



BYLAWS

TEXAS TECH UNIVERSITY SCHOOL OF LAW BOARD OF BARRISTERS

The following Bylaws have been adopted, pursuant to Art. VII of the Constitution, for the regulation and administration of the Board of Barristers and its programs.

ARTICLE I

MEETINGS AND NOTICES

- A. Regular Meetings – Regular meetings of the Board shall be determined at the first meeting of each semester.
- B. Special Meetings – Special meetings of the Board may be called by the Chairperson or by at least five Members of the Board.
- C. Quorum – A quorum shall be required to transact any business at any regular or special meeting. A quorum consists of two-thirds of the total membership.
- D. Agenda – An agenda shall be emailed by the Chairperson at least 48 hours prior to a regular meeting of the Board.
- E. Procedure – All meetings shall be conducted according to the direction of the Chairperson or a member of the Executive Committee appointed to lead the meeting in the absence of the Chairperson.

ARTICLE II

ELECTION OF OFFICERS

- A. Meeting – A meeting for the election of Executive Committee Officers by the newly appointed Members shall be held no sooner than seven (7) days and no later than twenty-one (21) days after the appointment of the new Members. Notice of such meeting shall be given to each new Member at the time of appointment.
- B. Candidacy Requirements – Members who wish to run for an Executive Committee Office must file a written notice of candidacy with the outgoing Chairperson no later than four (4) days prior to the meeting called for the purpose of electing Officers. Floor nominations for Executive Committee Offices shall not be accepted at the meeting.

- C. Procedure – Votes for the election of Officers shall be cast by secret ballot of the newly appointed Members. Any nominee who receives a majority of the votes of all newly appointed Members shall be elected to the office. Voting shall be tallied by the retiring Chairperson and at least one other member of the outgoing Executive Committee.
- D. Run-off – If no nominee receives a majority of the votes cast after the first vote, a run-off election shall be held between the two (2) nominees receiving the most votes. The nominee receiving the majority of run-off votes shall be elected to the office. In the event of a tie, subsequent run-off elections shall be held until a candidate receives a majority of the votes. Proxy votes cast for a candidate involved in a run-off election shall be counted in determining if a candidate receives a majority of the votes.
- E. Vacancy in an Executive Office – If a vacancy occurs in an Executive Committee Office, the Chairperson shall provide notice of such vacancy, and an election shall be held at the next regular meeting or special meeting called for that purpose. Such election shall be held in accordance with the provisions of this Article. The election to fill a vacancy will be held within seven (7) days after the notice of the vacancy is posted by the Chairperson.
- F. Uncontested Position – If there is only one nominee for a position, a formal ballot is not required. An uncontested nominee shall still be required to obtain a majority vote of the Board to be confirmed to said office.

ARTICLE III

VOTE BY PROXY FOR THE ELECTION OF OFFICERS

- A. Proxy Votes – Votes by proxy shall not be allowed except for the election of Executive Committee Officers.
- B. Requirements for a Vote by Proxy – A vote by proxy must:
 1. Be in writing;
 2. Be given to the outgoing Chairperson at least twenty-four (24) hours prior to the election; and
 3. Designate the candidate and office for whom the Member wishes to vote.
- C. Restrictions – A proxy vote will count in the first election for each position. In the event of a run-off election, a proxy vote will not be counted unless the person receiving the proxy vote is in the run-off.
- D. Procedure – After the ballots of the Members present have been received in each election, the outgoing Chairperson shall note the number, if any, of all proxy votes cast for each candidate.
- E. Quorum – For quorum purposes, members voting by proxy will be counted as absent. Thus, two-thirds of the membership must be present in order to elect a Member to an Executive Committee Office.

ARTICLE IV

REMOVAL

- A. Grounds – A person may be removed from the Board for reasons enumerated in Art. V, § A of the Constitution or for:
 1. Absence from more than two (2) duly called regular or special meetings of the Board in one semester without satisfactory reason;
 2. Failure to perform duties or responsibilities reasonably assigned by the Officers;

3. Absence from more than one (1) final round of intrascholastic competition in one semester without satisfactory reason as discussed in Art. IV, § B; or
 4. Failure to pay dues by the Add/Drop date unless arrangements have been made with the Vice Chair of Administration.
- B. Satisfactory Reasons for Absence – A satisfactory reason for an absence must be given to the Chairperson as soon as possible and prior to the event the Member will be unable to attend. The Chairperson will have twenty-four (24) hours to determine whether such reason is satisfactory. If the Chairperson determines that the absence is not satisfactory, then the Member may appeal the Chairperson’s decision (see, Constitution Art. VI).
- C. Resignation – If at any time a Member wishes to resign from the Board, written notice of said resignation shall be sent or delivered to the Chairperson and Faculty Advisor explaining the reasons for resignation. If the Member who wishes to resign is a member of the Executive Committee, the procedure for filling that position shall be governed by Art. II, § E of these Bylaws.
- D. Effect – Removed and resigned Members have an ethical obligation to revise their resumes and must provide written notice within seven days to any employer from whom they have obtained employment or from whom they are seeking employment. Members who resign or are removed may not represent to others that they were Members without also disclosing they resigned or were removed.

ARTICLE V

CREDIT

- A. Only Members can receive one (1) credit hour per semester for service on the Board. To receive credit, each Member must meet the requirements enumerated by the Faculty Advisor. The Faculty Advisor shall make available these requirements. A Member need not accept credit for participation on the Board, but a Member’s decision not to receive credit does not excuse the Member from full and active participation on the Board. Satisfaction of a Member’s hour requirements set forth by the Faculty Advisor in a semester does not excuse that Member from participation in or preparation for Board related events during the remainder of that semester.

ARTICLE VI

BAILIFF AND WITNESS POINTS

- A. Bailiff Points – A person may receive a bailiff point by participating as a bailiff in any Board approved activity including interschool team practices and intraschool competitions such as Mock Trial, Moot Court and Negotiations.
- B. Witness Points – A person may receive a witness point by participating as a witness in any Board approved activity including interschool team practices and intraschool competitions such as Mock Trial.
- C. Executive Committee Discretion – A person may receive bailiff or witness points for participation in or help with activities or the administration of the Board. These points may be awarded at the discretion of any Executive Committee Officer, subject to approval by the entire Executive Committee.

ARTICLE VII

MEMBERSHIP LIMITATIONS AND REQUIREMENTS

- A. Intraschool Competition Limitations – Members of the Board may only compete in one (1) intraschool competition per year.
- B. Committee Requirements – Members shall be required to serve on at least two (2) committees.
- C. Dues – Members and Associate Members shall be required to pay dues. The amount of dues shall be determined by the Executive Committee and shall be paid by the time specified by the Executive Committee with at least two (2) weeks' notice.

ARTICLE VIII

COMMITTEES

- A. Definitions –
 - 1. Executive Committee – This committee shall consist of the Chairperson, Vice Chair of Administration, Vice Chair of Judges, Vice Chair of Competitors, Vice Chair of Trial Advocacy, Vice Chair of Appellate Advocacy and Vice Chair of Negotiations.
 - 2. Standing Committee – These committees shall exist each year.
 - 3. Competition Committees – These committees shall include: Mock Trial Committee, Moot Court Committee, and Negotiations Committee.
 - 4. Ad Hoc Committee – These committees shall be created by the Chairperson or the Executive Committee for a particular purpose and shall continue until the accomplishment of that purpose or until the Chairperson or Executive Committee shall direct.
- B. Standing Committees –
 - 1. Grievance Committee – This Committee is responsible for adjudicating appeals by competitors. The Committee shall consist of no less than five (5) and no more than nine (9) Members appointed by the Board Chairperson. The Board Chairperson shall serve as the Grievance Committee Chairperson and shall only vote if there is a tie among the voting Grievance Committee Members.
 - 2. Communications Committee – Headed by the Vice Chair of Administration, this Committee is responsible for coordinating all forms of Board communication and advertising. This Committee shall maintain the Board's Web Page and social media accounts and shall be responsible for posting all Board announcements not specifically delegated to another by these Bylaws or the Board's Constitution. This Committee will assist in planning special events.
 - 3. Advocacy Development Committee – Headed by the Vice Chair of Competitors, this Committee is responsible for coordinating the coaching for all competitions, assuring that all competitors in Board intraschool competition can receive adequate coaching. This Committee will also assist in preparing judges for competitions. It will consist of the Directors of Competitors Negotiations, Trial Advocacy, Appellate Advocacy, Written Advocacy and Judges.
 - 4. Withdrawal Committee – Headed by the Vice Chair of Judges, this Committee is responsible for considering participating and team withdrawals from a

competition and determining whether the reason is excused or unexcused. This Committee is also responsible for communicating the penalties for such withdrawals to the competitors, working closely with the Vice Chair of Judges regarding scheduling, and the Vice Chair of Competitors regarding point distribution. The Withdrawal Committee shall consist of three (3) general Board Members chosen by the Chairperson and Vice Chairs to be confirmed by a majority vote at the first Board of Barristers meeting of the fall semester. If a conflict arises or a member of the Withdrawal Committee is unavailable, an alternate member shall be selected from the Grievance Committee. One Member of the Withdrawal Committee shall be responsible for the drafting of all withdrawal decisions to be published by the Monday following the final round of the ongoing competition.

