5) points for breaking past the preliminary rounds in the second phase;
- v. Ten (10) points for winning the second phase.

(B) For a competition in which there is only one (1) phase

- i. Ten (10) points for competing;
- ii. Ten (10) points for breaking past the preliminary rounds;
- iii. Five (5) points for each elimination round won.

(C) Regardless of subsections (A) and (B) above, a student who competes in a competition with two (2) phases may only receive a maximum of fifty (50) points. A student who competes in a competition with only one (1) phase may receive a maximum of only thirty-five (35) points. These points shall be part of the total point accumulation used in attaining status as an Associate Member or Member of the Board.

(3) Any interschool team member who withdraws from, or is otherwise removed from the team prior to their first interschool competition shall forfeit any honorary competition points they have earned, or would earn, for membership on the team. It is an exception to this provision if a person is withdrawn or removed from their interschool team on the basis of a proper justification. For this exception to apply, the withdrawal must be approved, in writing, by the coach of the interschool team and delivered to the Chairperson of the Board as soon as possible. Examples of proper justification for withdrawal include, but are not limited to, medical emergencies or the death of a close family member.

(4) If a Member of the Board is forced to forfeit honorary competition points, and if that Member does not otherwise qualify for membership on the Board under the standards identified in Art. III, § A, then such Board Member is subject to the removal procedure identified in Art. V.

9. If a student transfers to the Texas Tech University School of Law as an incoming 2L and can prove that they competed in a negotiations, mock trial, moot court or equivalent intraschool competition at their previous school, that individual shall be awarded ten (10) competition points per proven competition.

E. Voting Rights

The Members will have the right to vote on matters before the Board of Barristers. Associate Members will have no right to vote.

F. Scholastic Probation

A Member on scholastic probation is automatically inactive for the period of time that the Member is on scholastic probation. A candidate for membership who, at the time of appointment, is on scholastic probation may nevertheless, at the discretion of the Faculty Advisor, be appointed to the Board on an inactive status. The inactive status will be removed once the Member is no longer on scholastic probation. It is the Member's duty to inform the Chairperson as soon as possible if the Member is placed on scholastic probation.

## ARTICLE IV

### OFFICERS & DIRECTORS

A. Executive Committee

1. The Executive Committee shall consist of seven (7) Officers. The Officers will be elected pursuant to the election procedures as provided in the Bylaws. The Officers shall

include: Chairperson, Vice Chair of Trial Advocacy, Vice Chair of Appellate Advocacy, Vice Chair of Negotiations, Vice Chair of Judges, Vice Chair of Administration, and Vice Chair of Competitors.

2. The Executive Committee is responsible for directing the activities of the Board and may take actions appropriate for conducting the business of the Board provided that such actions are consistent with this Constitution and the Bylaws.
3. The Chairperson shall not vote on matters before the Executive Committee unless necessary to break a tie.
4. If the Chairperson position becomes vacant, the remaining Executive Committee Officers must appoint a temporary Chairperson who shall serve until an election for a new permanent Chairperson may be held. An election for a permanent Chairperson must be held as soon as possible after the Chairperson position becomes vacant.
5. No Executive Committee Officer shall compete in an intraschool competition. Executive Committee Officers may compete in interschool competitions.
6. No Executive Committee Officer shall participate in the acceleration program for early graduation or Regional Externship program. Upon discovery of an Executive Committee Officer's participation in the acceleration program, the Officer must affirm that they will not graduate early. If the Officer fails to make such a declaration, that Officer shall be automatically removed from office and an election to fill the vacancy shall be held as soon as practicable.

B. Membership Veto

At any meeting properly called pursuant to the Bylaws, the General Membership of the Board may vote to overrule a decision made by any Officer, or any decision made by the Executive Committee for the Board of Barristers, by a majority vote of the total membership. Each Executive Committee Officer shall have a vote as a General Member.

C. Officers

1. **Chairperson** - The Chairperson shall be responsible for the regulation and operation of the Board. The Chairperson shall preside at all meetings of the Board and the Board's Executive Committee. Additionally, the Chairperson has the authority to:
  - a. Appoint, with Executive Committee consent, General Members to temporarily fill any Vice Chair vacancies until an election for a permanent replacement may be held pursuant to the Bylaws;
  - b. appoint, with Executive Committee consent, Directors of and General Members to committees as provided for in the Bylaws;

c. delegate responsibilities to General Members and Officers in furtherance of the Board's Mission as indicated in Art. II of this Constitution;

d. call meetings pursuant to the Bylaws; and

e. appoint an Executive Committee Officer to preside at any meeting that the Chairperson is unable to attend.

