

BOARD

of ADVOCATES

THE UNIVERSITY OF TEXAS SCHOOL OF LAW



Constitution

*of the
Board of Advocates*

2008–2009

*The University of Texas
School of Law*

Constitution of the Board of Advocates

The University of Texas School of Law

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Constitution of the Board of Advocates

The University of Texas School of Law

Preamble

This document is the Constitution of the Board of Advocates of The University of Texas School of Law (“BOA”). The BOA is a student organization formed to train law students in trial and appellate advocacy by means of mock trials, moot courts, and other dispute-resolution competitions. This educational goal will guide any interpretation of this Constitution. Wherever this document permits more than one course of action by the BOA, the course of action will be chosen that best furthers the goal of training law students to be effective advocates.

Article I. Membership

Section 1. General Rules of Membership

Clause 1. *Initial eligibility.* Only full-time students at The University of Texas School of Law (“School of Law”) are eligible to become members of the BOA.

Clause 2. *Continuing eligibility.* To maintain eligibility, members of the BOA must remain full-time students at the School of Law and may not be on academic or disciplinary probation.

Section 2. Gaining Membership Status

Clause 1. *Application.* Any full-time student at the School of Law may apply at any time to be admitted as a member of the BOA. Students will use the application form set out in Appendix A to this Constitution.

Clause 2. *Acceptance.* The Membership Director will review all applications for membership in the BOA. The Membership Director will grant membership status to all applicants who meet the criteria set forth in Section 1 of this Article.

Clause 3. *Appeal.* Any applicant denied membership status by the Membership Director may appeal that decision to the Chair in writing. The Chair will present the written appeal to the Executive Board at its next meeting. The applicant may also, at the discretion of the Chair, make his or her appeal in person during this meeting. A simple majority vote of those Executive Board members present at such meeting is sufficient to grant or deny the applicant membership status. The applicant will not be present during this vote.

Clause 4. *Membership Dues.* New members shall pay the annual membership fee as described in Section 2 of Appendix A to this Constitution. The annual membership

fee shall not be refundable. The amount of such annual membership fee may be changed by a two-thirds vote of the Executive Board. If the annual membership fee is increased, the increased amount will only be required of applicants accepting membership after the increase has taken effect.

Section 3. Retaining Membership Status

Clause 1. *Individual member responsibilities.* Each member, save for members of the Executive Board, must comply with all membership requirements set forth in Appendix A to this Constitution in order to retain membership status. Additionally, on or before the last competition round of each semester, each member must report in writing to the Membership Director those acts performed to comply with such membership requirements.

Clause 2. *Membership Director responsibilities.* On or before the last day of class of each semester, the Membership Director shall give written notice to members who have failed to perform their membership responsibilities in accordance with Clause 1 of this section. Any failure by the Membership Director to give such notice shall in no event be construed as a waiver of the respective member's obligations under Appendix A to this Constitution.

Section 4. Losing Membership Status

Clause 1. *Failure to maintain.* Members who fail to complete the membership requirements in accordance with Section 3 of this Article shall lose their membership status.

Clause 2. *Appeal.* Members who lose their membership status due to failure to complete the membership requirements in accordance with Section 3 of this Article may appeal the loss of their membership status to the Executive Board. Such appeal must be in writing and submitted to the Membership Director by the second Wednesday of class of the semester following the semester in which membership status was lost. The Executive Board shall act upon the appeal at its next meeting following receipt of the appeal. The Executive Board shall vote on the appeal at that meeting and, by simple majority, shall vote to take one of the following courses of action:

Option 1. Deny the appeal; or

Option 2. Grant a stay of the termination of membership status for five (5) weeks contingent upon the performance of the membership requirements failed to be performed, which shall not count towards the membership requirements for the current semester. After such make-up requirements have been performed in full, membership status shall be reinstated. It will be the responsibility of the individual member to report in writing to the Membership Director those acts performed to comply with such make-up requirements in order to reinstate his or her membership status. If such make-up requirements are not completed by the end of the five-week stay,

the appeal will be automatically denied and appellant's membership status will be immediately terminated.

Clause 3. *Termination by Executive Board.* If any officer of the Executive Board believes a BOA member has acted in a manner that is a grave departure from conduct expected of a BOA member, the officer may recommend termination of that member's membership status. The complaining officer must give written notice of the termination recommendation to the member in question. The recommendation shall be voted on by the Executive Board at the next meeting held following written notice to the member in question. The member shall be afforded an opportunity to respond to the recommendation before the Executive Board takes its vote on the recommendation. A two-thirds vote of all members of the Executive Board (excluding the recommending officer, who shall not take part in the vote) will be necessary to give effect to the recommendation.

Section 5. Provisional Membership Status

Clause 1. *Provisional membership.* Students who wish not to complete all requirements for membership may still apply for provisional membership status. Provisional members are welcome to attend all BOA sponsored events such as social events and happy hours as if they were full members; however, provisional members may not hold themselves out as full members of the BOA and may not list membership in the Board of Advocates on their résumé.

Clause 2. *Provisional membership application.* The application for provisional membership is the same as the application for full members. However, provisional members *must* note on their application that they wish to apply for a provisional membership only. Otherwise, such applicants will be subject to the same requirements as full members and risk their membership status being terminated for failure to complete membership requirements.

Clause 3. *Dues.* The annual membership fee for provisional membership shall be the same as the annual membership fee for full membership.

Article II. The Executive Board

Section 1. General Provisions

Clause 1. *Membership.* The Executive Board of the BOA shall consist of the following BOA directors: one Chair or two Co-Chairs; two Mock Trial Directors; two Moot Court Directors; one Alternative Dispute Resolution (“ADR”) Director; three Judging Directors; one Membership Director; two Public Relations Directors; and one Webmaster.

Clause 2. *Responsibility.* The Executive Board shall be the rule-making body within the BOA and shall make all decisions requiring action by the BOA. This responsibility belongs to the Executive Board as a whole and shall not be superseded by the Chair acting individually. If a matter is not specifically addressed by this Constitution, it shall be acted on in accordance with a simple majority vote of all members of the Executive Board present at the meeting at which the matter is addressed.

Clause 3. *Meetings.* In addition to performing the duties set forth in Section 2 of this Article, the members of the Executive Board shall meet as needed, but no fewer than twice per academic semester. Minutes shall be taken during each meeting. It will be the responsibility of the Membership Director to take minutes at all meetings. If the Membership Director will be absent from a meeting, it is his or her responsibility to get a substitute minutes-taker. The Membership Director shall save the minutes in Microsoft Word (.doc) format in a manner that makes them easily accessible to all BOA members (e.g., the BOA Blackboard site, SharePoint site, or the BOA website).

The Chair shall set the time and place for all Executive Board meetings. The Chair shall give the officers at least five (5) days notice of the date and time of meetings. At least seven members of the Executive Board must be present at any meeting in order to vote on any matter or otherwise take any action that may be taken by the Executive Board. In the event of a deadlock on any matter on which a majority vote is necessary, the Membership Director shall refrain from voting so as to break the tie. If the Membership Director is not present at such meeting, the Webmaster shall refrain from voting so as to break the tie.

Officer attendance at Executive Board meetings called in compliance with this clause will be mandatory. Failure to attend two (2) meetings within one academic year will be a discretionary ground for termination by the Executive Board in the manner outlined in Section 5, Clause 2 of this Article.

Clause 4. *Office hours.* Each member of the Executive Board shall be in the BOA office at least two (2) hours each week to handle general BOA business. Each member shall sign a schedule maintained and posted by the Chair.

Section 2. Individual Officer Duties

Clause 1. *Chair.* The Chair of the BOA shall preside over all meetings of the BOA and of the Executive Board. The Chair shall convene meetings as called for in Clause 3 of Section 1 of this Article. The Chair shall appoint replacements for resigning or removed officers in accordance with Sections 4 and 5 of this Article. The Chair shall act on appeals from the actions of his fellow officers in accordance with Section 6 of this Article. The Chair shall serve as the official representative of the BOA whenever such a person is needed. The Chair shall have the authority to act for any of his or her fellow officers when they are not immediately available. The Chair shall set the competition schedule for each semester before classes start in the applicable semester. In the event that two Co-Chairs cannot agree as to which course of action to pursue in the fulfillment of their duties, the Membership Director

will determine which course of action is best, and the Membership Director's decision shall be binding on the Co-Chairs.

