

The Constitution of the Mock Trial Association of Notre Dame
Updated 10/18/2010

I. Organization and Membership

A. Name; Purpose

1. The name of this organization shall be the Mock Trial Association of Notre Dame hereto referred to as the "Association."
2. The purpose of this organization shall be to stimulate reasoned and analytical thinking, to improve public speaking, to further individual experience in the legal field and in the courtroom, to practice and learn trial advocacy, and to succeed in intercollegiate competition at the regional and national levels.

B. Membership

1. Any undergraduate student of the University of Notre Dame or Saint Mary's College of Notre Dame, Indiana, shall be eligible for membership in the Association, pursuant to these rules.
2. No person shall be a member at any time who does not satisfy all the applicable rules of academic eligibility promulgated by the University of Notre Dame.
3. No person shall be a member during an academic year in whose spring semester that person will be abroad or similarly will be present at Notre Dame only infrequently.
4. No person shall be a member who is not duly selected for membership by the officers of the Association following reasoned and careful deliberation. This deliberation shall be conducted pursuant to tryouts.
5. Tryouts shall be conducted early in the academic year, at such time and location and in such manner as prescribed by the officers, and shall be presided over by the officers.
6. Membership for all new persons except officers shall be contingent upon their participation and performance in tryouts, except that extenuating circumstances compelling the absence of a person from tryouts may be taken into account by the officers.
7. Returning members need not need to try out unless deemed necessary by a majority of the officers.
8. The officers shall by a majority agreement of those present at tryouts select for membership those persons with the most experience, greatest competence, and highest degree of personal and academic merit.
9. The membership of any person in the Association may be revoked by a vote of four of the officers on account of the egregious and unacceptable conduct or behavior of that person, or on account of the consistent failure of that person to fulfill the expectations and obligations occasioned by his or her membership in the Association.

C. Competition teams

1. The officers shall in the most opportune and beneficial manner possible divide the members of the Association into a number of individual teams, as appropriate for intercollegiate competitions

II. Officers

A. Composition and responsibilities of leadership

1. The leadership of the Association shall consist of five officers, selected in accordance with this constitution. There shall be two presidents, a vice president, a treasurer, and a secretary.
 2. If at any time and for any reason there be a vacancy in any of the offices of the Association, this vacancy shall be filled by a simple majority vote among the members of the Association, pursuant to section (B) of this Article. A unanimous vote of the remaining officers shall be sufficient to veto any new officer's election.
 3. Each president and the treasurer shall have independent signing privileges to draw on the accounts of the Association, but shall only do so after consultation with the other officers. The disbursement from Association accounts of funds in excess of five hundred dollars shall require the express consent of three of the officers.
 4. The presidents shall be responsible for presiding over meetings and practices of the Association. They shall ensure and coordinate the participation of the Association in intercollegiate competition. They shall ensure the financial good standing of the Association through raising money as necessary.
 5. The vice president shall assist the presidents in the conduct of their duties, and shall assume the duties of the presidents in their absence.
 6. The treasurer shall maintain an accurate accounting of the funds possessed by the Association, and shall be responsible for preparing the Association's budget and carrying out other associated tasks to the satisfaction of the University and the Student Activities Office. The treasurer shall establish dues at an amount not less than fifteen dollars, and shall collect them from all members of the Association before the end of the academic year.
 7. The secretary's duties shall include overseeing the association web page and maintaining all correspondence between the Association and AMTA and any other correspondence deemed important.
 8. Officers may appoint other members of the club to specific administrative duties. Such appointment does not grant an executive vote.
- A. Qualifications for office
1. No person shall hold any office who will not be enrolled as an undergraduate at the University of Notre Dame or Saint Mary's College and present at Notre Dame during the spring semester of the academic year in which his or her term of office lies
 2. At least one of the presidents must be present and enrolled full-time at the University of Notre Dame during the fall semester of the academic year in which his or her term of office lies. At least three out of all five officers must be present and enrolled full-time at the University of Notre Dame during the same fall semester.
 3. No person elected president or treasurer of the Association shall have had fewer than two years of experience on the Association, including the year about to be finished at the time of election. If and only if this clause is impossible to follow, it shall be ignored.
- C. Removal from office

1. An officer shall be removed from office for conduct grossly inconsistent with the furtherance and benefit of the Association or for consistent failure to fulfill his or her duties and obligations as officer.
2. The removal of an officer from his or her office shall be pursuant to a vote of no confidence by all four of the other officers, or by two thirds of a quorum of the members of the Association, in any case excluding the vote of the person whose removal from office is in question.

III. Election of Officers

A. Authority of rules; Term of office

1. The elections for officer positions shall be conducted in strict accordance with these rules. Any election which is not conducted in accordance with the letter and spirit of this constitution shall be invalid.
2. At some suitable time after the season's competition is finished but not later than April 1st, elections shall be held for the five officer positions for the following school year. The officers shall relinquish their offices at noon two weeks from the date of elections, whereupon immediately those elected to replace them shall assume their appropriate offices.
3. If at any time between the elections for new officers, and the installation of those officers, a vacancy within the current officers arises, the officer-elect for that position will fill that vacancy. This special installation will not affect the individual's elected term.

