



ALBANY LAW SCHOOL
ANTHONY V. CARDONA '70
MOOT COURT PROGRAM

THE ANTHONY V. CARDONA '70 MOOT COURT PROGRAM AT ALBANY LAW SCHOOL

BYLAWS

Approved by the Faculty

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1. MOOT COURT PROGRAM

1.1. Purpose

The purpose of the Moot Court Program is to promote, coordinate, and supervise Albany Law School Moot Court competitions and inter-school teams; and, to educate the Albany Law School community. The Program has two main priorities for the benefit of our student competitors: networking and skills cultivation. The Program will help student competitors develop effective legal advocacy techniques, and provide students with in-depth opportunities to improve their analytical, research, writing, and oral advocacy skills. These Bylaws of the Moot Court Program ("Bylaws") are designed to effectuate the purposes of the Moot Court Program.

1.2. Transparency

A copy of the complete Bylaws, as most recently updated and approved by the Moot Court Board and Albany Law School Faculty, shall be both posted to all electronic media platforms (including social media, websites, and posting boards) and sent electronically to every competitor in every competition at least once yearly, or as directed by the Executive Director. Should a competitor request, in writing, a printed copy of the Bylaws, the Director of Competitions shall furnish the same at no charge for printing within seven (7) days of request to the competitor's student-mailbox.

1.3. Organization of These Rules

Each provision incorporated into these Bylaws shall be considered as an official Rule. A Rule may have one or more sub-part. A Rule that calls for a process otherwise announced in these Bylaws should then be, too, followed. The Executive Director and Faculty Advisor shall interpret these Rules, and their determination is final and binding.

2. THE MOOT COURT BOARD

2.1. Administration

The Moot Court Program shall be administered by the Moot Court Board ("Board"). Each member shall have, as minimum qualifications, status as a third-year student for Advisory Board members, status as a second-year student for Associates, a cumulative GPA of not less than 2.50, and prior participation in at least one Moot Court activity or some other significant contribution to the Moot Court Program. Notwithstanding anything in this section, a second-year or third-year student may be selected for the position of Director of Finance or Chair of the Donna Jo Morse Negotiations and Client Counseling Competitions.

2.2. Third-Year Student

- (a) The term "third-year student" shall be defined as any student in his or her final full year of law school.

2.3. Second-Year student

- (b) The term "second-year student" shall be defined as a student who has completed the first year of law school.

2.4. Participation Requirements

- (a) The requirement of participation in at least one Moot Court activity or other significant contribution to the Moot Court Program can be satisfied by any of the following:
 - (i) competing in a Moot Court Program competition;
 - (ii) participation on an inter-school Trial Team or an Appellate Team directly sponsored and financed by the Moot Court Board;
 - (iii) participation on the ABA Negotiations Team or ABA Client Counseling Team;
 - (iv) assisting the Moot Court Board with other events (e.g., serving as a bailiff for the Domenick L. Gabrielli National Family Law Competition, serving as a bailiff or juror for the Karen C. McGovern Senior Prize Trials Competition, etc.).

2.5. Selection & Term

- (a) The Board will be selected in accordance with these Bylaws in Rule 5.
- (b) The term of each Board shall run from the date of graduation in the selection year to the following graduation. Except for the Executive Direct-Elect who is vested voting privileges when selecting their Board, the Board-Elect at large shall sit as nonvoting members during transition, and shall assume their duties upon graduation day of the current year.

2.6. Expectation of Board Members

- (a) Every member of the General Board must provide professional courtesies to the other members when occupying the Moot Court Office. All Members shall do their best to ensure an appropriate noise level is maintained to foster a balanced work environment.
- (b) The Moot Court Office is for business only. Personal matters should be disposed of outside the presence of the office. All shelves, desks, and drawers shall be organized, and their contents properly stored away. No items shall be left sloppily around the office. The floors are to be kept clean of all obstructions. All food and food waste with a significant odor shall be removed from the office upon completion of eating. All spills, messes, and crumbs shall be cleaned up immediately. All appliances shall be kept in clean, working order. All surfaces shall be regularly disinfected and cleaned. No surface or contact point shall become covered in debris or residue.

3. *STRUCTURE OF THE MOOT COURT BOARD*

3.1. Structure and Organization, Generally

- (a) The Moot Court Board shall be organized in the following fashion: There shall be an Executive Director, a Director of Competitions, a Director of Finance, a Communications Director, Chairpersons representing each competition administered by the Moot Court Board, and a minimum of six and a maximum of nine Associate Board Members.
- (b) The Directors, less the Communications Director, and Competitions Chairs shall comprise the Advisory Board. In total, this includes: The Executive Director, The Director of Competitions, The Director of Finance, and all Competition Chairs.
- (c) The entire Board shall comprise the General Board, including non-voting Members. Any non-voting Member, of course, may not vote, but may put forward their opinion on a matter before the General Board for a vote the same as any other Member.
- (d) Each Associate Board Member shall be assigned, for the purposes of the Board's formal masthead, a full title referencing the Chair or Director's title of whose they assist. One Associate shall be assigned to each of these positions: Director of Finance; Morse Competitions Chair; Gabrielli Appellate Advocacy Competition Chair; Senior Prize Trial Chair; and Collegiate Competitions Chair. Two associates shall be assigned to the Gabrielli Family Law Competition Chair. The Executive Director and Director of Competitions shall enjoy the assistance of one full-year associate, as well as one half-year associate (who may be enrolled in law school nontraditionally, i.e., January enrollment, or enrolled in the four-year JD program) jointly, and both known as an Associate to the Advisory Board.
 - (i) In the event that the Moot Court Board takes on an additional competition for that year, the structure of the board for that year will allow for one additional Temporary Chair and one additional Temporary Associate to serve for the duration of the additional competition.
- (e) A decision of the Board shall be considered binding if it is made by a majority vote of a quorum, consisting of 2/3 of the General Board members, unless expressly stated otherwise in these Bylaws.