C. Competition Committees –

1. Mock Trial Committee – The Mock Trial Committee will aid the Vice Chair of Trial Advocacy during competitions and in preparing for said competitions. Responsibilities include assisting in the writing of problems and the bench brief, testing evidence, learning the evidentiary issues, judging rounds, coaching 1L and Advanced teams, being available for last minute errands and any other tasks regarding trial advocacy.
2. Moot Court Committee – The Moot Court Committee will aid the Vice Chair of Appellate Advocacy during competitions and in preparing for said competitions. Responsibilities include writing case summaries for the bench brief, judging rounds, coaching 1L and Advanced teams, being available for last minute errands, and any other tasks regarding appellate advocacy.
3. Negotiations Committee – The Negotiations Committee will aid the Vice Chair of Negotiations during competitions and in preparing for said competitions. Responsibilities include assisting in the writing of problems, troubleshooting problems, judging rounds, coaching 1L and Advanced teams, being available for last minute errands, and any other tasks regarding negotiations competitions.

ARTICLE IX

RULES APPLYING TO ALL COMPETITIONS

A. Eligibility –

1. Any student on scholastic probation may not compete.
2. Board of Barristers Executive Committee Officers may not compete in intrascholastic competitions.
3. Only first-year students may compete in the 1L competitions.
4. Only second and third-year students may compete in the Advanced competitions.
5. Only students who have a current signed information sheet on file with the Vice Chair of Administration may participate in any competition.
6. All teams must register for competitions using the method specified by the Board prior to the mandatory roll-call meeting.
7. If a member of the Board receives and/or has access to a competition problem and views said problem in any capacity prior to the official problem release date, said member is not eligible to compete in the competition for which they have received and/or viewed the problem.

8. If a member of the Board competes in an intraschool competition, said member may not advance past the preliminary stages of the competition in which they have chosen to compete.

B. Mandatory Meeting –

1. All teams are required to attend the mandatory roll-call meeting for the competition which they are registered for. The time, date, and place of the meeting shall be posted on TechLawAnnounce, as well as noted on the official sign-up sheet.
2. At least one member of each team must attend the mandatory roll-call meeting for the competition. Failure to do so will result in automatic disqualification. If all team members have a class conflict or an emergency and cannot attend, arrangements must be made with the Vice Chair of that competition at least twenty-four (24) hours prior to the mandatory meeting. Failure to make these arrangements will result in automatic disqualification absent extenuating circumstances.
3. For purposes of this section, attendance is determined at the time team roll is called, which shall be at the beginning of the meeting. If a team member representing the team arrives to the meeting after roll has been called and makes the member's attendance known to the Board by the time the meeting concluded, the team will still be allowed to compete. Otherwise, the team is disqualified from the competition without any withdrawal penalty.
4. Withdrawal prior to or during the mandatory meeting will result in no penalty. Withdrawal after the mandatory meeting results in potential penalties as described in Art. IX, § N.

C. Teams and Pairings –

1. Only two member teams are allowed (see Moot Court Specific Rules for exception).
2. Pairings for the preliminary rounds will be decided by a random draw.
3. During the preliminary rounds, no two teams shall compete against each other more than once.
4. If there are an odd number of teams, a team selected at random will receive a bye and will be awarded a one-point victory. A team can only receive one (1) bye per competition.
5. The Chairperson and Vice Chair of the ongoing competition have discretion to choose how many teams will advance to the break rounds of the competition. This decision shall be made after registration closes and prior to the mandatory roll-call meeting, absent extenuating circumstances. The following is a suggestion of how many teams should advance relative to the number of teams participating:
 - a. When there are forty-eight (48) or more teams, thirty-two (32) teams should break to the super-octa round. When there are twenty-four (24) to forty-seven (47) teams, sixteen (16) teams should break to the octa-final round. When there are twelve (12) to twenty-three (23) teams, eight (8) teams should break to the quarter-final round. When there are fewer than twelve (12) teams, four (4) teams should break to the semi-final round. This is subject to the discretion of the Chairperson and Vice Chair for the ongoing competition and shall be done in accordance with the bracket layout below.

6. During the preliminary rounds, each team must alternate sides at least once if applicable to the competition.
7. If teams have the same win-loss record, then the total of the team's point differentials for all the preliminary rounds will be used to rank the teams. Accordingly, the teams with the best win-loss records and highest differentials will advance to the elimination rounds.
8. At the conclusion of the preliminary rounds, all teams will be ranked according to their win-loss record and their win-loss point differentials. The number of teams moving on per subsection 5 of this Section shall move on with the highest ranked teams advancing to the elimination rounds. In the event of a tie on win-loss record and win-loss point differential, a coin toss shall determine the rankings.
9. In the elimination rounds, teams will be seeded according to the rankings determined under this section and will be paired into the corresponding power protection bracket:

If there are 32 Teams:	If there are 16 Teams:	If there are 8 Teams:	If there are 4 teams:
1 v. 32	1 v. 16	1 v. 8	1 v. 4
16 v. 17	8 v. 9	4 v. 5	-----
9 v. 24	5 v. 12	-----	2 v. 3
8 v. 25	4 v. 13	3 v. 6	
5 v. 28	-----	2 v. 7	
12 v. 21	3 v. 14		
13 v. 20	6 v. 11		
4 v. 29	7 v. 10		
-----	2 v. 15		
3 v. 30			
14 v. 19			
11 v. 22			
6 v. 27			
7 v. 26			
10 v. 23			
15 v. 18			
2 v. 31			

D. Competition Schedules –

1. The dates and times of preliminary and elimination rounds will be emailed and communicated accordingly.
2. All teams are required to sign-in at the registration table approximately thirty (30) minutes before a competition round is scheduled to begin. Failure of a team to register before the competition round begins will result in immediate disqualification from the competition, and no Board of Barristers competition points will be awarded to the disqualified team for that entire competition, absent extenuating circumstances. The automatic disqualification shall be treated as a withdrawal after the mandatory roll-call meeting subject to the penalties imposed by § N of this Article. Competitors desiring to appeal the automatic penalty must use the grievance process provided for in these Bylaws.
3. Any questions or conflicts should be addressed at check-in with the Vice Chair of the ongoing competition, the Vice Chair of Judges, and, if necessary, the opposing

team.

E. Scoring and Tiebreaking –

1. All rounds shall be scored on the official Board of Barristers ballot for that competition. The ballot must be signed by the judge(s) at the completion of the round.
2. The judge shall take the completed and signed ballot to the Board of Barristers office.
3. Three (3) Executive Committee Members or Directors will tabulate the scores and sign the ballot.
4. Determining the Winner of the Round:
 - a. One Judge – The winner of the round shall be the team that accumulates the most points on the ballot.
 - i. In the case of a tie, the judge shall award one point to the team which he or she feels should be deemed the winner based on overall performance and professionalism.
 - b. Multi-Judge Panels – The winner of the round shall be the team receiving the most winning ballots. A team “wins” a ballot if it accumulates the most points on the ballot. Whenever a multi-judge panel is required, there must be an odd number of judges.

F. Coaching –

1. For every competition, a panel of coaches shall be assembled and shall be available to every competitor for the duration of the competition. These coaches will be assigned to competitors by the Vice Chair of Competitors for each competition within forty-eight (48) hours of the completion of the mandatory roll-call meeting. Coaches are required to contact the team to which they are assigned by the Vice Chair of Competitors no later than forty-eight (48) hours after receiving their team assignment. Any competitor’s claim of inadequate coaching shall be reported to the Vice Chair of Competitors or Chairperson, and the Chairperson shall take any actions necessary to ensure effective coaching of all competitors.
2. Any Grievance Committee member that serves as a coach for any competition must recuse themselves from any grievance procedure involving a team they coached.