Clause 2. *Mock Trial Directors.* The Mock Trial Directors (“MTDs”) shall make all decisions regarding intramural mock trial competitions, subject to the appeals process set out in Section 6 of this Article. The MTDs will be responsible for all aspects of running intramural mock trial competitions sponsored by the BOA except for:

Exception 1. Obtaining Judges. This is the responsibility of the Judging Directors. The MTDs will give the Judging Directors notice of their requirements for judges within 48 hours after competition sign-ups officially close or the date for withdrawal, whichever is later. The MTDs will utilize the Judge Request Form included herein as Appendix B. The Judging Directors will be responsible for confirming the judges.

Exception 2. Scheduling Competitions. This is the Chair's responsibility.

Clause 3. *Moot Court Directors.* The Moot Court Directors (“MCDs”) shall make all decisions regarding intramural moot court competitions, subject to the appeals process set out in Section 6 of this Article. The MCDs will be responsible for all aspects of running intramural moot court competitions sponsored by the BOA except for:

Exception 1. Obtaining Judges. This is the responsibility of the Judging Directors. The MCDs will give the Judging Directors notice of their requirements for judges within 48 hours after competition sign-ups officially close or the date for withdrawal, whichever is later. The MCDs will utilize the Judge Request Form included herein as Appendix B. The Judging Directors will be responsible for confirming the judges.

Exception 2. Scheduling Competitions. This is the Chair's responsibility.

Clause 4. *Alternative Dispute Resolution Director.* The Alternative Dispute Resolution (“ADR”) shall make all decisions regarding all other intramural competitions besides mock trial and moot court, subject to the appeals process set out in Section 6 of this Article. The ADR Director will be responsible for all aspects of running intramural alternative dispute resolution competitions sponsored by the BOA except for:

Exception 1. Obtaining Judges. This is the responsibility of the Judging Directors. The ADR Director will give the Judging Directors notice of his or her requirements for judges within 48 hours after competition sign-ups officially close or the date for withdrawal, whichever is later. The ADR Director will utilize the Judge Request Form included herein as Appendix B. The Judging Directors will be responsible for confirming the judges.

Exception 2. Scheduling Competitions. This is the Chair's responsibility.

- Clause 5. *Judging Directors.*** The Judging Directors (“JDs”) shall be responsible for obtaining judges and/or mediators for all intramural competitions sponsored by the BOA. The JDs will also provide these judges and mediators with the information necessary to carry out their assignments, greet these judges and mediators upon arrival at the School of Law, provide refreshments for the judges and mediators, formally thank the judges and mediators for their participation, and in general, carry out all duties associated with obtaining and retaining these judges and mediators.
- Clause 6. *Membership Director.*** The Membership Director (“MD”) will supervise all matters pertaining to BOA membership as set forth in Article 1 and Appendix A to this Constitution. The MD will maintain an up-to-date membership list which he or she shall make easily accessible to all members of the Executive Board (e.g., the BOA Blackboard site, SharePoint site, or the BOA website). The MD will keep an up-to-date file of all membership requirements completed by members. The MD will be responsible for publicizing to the student body of the School of Law changes to Appendix A to this Constitution. The MD will preside over meetings of the Executive Board when the Chair cannot be present.
- Clause 7. *Public Relations Directors.*** The Public Relations Directors (“PRDs”) shall post all publicity regarding intramural events sponsored by the BOA within twenty-four (24) hours of receiving written notice of this information. Such publicity shall include, at a minimum, announcing upcoming competitions and recognizing competition champions. The PRDs shall produce programs for the final rounds of all intramural competitions. The PRDs shall publish the informational brochure on the Board of Advocates. The PRDs shall organize all matters pertaining to the annual BOA banquet in April.
- Clause 8. *Webmaster.*** The Webmaster is responsible for maintaining the BOA website. The Webmaster shall post all publicity and information regarding intramural events sponsored by the BOA within 48-hours of receiving written notice of this information.
- Clause 9. *Admiralty Director.*** The Admiralty Director (“AD”) is not governed by this Constitution. Additionally, although the AD is welcome to attend Executive Board meetings, the AD does not have voting rights.
- Clause 10. *National Secretary to the Order of Barristers.*** The National Secretary shall be governed by its independent constitution. Additionally, although the National Secretary is welcome to attend Executive Board meetings, the National Secretary does not have voting rights.
- Clause 11. *Assistant Directors.*** Assistant director positions will be available to any full-time student enrolled at the School of Law. The assistant directors will be selected through an application process with the Chair appointing the positions. The Assistant Director Application is included herein as Appendix C. The benefit of these positions will be to allow assistant officers to understand the inner workings of the BOA and to promote continuity within the BOA. Assistant directors will serve as members of the Executive Board but do not have voting rights.

Section 3. Election of Officers

- Clause 1. *Time.*** Officers shall be elected to the Executive Board once every academic year on a day set by the Chair. That date shall not be less than two (2) weeks prior to the annual BOA banquet.
- Clause 2. *Qualifications.*** Members of the BOA who have at least twelve (12) semester hours to complete prior to graduation from the School of Law and are in good standing are eligible to run for a position on the Executive Board. Good standing means that by the date of submittal of his or her Declaration of Candidacy, such member is not delinquent in his or her responsibilities as defined in Section 3 of Article 1. If elected, candidates must also meet the Executive Board Membership Qualifications as set forth in Part 1.03 of Section 1 of Appendix A to this Constitution.
- Clause 3. *Conduct of elections.*** The Chair, with the assistance of the Membership Director, will conduct the election. Candidates must submit a Declaration of Candidacy, included herein as Appendix D, to the Membership Director who will certify that the candidate is a member of the BOA in good standing. The Membership Director will post the Declarations of Candidacy in the BOA office by maintaining a binder containing all Declarations of Candidacy submitted by qualified members through election day. These declarations may be submitted up until 5:00 p.m. on the day prior to the day set for elections. The Chair may arrange for a meeting of the BOA membership prior to the election day to allow candidates to make speeches on behalf of their own candidacy. Only a candidate may speak on behalf of his or her candidacy—no endorsements by or for others shall be permitted. During the course of the campaign, candidates will be permitted to deliver to each BOA member one flyer, no larger than 8 1/2 inches by 11 inches, in support of his or her candidacy. Campaigning by phone is prohibited. Voting will be completed in a single day by secret ballot and will be supervised by the Chair and Membership Director. All BOA members may vote in the election as long as they have been a member of the BOA for at least one (1) week prior to the election day.
- Clause 4. *Elections and run-offs.*** Candidates shall be elected to each of the available positions by receiving a simple majority of votes counted for that position. If no candidate receives such a majority, a run-off election will be held between the top two vote recipients for that position on the school day immediately following the initial Election Day. Campaigning will be permitted in accordance with Clause 3 of this Section.

Section 4. Resignation of an Officer

- Clause 1. *Method.*** An officer may resign his or her position by written notice to the Executive Board. The resigning officer remains responsible for all the duties of his position until he or she is replaced by the Executive Board. Failure to fulfill these responsibilities is grounds for losing membership status in accordance with Section 4 of Article I of this Constitution.

Clause 2. *Replacement.* The Executive Board shall replace a resigning officer at the next Executive Board meeting after which it received notice of such resignation. Nominations can come from any member of the Executive Board. Nominees will be confirmed by a simple majority vote of the Executive Board.

Section 5. Removal of an Officer

Clause 1. *Loss of membership.* If a member of the Executive Board loses his or her BOA membership by any of the means set out in Section 4 of Article I of this Constitution, his or her loss of membership shall be considered a *de facto* resignation. His or her replacement will be carried out in accordance with Section 4, Clause 2 of this Article.