- (f) Any General Board member shall have the right to raise any issue of interest at a Meeting of the General Board. The issue may be decided by a vote of the General Board at the discretion of the Executive Director if such a vote should be called.
- (g) No Member of the General Board shall compete in any intra-school competition administered by the Moot Court Board.
- (h) General Board members seeking to try out for inter-school teams may not participate as judges in the selection process.

3.2. The Advisory Board

- (a) The Advisory Board shall be comprised of the Executive Director, Director of Finance, Director of Competitions, and all Competition Chairpersons, regardless of class year.
- (b) The meetings of the Advisory Board shall occur at least twice per semester or as needed at the discretion of the Executive Director. Each member shall provide to those present progress reports of his or her respective competitions or activities, otherwise.

3.3. Duties of General Board Members

- (a) Each member must assist in the overall functioning of the Moot Court Program, subject to the discretion of the Executive Director and/or the Directors of Finance and Director of Competition. Prior to taking office, each member shall be given a copy of the Bylaws. Each member shall read the Bylaws thoroughly and be familiar with all the rules and regulations.
- (b) Each member must fulfill general duties within the Moot Court Board, including:
 - (i) Attend the Board's meetings. Any member who fails to attend a meeting must present a valid written excuse to Executive Director, who will deem it valid or invalid. As to this provision, email notice would be acceptable.
 - (ii) Act as a practice judge or client, or provide other assistance as needed for each inter-school team.
 - (iii) Serve as a bailiff, timekeeper, or client as needed for any competition administered by the Moot Court Board.
 - (iv) Attend all final rounds of all intra-school competitions, unless excused by the Executive Director. Any member who cannot attend a final round of a competition shall also notify the corresponding Chair.
 - (v) Attend all days of the Domenick L. Gabrielli National Family Law Competition, unless excused by Executive Director.
 - (vi) Attend the inter-school Moot Court Travel Team tryouts, if chosen by the Director of Competition in conjunction with the Executive Director.
- (c) Any member who fails to abide by these Bylaws shall be subject to impeachment, removal, and replacement.

3.4. Confidentiality

(a) Confidential Communications

- (i) All communication of the Advisory Board and the General Board is confidential and may not be released or revealed to anyone who is not a current Board Member. The Advisory Board may use discretion in withholding information from the General Board in an instance of competition integrity, but should strive to be transparent with the whole board at large to a reasonable extent. For the purposes of this section, the Faculty Advisor is to be held in full confidence of both the Advisory Board and the General Board. The Executive Director, in consultation with the Board, may seek the advice of its or another Chair or Directors' predecessor for advice. The assumption of confidentiality shall extend to the predecessor for the purpose of advice seeking.

(b) Disclosure of Confidential Information

- (i) No member of the Advisory Board, after leaving his or her post in any fashion shall disclose confidential material to others gained while serving on the Board. Such information may include disciplinary information of competitors or of Board Members.

(c) Confidentiality

- (i) All materials relating to competitions are confidential. These materials may include, but are not limited to, fact patterns, problem sets, and score sheets. Until such time as any competition materials are to be released to competitors for the true purpose of the competition, they are to remain in an electronic database that is only accessible by the General Board, or in a cabinet if stored physically. The Executive Director shall establish methods of secure storage, if at some time, they otherwise cease to exist.

(d) Document Handling

- (i) All confidential materials shall be primarily viewed, created, edited, or otherwise handled in the privacy of the secured Moot Court Office. When confidential materials are being viewed, computer screens and documents shall not be visible from the windows, the doors must be closed and accessible only to the General Board.

(e) **Breach**

- (i) Any breach of the above shall be investigated without delay by the Executive Director, and an ad hoc investigatory committee of its choosing, if appropriate, shall be established. The Executive Director, upon first notice of the breach must either transmit information or call an emergency meeting of the General Board to alert the same of the breach. The Executive Director must disclose any steps taken in an investigation, and steps to be immediately taken. The Executive Director must also promptly notify the Faculty Advisor of the investigation. If any General Board members participated in the breach of confidential information, the Executive Director is compelled to follow the impeachment procedures enunciated herein.

3.5. Executive Director

- (a) The Executive Director of the Moot Court Board shall be the chief administrator of the Moot Court Program. They shall have the power to assure that the policies and decisions rendered by the Advisory Board and Faculty Advisor(s) are properly and fully implemented and executed. They shall have the power to create ad hoc committees consisting of members of the General Board for Moot Court activities.
- (b) The Executive Director, upon the start of each term, shall make and publish to the Board a Uniform Style Guide for all public facing documents produced by Chairs and Directors, alike. Each Chair and Director, or other similarly situated officer charged with public document dissemination shall strictly adhere to this guide as set out. The Executive Director shall produce this Style Guide in conjunction with the Faculty Advisor for the Moot Court Program and the Communications Director.
- (c) The Executive Director shall chair all meetings of the General Board, establish and disseminate the agenda for each meeting, oversee the conduct of the meetings, and give due notice to all members as to the time and place of each meeting. The Executive Director shall vote only in the event of a tie, except as provided for otherwise.
- (d) The Executive Director shall be present on the first night of each respective competition to ensure its success. Thereafter, the Executive Director may be present on the evenings of scheduled competitions but is not required to do so. The Executive Director shall, upon presentation of good cause or a reasonable excuse by a Chair, make him or herself available, or designate another Advisory Board member, to cover for a Chair who is unable to attend and oversee an evening of his or her competition.
- (e) The Executive Director shall chair all Meetings of the Advisory Board, and establish, the agenda for each meeting. The Executive Director shall ensure that a summary of the proceedings is transmitted to the members of the General Board.
- (f) The Executive Director shall be responsible for producing a handbook to be turned over to the next Executive Director.
- (g) The Executive Director shall vote in Advisory Board meetings only in the event of a tie.