G. Grievances –

1. In the case of any grievance, the procedures set forth in these Bylaws will be followed.

H. Penalties and Sanctions -

1. The Vice Chair of the affected competition will report any violation of either these rules or the Competition Specific Rules in Art. X of these Bylaws to the Grievance Committee with a recommended penalty. The Grievance Committee shall make the final determination of the penalty to be assessed.

I. Necessary and Proper Clause

1. The Board of Barristers reserves the right to change these rules, and the Competition Specific Rules in Art. X of these Bylaws. Changes will be effective twenty-four (24) hours after they are formally enacted by the voting procedures, as set forth in the Constitution of the Board of Barristers.

J. Conflicts –

1. Conflicts between a judge for a round and a competitor shall include, but are not limited to:
 - a. A present or past dating relationship between the judge and a competitor;
 - b. A present or past sexual relationship between the judge and a competitor;
 - c. A present or past familial relationship between the judge and a competitor;
 - d. A present or past close personal, working, or roommate relationship between the judge and a competitor;
 - e. A present or past relationship as a coach for that particular competition between the judge and a competitor;
 - f. A present or past membership on the same interschool competition team between the judge and competitor;
 - g. A distinct and known adversarial relationship between the judge and a competitor stemming from civil or criminal litigation or of that severity; or
 - h. Any other type of relationship that may affect the judge's impartiality.
2. Any party involved in the round that has knowledge of any of the above relationships between any participant and any judge shall provide verbal notice to the Vice Chair of the competition, the Vice Chair of Judges, and the opposing team before the round begins. A party is not required to disclose the details regarding a conflict unless the party chooses to do so.
3. Any party with a reasonable belief that a conflict may exist is encouraged to disclose such information to promote the most fair, objective evaluation of each competitor's advocacy skills.

K. Judging –

1. Only Board Members (see Art. III(A)(1) for definition of "Member"), current or retired attorneys, current or retired trial or appellate judges, or professors shall judge advanced competitions. Associate Members (see Art. III(A)(2) for definition of "Associate Member") shall not judge any advanced competition rounds. Both Members and Associate Members of the Board may judge first-year competitions.
2. Third-year students shall only be judged by attorneys, professors, or three (3) person Board Member panels.
3. Judging Expectations
 - a. Judges shall be instructed during a judge's meeting prior to each round that all rounds shall be judged based on the criterion listed on the judges' sheet or ballot provided to them by the Board and not on the merits of their position.
 - b. During the course of a particular competition, no Board Member participating as a judge shall share information with any person, other than another Board Member, regarding the strategies or tactics of another team in that competition. Judges shall only consult other Board Members regarding other teams in that competition for the purpose of improving their judging skills. Violation of this requirement will subject the Board Member to review by the Grievance Committee.

- c. Judges, namely Board Member judges, are expected to have prepared for the round in full and be able to conduct themselves in a professional manner throughout the round which they are judging. Lack of preparedness may subject a Board Member to review by the Grievance Committee.
- d. Barring any unforeseen circumstances, it is each individual Board Member's duty to inform the Vice Chair of Judges, the Vice Chair of the ongoing competition or the Chairperson of that Board Member's expected absence from a scheduled judging timeslot no later than two (2) hours prior to the scheduled round. A violation of this reporting duty shall be reviewed by the Vice Chair of Judges and the Chairperson and may ultimately subject that Board Member to review by the Grievance Committee.

L. Ethics and Decorum –

1. If a participant in a competition has a relationship (See Art. IX (J)(1)(a-h) for a list of relationship conflicts) with any of the judges for that round, notice must be given to the Vice Chair of the competition, the Vice Chair of Judges, and the opposing team. However, the Vice Chair of the competition, the Vice Chair of Judges, and the opposing team may not inquire into the specific details of the conflict. If the judge believes his or her impartiality will not be affected by the relationship, and both teams are comfortable with the conflict, then the round will continue. If the judge believes his or her impartiality may be affected by the relationship, or any competitor of either team is uncomfortable with the conflict, then another non-conflicting judge will replace the conflicting judge.
2. Competition participants will conduct their behavior as they would in a court of law. Competitors will not be discourteous, unprofessional, or disrespectful to judges or other competitors in the round. Competitors will not argue with judges during the critique.
3. Professional business attire, namely a suit, is required for all competitors in all competitions.
4. All competitors are required to attend the judges' critique.
5. During the course of a particular competition, no competitor may share information with any person, other than his or her teammate(s) or a member of the Board regarding the strategies or tactics of another team in that competition.

M. Ghost Rounds –

1. In any competition, a team receiving a bye ("Bye Team") has the right to participate in a ghost round. The purpose of ghost rounds is to provide students who receive a bye with an optional experience that will minimize the advantage of their peers who compete in all three preliminary rounds.
2. Ghost rounds shall be conducted according to the following rules:
 - a. Mock Trial - A ghost round will consist of at least one judge, the Bye Team, and a Board member, who will act as an objector throughout the round while the Bye Team presents their case, directs their witnesses, and, at their choosing, crosses their own witnesses. The Bye Team will receive a normal critique from the judge and will still receive a one (1) point victory.

b. Moot Court - A ghost round will consist of at least one judge and the Bye Team. The Bye Team will present their case and receive a normal critique from the judge and will still receive a one (1) point victory.

c. Negotiations - A ghost round will consist of the Bye Team and a judge, who will act simultaneously as a judge and as the opposing team. The problem for the round will be a ghost problem without a bench brief provided to the judge. The Bye Team will receive a normal critique from the judge and will still receive a one (1) point victory.

N. Withdrawal After Mandatory Roll-Call Meeting –

1. Notice of a team or participant withdrawal that was unable to be rescheduled after the mandatory roll-call meeting or published date must be provided as soon as possible to the Vice Chair of Judges who shall notify the Withdrawal Committee.
 - a. The Withdrawal Committee must render an “Excused” or “Unexcused” decision as soon as possible, and no later than twenty-four (24) hours from the time they are made aware of the reason for withdrawal. If the Withdrawal Committee is notified of a withdrawal on the day of competition, the committee must render a decision as quickly as possible but no later than thirty (30) minutes prior to the start of the round in question.
 - i. If no reason is provided to the Withdrawal Committee, or a participant does not check-in during the designated time, then there is a presumption of an “Unexcused” withdrawal.
2. If the Withdrawal Committee renders an “Unexcused” decision, the participant(s) at fault will forfeit twenty-five (25) Board of Barristers competition points or twenty-five percent (25%) of that participant’s total accumulation of Board of Barristers competition points, whichever is greater. Further, the participant at fault will not receive any points for phases completed prior to the withdrawal for that competition.
3. If the Withdrawal Committee renders an “Unexcused” decision, a participant that withdraws after the mandatory roll-call meeting of a Mock Trial or Moot Court Competition will not be eligible for the Top Gun Award.
4. The number of competition points forfeited under this Section shall be rounded up to the nearest whole point if the number of competition points forfeited is not a whole number.
5. If the Withdrawal Committee renders an “Excused” decision, no penalty will be assessed to the team.
6. Any appeal of the Withdrawal Committee’s decision will be decided by the Chairperson of the Board. An appeal must be brought to the Chairperson as soon as possible and no later than the first round at issue. Any subsequent appeal must follow the appeals process detailed in the Board of Barristers Constitution.
7. A team missing a round for any reason, excused or unexcused, is not eligible to advance to the next phase.
8. A team or participant withdrawing from or missing a preliminary round for a justified reason will be considered to have completed that preliminary round; however, that round will still be considered a loss. If that team competes in the

remaining preliminary rounds, the team will receive points as if they had completed the current phase.

9. A participant whose teammate withdraws before the start of the competition may withdraw without a penalty or may find a replacement teammate before check-in for the first break round of the competition in order to be eligible to compete. If the participant cannot find a replacement teammate before check-in of the first round of the competition, the participant will be unable to compete, but will not receive a penalty.