Clause 2. *Removal by the Executive Board.* Any member of the Executive Board may, upon written submission to the Chair (or to the Membership Director if the Chair is the member recommending or being recommended), recommend that a fellow officer be removed as a member of the Executive Board. Upon receipt of the recommendation, the Chair (or Membership Director) will post the recommendation in the BOA office. No later than seven (7) days from this posting, a meeting of the Executive Board will be held to vote on the recommendation. If the Chair is the subject of, or the maker of, the recommendation, the Membership Director shall act in his or her stead as the leader of the Executive Board meeting. The officer who is the subject of the recommendation will be offered an opportunity to respond before the vote on the recommendation. A two-thirds vote of *all* members of the Executive Board, not simply those members present, must be had to approve the recommendation for removal. If the Chair is the subject of the recommendation, and two-thirds of the entire Executive Board votes to approve the recommendation for removal, the faculty adviser must affirm such decision before the Chair is removed from office. If necessary, replacement will be made in accordance with Section 4, Clause 2 of this Article.

This provision is the exclusive means for terminating a member of the Executive Board. Additionally, because removal from the Executive Board is an extreme act, recommendation for removal of a members of the Executive Board shall not be made but for cause. “For cause” includes, but is not limited to, situations wherein an officer repeatedly fails to carry out the duties and requirements of his or her position, repeatedly represents the BOA in an extremely distasteful or inappropriate manner, is verbally or physically abusive to another member of the Executive Board or any BOA member while carrying out his or her duties as a member of the Executive Board, etc.

Clause 3. *Removal by the membership.* A petition signed by thirty percent (30%) of the membership of the BOA and submitted in the manner of Clause 2 of this Section will also suffice as a recommendation for removal in lieu of a recommendation from a member of the Executive Board. The process for removal will otherwise be the same as that set out in Clause 2 of this Section. Replacement will be carried out in accordance with Section 4, Clause 2 of this Article.

Section 6. Appeals A decision by an individual member of the Executive Board may be appealed by any student in the School of Law affected by the decision. All appeals will be made to the Grievance Committee. If the appeal is from a decision of the Chair (while acting as Chair), the Grievance Committee will hear the appeal in conjunction with the faculty advisor. The composition of the Grievance Committee and the procedures taken when a grievance is filed are included herein as Appendix E.

Article III. Competitions

Section 1. Mock Trial

- Clause 1. *Competitions.*** The BOA will sponsor at least one intramural novice mock trial competition and at least one intramural senior mock trial competition each semester. The BOA will also sponsor at least one intramural intermediate mock trial competition each year.
- Clause 2. *Rules.*** The rules for all intramural mock trial competitions are set forth in Appendix F to this Constitution.
- Clause 3. *Scoring.*** A sample judges' ballot for use in all intramural mock trial competitions is contained in Appendix G to this Constitution.
- Clause 4. *Responsibility.*** The Mock Trial Directors are the Executive Board members responsible for overseeing all aspects of conducting intramural mock trial competitions, whether or not the task involved is specifically delegated to them by this Constitution, or to another officer.

Section 2. Moot Court

- Clause 1. *Competitions.*** The BOA will sponsor at least one intramural moot court competition each semester.
- Clause 2. *Rules.*** The rules for all intramural moot court competitions are set forth in Appendix H to this Constitution.
- Clause 3. *Scoring.*** Sample judges' ballots are contained in Appendix I to this Constitution.
- Clause 4. *Responsibility.*** The Moot Court Directors are the Executive Board members responsible for overseeing all aspects of conducting intramural moot court competitions, whether or not the task involved is specifically delegated to them by this Constitution, or to another officer.

Section 3. Negotiation/Mediation/Voir Dire

- Clause 1. *Competitions.*** The BOA will sponsor at least one intramural negotiation competition, one intramural mediation competition and one intramural voir dire competition each year.
- Clause 2. *Rules.*** The rules for the intramural negotiation competition are set forth in Appendix J to this Constitution. The rules for the intramural mediation competition are set forth in Appendix L to this Constitution. The rules for the intramural voir dire competition are set forth in Appendix N to this Constitution.
- Clause 3. *Scoring.*** A sample judges' ballot for the intramural negotiation competition is contained in Appendix K to this Constitution. A sample judges' ballot for the intramural mediation competition is contained in Appendix M to this Constitution. A sample judges' ballot for the intramural voir dire competition is contained in Appendix O to this Constitution.
- Clause 4. *Responsibility.*** The Alternative Dispute Resolution Director is the Executive Board member responsible for overseeing all aspects of conducting intramural negotiation, mediation and voir dire competitions, whether or not the task involved is specifically delegated to him or her by this Constitution, or to another officer.

Section 4. Other Competitions

- Clause 1. *Procedure.*** In any semester, the Executive Board can vote to participate in, sponsor, or jointly sponsor any other intramural or interscholastic competition, although the Director of the Advocacy Program at the School of Law must be consulted before participating in any interscholastic competition. Such actions can be taken based on a simple majority vote of the Executive Board. Such a decision must be accompanied by a specification of the extent of the BOA's participation.
- Clause 2. *Effect.*** Any action carried out under Clause 1 in this Section shall have no binding effect on the BOA in future academic years. Continued participation in the future must be effected by a majority vote of the Executive Board.

Article IV. Ratification and Amendment

Section 1. Ratification This Constitution will be in effect upon its adoption by a two-thirds vote of the Executive Board.

Section 2. Amendment of Articles

Clause 1. *Proposal.* An amendment to an Article of this Constitution may be proposed by any officer in the Executive Board or by a petition signed by at least ten percent (10%) of the membership of the BOA. The proposal must be submitted in writing to the Chair.

Clause 2. *Ratification.* The Chair shall arrange for a day to vote on the proposal no less than one week and not more than two weeks from the date the proposal is received. The Chair may permit advocacy in favor of, and opposed to, the proposal as the Chair sees fit. The vote shall be by secret, written ballot. The vote shall be by all members of the BOA. A two-thirds majority of the votes cast is required to ratify the amendment.

Section 3. Amendment of Appendices

Clause 1. *Proposal.* An amendment to an appendix to this Constitution may be proposed by any member of the Executive Board. The proposal must be submitted in writing to the Chair.

Clause 2. *Ratification.* A vote on the proposal will be had at the next Executive Board meeting following the proposal. A two-thirds majority of the Executive Board members present at the meeting is required for ratification of a proposed amendment to an appendix.

Appendices

- A. Membership Application and Criteria
- B. Judge Request Form
- C. Assistant Director Application
- D. Declaration of Officer Candidacy
- E. Grievance Procedure
- F. Intramural Mock Trial Rules
- G. Sample Intramural Mock Trial Ballots
- H. Intramural Moot Court Rules
- I. Sample Intramural Moot Court Ballot
- J. Intramural Negotiation Rules
- K. Sample Intramural Negotiation Ballot
- L. Intramural Mediation Rules
- M. Sample Intramural Mediation Ballot
- N. Intramural Voir Dire Rules
- O. Sample Intramural Voir Dire Ballot



2008–2009 MEMBERSHIP APPLICATION

***Name** _____

Current Address _____

_____ Zip _____

Permanent Address _____

_____ Zip _____

***E-mail Address** _____

***UT EID** _____

Phone (H) _____ (C) _____

***Expected Graduation** (circle one): **2009** **2010** **2011**

***T-Shirt Size** (circle one): **Small** **Medium** **Large** **XL**

***Signature** _____ **Date** _____

***Required**

TO BE COMPLETED BY BOA DIRECTOR:

 Date of Membership Officer Name

Dues Paid (\$35)? Yes No

Approval for Membership: _____

Membership Director

*The rules and regulations of the Board of Advocates and
 The UT School of Law Honor Code govern this application*

The University of Texas School of Law
BOARD OF ADVOCATES

MEMBERSHIP CRITERIA

1. **Membership Requirements**

To remain in good standing, all members must satisfy the applicable requirements set forth below:

1.01 Second- and Third-Year Membership Qualifications

To retain membership in the Board of Advocates, each member who is a second- or third-year law student must fulfill the following requirements:

Competitions *Option 1:* Each member must compete in at least one intramural competition each semester.