- (h) In the event of an emergency, the Executive Director is authorized to make an Executive Decision without calling a meeting of the General Board or Advisory Board. The Executive Director shall make such a decision in consultation with at least one Faculty Advisor.
- (i) The Executive Director may bring any issue that relates to the administration or coordination of the Moot Court Board or its members to the General Board for discussion and a vote upon proper notice.
- (j) The Advisory Board can require the Executive Director to bring any issue to the General Board if and when a majority of the Advisory Board agrees that such an issue should be decided by the General Board.
- (k) The Executive Director, along with the Moot Court Faculty Advisor(s), shall be responsible for interpreting these Bylaws. Such interpretation of these Bylaws shall be final and fully executed.
- (l) In the event the Executive Director is absent, or expected to be absent, for two weeks or longer, the Director of Finance shall assume the Executive Director's duties. Should the Director of Finance be a second-year student, the Director of Competitions shall assume the Executive Director's duties instead of the Director of Finance. The temporary/acting Executive Director shall have all of the same rights, responsibilities, and obligations as the duly elected Executive Director. Upon the return of the duly elected Executive Director, they shall resume all of his or her duties and responsibilities.

3.6. Director of Competitions

- (a) The Director of Competitions shall be responsible, along with the Executive Director, for organizing and administering all hosting responsibilities of any inter-school competitions, other than the Domenick L. Gabrielli National Family Law Competition which is undertaken by the Family Law Chair.
- (b) The Director of Competitions shall be responsible, along with the Executive Director and Moot Court Faculty Advisor(s), for coordinating all inter-school teams, publishing the Moot Court Handbook, and administering the selection process for team participants.
- (c) The Director of Competitions, in conjunction with the Executive Director, shall select the date of the inter-school tryouts.
- (d) The Director of Competitions shall be responsible for producing a handbook to be turned over to the next Director of Competitions.
 - (i) Such handbook shall include instructions on the tasks performed by the Director of Competitions.

3.7. Director of Finance

- (a) The Director of Finance shall administer all financial affairs of the Moot Court Board, including the development of an annual budget, the payment of all debts incurred by the Board in its operation, and the keeping of all financial records.
- (b) The Director of Finance shall report on the financial status of the Board at meetings of the Advisory Board, or when requested by the Executive Director.
- (c) The Director of Finance, the Associate Director of Finance, and the Executive Director shall be the only persons authorized to request issuance of checks.
- (d) The Director of Finance shall provide access to the financial records of the Board within a reasonable time upon request of any Board member or Moot Court Faculty Advisor(s).
- (e) The Director of Finance shall be responsible for meeting with the respective Chairs of each Competition at least once a semester and at his or her discretion.
- (f) The Director of Finance shall help plan the Banquet for any Chairperson that requests such help.
- (g) The Director of Finance shall also be responsible for planning the end of the year Moot Court Banquet.
- (h) The Director of Finance also shall be responsible for producing a handbook to be turned over to the next Director of Finance.
 - (i) Such handbook shall include instructions on the tasks performed by the Director of Finance.

3.8. General Roles of Chairpersons

- (a) Each Chairperson shall keep the Executive Director apprised of *any and all* situations arising with respect to their respective competitions, including the status and progress of the competition and any problems that may arise.
- (b) Each Chairperson along with his or her Associate(s) shall be responsible for planning his or her respective Competition's final round reception. Each Chairperson may request the assistance of the Director of Finance and Associate Director of Finance in planning the reception.
- (c) Each Chairperson shall be responsible for meeting with the Director of Finance at least once a semester, as well as at the discretion of the Director of Finance.
- (d) Each Chairperson shall publish enumerated competition rules to the student body at the time of competition sign ups.
- (e) Each Chairperson shall meet with their Associate after selection to discuss future plans and details for the competition, as well as the competition in general. This meeting shall take place as early as possible after Associates have been selected.
- (f) Each Chairperson shall:
 - i. no later than the first day of May at the end of a given term, but ideally during the course of executing the competition, produce a handbook to be turned over to the incoming Chair.
 - ii. ensure their handbook is forwarded in both print and electronic format to the Moot Court Faculty Advisor(s) and Legal Secretary. Such handbook shall include instructions on running the competition and advice on how to improve the competition the following year.
 - iii. personally meet with the incoming Chair to review the responsibilities of the respective positions and ensure a smooth transition into the new year prior to the end of his or her tenure on the Board.

3.9. The Domenick L. Gabrielli National Family Law Chair

- 1) Shall be a third-year student.
- 2) Shall be responsible for administering the National Gabrielli Family Law Competition, such responsibilities include but are not limited to:
 - a) Problem preparation
 - b) Soliciting Judges for the competition
 - c) Investigating any allegations of misconduct in the competition.
- 3) The Chair is eligible to receive two (2) co-curricular activity credits for his/her work on the Gabrielli Competition.
 - a) Such credit availability is subject to the requirements set forth in the applicable section of the Student Handbook.

3.10. The Domenick L. Gabrielli Appellate Advocacy Chair

1) Shall be a third-year student.