- a. Preliminary Round Withdrawals

- i. Preliminary Round 1: A participant whose teammate withdraws before the start of the first round may withdraw without a penalty or complete the round as a single competitor. The single competitor will not be eligible to compete in any further rounds and will not receive any Board of Barrister points. The single competitor will receive an automatic loss. The team competing against the single competitor will receive an automatic win plus one (1) point for the preliminary round.
- ii. Preliminary Round 2: A participant whose teammate withdraws before the start of the second round may withdraw without a penalty or complete the round as a single competitor. The single competitor will not be eligible to compete in any further rounds and will not receive any Board of Barrister points. The single competitor will receive an automatic loss. The team competing against the single competitor will receive an automatic win plus one (1) point for the preliminary round.
- iii. Preliminary Round 3: A participant whose teammate withdraws before the start of the third round may withdraw without a penalty or complete the round as a single competitor. The single competitor will not be eligible to compete in any further rounds but will receive the ten (10) Board of Barrister points for completing all preliminary rounds of that competition. The single competitor will receive an automatic loss. The team competing against the single competitor will receive an automatic win plus one (1) point for the preliminary round.

- b. Break Round Withdrawals

- i. A participant whose teammate withdraws before the start of any break round may withdraw without a penalty or complete the round as a single competitor. However, no participant is permitted to compete as a single competitor in a final round. In all other break rounds, the single competitor will not be eligible to compete in any further rounds but will receive the five (5) Board of Barrister points for completing the break round of that competition. The single competitor will receive an automatic loss. The team

competing against the single competitor will receive an automatic win for the break round.

ARTICLE X

COMPETITION-SPECIFIC RULES

A. Mock Trial Competition Rules –

1. Description of Competition –

a. The Mock Trial Competitions enable participating students to acquire trial advocacy skills. The competition format simulates an actual court trial with witnesses and a bailiff assuming designated roles. Each team, comprised of two law students, is provided a copy of the problem containing witness statements, background information, and various documents, which may be entered into evidence. Written statements are given to role-playing witnesses before the rounds so they may become familiar with the characters they will portray. Teams prepare opening and closing statements, as well as direct and cross-examinations, and make and respond to objections.

2. Competition Format -

- a. The Mock Trial problems will be chosen by the Vice Chair of Trial Advocacy with the consent of the Executive Committee, Director of Trial Advocacy, and Faculty Advisor.
- b. The Federal Rules of Civil Procedure, The Federal Rules of Criminal Procedure, and the Federal Rules of Evidence shall apply during all Mock Trial Competitions. All trials shall be conducted as if a jury were present and seated. These rules may be limited by the rules set forth in the Trial Advocacy problem.
- c. Once the competition begins, no one (including team members, witnesses, bailiffs, or observers) should reveal strategies or otherwise indicate the strengths and weaknesses of the teams for the benefit of another team. Collaboration between teams is prohibited.
- d. Each member of a team shall direct and cross-examine a witness in each round. One team member will make the opening statement and the other will make the closing argument.
- e. Objections made during opening statements may only be made by competitors who make an opening statement. Objections made during closing arguments may only be made by competitors who make closing arguments.
- f. Either team member may make Motions in Limine or address housekeeping matters. First year competitors will not make any Motions in Limine.
- g. There shall be no written pre-trial motions. The court may entertain motions for directed verdict and for invoking FRE 615 at the appropriate time. Time allotted for pre-trial motions is three minutes per team.
- h. There shall be no re-cross examination.
- i. Evidence and Exhibits used in Demonstratives:

- i. Competitors shall follow the Federal Rules of Evidence to properly lay the foundation and admit evidence and exhibits.
 - ii. Competitors may choose to use various methods of publication for a round. These methods may include, but are not limited to, enlarged and unedited versions of exhibits through mediums such as poster board, PowerPoint presentation, overhead projectors, and similar mediums. Under no circumstance shall competitors use exhibits that have been altered from their true and original form beyond enlarging the exhibit for magnification purposes. Competitors may alter the exhibits during the mock trial round so long as they properly lay the foundation for a demonstrative exhibit per the Federal Rules of Evidence and appropriate trial procedure. Other methods of publication not listed in these Bylaws shall be allowed at the discretion of the judge presiding over the particular round. Competitors should notify the judge and other team of their intent to publish these enlarged exhibits immediately before the round begins. The time to set up these exhibits will be deducted from the team presenting the exhibits.
- j. Witnesses
- i. No member of the Board of Barristers shall serve as a witness in any Mock Trial Competition, except as provided by this section.
 - ii. Final round witnesses may be provided by the Board. The Vice Chair of Trial Advocacy and the Chairperson will supply a list of Board members to be drafted by the teams in preparation of the final round. A coin-toss will determine the team that picks first. The higher seeded team shall call the coin-toss.
 - iii. A single individual may not serve as more than one witness during a single competition round (i.e. a witness may not testify as Mr. X for Team A, then testify as Mr. Y for Team A in the same round) unless approved by the Vice Chair of Trial Advocacy due to exigent circumstances.
 - iv. Under no circumstance may an individual witness for both competing teams during a single round.
 - v. Competitors who have been eliminated from the competition may not serve as witnesses against prior opponents in elimination rounds.
 - vi. No witness shall serve against the same team more than once in a single competition unless approved by the Vice Chair of Trial Advocacy.
 - vii. A witness may take any materials provided in the problem to the witness stand. In addition, a witness may highlight or underline those materials, but may not write on or otherwise mark those

- materials. A witness may not allow another person to write on or otherwise mark said materials.
- viii. Only reasonable inferences from the problem may be made. Before the round, teams must instruct their witnesses to testify truthfully from the record.
 - ix. If a witness makes a statement of fact not contained in the sworn statement, the witness must admit that the fact was not contained in the statement if questioned on that subject.
 - x. No objection to “outside the scope” or “unreasonable inference” will be entertained. Judges will be given a copy of the problem and may consider a team’s use of unreasonable inferences in awarding points.
 - xi. If a student competitor encourages a witness to go outside of the record or to fabricate beyond a reasonable inference, the witness shall report the incident to the Vice Chair of Trial Advocacy prior to the start of the round.
 - xii. A “reasonable inference” is defined as a fact which is a logical consequence of the given facts. A reasonable inference is not based on speculation or conjecture. Competitors may not create additional facts and circumstances in order to enhance their case.
 - a. For example, if the record reflects that it was 6:45 p.m. in the fall or spring of the year, then it is a reasonable inference that it was also twilight. However, it is not a reasonable inference that it was snowing or raining outside that evening.
 - xiii. Only a team member who examines a particular witness may make and respond to objections during the direct and cross-examination of that witness.
 - xiv. In the event a team is not able to provide a witness for a preliminary or break round, the team shall consult with the Vice Chair of Competitors no less than 2 hours prior to the start of the round in question to allow the Vice Chair to assist in finding a witness for the round.
- k. Time Limits
- i. Each team shall have fifty minutes to present their case, including pretrial motions, opening statements, direct and cross-examinations, and closing arguments.
 - ii. Time on cross-examination is charged against the team conducting the examination.
 - iii. The plaintiff may reserve up to 3 minutes of his or her closing argument for a rebuttal following the defendant’s closing argument.
 - iv. The use of time is left up to each competitor and team (i.e. 15 min. direct and 10 min. cross). Whatever the choice may be, the fifty-

minute time maximum shall be strictly enforced by the bailiff. It is not necessary that all time be used. If a team, in the judge's view, substantially exceeds the time limit, the team shall be penalized on the scoring ballot for the misuse of time.

- v. Argument of motions and objections made during the course of a trial may be limited at the judge's discretion. The side making the motion will be charged with time spent making the motion, but no time will be charged for responses from either side.
- vi. Time shall be stopped for objections.
- 1. During the elimination rounds, each team will alternate between plaintiff and defendant in successive rounds. If this is not possible, a coin toss will determine which team will compete as plaintiff and which team will compete as defendant. The higher seeded team will call the coin toss. At least one competitor from each team shall witness the coin toss.

3. Bailiffs and Witnesses

- a. The Plaintiff shall provide the bailiff for each round. A list of students interested in acting as bailiffs will be available in the Board of Barristers office.
- b. Each team shall provide their own witnesses for each round, except the final round. A list of students interested in acting as witnesses will be available in the Board of Barristers office.
- c. It is the competitor's duty, not that of the Board of Barristers, to find and prepare qualified bailiffs and witnesses for each of their rounds, including preparation of final round Board Member witnesses that are supplied through the drafting process discussed in this Section.