Option 2: Each member must participate—as a witness, bailiff, or juror—in at least three intramural competition rounds each semester.

Option 3: Each member must participate in at least three extracurricular advocacy training programs, or sessions of such programs, sponsored either by the BOA or the Advocacy Program at the School of Law (e.g., Fall Litigation Institute, Voir Dire Workshop, Mediation Workshop, etc.).

Administrative Each member must attend one Final Round of any intramural competition each semester.

Membership Dues Membership dues must be paid in accordance with Section 2 of these Criteria.

1.02 First-Year Membership Qualifications

To retain membership in the Board of Advocates, each member who is a first-year law student must fulfill the following requirements:

Competitions *Option 1:* Each member must compete in at least one intramural competition during the Spring semester.

Option 2: Each member must participate—as a witness, bailiff, or juror—in at least one intramural competition round each semester.

Option 3: Each member must participate in at least one extracurricular advocacy training program, or session of such program, sponsored either by the BOA or the

Advocacy Program at the School of Law (e.g., Fall Litigation Institute, Voir Dire Workshop, Mediation Workshop, etc.).

Administrative Each member must attend one Final Round of any intramural competition each semester.

Membership Dues Membership dues must be paid in accordance with Section 2 of these Criteria.

1.03 Executive Board Membership Qualifications

Any student that is elected or appointed to the BOA Executive Board as a Director, and who is not yet a member, shall be automatically granted membership status upon payment of the annual membership fee. If the elected Director fails to pay said fee within three weeks, the election shall be nullified and said position shall be considered vacant. Such vacant position(s) shall be filled with the person who received the second-most votes in the previous election, or, if such person was appointed in accordance with Article II, Section 4, Clause 2 of the Constitution, a new person shall be appointed in accordance with Article II, Section 4, Clause 2 of the Constitution.

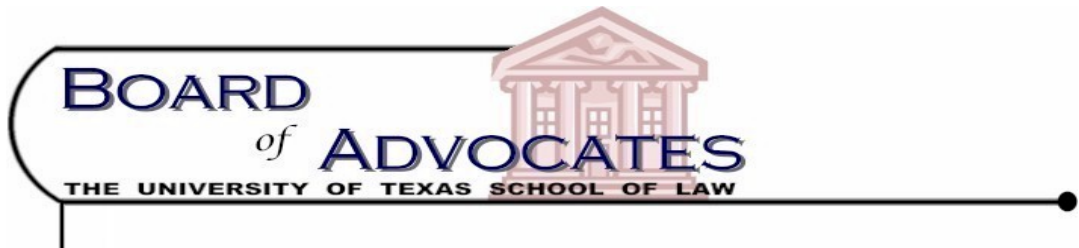
2. Payment

Members must pay an annual membership fee of \$35.00. *For continuing members only:* In order for a BOA member to remain in good standing, such member must pay an annual membership fee of \$35.00 by 5:00 p.m. on the second Friday of class each Fall semester.

3. Alumni Membership

A former member of the BOA may be awarded honorary membership in the BOA as an alumnus in accordance with the following criteria:

	<u>Financial Contributions</u>		<u>Serving as a Judge</u>
Sustaining Membership	\$50 per year	or	For two competition rounds each semester
Distinguished Membership	\$150 per year	or	For four competition rounds each semester
Lifetime Membership	\$1,000 one-time contribution		N/A



Judge Request Form

COMPETITION: _____

COMPETITION DIRECTOR: _____

JUDGING DIRECTOR: _____

ROUND	DAY	DATE	TIME	NUMBER OF JUDGES REQUIRED
ROUND I		/ /		
ROUND II		/ /		
OCTOFINAL ROUND		/ /		
QUARTERFINAL ROUND		/ /		
SEMIFINAL ROUND		/ /		
FINAL ROUND		/ /		

Any additional information that would assist the judging director: _____

*Turn in completed request form to Judging Directors.
Judging needs at least 1 week notice for judging requests.*



2008–2009 Assistant Director Application

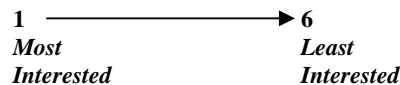
Date of Application: _____

Full Name: _____

E-Mail Address: _____

Expected Graduation (circle one): 2009 2010 2011

What positions are you most interested in?



- | | |
|--------------------------------------|---------------------------|
| _____ Public Relations | _____ Mock Trial |
| _____ Alternative Dispute Resolution | _____ Judging |
| _____ Moot Court | _____ Order of Barristers |

Please describe any experience or qualities that you possess which make you an attractive candidate for an Assistant Director in the Board of Advocates. If there are any positions that you absolutely do not want, or any position that you feel you are most qualified for, please describe what those positions are and why. Additionally, please include/attach your résumé with your completed application.

Please return this application to BOA@mail.law.utexas.edu or mail to:
Board of Advocates
727 E. Dean Keeton Street
Austin, TX 78705



Declaration of Officer Candidacy

Date: _____

Name: _____

Candidate for _____

Qualifications: _____

Additional Comments: _____

Membership Director's Signature
[certifying good standing]

Candidate's Signature



Grievance Procedure

Section 1. Composition of the BOA Grievance Committee

Clause 1. *Composition.* The BOA Grievance Committee will be composed of three law student BOA members who are in their second or third year.

Clause 2. *Eligibility.* Members need not be on the Executive Board in order to be a member of the Grievance Committee. Members who participated in the competition from which the grievance arose may not serve on the Grievance Committee for that grievance.

Clause 3. *Chief Justice.* One of the Grievance Committee members will serve as the Chief Justice. The Chief Justice will be appointed by the Chair.

Clause 4. *Justices.* The two other Grievance Committee members will have the title of Justice. Justices will be appointed by the Membership Director. If the Membership Director participated as a competitor in the competition wherein the grievance arose, whether or not the Membership Director was a part of the situation in which the grievance arose, the competition director(s) of the competition in which the grievance arose will appoint the two Justices.

Section 2. Purpose and Scope of the Grievance Committee

Clause 1. *Purpose.* The purpose of the Grievance Committee will be to ensure a system of uniform fairness in the Board of Advocates Intramural Competitions Program.

Clause 2. *Scope.* Any questions as to the intent of the BOA rules and regulations are to be resolved by the Grievance Committee.

Clause 3. *Power.* The decisions of the Grievance Committee regarding a grievance or complaint of the Board of Advocates Intramural Competition Program supersede those of all other members of the Executive Board.

Section 3. Procedure to be Followed Regarding Grievances or Complaints

Clause 1. *Good Faith.* Every grievance must be brought in good faith.

Clause 2. *Procedure.*

Step 1. Every complaint or grievance by a Board of Advocates Intramural Competition Program competitor should first be brought to the attention of the appropriate supervising BOA officer:

Supervising BOA Officer	Competition
Mock Trial Director(s)	Intramural Mock Trial Competitions
Moot Court Director(s)	Intramural Moot Court Competitions
Alternative Dispute Resolution Director	Intramural Mediation Competition Intramural Negotiation Competition Intramural Voir Dire Competition

The appropriate supervising BOA officer shall attempt to resolve the issue with the complaining party. An exception to this rule will be when the Mock Trial Director(s), Moot Court Director(s), or Alternative Dispute Resolution Director is implicated in the complaint. In such case, the grievance will be routed directly to the Chair.

Step 2. After the appropriate supervising BOA officer (or the Chair) attempts to resolve the issue, the complainant(s) may choose to make a written complaint to the Grievance Committee.

Step 3. If the complainant(s) is unsatisfied with the decision of the Grievance Committee, he or she may appeal the Grievance Committee’s decision by requesting a vote on the decision by the Executive Board. The Executive Board can overturn a decision of the Grievance Committee with a two-thirds vote of the entire Executive Board.

Clause 3. *Grievance Committee Decision Binding.* The decision of the Grievance Committee with respect to any grievance or complaint regarding the Board of Advocates intramural competition program is binding on the complainant(s) and cannot be overturned except by a two-thirds vote of the entire Executive Board. Such a vote must be requested in writing by the complainant(s) and delivered to the Chair. A vote regarding a decision of the Grievance Committee will be held at the next Executive Board meeting after such written notice is received.