2) Shall be responsible for administering the Gabrielli Appellate Advocacy Competition, such responsibilities include but are not limited to:

- a) Problem preparation
- b) Soliciting Judges for the competition
- c) Investigating any allegations of misconduct in the competition.

3) In the Spring Semester, subject to the approval of the Dean of Academic Affairs or Faculty, the Chair shall be responsible for the development and execution, in coordination with the faculty of the Lawyering Department, of an appellate advocacy educational program for first-year students.

4) The Chair is eligible to receive two (2) co-curricular activity credits for his/her work on the Gabrielli Competition.

- a) Such credit availability is subject to the requirements set forth in the applicable section of the Student Handbook

3.11. The Karen C. McGovern Senior Prize Trials Chair

- 1) Shall be a third-year student.
- 2) Shall be responsible for administering the Karen C. McGovern Senior Prize Trials, such responsibilities include but are not limited to:
 - a) Problem preparation
 - b) Soliciting Judges for the competition
 - c) Investigating any allegations of misconduct in the competition.
- 3) The Chair is eligible to receive two (2) co-curricular activity credits for his/her work on the Senior Prize Trials.
 - a) Such credit availability is subject to the requirements set forth in the applicable section of the Student Handbook.

3.12. The Donna Jo Morse Negotiations and Client Counseling Competitions Chair

- 1) Should be a third-year student, but may be a second year student.
- 2) Shall be responsible for administering the Donna Jo Morse Competitions, such responsibilities include but are not limited to:
 - a) Problem preparation
 - b) Soliciting Judges for the competition
 - c) Investigating any allegations of misconduct in the competition.
- 3) The Chair is eligible to receive two (2) co-curricular activity credits for his/her work on both Morse Competitions collectively.
 - a) Such credit availability is subject to the requirements set forth in the applicable section of the Student Handbook.

3.13. The Collegiate Competitions Chair

- 1) Shall be a second-year or third-year student.
- 2) Shall be responsible for administrating any Collegiate level competitions the Moot Court Board elects to host. Such competitions may include: (1) the American Moot Court Association Regionals (“AMCA”), the ABA Negotiations or Arbitration Competitions, the Theodore T. Jones, Jr. Undergraduate Intercultural Moot Court Competition (“Jones”), and any others similarly situated.
 - a) AMCA is an appellate advocacy competition for undergraduate students interested in law school. This is a competition for undergraduate institutions in the northeast region, such as Duke, Holy Cross, Yale, SUNY Albany, and many more. AMCA is a two-day competition hosted during the fall semester.
 - b) Jones, also an appellate advocacy competition, is geared towards local undergraduate students; in conjunction with our affiliation with UAlbany, these students take an “appellate practice” class to prepare for final arguments at the law school in the spring semester. The Collegiate Competitions Chair will assist in developing plans for this competition going forward.
- 3) The Chair shall be in charge of organizing and coordinating the administrative, procedural, and social aspects of any such competitions held.

3.14. The Temporary Chair

(i) Temporary Chair:

- 1) Shall administer any competition required of the Moot Court Board not previously enumerated in this section.
- 2) In the event that the Board finds the need to add an additional competition, the Executive Director may nominate, and the Advisory Board and Faculty Advisor shall then consider and consent to a Temporary Chair.
- 3) The Executive Director shall establish the working perimeters of the Temporary Competition with the selected Temporary Chair.
- 4) Should the Executive Director or Temporary Chair find it prudent to add a Temporary Associate, the Executive Director may nominate, and the Advisory Board and Faculty Advisor shall then consider and consent to the Temporary Associate.
- 5) The Executive Director, in conjunction with the Temporary Chair, shall secure a Faculty Advisor designated to a Temporary Competition. This Faculty Advisor may advise another competition simultaneously, if they so choose.
- 6) In the event that a Temporary Competition is added to the competition schedule, the Executive Director and Director of Finance may work with the Faculty Advisor and Law School Administrators to fund such a competition to a commensurate rate of the regular competitions maintained. The Temporary Chair may put forward to the Executive Director a budget proposal for the Temporary Competition.

3.15. Communications Director

(a) Generally

- (i) The Executive Director may appoint, and the Advisory Board and the Faculty Advisor shall then consider and consent to, a Communications Director.
- (ii) The Communications Director shall be considered an administrative position within the General Board but is not a voting member in any such vote the General Board may bring, and does not occupy a director-level position within the Advisory Board.
- (iii) The Communications Director may attend a Meeting of the General Board where a vote is offered; may comment and opine on the matter up for a vote; but may not vote on any matter.

(b) Responsibilities

- (i) The Communications Director is responsible for coordinating with all Chairs and Directors in alerting the school by social media, website, flyers, posters, leaflets, or any other means, of upcoming and current Program events.
- (ii) The Communications Director shall work directly with the Executive Director to establish a unified marketing strategy to solicit: attorneys to serve as judges, students to volunteer, and students to complete.
- (iii) The Communications Director must be a second-year or third-year law student during the time of which they would serve.
- (iv) The Communications Director shall be responsible for ensuring the Moot Court Website is current at least once a semester, preferably at the start of the semester.
- (v) The Communications Director shall serve as the point of contact for community outreach.

(c) Appointment

- (i) Upon first notice of the vacancy, the Executive Director shall solicit applications, interview, and submit a nominee to the Advisory Board and Faculty Advisor for advice and consent.
- (ii) Upon obtaining so, the position shall then be filled by the nominee.