**2. Vice Chair of Trial Advocacy** - The Vice Chair of Trial Advocacy shall be primarily responsible for the regulation and operation of all trial advocacy programs approved by the Board, including but not limited to: Mock Trial competitions and participation by the Board in trial advocacy courses and related programs. The Vice Chair shall make available the Mock Trial Competition Rules for each competition at least four (4) weeks before the competition.

**3. Vice Chair of Appellate Advocacy** - The Vice Chair of Appellate Advocacy shall be primarily responsible for the regulation and operation of all appellate advocacy programs approved by the Board, including but not limited to: Moot Court competitions and participation by the Board in appellate advocacy courses and related programs. The Vice Chair shall make available the Moot Court Competition Rules for each competition at least four (4) weeks before the competition.

**4. Vice Chair of Negotiations** - The Vice Chair of Negotiations shall be primarily responsible for the regulation and operation of all negotiation programs approved by the Board, including but not limited to intraschool Negotiation Competitions. The Vice Chair of Negotiations shall make available the Negotiation Competition Rules for each competition at least four (4) weeks before the competition.

**5. Vice Chair of Judges** - The Vice Chair of Judges shall be primarily responsible for maintaining relations between the Board and community attorneys and legal professionals. The Vice Chair of Judges shall be responsible for providing judges all intraschool competitions. The Vice Chair of Judges shall develop Board of Barristers judges and coordinate the judges for each preliminary and break round.

**6. Vice Chair of Administration** - The Vice Chair of Administration shall serve as the secretary and treasurer of the Board. Additionally, the Vice Chair of Administration shall:

a. keep written records of all Board meetings;

b. take and record attendance of members at all Board programs;

c. post and deliver written notices as required by the Bylaws;

- d. maintain financial, vendor, operating, and other miscellaneous accounts, including making financial reports available to the General Membership, upon request;
  - e. maintain the Constitution and Bylaws by making appropriate changes when approved by the membership;
  - f. maintain a complete, accurate and updated copy of the Constitution and Bylaws in both the Board office and on the Board's website; and
  - g. perform such duties as required by the Chairperson, this Constitution and the Bylaws.
7. **Vice Chair of Competitors** - The Vice Chair of Competitors shall be primarily responsible for the regulation of coaches for all intraschool competitions. The Vice Chair of Competitors shall be responsible for providing coaches for teams and coordinating witnesses and bailiffs for all intraschool competitions. The Vice Chair of Competitors shall update and post competition points within one (1) week of the final round of each competition.

*D. Directors*

1. **Director of Negotiations:** The Director of Negotiations shall assist the Vice Chair of negotiations in preparing problems, educating competitors and board members, and running the competition.
2. **Director of Trial Advocacy:** The Director of Trial Advocacy will serve on the Mock Trial Committee. The Director of Trial Advocacy's duties include, but are not limited to: assisting the Vice Chair of Trial Advocacy in reviewing bench briefs, scheduling and operating coach's meetings, scheduling mandated coach's "office hours," assisting with operating bench brief meetings, and reviewing competitor ballots. The Director of Trial Advocacy will be available to both coaches and competitors to answer questions relating to mock trial coaching and problems.
3. **Director of Written Advocacy:** The Director of Written Advocacy will serve on the Moot Court Committee. The Director of Written Advocacy's duties include, but are not limited to: drafting and editing the moot court problems, writing the bench briefs, explaining the problems' main issues and arguments to all the judges, writing the problem summary for the final round brochures, and assisting the Vice Chair of Appellate Advocacy in preparing for and running the moot court competitions. In addition, the Director of Written Advocacy will be available to coaches, judges, and competitors to answer questions relating to moot court coaching and problems.
4. **Director of Appellate Advocacy:** The Director of Appellate Advocacy will serve on the Moot Court Committee. The Director of Appellate Advocacy's duties include, but are not limited to: coaching the competitors, assigning coaches to the teams, instructing the members and professional judges on how to judge the competitions fairly and accurately, and assisting the Vice Chair of Appellate Advocacy in preparing for and



running the moot court competitions. In addition, the Director of Appellate Advocacy will be available to coaches, judges, and competitors to answer questions relating to moot court coaching and problems.

5. **Director of Judges:** The Director of Judges shall work together with the Vice Chair to develop the schedules, and provide judges, for all preliminary and break rounds for all intraschool competitions, to provide judges for the Texas Undergraduate Moot Court Association and American Bar Association competitions, and help coordinate the check-in table for each competition.
6. **Director of Special Events:** The Director of Special Events shall help with planning all final round receptions. Additionally, the Director assists in the planning, set up, and tear down of the Board's end of the year banquet.
7. **Director of Communications:** The Director of Communications maintains the Facebook page, including weekly membership posts, posts for events, and final round updates on each of the three class Facebook pages. Additionally, the Director creates and submits the techlawannouncements for each of the Board's events.
8. **Director of Competitors:** The Director of Competitors shall work together with the Vice Chair to assign coaches for teams in all intraschool competitions, assist in the development of Board of Barristers coaches, and maintain witness and bailiff points for all preliminary and break rounds for all intraschool competitions.