Section 4. Format for the Grievance Process

Clause 1. *Oral Notification.* Upon recognition of a grievance or complaint the complainant will orally notify the appropriate supervising BOA officer—the Mock Trial Director(s), Moot Court Director(s), or Alternate Dispute Resolution Director—as soon as practicable during or after the competition event in question, but in no event later than two (2) hours after the complainant knew or should have known of the occurrence or situation that gave rise to the grievance or complaint. If the supervising BOA officer is implicated in the complaint of grievance, such oral notification shall be given to the Chair.

Clause 2. *Written Complaint.* The grievance or complaint must be submitted in writing (either in-person or by electronic mail) to the appropriate supervising BOA officer. *Written* notice must be given no later than twenty-four (24) hours after giving oral notification of the complaint or grievance. As a general rule, no complaint will be addressed unless this rule is strictly adhered to as

time is of the essence during competition events. Nonetheless, the appropriate supervising BOA officer has discretion to waive the time restrictions and hear a complaint that would otherwise be untimely.

All written complaints *must* include the following information: (a) the full name of the complainant(s); (b) the full name of all other involved parties; (c) a detailed account of the facts and circumstances that gave rise to the complaint or grievance; (d) a detailed explanation of what the complaint or grievance is; (e) a list of the issues that need to be resolved; (f) an explanation of the complainant's desired outcome. If a *complete* written complaint is not received by the appropriate supervising BOA officer within the time specified above, such complaint will be deemed untimely.

If the supervising BOA officer is implicated in the complaint of grievance, such written complaint shall be given to the Chair.

Clause 3. *Decision by BOA Officer.* The appropriate supervising BOA officer (or Chair) will attempt to resolve the issue within forty-eight (48) hours of the filing of the complaint, or before the next competition round, whichever is sooner, before the complaint is transferred to the Grievance Committee.

Clause 4. *Complaint to the Grievance Committee.* If the complainant(s) is unsatisfied with the decision of the supervising BOA officer (or Chair), the complainant(s) must submit a written complaint to the Grievance Committee in writing within twenty-four (24) hours of receiving the decision of the supervising BOA officer (or Chair). Such complaint must include the information specified above in Clause 2 of this Section. In addition, the appeal must fully explain why the complainant(s) believes the supervising BOA officer's decision is inappropriate or incorrect. The Grievance Committee must meet and render an opinion in writing to the complainant(s), in-person or by electronic mail, within forty-eight (48) hours of receiving a complete, written appeal.

Clause 6. *Appeals to the Executive Board.* The complainant(s) must submit all appeals to the Chair in writing within twenty-four (24) hours of receiving the decision of the Grievance Committee if the complainant(s) wishes for the Executive Board to vote on the Grievance Committee's decision. Such appeal must include the information specified above in Clause 2 of this Section. In addition, the appeal must fully explain why the complainant(s) believes the Grievance Committee's decision is inappropriate or incorrect. At the next Executive Board meeting after receipt of the written appeal of the Grievance Committee's decision, the Executive Board shall vote to uphold or reverse the decision of the Grievance Committee. A two-thirds vote of the entire Executive Board, not only the officers present at that meeting, is required to overturn a decision of the Grievance Committee.

Section 5. Decision-Making Process

Clause 1. *BOA Officer.* The burden is on the complaining party to prove the validity of his or her grievance or complaint. The supervising BOA officer, or if necessary, the Chair, will base his or her decision regarding the complaint solely on the written grievance or complaint of the complainant(s).

If the decision of the supervising BOA officer will affect a party other than the complainant(s) in any way, the supervising BOA officer must transfer the complaint or grievance to the Grievance Committee and the Grievance Committee must render a decision.

Clause 2. Grievance Committee. The burden is on the complaining party to prove the validity of his or her grievance or complaint. The Grievance Committee will base their decision regarding the complaint on the written grievance as well as written responses from all parties involved. The Grievance Committee *must* give all parties implicated in the complaint an opportunity to respond prior to the Grievance Committee making a decision, although such parties may choose not to respond. Once the Grievance Committee has heard a response from all parties who wish to respond, the Grievance Committee will render a decision.

Section 6. Remedies The Grievance Committee, in its sole discretion, may choose, but is not limited to, any of the following remedies:

Remedy 1. Ban any person from competing in the remainder of the competition out of which the complaint arose;

Remedy 2. Ban any person from competing in any BOA intramural mock trial competitions;

Remedy 3. Ban any person from competing in any BOA intramural moot court competitions;

Remedy 4. Ban any person from competing in any BOA intramural alternative dispute resolution competitions;

Remedy 5. Revoke any person's membership in the BOA

In no instance will a ban on competition involvement extend for longer than one year. If a ban is imposed during the spring semester, the ban extends until the completion of the following fall school term. Upon imposing a ban, the Grievance Committee must notify all members of the Executive Board via electronic mail.



Intramural Mock Trial Rules

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Article I. Introduction

- 110 **Mock trial rules.** Competitors have constructive notice of these rules.
- 120 **Posted times.** Competitors are responsible for knowing all information posted by 1:00 p.m. each day during the competition in the mock trial section of the glass case across the hall from the BOA office (Townes Hall 2.130). IF A CHANGE IS POSTED BY 1 P.M. IT MAY TAKE EFFECT AS EARLY AS THAT EVENING’S COMPETITION ROUND.
- 130 **Adverse witnesses.** No adverse witnesses may be called by an opposing party unless the Mock Trial Director permits them to be called upon release of the packet.
- 140 **Rule conflicts.** If specific rules included in a mock trial packet conflict with the Mock Trial Rules, the Mock Trial Rules will govern.
- 150 **Discretion.** Any matter not addressed by these rules is left to the discretion of the Mock Trial Directors and the Chair.

Article II. Definitions

- 210 **Mock Trial Director.** The Mock Trial Directors (“MTDs”) are the Executive Board members in charge of all administrative duties with regard to all intramural mock trial tournaments conducted throughout the year.
- 220 **Tournament Director.** The Tournament Director (“TD”) is the MTD who is responsible for running a particular intramural mock trial tournament. An MTD may compete in any competition in which he or she is not also the official TD. A TD may never compete in the competition over which he or she has authority.
- 230 **Executive Board member.** An Executive Board member is defined as any full-time Board of Advocates Director.
- 240 **Attorney.** An attorney is defined as any person holding a law degree or a license to practice law.
- 250 **Novice mock trial competitors.** A novice mock trial competitor is a law student who has completed at least two full-time semesters or twenty-seven hours of the law curriculum and who has not: 1) competed in prior law school intramural or interscholastic competitions or 2) enrolled in or completed an advanced trial advocacy class. **Exceptions may be allowed pursuant to the Tournament Director’s discretion.**
- 260 **Senior mock trial competitors.** A senior mock trial competitor is a law student who has completed at least two full-time semesters or twenty-seven hours of the law curriculum. **Exceptions may be allowed pursuant to the Tournament Director’s discretion.**

270 **Voluntary withdrawal.** A withdrawal is voluntary if the team withdraws by informing an MTD in writing by 5:00 p.m. on the day of the withdrawal deadline. No sanctions will be imposed for a voluntary withdrawal.

280 **Involuntary withdrawal.** A withdrawal is involuntary if a team fails to appear for a practice round or trial round or, after 5:00 p.m. on day of the withdrawal deadline, manifests to an MTD an intention not to appear prior to the round. See Rule 880 for the appropriate sanction.

Article III. Selection

310 **Sign-up.** Students who wish to compete in an intramural mock trial tournament must sign up at the mandatory meeting or submit their written intention to compete to an MTD. For team competitions, students should sign up in teams. Individuals without a partner may sign up individually, and the MTDs will *attempt* to pair them with another individual. The sign-up period ends at 5:00 p.m. on a date designated by the MTDs. It is within the MTDs' discretion to allow teams to sign-up after the deadline.