3.16. Associate Board Member

- (a) Associate Board Members consist of two categories:
 - (i) Section 1 shall consist of six members supporting the Competition Chairs:
 - 1) Two shall support the Gabrielli Family Law Competition, and be known, severally, as the Family Law Competition Associate.
 - 2) One shall support the Gabrielli Appellate Advocacy Program, and be known as the Gabrielli Appellate Advocacy Associate.
 - 3) One shall support the McGovern Senior Prize Trials, and be known as the Senior Prize Trials Associate.
 - 4) One shall support the Morse Client Counseling and Negotiations Competitions, and be known as the Morse Associate.
 - 5) One shall support the Collegiate Competitions, and be known as the Collegiate Competitions Associate.
 - (ii) Section 2 shall consist of three members to support the Advisory Board
 - 1) One shall support the Director of Finance, and be known as the Associate Director of Finance
 - 2) One shall support the Executive Director and Director of Competitions jointly, and be known as the Associate to the Advisory Board. There shall be a maximum of two Associates to the Advisory Board at any given time.
 - a) A student, with preference for nontraditional law students, may assume a role of Associate to the Advisory Board. A nontraditional law student may serve for only one semester as an Associate in this position, before their reappointment.
- (c) The Executive Director, at the first Meeting of the General Board, shall instruct the Associates to rank the positions they would prefer to assume. Associates shall be provided with a printed form with all current competitions and positions listed, and a place to rank each competition or position.
- (d) The Advisory Board, outside the presence of the Associates, shall then collect, consider, and determine which Associate Board Member shall serve in which role.

3.17. The Grievance Process Introduction

- (a) The Grievance Review Process to the Competition Chair:
 - (i) The Grievance Review Process is available for any aggrieved student (competitor, volunteer, or otherwise) or faculty. To initiate a Grievance Review, a Grievant must complete the standard Grievance Complaint Form. The Executive Director shall take care to make such standard form available to the students at the start of every school year. In addition, each Competition Chair or Director shall put forward such standard form to their competitors in registration materials, or otherwise. A Grievant may report behavior of competitors, judges, volunteers, or others; or, may seek a rule clarification or competition procedure clarification. The Grievance Complaint Forms are to be submitted on paper to the Competition Chair of the competition in which the Grievant is seeking a remedy. The Grievant may deliver the Grievance Complaint Form to the Chair by hand, deliver it to the Moot Court Office Door Mail Slot at the Competition Chair's attention, or deliver the Grievance Complaint Form to a Moot Court Faculty Advisor or Dean of Student Affairs. The Grievant must complete all sections of the Grievance Complaint form, and include a detailed narrative of the issue or complaint. If the Grievant is seeking a rule clarification, the Grievant must indicate which competition rule number they are seeking clarification on, and why. Depending on the nature of the complaint, the Grievant may withhold their name and maintain anonymity.
- (b) Response from the Chair
 - (i) Once the Grievant has submitted the Grievance Complaint Form to the Chair or the Moot Court Office, or otherwise properly submitted, the designated Chair has seven (7) business days to respond. A response from the Chair can take the form of several actions, such as: 1) returning the Complaint to the Grievant to be supplemented for lack of needed specific information; 2) scheduling a hearing with the Grievant to obtain more information in person; 3) informing the Grievant that the matter requires an investigation, and launching such an investigation with the guidance of the Chair's Faculty Advisor; 4) alerting the Grievant that the Grievance Complaint Form has been otherwise received, but requires some other action before a remedy could be rendered. At all times in the Grievance Review Process, the Chair should keep the Grievant updated as to the status of the Grievance Complaint, as reasonably as possible. Upon receipt of any Grievance Complaints Forms, the designated Chair should make the Executive Director and Faculty Advisor for the Moot Court Program aware of its existence.
 - (ii) Within fourteen days of the Grievance Complaint Form being filed with the Chair, but as soon as is possible, the Chair shall have taken whatever appropriate measure in remedying, dismissing, or otherwise satisfying the Grievance Complaint. The Competition Chair has the authority to interpret its competition rules, procedures, and personnel decisions. The Chair should notify the Grievant, Executive Director,

and its competition Faculty Advisor of the disposition of the Grievance Complaint in writing within the fourteen-day window.

(c) Grievance Review Appeal Process

- (i) When the Chair sends its final disposition of the Grievance Complaint, in writing, to the Grievant, and only if the Grievant is a student, the Chair must include a copy of the standard Grievance Review Appeal Form. The Executive Director shall ensure that such a standard form is established at the beginning of each academic year, and that each Chair has possession of such form in a manner that they may attach to their disposition. Should the Grievant be a student of the Law School, and not be satisfied with the finding and disposition of the Competition Chair, the Grievant has seven (7) days from the date the Chair disseminates its disposition in writing to lodge an appeal. A standard Grievance Review Appeal Form must be completed, printed, and delivered to the Executive Director personally, or to the Moot Court Office Door Mail Slot, or to a Moot Court Faculty Advisor or supervising Dean. The Grievant Review Appeals process begins once the Appeals form has been delivered to the Executive Director. Upon the filing of an Appeal, the Grievance Review Appeals Committee is activated.

(d) The Grievance Review Appeals Committee

- (i) The Committee is made up of the Executive Director, Director of Competitions (unless there is a conflict, then the Director of Finance shall substitute for the Director of Competitions), and one other member of the Advisory Board not related to the situation that is before the Committee presently. At least one member of Faculty directly related to the Moot Court Program must sit on the Grievance Review Appeals Committee any time it is so empaneled. The Faculty Advisor for a competition, the Faculty Advisor for the Moot Court Program, and the Dean of Student Affairs may satisfy this requirement. Any and all of the above member of the Faculty may attend a Committee hearing at their discretion, and the Executive Director shall notify them all of any such upcoming Grievance Review Appeals actions. Within ten (10) business days of the activation of this committee, the Committee shall have completed the following: 1) Confirmed receipt of the Grievance Review Appeal in writing to the Grievant; 2) heard any and all relevant information from parties relevant to the Grievance Complaint; 3) issued a final disposition of the Complaint to the Grievant.