*E. Residual Powers Clause*

- a. When a situation arises which is not covered by this Constitution or the Bylaws (an "unprovided for" situation), the Chairperson, under the advisement of the Executive Committee and Faculty Advisor, shall have discretion to decide the matter with due regard to the purposes of the Board. Such discretionary decisions shall be subject to the appeals procedures as provided in Art. VI of this Constitution.
- b. Whenever a discretionary decision described in § E(1) of this Article is made by the Chairperson, the Chairperson shall, within four (4) days, post a brief description of the facts giving rise to the unprovided for situation and shall fully articulate the Chairperson's discretionary decision.
- c. The Chairperson and the rest of the Board's membership are encouraged to amend this Constitution or the Bylaws or both, if necessary (see Art. VII of this Constitution), to provide for the situation should it recur.

## ARTICLE V

### REMOVAL

A. Initiation of the Process for Removal of Members and Officers.

A General Member or Officer may be removed from the Board for failure to perform duties as provided by the Constitution and Bylaws, for conduct unbecoming a Member of the Board, for failure to perform duties as assigned by an Officer, or for reasons enumerated in the Bylaws. The process for removing a Member may begin in any one of the following three ways:

1. a petition signed by four (4) Executive Committee Officers which is recorded with the Faculty Advisor;
2. a petition signed by two-thirds (2/3) of the membership which is recorded with the Faculty Advisor; or
3. at the discretion of the Faculty Advisor.

B. Process for Removal of Members or Officers.

1. Once the process for removal has been initiated and recorded with the Faculty Advisor, the Faculty Advisor shall inform the Chairperson of the removal effort; however, if the Chairperson is the subject of the removal effort, then the Faculty Advisor shall notify the Vice Chair of Administration. The Chairperson (or Vice Chair of Administration) shall notify the subjected Officer or Member, in writing, of the removal effort and the bases therefore. This notice must inform the affected Member of the ten (10) day period to resign or request a hearing as provided in § B(2) of this Article.

2. Upon receipt of the written notice required by this section, the Member has ten (10) days to resign or to request a removal hearing. If the Member does not resign or request a hearing within ten (10) days, the Member will be removed from the Board or the executive office without a hearing.

3. If the Member or Officer timely requests a hearing, the following procedures will apply:

- a. the Chairperson or the Vice Chair of Administration, shall call a meeting of the membership within two (2) weeks of the request for a hearing;
- b. only General Members, Officers, and the Faculty Advisor may be present at any removal hearing;
- c. at the hearing, an Officer must inform the membership of the reason(s) for the removal effort; then the Member subject to removal shall be afforded fifteen (15) minutes to refute the allegations;
- d. each Member shall be allowed two (2) minutes, if desired, to question anyone present or to make a statement;
- e. after all Members have had an opportunity to speak, the General Members and Officers shall vote on the removal by secret ballot;

- f. any two (2) Executive Committee Officers, who are not subject to the removal proceeding, shall tally the ballots;
  - g. if two-thirds (2/3) of the membership vote to remove the Member or Officer, the Member is expelled from office or the Board, effective immediately;
  - h. the Member subject to removal shall not vote and shall not be factored into the two-thirds (2/3) requirement for removal;
  - i. if a Member is removed, the Chairperson or the Vice Chair of Administration must send written notice of the decision to the former Member within four (4) days of the vote to expel;
  - j. if the removal effort fails, the Member or Officer shall retain their former position;
  - k. if the removal effort fails, any basis for the removal effort may not be the subject of another removal process; and
  - l. the Vice Chair of Administration shall keep a record of any removal proceedings.
4. Information relating to efforts to remove a General Member or Officer shall be kept strictly confidential. Any required disclosures shall be provided only by the Faculty Advisor.

## ARTICLE VI

### APPEALS

Any decision, made by an Officer, that adversely affects any law school student may be appealed by the affected party to the Executive Committee. The Officer's decision shall be overturned only by a majority vote of the Executive Committee, with the Chairperson acting as a tiebreaker if necessary. Decisions made by the Executive Committee may be appealed to the Board membership. The Executive Committee decision shall be overturned only by a two-thirds (2/3) vote of the Board General Membership. Appeals of final membership decisions may be made to the Faculty Advisor. This Article shall apply only to decisions left to the discretion of an Officer.