320 **Informational meeting.** It is mandatory that at least one team member (preferably both) attends the informational meeting.

330 **Code of Conduct.** It is mandatory that all competitors read, sign, and abide by the Code of Conduct attached hereto as Appendix A.

Article IV. General Rules (Competitors)

410 **Outside Assistance.** After the beginning of the first competition round (not including the educational round), novice competitors may not seek advice, assistance, coaching, or counseling from anyone other than their competition partner. Senior competitors may *never* seek advice, assistance, coaching, or counseling from anyone other than their competition partners.

420 **Exception for Interscholastic Team Members.** An exception to the "Outside Assistance" rule (Rule 410, above) will be made for both novice and senior competitors who have been selected to compete on an interscholastic team for which practice begins before the termination of the intramural competition. Those intramural competitors who were not selected for the interscholastic team have the right to attend the interscholastic practices so long as they have not been eliminated from the intramural competition. The purpose of this rule is to eliminate any unfair disadvantage to intramural competitors caused by other intramural competitors who are also members of an interscholastic team. Intramural competitors who are members of an interscholastic team are charged with constructive notice that they will be sanctioned if they take any part in denying access to the practices to intramural competitors not on the interscholastic team.

430 **Competitor-witness.** Competitors, whether or not they have been eliminated, may not
appear as witnesses. Competitors are charged with constructive knowledge of their
witnesses' participation in the competition.

440 **Judge-witness.** Students who have judged in earlier rounds (including educational rounds)
may not witness in subsequent rounds. Competitors are charged with constructive
knowledge of their witnesses' participation in the competition.

450 **BOA officer participation.** The Chair, MTDs, and Assistant MTDs may *never* witness or
bailiff, or serve as any other person with knowledge.

460 **Attorney participation.** Attorneys may *never* be witnesses.

470 **Tardiness.** Teams are expected to be on time and prepared for trial. This includes all team
members, the bailiff, and witnesses. **The MTDs or Assistant MTDs on duty or the
presiding judge may declare an involuntary withdrawal at any time if any team is not
prepared for trial by fifteen (15) minutes after the scheduled trial time.** Exceptions
may be allowed pursuant to the Tournament Director's discretion.

Article V. General Rules (Competition)

510 **Communication.** All questions or other communications to the TD regarding the mock
trial problem or the rules ***must be in writing***. Communications should be delivered in-
person or sent by electronic mail to the TD. All answers to all communications will be
published to all parties involved the tournament.

520 **Oral communication.** Any oral answer given by the Chair, MTD, Assistant MTD and/or
the Tournament Director ***will not be binding***.

530 **BOA officers and members.** No BOA members or officers participating in a competition
will have access to any information not made available to all other participants.

540 **Judges' decisions.** During trial, the presiding judge's decisions are final. Note that
demeanor and ability to handle a developing trial are criteria upon which you will be judged.
A clearly erroneous ruling during the trial may be designed to test your talents.

550 **Ballots.** Judges' ballots will be made available by 1:00 p.m. the day following the end of
each round. A sample judge's ballot is provided as an appendix to the BOA Constitution.

560 **Rescheduling.** Posted dates and times are final. The TD may, at his or her discretion,
reschedule a round to accommodate curriculum-related activities.

Article VI. General Rules (Trials)

- 610 **Witnesses.** Each team must supply two witnesses who will testify for the respective team's side—i.e. plaintiff/prosecution must bring two plaintiff/prosecution witnesses, defense must bring two defense witnesses. The problems are written to suggest two plaintiff/prosecution witnesses and two defense witnesses. If you are unsure which witnesses to supply, ask the MTDs.
- 610.1 **Conduct.** If asked, witnesses must respond that: (a) their written statements were read and are believed to be true, correct, and complete when made; (b) that the witness understood the importance of providing all significant information at the time; and (c) that the witness did include everything which he or she thought to be significant when the statement was made. **A team whose witness does not follow these rules will be subject to sanctions.**
- 610.2 **Use.** Each team must call at least two friendly witnesses to the stand to testify. Competitors may only call witnesses whose statements are contained in the trial packet and any testimony must be consistent with statements contained in the packet.
- 610.3 **Testimony.** Witnesses should confine their testimony to the record and/or written statements in the packet. Reasonable inferences from the packet are permitted. Inevitably, the witnesses will be asked questions that require going beyond the written statement. The practice of going beyond the record should be confined to **non-material** facts. When a witness goes beyond the record on a material fact, he or she may be impeached with the statement. *See Rule 610.1.* **A material fact is a fact which makes the outcome more or less probable than it would be without the fact.**
- 610.4 **Impeachment by omission.** If asked, a witness must admit whether a statement is contained in the materials. If asked, witnesses must admit whether their attorney instructed them to testify to something outside the packet.
- 620 **Bailiff.** The plaintiff/prosecution must supply the bailiff. The bailiff is an officer of the Court and is to remain impartial. The bailiff must arrive in the BOA office (TNH 2.130) **twenty minutes** before the round is scheduled to begin. If a team fails to supply a bailiff, such failure may result in sanctions at the discretion of the TD. Additionally, if a bailiff is late and/or does not show up, the team who supplied such bailiff may, at the discretion of the TD, be held responsible and appropriate sanctions may be administered. *See Rule 820.*
- 630 **Division of responsibilities.** Each of the two team members must conduct at least one direct examination and one cross-examination. Only one team member may examine or cross-examine any one witness. The team member examining or cross-examining such witness must also bear full responsibility for objecting to opposing counsel's questions of that witness. Only the applicable team member may make objections but co-counsel may be consulted. One team member shall make the opening statement, and the other team member shall make the closing argument. Both team members must stay for the duration of the round. Exceptions to this rule are made in circumstances governed by Rule 880.
- 640 **Governing Rules.** The Federal Rules of Evidence and Federal Rules of Civil or Criminal Procedure shall apply during the trial unless the TD specifies otherwise.

650 **Presentation.** Counsel should present his or her case from the place (i.e. podium, standing at counsel table, sitting at counsel table) directed by the judge. To make an objection, counsel should rise and address the Court.

660 **Spectators.** Educational rounds, round I, round II, octofinals, and quarterfinals will be open subject to veto by any participant or the judge. The semifinal and final rounds will be open to all.

670 **Competitor-observer.** With the exception of Rule 920 (“byes”), competitors may not watch other rounds of the mock trial competition in which they are competing. Good faith observance of this rule includes, but is not limited to, not listening to reports of strategies used in other trials.

680 **Sequence.** Trials shall proceed in the following manner:

Step 1: *Housekeeping matters & preliminary motions.* The Court may consider motions in limine or other preliminary motions.

Step 2: *Opening statements.* The plaintiff/prosecution opens first, followed by the defense. Senior competitors may reserve defense opening statement until after the plaintiff/prosecution has rested.

Step 3: *Plaintiff/prosecution case-in-chief.*

Step 4: *Motion for Directed Verdict (civil) or Motion for Judgment of Acquittal (criminal).* Motions for directed verdict/judgment of acquittal should be made for the purpose of demonstrating advocacy skills. Such motions will be denied as a matter of course so that the trial may proceed. Making such motions is optional.

Step 5: *Defense case-in-chief.*

Step 6: *Motion for Directed Verdict (civil) or Motion for Judgment of Acquittal (criminal).* Motions for directed verdict/judgment of acquittal should be made for the purpose of demonstrating advocacy skills. Such motions will be denied as a matter of course so that the trial may proceed. Making such motions is optional.

Step 7: *Closing arguments.* The plaintiff/prosecution closes first, followed by the defense. The plaintiff/prosecution may reserve a portion of its time for rebuttal.

Article VII. The Record

710 **Physical evidence.** No physical evidence may be offered into evidence, unless it is included in the problem packet.

720 **Demonstrative evidence.** A copy or enlarged reproduction of a chart or diagram from a mock trial packet may be offered into evidence. Charts, diagrams, and summaries produced during a round may also be offered into evidence.

730 **Outside the record. Competitors may not object on the grounds that testimony goes beyond the record.** Fabrications shall be dealt with adequately on cross-examination by impeachment by omission, in accordance with Rule 610.4.