3.18. Ad Hoc Committees

The Executive Director has the authority to create Ad Hoc Committees; such committees shall conform to the following:

- (a) Each committee shall have a charter written by the Executive Director which outlines the Committee's start and end dates, limiting purpose, reporting chain, due dates for any reports, and membership.
- (b) Each committee shall be chaired by a member of the Advisory Board, appointed by the Executive Director.

4. *IMPEACHMENT, REMOVAL, AND REPLACEMENT OF MEMBERS*

4.1. Impeachment, Generally

- (a) Any member of the Moot Court General Board may be impeached and removed via the following procedure:
 - (i) Any General Board member may call a Special Meeting of the General Board for the purpose of impeaching any other General Board member. The Member who called the Special Meeting shall inform the Executive Director of the purpose of the Meeting, and the Executive Director shall then disseminate an agenda to the General Board. The agenda should indicate that an impeachment proceeding has been scheduled.
 - (ii) At all times, Due Process must be afforded to that Member which impeachment proceedings have been called against.
 - (iii) At this special meeting, an anonymous majority vote of all voting General Board members is required in order to impeach any General Board member.
 - (iv) Upon such a majority vote to impeach a General Board member (other than the Executive Director), the Executive Director shall create an Ad Hoc Committee, comprised of the Moot Court Faculty Advisor(s), two General Board Members, and the Executive Director, to investigate the activities of the impeached member.
 - (v) Upon such a majority vote to impeach the Executive Director, the Director of Finance shall create an Ad Hoc Committee, comprised of a Moot Court Faculty Advisor, two General Board members, and the Director of Finance, to investigate the activities of the impeached Executive Director.
 - 1) Should the Director of Finance be a second-year student, the Director of Competitions shall create an Ad Hoc Committee, comprised of The Moot Court Faculty Advisor, two General Board Members, and the Director of Finance, to investigate the activities of the impeached Executive Director. During such an inquiry, the Chair of such Ad Hoc Committee shall ensure that the Executive Director's access to any passes, credentials, or logins, is removed until a dispositive event in the inquiry.

- (vi) In the event that multiple members are impeached contemporaneously, each member is entitled to his or her own Ad Hoc Committee, and General Board Members should not serve on multiple committees, to the extent allowed by these Bylaws.
 - (vii) The Committee shall complete its investigation within two weeks of the impeachment vote. Such Ad Hoc Committee must disclose their specific findings of fact and enumerate the specific provisions of these bylaws alleged to have been violated by the impeached General Board Member. The committee shall present its findings and recommendations to the entire General Board in a second Special Meeting.
 - (viii) During a second Special Meeting, and following the report of the Ad Hoc Committee, but prior to any further vote, the impeached member shall be given the opportunity to make a statement to the assembled General Board.
 - (ix) After the impeached member has had the opportunity to speak, whether or not they take advantage of that opportunity, other Board members may make statements regarding the pending removal vote.
 - (x) When every Board Member, including the impeached Board Member, who wishes to be heard has had the opportunity, the General Board shall anonymously vote on whether to remove the impeached member from the General Board. Every member of the General Board, including the impeached member and the Executive Director, may cast a vote.
 - (xi) Three-quarters of the full General Board must vote in favor of removal in order to have the impeached member removed from the General Board.
- (b) Upon removal or resignation by a member prior to the completion of a one-year term of board membership, the member shall not hold himself or herself out as having ever been a member of the Moot Court Board. In the event of extenuating circumstances (e.g., resignation for reason of illness), the Moot Court Faculty Advisor(s) shall have the discretion to permit that member to hold himself or herself out as having held such a position for the period that three-quarters of the full General Board believes the Member acted in his or her capacity with best efforts and in good faith.

- (c) If the Executive Director is removed, resigns, or in some other way relinquishes his or her position, they shall be replaced by a member of the Advisory Board upon a majority vote of the General Board.

5. *MOOT COURT BOARD SELECTION*

5.1. Annual Selection

- (a) The Moot Court Board shall be selected from applicants wishing to become members and who satisfy the minimum criteria of academic status otherwise stated in these Bylaws.
- (b) The incoming Board is to be selected by a Selection Committee.
 - (i) Unless otherwise excused by the current Executive Director, the Advisory Board Members, but not those Members who may be applying for a position on the succeeding Board, and the Moot Court Faculty Advisor(s) shall make up the Selection Committee.
 - (ii) The Selection Committee shall be chaired by the current Moot Court Board Executive Director.
 - (iii) The Selection Committee shall convene not less than twice. The Selection Committee shall first elect an Executive Director after interviewing all applicants for Executive Director, and after having reviewed the resumes and letters of interest. Once an Executive Director-Elect has been chosen, the Selection Committee shall reconvene for a second time at a later date with the Executive Director-Elect acting as a voting member of the Committee in consideration of all other Moot Court Board Positions.
- (c) The Selection Committee shall interview each applicant, review the submitted resumes and letters of interest, and make appointments to the Board accordingly.
- (d) Prior to any appointment, applicant names shall be circulated to Albany Law School faculty in order to solicit input.
- (e) Each Board position will be filled by the applicant receiving a majority vote of the student members of the Selection Committee.