## ARTICLE VII

### AMENDMENT PROCESS

#### A. Amendment of this Constitution

- 1. This Constitution may be amended with the approval of two-thirds (2/3) of the total membership at any regular or special meeting of the Board. Written notice of any proposed amendment shall be given as set forth in the Bylaws and not less than four (4) days before the meeting at which the amendment will be considered.

2. If the amendment is not approved by a two-thirds (2/3) vote of the total membership, those Members not in attendance at the meeting may vote on the proposed amendment pursuant to the following procedures:

a. the Vice Chair of Administration shall create a list of those Members present and the vote cast by each Member;

b. the Vice Chair of Administration shall date and post the amendment on the Board bulletin board within twenty-four (24) hours after the meeting;

c. any Member not present at the meeting at which the amendment was considered may submit their vote, in writing, to the Vice Chair of Administration within seven (7) days of the meeting; and

d. any Member not voting within seven (7) days of the meeting shall be deemed to have voted against the amendment.

3. if the amendment is approved, it becomes effective immediately.

4. an amendment that does not receive the required number of votes within seven (7) days after the meeting at which the amendment was considered automatically fails.

5. After an amendment has been approved, the Vice Chair of Administration shall make the appropriate changes to this Constitution.

B. Amendment of the Bylaws

Bylaws may be adopted, amended or rescinded at any general or special meeting of the Board by a majority vote of the total membership as necessary for the regulation and administration of the Board and its programs. Amendments to the Bylaws may be proposed at any Board meeting and may be approved with the requisite majority vote without advance notice if the situation so demands. However, if such emergency situation does not exist, amendments to the Bylaws shall be noticed in the same manner as amendments to the Constitution, as described in § A above. The provisions of the Constitution shall take precedence over the Bylaws in the event of a conflict between the two.

## ARTICLE VIII

### FACULTY ADVISOR

A. Faculty Advisor Responsibilities

There should be at least one (1) full-time faculty/staff advisor available to the officers and members of the Board of Barristers for consultation regarding the affairs of the organization. The advisor will not have any voting privileges and be an ex-officio member. A faculty or staff member may be asked to be an advisor to the Board of Barristers where the Board of Barristers identifies a faculty or staff member that supports the organization's

mission and purpose. The responsibilities for an advisor of the Board of Barristers are as follow: (1) attend a risk management training scheduled by Student Life; (2) attend at least one (1) meeting during the year; (3) provide support for the organization as needed.

B. Class Credit

While the Board of Barristers is an organization of students serving students, the Board is also a class for which credit is available. The Faculty Advisor serves as the professor for that class. As such, the Faculty Advisor retains the authority to alter or suspend any provision of the Constitution or Bylaws necessary to maintain the academic integrity of the course. As an organization designed to develop student leadership, it is the goal of the Board to be self-sufficient and to rely on student leadership.

## ARTICLE IX

### ANTI-DISCRIMINATION STATEMENT

The Board of Barristers does not deny or define membership on the basis of race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

## ARTICLE X

### RELATIONSHIP WITH OTHER ORGANIZATIONS

A. Departmental Relationships:

The Board of Barristers has a relationship with Texas Tech University School of Law. The relationship includes potential advisors, artistic guidance, and opportunities for funding.

B. External Relationships:

The Board of Barristers has a relationship with local attorneys in the surrounding area. The relationship includes annual competitions in which these local attorneys offer their guidance and feedback through judging competitions. The Board of Barristers also provides standardized rules and instructions on how to hold competitions.

## ARTICLE XI

### FINANCIAL PROCEDURES

A. Collection of Funds:

1. Membership dues shall be collected at the first general meeting in August.
2. The Vice Chair of Administration shall be responsible for applying for and documenting funds from the Student Board Association (SBA).

B. Management of Funds:

1. Any costs incurred by the organization may be paid by the Chairperson or Vice Chair of Administration.
2. All expenditures must be documented with an itemized receipt by the Vice Chair of Administration.
3. All income, from whatever source derived, must be deposited into the Board of Barristers' bank account within forty-eight (48) hours of receiving it.
4. All income must be documented by a deposit slip and listed items from deposits.

C. Documentation:

Documentation of any funds spent/gained must be added to the Financial Binder and available to all members with reasonable notice.

D. Dissolution:

In the event that the organization ceases to exist, all assets shall be donated to a fund run by the Director of Advocacy programs at Texas Tech University School of Law.

**ARTICLE XII**

**EFFECTIVE DATE**

This Constitution was adopted by majority vote on June 12, 2022. They have been fully incorporated and are in their final form as of August 24, 2022.



Rachel V. Porter  
Board of Barristers, Chairperson

This Constitution was approved by the Board Faculty Advisor on August 24, 2022.



Professor Rob Sherwin  
Board of Barristers, Faculty Advisor