Article VIII. Rule Violations and Sanctions

810 **Sanctions.** Violations of the Mock Trial Rules will subject the violator to sanctions by the MTDs. Sanctions include, but are not limited to, receiving a lower seed in a subsequent round, deletion of points, forfeiture of a round, or removal from the tournament. The MTDs shall have complete discretion in deciding what sanctions are appropriate for the offense.

820 **Violation by witnesses and bailiffs.** Competitors will be held responsible for their witnesses' and bailiff's violations of these rules.

830 **Appeals.** Decisions by the MTD are subject to appeal in accordance with Section 6 of Article II of the BOA Constitution.

840 **Standing.** Complaints concerning alleged rule violations may only be asserted by a competitor involved in the particular round at issue, the TD, or the Chair. All complaints must be in writing and signed and must allege the violations with specificity. See the Grievance Procedure included as an appendix to the BOA Constitution for an explanation of what must be included in a written complaint or grievance. E-mail is an acceptable way to submit complaints.

850 **Time limit.** Complaints concerning alleged rule violations must be orally brought to the attention of a MTD within two (2) hours after the complainant knew or should have known of the occurrence or situation that gave rise to the grievance or complaint. Additionally, a written complaint must be submitted within twenty-four (24) hours after giving oral notification of the complaint or grievance. See the Grievance Procedure attached as an appendix to the Constitution for further instruction regarding the procedure with respect to filing a grievance or complaint. This rule is subject to Rule 870.

860 **Expeditious handling.** All complaints will be fully investigated by the MTDs and resolved within forty-eight (48) hours of the filing of the written complaint, or before the next competition round, whichever is sooner.

870 **Post-round rule violations.** Post-round rule violations are defined as those violations, which could not be detected by the harmed team during the round. They include, but are not limited to, receiving improper outside assistance, knowing the judge, or using an attorney as a witness. If such a violation is found to have occurred, and the harmed team has lost the round, the harmed team will replace the violating team in the bracket. If another round has occurred between the time the violation occurs and the time the complaint is resolved, the violating team will be disqualified and no team will take its place. Regardless of who

ultimately advances, the violating team will either, at the discretion of the MTDs: (a) be banned from competing in the remainder of the competition out of which the complaint arose; or (b) be banned from competing in any BOA intramural mock trial competitions for both the current and following semesters.

880 **Involuntary withdrawals.** If a team involuntarily withdraws, as that term is defined by Rule 280, the withdrawing student(s) will become ineligible to compete in any tournament run by the Board of Advocates for the remainder of the semester, but in no event less than two subsequent tournaments. A showing of good cause may eliminate or reduce the sanction pursuant to the TD’s discretion. Good cause may include, but is not limited to, personal illness, injury, the illness or death of a family member, or other extenuating circumstances. If a partner withdraws, the remaining partner may be required to continue in the tournament pursuant to the TD’s discretion. If the remaining partner then involuntarily withdraws he or she may suffer sanctions.

890 **Curable rule violations.** Curable rule violations are defined as those which occur during the round and which may be cured by objection and citation to the particular rule at issue. They include, but are not limited to, improper use of exhibits and improper submission of written briefs or remarks. If such a violation occurs, the harmed team must object and cite the rule to the judge. If the judge finds that the rule was violated, the judge should sustain the objection and prevent the use of the extraneous case material. If the judge finds that the rule was not violated and the objecting team believes that the judge’s ruling was erroneous, the objecting team should file a complaint pursuant to Rule 850. **Failure to object to a curable rule violation at trial waives any and all objection to such a violation at a later date.**

Article IX. Pairings

910 **Generally.** Senior, intermediate, and novice competitions will be bracketed in the following manner: Preliminary Rounds – random; Elimination Rounds – power protected. “Power” will be determined first, by win/loss record and secondly, by point spread.

920 **Byes.** “Byes,” when required, will be awarded randomly. A team awarded a bye may observe one trial round for the round in which they receive a “bye.” The TD will randomly select the trial to be observed. In the preliminary rounds, a team awarded a “bye” will not face a team they have observed. Instead, the team will be switched with the next lower-ranked team that was not involved in the round. “Byes” in preliminary rounds will be counted as a win, and the team will be awarded the average score of all winning teams, with both the high and low scores omitted. “Byes” will be counted as a win for all BOA purposes, including, but not limited to, seeding, membership, and Order of Barristers selection.

930 **Single elimination.** Beginning with the Octofinal Round, all competitions will be single elimination.

940 **Breaks.** All teams will break in accordance with the procedure set out in Appendix B to the Mock Trial Rules. A sample bracket is set out in Appendix C.

Article X. Sides

1010 **Switching sides.** After Round I, teams will be scheduled to switch sides whenever possible. Barring withdrawals, novice teams will remain on the same side in the Educational Round and in Round I. If two teams who have met in preliminary rounds meet again in elimination rounds, they will represent the opposite side that they represented in the previous round. If this is not possible, the team switching sides will be determined randomly.

Article XI. Time Allowances (Novice Competitions)

1110 **Motions in limine.** Each team will be allowed ten (10) minutes to present any pretrial motions to the Court. Time spent arguing the motion before the Court is subtracted from the time allocated to the team presenting the motion. Responses to such pretrial motions shall not be timed.

1120 **Opening statements.** Each team will be allowed five (5) minutes for opening statements.

1130 **Direct examination.** Each team will be allowed up to a total of thirty (30) minutes for direct and redirect examination of all witnesses called during its case-in-chief. Direct examination of any one witness may not exceed fifteen (15) minutes.

1140 **Cross-examination.** Each team will be allowed up to ten (10) minutes per witness for cross- and re-cross-examination.

1150 **Closing arguments.** Each team will be allowed up to ten (10) minutes to present its closing argument. The plaintiff/prosecution may reserve a portion of its time for rebuttal.

1160 **Objections.** Time consumed presenting and answering objections shall not be assessed against either team.

1170 **Adverse Witness.** A side that calls an adverse witness, as permitted by Rule 130, will have time assessed against the cross-examination of that witness. A side that cross-examines a friendly witness will have time assessed against the direct examination of that witness.

1180 **Witness voir dire.** Voir dire examination will be assessed against cross-examination time. Similarly, rehabilitation on voir dire will be assessed against direct examination time.

1190 **Extensions.** Counsel may move the Court for extensions of the allowed times. Extensions are wholly within the discretion of the Court.

Article XII. Time Allowances (Senior and Intermediate Competitions)

- 1210 **Allotment.** Each team will be given seventy-five (75) minutes to allot to the various portions of their presentation as they see fit.
- 1220 **Motions in limine.** Time spent arguing the motion before the Court is subtracted from the time allocated to the team presenting the motion. Responses to motions shall not be timed.
- 1230 **Opening statements.** Time spent presenting an opening statement before the Court is subtracted from the time allocated to the team presenting such statement.
- 1240 **Direct examination.** Time spent examining a witness during both direct and re-direct is subtracted from the time allocated to the examining team.
- 1250 **Cross-examination.** Time spent cross-examining a witness during both cross and re-cross is subtracted from the time allocated to the examining team.
- 1260 **Closing arguments.** Time spent making a closing argument before the Court is subtracted from the time allocated to the team presenting such argument. Time spent by the plaintiff/prosecution during rebuttal is subtracted from the time allocated to the plaintiff/prosecution.
- 1270 **Objections.** Time consumed presenting and answering objections shall not be assessed against either team.
- 1280 **Adverse Witness.** A side that calls an adverse witness, as permitted by Rule 130, will have time assessed against the cross-examination of that witness. A side that cross-examines a friendly witness will have time assessed against the direct examination of that witness.
- 1290 **Witness voir dire.** Voir dire examination will be assessed against cross-examination time. Similarly, rehabilitation on voir dire will be assessed against direct time.
- 1295 **Extensions.** Counsel may move the Court for extensions of the allowed times. Extensions are wholly within the discretion of the Court.