5.2. Vacancy Selection

In the event of a vacancy any time after the General Board has begun its term, and any time before the same term expires, vacancies are to be filled in the following manner:

(a) Chair-

- (i) If a Chair position becomes vacant, the Associate Board Member for that Chair is to assume the role of Acting Chair. Any duties and responsibilities that the Associate Board Member maintained shall be temporarily held by the Executive Director until a new Chair is installed, and the Associate Board Member returns to his or her role as an Associate. Upon first notice of the vacancy, the Executive Director must solicit applications from the student body at large, and conduct interviews with the Advisory Board.

(b) Director of Finance-

- (i) If the Director of Finance post becomes vacant, the Associate Director of Finance shall assume the role as Acting Director of Finance. The Executive Director shall maintain the responsibilities of the Associate Board Member for Finance, until a new Director of Finance is installed, and the Associate Board Member of Finance is able to return to his or her capacity as Associate. Upon first notice of the vacancy, the Executive Director must solicit applications from the student body at large, and conduct interviews with the Advisory Board.

(c) Director of Competitions-

- (i) If the post of Director of Competitions becomes vacant, the Executive Director shall assume the post as Acting Director of the same. Upon first notice of the vacancy, the Executive Director must solicit applications from the student body at large, and conduct interviews with the Advisory Board.

(d) Associate Board Members-

- (i) Upon first notice of the vacancy, the Executive Director must solicit applications from the student body at large, and conduct interviews with the Advisory Board. A volunteer member of the Board may assume the responsibilities of the vacant Associate.

(e) Communications Director-

- (i) Upon first notice of the vacancy, the Executive Director shall solicit applications, interview, and submit a nominee to the Advisory Board and Faculty Advisory for advice and consent. Upon obtaining so, the position shall then be filled by the nominee.

6. *AMENDMENTS TO THE BYLAWS*

6.1. Notice Requirements

- (a) The Executive Director shall notify the General Board of the pending bylaw amendment vote(s) at least 24 hours before the vote(s) is/are to take place.
- (b) The Executive Director shall transmit the following information for each proposed amendment to the General Board any time a proposed amendment is to be voted on.
 - (i) Sequential identifying number of the proposed amendment, and year proposed
 - (ii) Title of the amendment
 - (iii) Notice statement requesting the presence of the General Board at a specific place and at a particular time
 - (iv) Notice statement reciting the provisions in Rule 6.2
 - (v) Statement of purpose of the proposed amendment
 - (vi) Location in the current Bylaws that the Amendment will be added, replacing, deleting, or otherwise modifying
 - (vii) Text or order of the proposed amendment

6.2. Quorum

- (a) Two-thirds of the Moot Court General Board must be present to consider an amendment to these Bylaws.
- (b) A majority vote of the full General Board is required for adoption or amendment of these Bylaws.
- (c) The adoption or amendment becomes fully effective and binding upon the Moot Court Board once approved by the Faculty of Albany Law School.
- (d) Voting by proxy is prohibited.

6.3. Faculty Rights to Review and Approve

- (a) The Faculty reserves the right to withhold or revoke its approval of any provision of these Bylaws. The Executive Director, or proxy, shall carry the proposed amendments for presentation, review, and vote by the Faculty. The Faculty Advisor shall organize an opportunity for the Executive Director, or proxy, to present proposed amendments to the Faculty for their review.
- (b) Each provision, however, is separable.
 - (i) The lack of validity and effectiveness of one provision does not affect the validity and effectiveness of any other provision of these Bylaws.

7. *SELECTION OF INTER-SCHOOL COMPETITIONS*

The Moot Court Board Faculty Advisor(s) and the Director of Competitions, in consultation with the Moot Court Board, shall select appropriate inter-school competitions.

8. *PARTICIPATION ON INTER-SCHOOL MOOT COURT TEAMS*

8.1. Qualifications

- (a) Students who wish to participate on an inter-school team shall try out for a position. Tryouts are open to all students, and subject to the requirements of competitors generally explained otherwise.
- (b) First-year students shall not compete under any circumstances, but may try out for a position in the spring semester, so long as the tryout is for a competition to be held in the following year.
- (c) All other requirements for tryouts shall be made available to students within a reasonable period of time prior to any deadlines.
- (d) Albany Law School faculty may set additional requirements for specific competitions.

8.2. Tryouts, Generally

- (a) The Director of Competitions and Executive Director of the Moot Court Board, in consultation with the Moot Court Faculty Advisor and the Faculty Advisor to the Competition, will determine the structure of the try-outs for each competition.
- (b) Competitors wishing to try out for a travel team must do so in accordance with the instructions for the specific competition.
- (c) In the event that a student wishes to cancel a try-out after being selected, the student must provide notice to the Executive Director and Director of Competitions no later than 24 hours before the date that is scheduled for the student's try-out.
- (d) If a student fails to attend a scheduled try-out without providing the required notice, the student shall not be permitted to hold themselves out as a member of the travel team and shall be barred from participating in any inter-school Moot Court competitions during that academic year.
 - (i) This rule may be waived by the Moot Court Faculty Advisor, based on exceptional circumstances, which include but are not limited to: (1) a family emergency or (2) a physical or mental health emergency.