4. Questions

- a. Questions regarding an interpretation or clarification of the problem may be submitted to the Vice Chair of Trial Advocacy or Director of Trial Advocacy. The Vice Chair of Trial Advocacy or Director of Trial Advocacy will then clarify the problem, answer the question, or take no action. Regardless of the course of action taken by the Vice Chair of Trial Advocacy and the Director of Trial Advocacy, the Vice Chair will clarify the official response to the question via e-mail to all competitors immediately after a decision is made. The official response becomes part of the problem.

B. Moot Court Competition Rules -

1. Description of the Competition -

- a. The Moot Court Competitions provide experience and practice in appellate advocacy in a simulated appellate court setting. Teams are judged on their ability to explain and analyze the relevant issues and applicable law. Spring Advanced Moot Court participants are required to submit briefs and make oral arguments while Fall Advanced Moot Court participants as well as first-year students are only required to make oral arguments.

2. Teams and Pairings -

- a. In the Fall Advanced and 1L competitions, teams may consist of only two

(2) members. In the Spring Advanced Competition, teams may consist of two (2) or three (3) members. If a team has three members, one of those members must be designated as a brief writer and cannot participate in the competition as an oralist unless, in the opinion of the Executive Committee, an unforeseen emergency requires substitution.

- b. During preliminary rounds, each team will be required to argue the positions of both the Petitioner/Appellant and Respondent/Appellee at least once. If a team is granted a bye during a preliminary round, that team will argue each side of the problem one time, barring any scheduling conflicts or unforeseen emergencies.
- c. During elimination rounds, each team will be required to alternate sides in a successive round where feasible. If a conflict arises where teams who previously argued on the same side of the problem in the immediately preceding round, a coin toss will determine sides. The coin will be tossed on behalf of the higher seeded team. The winner of the coin toss shall determine which side they will represent in the following round. At least one member of each team must be present to witness the coin toss.
- d. Competitors in the Spring Advanced Competition are required to submit their briefs by 5:00 p.m. on the date established by the Board of Barristers as the deadline for the briefs. A team which fails to turn in a brief by the date and time established by the Board of Barristers shall be penalized. A brief turned in within twenty-four (24) hours after the stated deadline shall be penalized five (5) points off its net brief score in the preliminary rounds and the elimination rounds. A brief turned in between twenty-four (24) and forty-eight (48) hours after the stated deadline shall be penalized ten (10) points off its net brief score in the preliminary rounds and five (5) points off its net brief score in the elimination rounds. If a brief is not turned in by forty-eight (48) hours after the stated deadline, the team shall be disqualified from the competition. Extension of times will not be granted.

3. Competition Format –

a. Oral Argument

- i. Each team shall be allotted thirty minutes for arguments. The allotted time can be divided between the two oral speakers for that team as that team sees fit, but an even division of time is recommended.
 - a. Each member of a team is required to give oral arguments for a minimum of six (6) minutes.
 - 1. This requirement is separate from and does not include the reserved time of the Petitioner/Appellant for rebuttal.
- ii. Up to five (5) minutes may be reserved by Petitioner/Appellant for rebuttal.
 - a. Time reserved for rebuttal can be taken from either team member, or from the total time allotted to the team.
 - 1. Ex: If the Petitioner/Appellant decides to evenly

split their time to be fifteen (15) minutes per team member, rebuttal time can be taken solely from Oralist 1, solely from Oralist 2, or from the total thirty (30) minutes allotted to the team.

- iii. Only two members of a team may argue in one round. Only one representative of the Petitioner/Appellant may present the rebuttal.
 - iv. The judge, in his or her discretion, may grant reasonable extensions of time limits. If a team, in the judge's view, substantially exceeds the time limit, the team shall be penalized on the scoring ballot for the misuse of time.
- b. Brief
- i. No brief will be required in the Fall Advanced or First Year Moot Court competitions.
 - ii. Civil Year Problem: Briefs before the Texas Supreme Court.
 - a. In even-numbered years, each team shall prepare and submit a brief on the merits for either the Petitioner or the Respondent. Each team may choose the side it wishes to represent when writing the brief. A team's brief is scored solely on its content and writing level under 3(c)(x) of this section, regardless of which side they represent during oral arguments.
 - b. This is a final brief and no supplemental briefs or edits to the submitted brief will be allowed.
 - c. Form:
 - 1. Briefs shall be in the form used in the Texas Supreme Court.
 - 2. Briefs shall conform to Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules.
 - 3. Both Petitioner and Respondent briefs must comply with the requirements of Texas Rule of Appellate Procedure 55.2, except that the items identified in subsection (a) and (e) of Texas Rule of Appellate Procedure 55.2 need not be included. The provisions of Texas Rule of Appellate Procedure 55.3 (pertaining to the Respondent's brief) do not apply.
 - iii. Criminal Year Problem: Briefs before the Texas Court of Criminal Appeals.
 - a. In odd-numbered years, each team shall prepare and submit a brief for either the Appellant or the Appellee. Each team may choose the side it wishes to represent when writing the brief. A team's brief is scored solely on its content and writing level under 3(c)(x) of this section, regardless of which side they represent during oral arguments.

- b. This is a final brief and no supplemental briefs or edits to the submitted brief will be allowed.
- c. Form:
 - 1. Briefs shall be in the form used in the Texas Court of Criminal Appeals.
 - 2. Briefs shall conform to Texas Rule of Appellate Procedure 9.4, unless specifically provided otherwise by these rules.
 - 3. Both Appellant and Appellee briefs must comply with the requirements of Texas Rule of Appellate Procedure 38.1, except that subsection (a) need not be included. The provisions of Texas Rule of Appellate Procedure 38.2 (pertaining to the Appellee's brief) do not apply.
- iv. Distribution
 - a. The Vice Chair of Appellate Advocacy will set a deadline for filing the briefs.
 - b. Each team shall email a copy of its brief (in Word and PDF format) to the Vice Chair of Appellate Advocacy on or before the established deadline.
- v. Brief Identification
 - a. The team's number or letter designator (provided by the Vice Chair of Appellate Advocacy) shall be printed in the lower right-hand corner of the cover of the copies. No other identification of the team or team members shall appear on the cover or any other page of the brief.
 - b. Briefs shall not be signed, marked, or labeled in any manner other than the number or letter designator as stated above, and no matter serving to identify its team members shall appear on the cover or within the brief itself.
- vi. All citations shall be in accordance with A Uniform System of Citation (the most recent edition), published by Harvard Law Review Association, Gannett House, Cambridge, Mass (more commonly known as the "Blue Book").
- vii. An appendix to the brief is permitted, but not required. The appendix shall not count against a team's word count. If used, the appendix shall not contain the Record or any part thereof and shall not contain argument or any other matter that would normally appear in the body of the brief.
- viii. No team shall receive any assistance in the preparation of its brief. This prohibits research done by any person other than a team member, including, but not limited to, faculty, members of appellate advocacy classes, and coaches assigned by the Board of Barristers. This shall not be construed to prevent preliminary,

general discussion of issues with faculty, coaches, or others or the giving of general critiques by faculty, coaches, or others, provided that such critiques are not designed to change the substance of the team's brief.

- ix. The Vice Chair of Appellate Advocacy will, within twenty-four (24) hours of the brief filing deadline, distribute electronic copies of all received briefs to the competition participants.
- c. Scoring and Tiebreaking
- i. All oral rounds will be judged under the following criteria and will be weighted according to the following point distributions:
 - a. Substantive Content of Argument:
 1. A maximum of twenty (20) points and a minimum of zero (0) points.
 - b. Extemporaneous Ability:
 1. A maximum of ten (10) points and a minimum of zero (0) points.
 - c. Advocate's Knowledge:
 1. A maximum of ten (10) points and a minimum of zero (0) points.
 - d. Organization and Clarity of the Argument:
 1. A maximum of five (5) points and a minimum of zero (0) points.
 - e. Courtroom Demeanor and Professionalism:
 1. A maximum of five (5) points and a minimum of zero (0) points.
 - ii. Each advocate will have the opportunity to gain a maximum of fifty (50) points and a minimum of zero (0) points.
 - iii. Except in the Spring Advanced Moot Court competition, the winning team of each round will be determined by factoring the teams total oral scores.
 - iv. When multiple teams have the same record, the tiebreaker will be the total point differential between teams.
 - v. In the preliminary rounds of the Spring Advanced Competition, the winner of each round will be determined by factoring the team's total oral score with their final total brief score. The brief score will count for 33.3% of the team's total score for the round. The factoring will be done using the following formulas:
 - a. One Judge Panel - $(\text{Team total raw oral score} \times .667) + (\text{final brief score} \times .333)$.
 - b. Two Judge Panel - $(\text{Team total raw oral score} \times .667)/2 + (\text{final brief score} \times .333)$.
 - c. Three Judge Panel - $(\text{Team total raw oral score} \times .667)/3 + (\text{final brief score} \times .333)$.