B. Election meeting; Who may vote

1. The election shall be conducted in a meeting open to all members of the Association. The date, time, and location of the election meeting shall be convenient, and shall be determined by the officers and publicized no less than two weeks in advance to all other members. The presence of two-thirds of all members of the Association shall constitute a quorum for the election meeting.
2. Only a person who is a student and a dues-paying member of the Association may vote in any election. No person shall vote who did not compete with the Association during the foregoing competition season. No person shall vote who will not be a member of the Association during the following academic year, except on account of that person's graduation from the University. If a person will be unable to hold membership in the Association under the provisions of paragraph (3) of section (B) of Article I of this constitution on account of that person's being abroad during the spring semester of the following academic year, then that person shall be considered to have a vote in the election provided that he or she will be eligible for membership in the year subsequent to the year in which he or she shall be abroad, and expresses desire to renew membership in that year. No person shall vote who has not paid his or her dues for the year to the treasurer of the Association.
3. No person who is not physically present at the election meeting shall be considered to have any sort of vote in the election.

C. Manner of election

1. The election shall proceed one office at a time, beginning with each of the presidencies singly, then the vice presidency, then the office of treasurer, and then the office of secretary.
2. For each office, one at a time as the election proceeds, members shall nominate candidates. If and when a nomination is seconded by another member, the person nominated shall become a candidate for the office if and when they accept the nomination. No person shall make or second a nomination for himself or herself for any office. When no more nominations are forthcoming, the nomination shall be considered closed and the vote shall begin. Only after the election for each position is finished shall nomination for the next position begin.
3. Before balloting begins for any vote, revote, or runoff, the candidates for that office may, if they wish, make a short and appropriate speech or statement to all present.
4. The balloting and tabulation of the vote shall be conducted by no fewer than two current officers not involved in the election. Voting shall be conducted by secret ballot.
5. Any candidate who secures a majority of the vote (50% plus one of the valid votes cast) wins. If no candidate does so, then the two candidates for the office with the largest pluralities shall compete against each other in a runoff vote. If there is a tie between three or more candidates, then all candidates with the largest pluralities shall compete against each other in the runoff vote.
6. If no candidate wins more than 50% of the vote in the runoff, as described in the previous paragraph, then the election shall be decided by a majority vote of all the current officers who are present, excluding any officer who is involved as a candidate in the election to be decided.
7. If this does not produce a winner, then the candidate who has been a member of the Association for a longer period of time shall be the winner. If both have had the same length of experience, then the outcome of the election for the office at stake shall be determined by the toss of a fair American quarter, called in the air by the candidate whose last name is first alphabetically.

IV. Advisor

- A. The official advisor of the Association shall be a full time faculty member or administrator of the University of Notre Dame. The advisor shall be selected by the officers each year for a term of one year, and shall be a member *ex officio* of the Association, but shall not be considered a member with regard to any of the specific provisions of the constitution concerning members of the Association.
 - A. The advisor shall when possible assist in the support and furtherance of the Association through the planning of competitions and other events, and shall when beneficial interact with the University on behalf of the Association.
 - B. The officers shall further maintain a relationship with the Pre-Law Advisor within the College of Arts and Letters.
- A. Professor/Attorney Advisor

- A. This person shall be a respectable attorney who can serve the functions of professorship as defined by the University of Notre Dame.
- B. The University of Notre Dame shall name the professor and the officers or the students may not affect this selection process outside of means officially sanctioned in the Student Handbook.
- C. In the event of a vacancy in this position, the officers should advise the Advisor to their preference in a suitable replacement.
- D. Duties of the Professor shall be limited to the following:
 - 1. Teaching the class
 - 2. Offering legal and evidentiary criticism
 - 3. All other functions as defined by the University of Notre Dame.

VI. Coach

- A. The coach may be and should often be the Professor/Attorney Advisor of the Mock Trial Association. However, the positions may be exclusive.
- B. The coach at all times should strive to develop the speaking and presentation abilities of the members of the Mock Trial Association. As such, the coach should be someone fluent in the intricacies of Mock Trial competition. The duties of the coach shall be limited to the following:
 - 1. In conjunction with the officers, the coach shall select new members of the Association each year.
 - 2. If not also the professor, the coach should assist the professor in teaching the class.
 - 3. In conjunction with the officers, and based on a winning strategy, the coach should place the new members of the association onto different teams.
- C. The coach shall be selected (or certified in the case of acknowledging the acceptability of a professor for the role) for no specific term, by no less than a unanimous vote of all the officers not abroad that semester.
- D. The Association shall have the power to review the effectiveness of the coach: any member may call for a vote of no confidence regarding the coach's ability to lead. In such a vote, which shall require a quorum of three-fourths total membership, no less than two-thirds need vote no confidence to assess the standing of the coach as such. In this event, the officers shall draft a letter to the Advisor and the coach suggesting the coach's removal.

VII. Amendments

- A. Amendments to this constitution may be proposed by any member of the Association, and shall be approved either by the consent of four of the officers, or by a two-thirds affirmative vote of the entire Association.
- B. Any amendment by the officers can be vetoed by a two-thirds negative vote of the entire Association.
- C. Amendments to this constitution shall be submitted to the Student Activities Office for ratification, and shall become effective immediately upon such ratification.

VIII. Authority of University

- A. The rules and policies of the University of Notre Dame shall, when in conflict with this constitution or any other rule or policy of the Association, supersede this constitution or such rule or policy.
 - A. The Association shall maintain an affiliation with the American Mock Trial Association. If in conflict, the rules and policies of the University of Notre Dame shall be held to supersede those of the American Mock Trial Association.
 - B. The Mock Trial Association, as a class at the University of Notre Dame, shall be subject to all the normal rules in the Student Handbook.
- IX. All other rules, policies, and practices of the Association shall be established by the officers in such manner as they deem appropriate. In so doing, they shall strive always to serve the continued benefit and future success of the Association.