8.3. Tryout Requirements

- (a) All competitors shall submit a writing sample pursuant to the application requirements of each specific competition as required by the Travel Team Faculty Advisor(s), or Director of Competitions, for that specific competition. If a writing sample is required, the writing sample submitted must be the student's own independent work. Students are not permitted to submit writing samples that are edited by anyone or co-written with anyone.
- (b) All appellate advocacy competitors shall argue from the previous year's Domenick L. Gabrielli National Family Law Competition problem. A copy of the Best Scoring Brief representing each side from the previous year's Domenick L. Gabrielli National Family Law Competition shall be provided to all participating competitors.
- (c) Those trying out for the Phillip C. Jessup International Law team shall argue either 1) the previous year's Domenick L. Gabrielli National Family Law Competition problem, or 2) a pre-selected issue from the previous year's respondent Compromise. The respondent's memorial shall be provided to all participating competitors. The Advisory Board will determine which problem the Jessup competitors will argue prior to tryouts.
- (d) Each student who applies for an inter-school team must have a cumulative GPA of not less than 2.50 at the time of application and tryout, and each student who is selected to compete must have a cumulative GP A of not less than 2.50 at the time of competition. Team Faculty Advisor(s) may impose coursework and/or experience requirements.

- (e) Participants selected to participate in inter-school competitions must do so knowing such commitment is binding until completion of the inter-school competition.
 - (i) Voluntarily resigning from an inter-school competition team is expressly prohibited without written authorization from the Executive Director, the Director of Competitions, the Moot Court Faculty Advisor and the competition Faculty Advisors.
 - 1) Such authorization will only be granted in emergency situations.
 - (ii) A participant who fails to comply with this rule shall be barred from participating in Moot Court competitions for one year, which will be calculated from the first day of the semester in which the violation took place.
 - 1) The Moot Court Faculty Advisor retains the option of barring the participant from participating in all inter-school competitions for the remainder of the participant's enrollment in Albany Law School.
 - 2) This rule may be waived by the Moot Court Faculty Advisor based on exceptional circumstances, including but not limited to: (1) a family emergency or (2) a physical or mental health emergency.
- (f) For purposes of this rule, all inter-school moot court teams shall be deemed to fall within one of the following three categories:
 - (i) Appellate Advocacy Teams;
 - (ii) Trial Teams; or
 - (iii) Other Teams (e.g., Client Counseling Team, Negotiation Team).

8.4. Other Requirements

- (a) Each inter-school team may have a student coach. Student coaches will be chosen by the team's Faculty Advisor(s) or will be designated by the Executive Director and Director of Competitions in consultation with the Moot Court Faculty Advisor(s).
 - (i) The Team Faculty Advisor(s) shall be empowered to remove a participant from their team for cause.
 - (ii) The Faculty Advisor(s) shall provide the participant 72 hours notice of removal and give such student the opportunity to respond within 72 hours.
 - (iii) The student participant is deemed suspended from the team once notice of removal is given. The student participant shall be removed from the team upon the final determination of the Team Faculty Advisor(s).
 - (iv) Students removed from a team shall not be allowed to hold themselves out as a member of the travel team and may be barred from future participation in any Moot Court activity within the discretion of the Moot Court Board Faculty Advisor(s).

8.5. Academic Credit

- (a) At the discretion of Team Faculty Advisor(s), team participants and student coaches are eligible for up to 2 credits.
- (b) Criteria for Receiving Credit
 - (i) Students participating in an inter-school competition are eligible to receive up to two (2) credits for anyone competition. Students may receive a maximum of four (4) credits for participation in any Moot Court credit-granting activity, per the Albany Law School Student Handbook.
 - (ii) Team participants and coaches may be eligible to earn two academic credits upon completion of the above duties and to the satisfaction of the Travel Team Faculty Advisor(s). They must have the Travel Team Faculty Advisor(s) fill in the form entitled Requirements for Team members and Coaches for Receiving Credit for Moot Court and the Travel Team Faculty Advisor(s) must submit it to the office of the registrar in order for the credit to appear on your transcript.
 - (iii) The team participants and coaches should have substantive background in the subject matter of the competition for which they are chosen. The Faculty Advisor(s) for each team shall be contacted for their input regarding the selection process for team participants and coaches.
 - (iv) The coach shall conduct research and write their own bench brief (for appellate teams) that is of high quality, acceptable by an appellate court, and approved by the Faculty Advisor(s) prior to circulation. Coaches who are not applying for credit may use bench briefs of high quality provided by other schools.
 - (v) The coaches for Client Counseling and Negotiation shall conduct research and create facts patterns for practice as well as practice with the team.
 - (vi) Coaches shall participate in all practices subject to the Faculty Advisor's requirements.

- (vii) Coaches shall provide substantive critiques to the team.
- (viii) Coaches shall contact lawyers and judges from the community for judging practice rounds.
- (ix) Coaches shall arrange rooms for practices.
- (c) Coaches may travel with the team to the competition, but will only be reimbursed for their expenses at the discretion of the Director of Competitions, Director of Finance, Executive Director, and Moot Court Faculty Advisor(s).
- (d) Credit shall not be awarded for work that is purely administrative.

9. *PARTICIPATION ON INTRA-SCHOOL MOOT COURT TEAMS*

- (a) The Chairs for each intra-school competition shall maintain their own respective set of Competition Rules, and shall publish these rules to the student body at the time of competition sign-ups.
- (b) Each student competitor on an intra-school team must have a cumulative GPA of not less than 2.00, and must be a Juris Doctor student.

10. EQUAL OPPORTUNITY POLICY

- (a) It is the policy of the Moot Court Board to provide equality of opportunity in all phases of its Program for all persons without discrimination on the basis of age, race, color, religion, marital status, national origin, sex, sexual orientation, disability or any other category protected by law.

11. RECORD OF AMENDMENTS AND APPROVAL

Approved by the faculty 3/25/04; Revised 2/12/06; Revised 2/21/06; Revised 2/28/06; Revised 3/8/06; Revised 10/3/07; Revised 02/17/09; Revised 4/10/09; Revised 4/26/10.

Substantially Modernized and Revised in 2023, approved by the Faculty in October 2023, and effective January 1, 2024.