- d. Four Judge Panel - $(\text{Team total raw oral score} \times .667)/4 + (\text{final brief score} \times .333)$.
 - e. Five Judge Panel - $(\text{Team total raw oral score} \times .667)/5 + (\text{final brief score} \times .333)$.
- vi. In the elimination rounds leading up to the final round of the Spring Advanced Competition, the brief score will count for 10% of the team's total score for the round. The factoring will be done using the following formulas:
 - a. One Judge Panel - $(\text{Team total raw oral score} \times .90) + (\text{final brief score} \times .10)$.
 - b. Two Judge Panel - $(\text{Team total raw oral score} \times .90)/2 + (\text{final brief score} \times .10)$.
 - c. Three Judge Panel - $(\text{Team total raw oral score} \times .90)/3 + (\text{final brief score} \times .10)$.
 - d. Four Judge Panel - $(\text{Team total raw oral score} \times .90)/4 + (\text{final brief score} \times .10)$.
 - e. Five Judge Panel - $(\text{Team total raw oral score} \times .90)/5 + (\text{final brief score} \times .10)$.
- vii. The brief shall not count in the final round of the competition.
- viii. Final brief scores will be determined as follows:
 - a. At least three professionals (attorneys, professors, or judges) will be enlisted to serve as brief judges. Each judge will score all the competition's briefs.
 - b. Each brief judge will assign to each brief a numerical score which is based on a one hundred (100) point scale.
 - c. In the event there are three brief judges, the numerical scores assigned to each brief will be totaled and averaged.
 - d. In the event there are four brief judges, the Vice Chair of Appellate Advocacy may, in his or her discretion, drop each team's high or low score and then total and average the remaining three scores. In the event there are five or more brief judges, the Vice Chair of Appellate Advocacy shall drop each team's high and low scores and then total and average the remaining brief scores.
 - e. Any penalties assigned to the brief will be subtracted from a team's final average score.
- ix. Briefs will be judged on the following point system:
 - a. Cover of the Brief. (Two (2) points maximum)
 - b. Table of Contents. (Two (2) points maximum)
 - c. Table of Authorities. (Two (2) points maximum)
 - d. Questions Presented. (Five (5) points maximum)
 - e. Statement of the Case/ Statement of the Facts. (Ten (10) points maximum)

- f. Summary of the Argument. (Ten (10) points maximum)
 - g. Argument:
 - 1. Structure of the Argument. (Ten (10) points maximum)
 - 2. Persuasiveness of Point Headings and Text. (Ten (10) points maximum)
 - 3. Analysis and Appropriate Use of Authority. (Thirty (30) points maximum)
 - h. Conclusion/Certificate of Service. (Two (2) points maximum)
 - i. Appendix. (Two (2) points maximum) (If no appendix is provided, points will not be subtracted due to the lack of appendix, as it is not a requirement. However, if an appendix is provided, points for this category shall only be subtracted if it is insufficient or contains information that should not be included.)
 - j. Overall Style and Tone. (Ten (10) points maximum)
 - k. Citations. (Five (5) points maximum)
- d. Once the brief is submitted, teams are entered in the competition. Withdrawal any time after the submission of briefs will be subject to penalty for withdrawal after the Mandatory Meeting under (3)(e) of this section.
4. Bailiffs -
- a. The Petitioner/Appellant shall provide the bailiff for each round. A list of interested students is available in the Board of Barristers office.
 - b. Bailiffs must register at the competition table at least ten (10) minutes prior to the round they are scheduled to bailiff. Bailiffs who fail to appear will be penalized one Board of Barrister competition point.
5. Questions -
- a. Questions regarding an interpretation or clarification of the problem may be submitted to the Vice Chair of Appellate Advocacy. Submissions may be completed via email or via the Vice Chair of Appellate Advocacy's mailbox, located inside the Board of Barristers' office.
 - b. The deadline for submitting questions is 5:00 pm on the tenth calendar day following the release of the problem.
 - c. The Vice Chair of Appellate Advocacy along with the Moot Court Committee will then clarify the problem, answer the question or take no action. Regardless of the course of action taken by the Vice Chair of Appellate Advocacy and the Moot Court Committee, the Vice Chair of Appellate Advocacy will clarify via email to all competitors the official response.
 - d. The official response becomes part of the problem.
 - e. Once the deadline for questions has expired, no further questions or changes will be made to the problem.

C. Negotiation Competition Rules –

1. Description of Competition –

a. In order to be an effective advocate, an attorney must possess the skills of preparation, communication, and evaluation of cases. Each of these skills are associated with effective negotiating. The Negotiation Competition provides students the practice needed to develop their own negotiating style as well as the ability to persuade and make decisions quickly. The competition involves two teams that are comprised of two negotiators each. Each team will strive to serve their client's best interests and ultimately attempt to achieve a realistic agreement. Although the goal of these negotiation rounds is to reach a hypothetical agreement, the competition is not scored based on whether the teams reach an actual agreement due to the time restraints placed on the competitors. The competitors are not scored based on the substantive outcome of the negotiation either. The skills learned in this competition will aid the student in preparing for real life negotiations.

2. Competition Format and Rules –

a. Problems

- i. Each team will be provided with a different problem prior to each round of the competition. Problems will be comprised of a set of general facts known to all participants and confidential facts known only to the competitors of a given client.
- ii. General and confidential facts are not to be discussed with any other participants. Participants may not discuss the techniques or strategies of other teams. Any potential violations should be communicated to the Vice Chair of Negotiations, Director of Negotiations, or Chairperson, immediately.
- iii. The problems will be “closed problems” meaning no outside research is needed or allowed. Outside research shall be considered a violation of these rules.
- iv. Legal background material or citations may or may not be provided within the problems. If material or citations are provided, the participants are limited to the use of only what is included within the problem.
- v. Only reasonable inferences can be made from the information provided. The judges are provided with all the information provided to the participants and the judges may consider anything beyond a reasonable inference as an ethical violation.

b. Spectators

- i. Neither team is permitted to remain in the presence of the judge(s) during caucuses or any breaks. Because of the potential for disruption or sharing of information, faculty advisors, coaches, and others electing to observe a round shall not leave the room, absent extenuating circumstances, once the negotiating period begins until

the completion of both teams' post-round self-analysis. Under no circumstances should an observer leave the room with any team during the break when one or both teams are outside the room. The objective is that no team member is to confer with anyone other than his or her respective teammate during a given round.

c. Time Limits

- i. Each round will consist of a 50-minute negotiation session, which may include one 5-minute break per team which, if taken, does not extend the 50-minute session. The 50-minute negotiation period will be preceded by a five (5) minute pre-round self-analysis followed by a five-minute break for the negotiators to analyze their performance in private and prepare for the post-round self-analysis.
- ii. Responsibility for timekeeping and adherence to allotted time periods for the negotiation session, breaks, and self-analysis rests with the teams. If a team, in the judge's view, substantially exceeds the time limit, the team shall be penalized on the scoring ballot for the misuse of time. Judges may keep record of the time, but shall not inform teams of remaining time during the round.

d. Self-Analysis

- i. At the beginning of the round, the team listed first on the Competition Bracket Chart or representing "Side A" in preliminary rounds will complete the pre-round self-analysis in the presence of the judge(s), outside the presence of the opposing team. At the same time, the other team must discontinue any discussion concerning the pre-round self-analysis. Once the first team completes the pre-round self-analysis, the second team shall perform its pre-round self-analysis to the judge(s). After the round, each team shall have 5 minutes to prepare for their respective post-round self-analysis. The team shall go in the same order as the pre-round self-analysis and shall conform to the same rules and procedures as the pre-round self-analysis. During the post-round self-analysis period, teams should be prepared to respond to questions from the judge(s) concerning the team's performance. Teams may use this as an opportunity to explain why they chose to proceed in different ways during the round. The judge(s) may take into consideration for scoring purposes anything discussed in this session.

e. Non-Agreement

- i. The inability to reach an agreement will not necessarily affect a team's score. The teams are scored based on whether they advocated for their client's best interests. These rounds do not always result in an agreement because of time limitation. If time appears to be the reason for non-agreement, scoring shall not be affected. However, if either teams' performance is the reason for non-agreement, scoring may be affected.

- f. Scoring
 - i. Negotiation teams shall be evaluated pursuant to the categories set out in the Negotiation Ballot. All scoring decisions of the judge(s) are final.
 - g. Permitted Materials
 - i. Blank flip charts or black/white boards to write on during the round;
 - ii. Any handwritten or typed notes for their own reference; and
 - iii. Calculators and stopwatches.
 - a. This may include a technological device left on airplane mode.
 - h. Unauthorized Materials
 - i. No technological devices may be used, including laptop computers, tablets, mobile phones, smart phones, personal digital assistants, and similar electronic communication devices, except for timekeeping purposes. Further, any technological device used for timekeeping must be kept in “airplane mode.”
 - a. These devices shall not be used to take notes or for personal reference during negotiation rounds.
 - ii. No materials created before or during the negotiation may be presented, handed out, or passed to the opposing team during the negotiation session or self-analyses, except as specifically authorized by the problem.
3. Questions –
- a. Questions regarding an interpretation or clarification of the problem shall be submitted to the Vice Chair of Negotiations, Director of Negotiations or Board Chairperson.
 - b. If the Vice Chair of Negotiations determines the question is pertinent to all participants, the Vice Chair will then clarify the problem, answer the question, or take no action. Regardless of the course of action taken by the Vice Chair of Negotiations, the Vice Chair of Negotiations will clarify via email to all competitors the official response to the question.
 - i. The official response shall become part of the problem.
 - c. Unless determined to be essential to the understanding and completion of the problem and disclosed to all participants under subsection (b), questions regarding interpretation of the problem will not be answered.
 - d. Other questions regarding the competition should be directed to the Vice Chair of Negotiations or the Board Chairperson.

ARTICLE XI

COMPETITION GRIEVANCE PROCEDURE

A. Jurisdiction –

- 1. The Grievance Committee shall have original jurisdiction over competition grievances filed by any interested party.

2. The term “competition grievance” includes any complaint of any type, arising out of the conduct or other action of a competitor or judge in any Board sponsored competition. The terms “grievance” and “competition grievance” are interchangeable.
 3. A member of the grievance committee shall be present at each break round announcement.
 4. All grievances shall be filed with the grievance committee according to the grievance process, described below. Any grievance not filed by the end of a competition shall be waived.
- B. Grievances by Competitors or Other Parties –
1. Definitions
 - a. “Competitor” is a person participating in one of the Board’s intraschool competitions.
 - b. “Other Party” includes, but is not limited to, any party directly associated with a competition (e.g., witnesses, bailiffs, judges, etc.) or any faculty member or student of the Texas Tech School of Law, other than a competitor.
 2. Grounds - A competitor or other party may file a grievance if that person believes:
 - a. That a competitor violated the rules of the competition, the Board’s Constitution, or the Board’s Bylaws; or
 - b. That a competitor was wronged by the actions of a competitor or a competition judge; or
 - c. That a competitor was treated in an arbitrary or capricious manner by a competitor or competition judge.
 3. Submitting a Grievance
 - a. Grievances must be submitted, by e-mail to the Board Chairperson by 1:00 p.m. of the day following the phase in which the grievance occurred. Failure to provide such notification will result in a waiver of the grievance.
 - b. In addition, if (1) an alleged wrong or violation occurs in a competition round and the next competition round follows within three hours or (2) the competition round which is the subject of the grievance is on a Friday, the competitor must provide a member of the Grievance Committee with a written grievance or a written notification of his or her intent to file a grievance within one (1) hour of the conclusion of the round which is the subject of the grievance. Failure to provide such notification will result in the waiver of the grievance.
 - c. All grievances shall be directed to a member of the Grievance Committee.
 4. Requirements of a Grievance
 - a. A grievance must contain:
 1. A statement of the facts including names, times, places and occurrences;
 2. A statement explaining the alleged offense;
 3. A statement explaining how the alleged wrong adversely affects the competitor(s);

1. The rule(s) that the interested party believes have been violated;
2. What the interested party believes is the appropriate action to rectify the situation; and
3. The signature of the interested party submitting the grievance.

C. Decision -

1. Any action by the Grievance Committee requires a majority vote of the Committee at a meeting at which a quorum is present. A majority of the Grievance Committee constitutes a quorum. The Grievance Committee shall have the power to reasonably investigate any grievance filed. Such investigation shall include reviewing any available evidence which the Committee feels would have a reasonable impact on the Grievance Committee's decision. The Grievance Committee will make a ruling as to the merits and consequences of a grievance within twenty-four (24) hours of the receipt of the grievance unless otherwise directed by the Chairperson of the Grievance Committee or the Faculty Advisor. If the Chairperson of the Grievance Committee is not available to receive the grievance, the grievance may be submitted to any Grievance Committee member. After a decision is reached, the Grievance Committee will issue an oral and written ruling to the interested parties. The Committee Chairperson will designate a Grievance Committee member to author the written decision of the Committee. All Grievance Committee decisions will indicate, by name, those members voting in favor of the decision, those voting against the decision, and those taking no part in the decision. The written decision will be posted on the white board in the Board of Barrister's office and emailed by 5:00 p.m. the day following the ruling to the competitors who filed the grievance and all Board of Barristers members. The decision will remain posted for a minimum of seven (7) days. The decision must clearly indicate any sanctions imposed by the Grievance Committee.

D. Sanctions -

1. The Grievance Committee, in exercising its jurisdiction and discretion, may impose one or all of the following sanctions in resolving a grievance:
 - a. Verbal or written reprimand;
 - b. A deduction of some or a percentage of total Board competition points;
 - c. A deduction of some or all Top Gun points;
 - d. Disqualification from consideration for the Top Gun Award;
 - e. Disqualification from the current and/or future competitions; and
 - f. Other sanctions which the Grievance Committee deems necessary to punish the conduct in question or to prevent similar violations in the future.

E. Remedies -

1. The Grievance Committee, in exercising its jurisdiction and discretion, may award one or all of the following remedies in resolving a grievance:
 - a. Reinstatement of competition points not granted for the round subject to the grievance;
 - b. Award of competition points for the appropriate elimination round.
 1. Award of these points shall be limited to one elimination round, or;

c. Other remedies which the Grievance Committee deems necessary to correct the wrongful conduct. Such remedies shall be subject to the approval of the Board Chairperson and the Faculty Advisor.

F. Appeal –

1. An interested party may appeal the ruling of the Grievance Committee to the Faculty Advisor by notifying the Board Chairperson in writing. An appeal must include a copy of the original grievance, the written decision of the Grievance Committee, and a written statement from the interested party addressing why he or she believes the decision of the Grievance Committee is erroneous.

G. Internal Jurisdiction –

1. The Grievance Committee shall have the authority to review Board Member conduct submitted to the Committee and assess any sanctions or reprimands on that Member for conduct that does not meet the threshold for removal from the Board. Sanctions or reprimands are subject to the approval of the Board Chairperson and the Faculty Advisor if applicable.

ARTICLE XII

AMENDMENT OF THE BYLAWS

These Bylaws were 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, Chairwoman

These Bylaws were approved by the Board Faculty Advisor on August 24, 2022.



Professor Rob Sherwin
Board of Barristers, Faculty Advisor

TOP GUN AWARD

Cotton, Bledsoe, Tighe & Dawson

I. Purpose

The purpose of the Top Gun Award is to recognize and award a \$1500.00 scholarship to the best trial advocate during the advocate's second year of law school.

II. Top Gun Award Winner

The Top Gun Award Winner will be determined by calculating Top Gun Points, see art. III, in the advocate's second year of law school. The advocate with the most points will win the award.

III. Point System

A. Events in which Top Gun Points may be earned - Top Gun Points may be earned by an oral advocate in any intraschool or Board of Barristers approved interschool Moot Court or Mock Trial Competition.

B. Intraschool Competitions - An oralist on an intraschool Moot Court or Mock Trial Team will receive two Top Gun Points for each of the following:

1. advancing to a quarter-final round;
2. advancing to a semi-final round;
3. advancing to a final round;
4. winning the competition; and
5. winning best oralist in the final round - determined by the judges of the final round or the advocate with the highest point total in the final round.

An oralist for the purposes of art. III, § B is one who competes in the round.

C. Interschool Competitions - An oralist on a Board of Barristers approved interschool Moot Court or Mock Trial Team will receive two Top Gun Points for each of the following:

1. being selected to an interschool Moot Court or Mock Trial Team; and
2. each time the team makes a "break" in the competition.

If a regional and a national round exist within the competition, then Top Gun Points will only be awarded for the regional round. However, if the team advances to and wins the national round, then each oralist on the team will receive Top Gun Points for the regional round and an additional ten points for winning the national round.

D. Winning the Competition - If a team wins a competition, interschool or intraschool, the oralists will receive a maximum of eight Top Gun Points, excluding a national round. Two more Top Gun Points will be awarded to the oralist who is judged to be the Best Oralist in the final round of a competition, and that oralist will receive a maximum of ten Top Gun Points.

- E. In the event that an oralist competes in both intraschool and interschool competitions in the same event in the same semester, the oralist will only receive Top Gun Points for the competition in which the oralist earned the most Top Gun Points.

- F. *Maximum Points* - With the exception of winning nationals, an oralist can earn only ten Top Gun Points per semester in each event, Moot Court and Mock Trial.

W. FRANK NEWTON PUBLIC SERVICE AWARD

In honor and recognition of Dean W. Frank Newton, who has continually supported the Board of Barristers and its mission to provide practical advocacy training to the law students at Texas Tech; and has consistently encouraged local attorneys to help out in that mission; and has always dedicated himself to voluntarily giving of his time to the betterment of the legal profession, specifically for the betterment of the legal education provided the students at Texas Tech; and has been essential to the long-term success of the Texas Tech School of Law, the Board of Barristers shall annually give an award named, "W. Frank Newton Public Service Award."

The Award:

The award shall be given annually at the spring awards banquet.

Qualifications:

This Award shall be given to the local attorney who has best volunteered his or her time in furtherance of the mission of the Board. Activities to consider include, but are not limited to:

1. judging competition rounds;
2. assisting in coaching efforts for intraschool and interschool activities (nonpaid); or
3. serving in planning or coordinating efforts for competitions and/or other Board activities.

Nomination and Voting Process:

Nominations for this award may come from any Member or Associate Member of the Board of Barristers. Nominations are due no later than two weeks prior to the scheduled Spring Awards banquet. Nominations must be made in writing to the Vice-Chair of Administration. The nomination should include the name of the attorney, contact information, and specific reasons listed as to why he or she should receive the award. Nominations should not exceed one-page, single-spaced, using 12-point font.

The Executive Committee shall vote on the nominees no later than 1 week prior to the Spring Awards banquet and shall take proper measures to invite the selected attorney, ensure the cash award, and ensure the plaque is ready on time. The EC shall select the awardee with at least a majority vote.

APPENDIX A

Reserved for Mock Trial Judging Standards

APPENDIX B

Reserved for Mock Trial Scoring Sheet

APPENDIX C

Reserved for Moot Court Judging Standards

APPENDIX D

Reserved for Moot Court Scoring Sheet

APPENDIX E

TEXAS TECH UNIVERSITY SCHOOL OF LAW

BOARD OF BARRISTERS

NEGOTIATION COMPETITION: STANDARDS FOR JUDGING

You have been invited to serve as a judge in this competition because you are an experienced negotiator. To help you evaluate and critique the performance of the negotiating teams, this letter will briefly explain negotiating techniques, provide guidelines for judging a negotiation competition, as well as provide some factors to consider in your evaluation.

Negotiating Techniques

Although you may have adopted a preferred negotiating style of your own, we ask you to evaluate the effectiveness of the competitors in light of the style they have chosen for themselves, even if you would have handled the negotiation in a different manner. The criteria that we ask you to use in evaluating the competitors is based on the assumption that there is not one “correct” approach to effective negotiating. Research on the subject of negotiation has revealed that there are at least three negotiation styles: cooperative, competitive, and a mixture of cooperative-competitive styles.

Cooperative negotiators tend to view the negotiation as a joint problem solving experience. Prior to slicing the pie, cooperative negotiators strive to enlarge the pie. Thus, cooperative negotiators tend to look for alternatives that will simultaneously satisfy the needs or interests of the parties. Typically, this approach is most effective when both sides approach the negotiation cooperatively. When one party acts cooperatively and the other negotiator does not, there is a tendency that the other negotiator may take advantage of the cooperative negotiator.

In contrast, the competitive negotiator will try to gain as much as possible for their clients without striving to satisfy the needs or interests of the other party. While occasionally competitive negotiators will show concern for the other party, they typically concern themselves only with their own objectives. This can stall the negotiation process if both parties utilize competitive approaches.

Finally, there is a mixture of the two styles. Here, the negotiator tries to be flexible between a competitive and cooperative approach as the situation dictates.

None of these styles is inherently superior to the others. The effectiveness of a given style varies with the nature of the problem, the specific mix of personalities, and other circumstances. Since each negotiating team is comprised of two negotiators, the various approaches taken by each team and negotiator makes for a very dynamic process where flexibility and teamwork come into play. Accordingly, we ask you to divorce your evaluation of the competitors from any

preconceived preference you may have. Instead, concentrate on the way a team uses its chosen style of strategy to successfully use their strengths and exploit the other team's weaknesses.

Judging Guidelines

Regardless of the style of negotiation selected by the competitors, please remember to consider factors other than monetary outcome. For example, consider whether the settlement has threatened the continuing relationship of the parties, whether the negotiators conduct will affect future negotiations with the opposing negotiators, whether the settlement is likely to be overturned in court, and whether the settlement is likely to prove unworkable in the long run, etc.

Additionally, we ask that you not weigh too heavily on the desirability of reaching a settlement just for the sake of settling. The purpose of the competition is not merely to reach a settlement but rather to serve the interests of the respective clients.

Realizing that there are numerous inherent difficulties with any attempt to categorize a dynamic process such as negotiating, you should not expect the negotiation to proceed in a strict chronological manner, such as may be suggested by the scoring criteria. For example, although the standards for evaluating the competitors indicate that the negotiators are expected to lay a foundation for the best use of their preferred negotiation style in the beginning phase, the competitors' style may not be clearly developed until a later phase in the negotiation process. Therefore you should not penalize or reward a team simply because they were or were not successful in establishing a given criterion in a given portion of the competition. Accordingly, you should not score any of the categories until the round has been completed.

Further, you should not let your first or last impression overly influence your evaluation of the competing teams. Rather, we ask you to reflect upon the total negotiation and to identify the principal ways in which the teams differed, both positively and negatively. Please make any comments that you feel will help the negotiators in the future, directly on the ballots. Copies of the ballots will be available to the participants. Your comments will be valuable not only for later reflection by the participants but also to critique the teams' performance following both teams' self critique at the close of the competition.

Finally, if you should be "familiar" with one or more of the competitors in a given round, we ask that you explain to the competitors in that round that you are familiar with a particular competitor(s) and in an attempt to avoid any possible future disagreements between the competitors, we ask that you excuse yourself from judging that particular round. We will then attempt to switch you with another judge.

Evaluation Factors

An effective negotiation can be judged at least in part by its outcome. A good negotiation is one that:

- * Is better than the best alternative to a negotiated agreement (with this party);
- * Satisfies the interests of:
 - the client -- very well
 - the other side -- acceptably (enough for them to agree and follow through)
 - third parties -- tolerably (so they will not disrupt the agreement)
- * Adopts a solution that is the best of all available options;
- * Is legitimate -- so that no one feels "taken;"
- * Involves commitments that are clear, realistic, and operational;
- * Involves communication that is efficient and well understood; and
- * Results in an enhanced working relationship, so the parties and/or negotiators can deal with future differences more easily.

While these criteria are helpful in evaluating a particular solution and identifying problems connected with it, they should not be read as requiring that the parties reach agreement. In some situations, e.g. where the opponent's last offer satisfied few of the above criteria, the best outcome might be no agreement at all. Thus, the judging standards focus on planning and the negotiation process itself, allowing a team to achieve a high rating even if no agreement was reached.

APPENDIX F
Reserved for Negotiation Scoring Sheet