Article XIII. Mock Trial Limitations

- 1310 **Oral proceedings.** No written briefs or remarks, except written motions in limine, may be submitted to the Court at any time. Written motions in limine must be limited to a statement of each motion. No written clarifications or explanations of such motions will be allowed.
- 1320 **Citation.** Citation will be limited to the contents of the Federal Rules of Evidence, the Federal Rules of Civil and Criminal Procedure, the Mock Trial Rules, and specific statutory materials delineated in the trial packet. *Note: If the Texas Rules of Evidence and Procedure apply then those rules may be cited.*
- 1330 **Defects.** No amendments or objections to the pleadings will be allowed during the trial. Any objections should be made in writing to the TD by 1:00 p.m. on the day before the first competition round.

1340 **Witness statement.** No objection or argument will be permitted based upon the variance from the contents of the packet to the actual weight, age, height, or sex of the person role-playing as a witness.

1350 **Expert witness.** Objections may be made to the qualifications of an expert witness. Expert witnesses may be impeached only on the basis of incorrect or contradictory statements made a part of the mock trial packet problem. Expert witnesses may not be impeached on the basis of a lack of knowledge of the person role-playing as an expert witness in their field (that is, the field expertise indicated by their witness statement).

MOCK TRIAL RULES APPENDIX A

Code of Conduct for Participation in Intramural Competitions

When you participate in mock trial or moot court, you begin your career as a lawyer. You are developing a reputation that will follow you even when you leave law school. Just as in the real world, your integrity as a lawyer is your most important commodity. At the University of Texas School of Law, “professionalism” is not just a word. It is what gives meaning to the higher calling to be a lawyer—to represent people in some of the most important events in their lives and some of the most important issues of our nation.

Your fellow students give their time and energy to provide you with the opportunity to compete in intramurals. Many of them sacrifice the chance to compete themselves so that you can. We will not tolerate unprofessional behavior that has marred competitions in the past. As a participant in an intramural competition, you ***MUST*** agree to the following code of conduct, or you cannot participate. This list is not exhaustive but simply prescribes the ***minimum*** standard of conduct all participants must follow.

I will treat my fellow students with respect.

I will appreciate the time and dedication of the lawyers who volunteer their time to judge rounds.

I will treat my partner and opponents with dignity and respect.

I will be professional and avoid even the appearance of impropriety with all my dealings with anyone connected to this competition.

I acknowledge that if my conduct falls below the highest standards of professionalism that I may be summarily dismissed from competition.

If, after reading the above, you have questions regarding what you can and cannot do during a competition, you probably should not be competing.



I have read this Code of Conduct for Participation in Intramural Competitions, acknowledge the degree of professionalism and integrity required of me, and agree to behave accordingly.

Signed: _____

Date: _____

Printed Name: _____

MOCK TRIAL RULES APPENDIX B

Mock Trial Breaking Criteria

1. No 0-2 (win/loss) teams will advance.
2. The first method for determining which teams will advance is based on win/loss record. The number of 1-1 teams to advance will be the number necessary to complete the bracketing. E.g., if the competition breaks to octofinals and there are eight undefeated teams, then eight 1-1 teams will advance to equal the number of teams needed (16) for octofinals. If the competition breaks to quarterfinals and there are six 2-0 teams, then only two 1-1 teams will advance to total the eight teams necessary for quarterfinals.
3. The second method for determining which teams will advance will be total point spread—the higher the better.

Example #1: Round 1: Team A wins by 4 points.
Round 2: Team A wins by 6 points.
Total point spread is +10 points

Example #2: Round 1: Team B loses by 4 points.
Round 2: Team B wins by 10 points.
Total point spread is +6 points.

Example #3: Round 1: Team C loses by 8 points.
Round 2: Team C wins by 6 points.
Total point spread is -2 points.

In the event of a tie, the tiebreaker method will be:

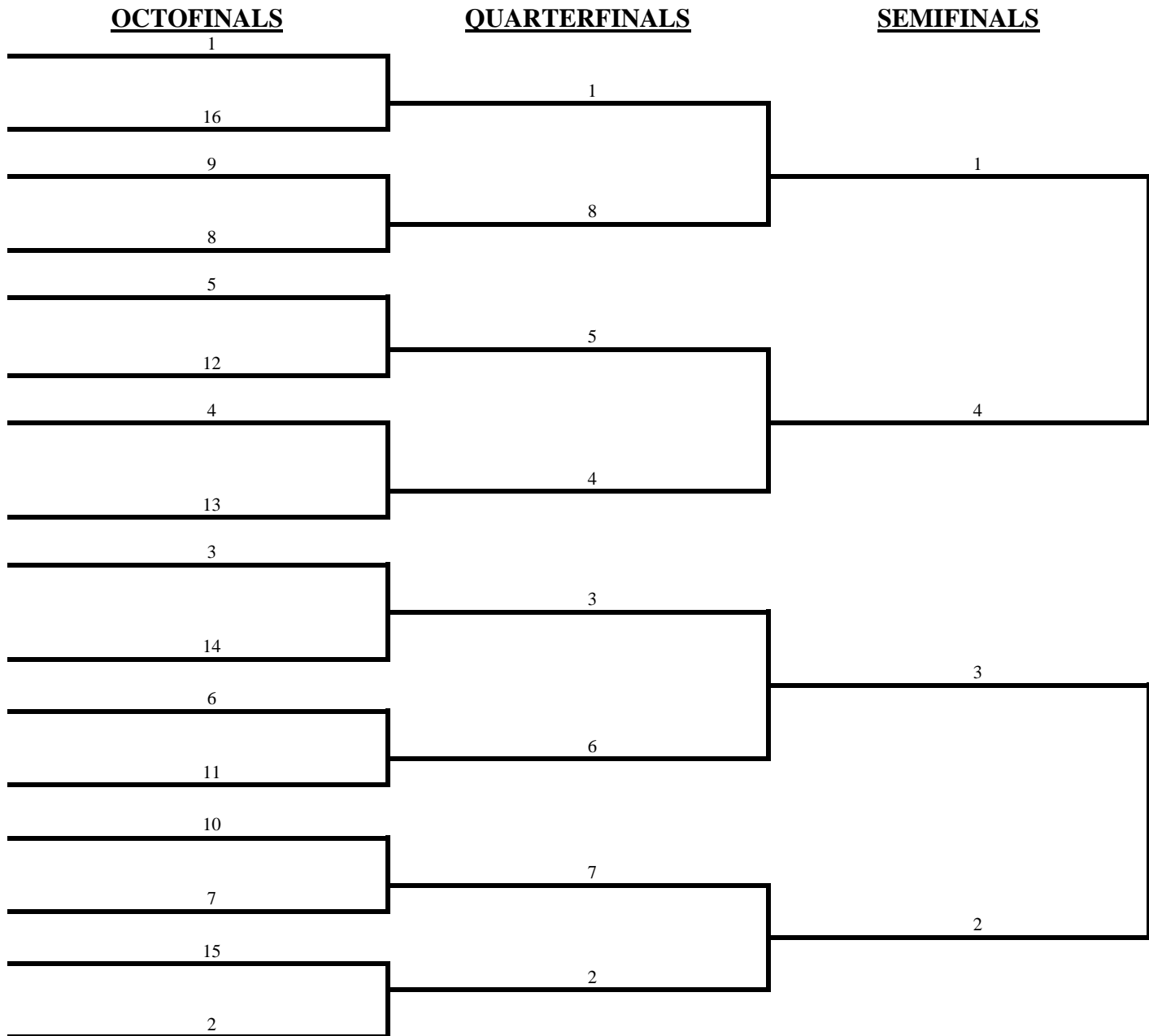
- (1) Head-to-head competition (if the two teams met previously)
- (2) Coin toss (To be performed in the presence of representatives from both affected teams, or in either team's absence, by their consent).

4. The first elimination round will be power protected. Brackets will be determined by the following criteria: (1) Win/Loss record of preliminary rounds (2) Total point spread in preliminary rounds. Points will be determined in the same manner for determining advancement (see #3 above). *See Appendix C attached hereto with respect to how teams are paired after the first elimination round.*
5. In the event there is an even number of judges responsible for scoring the competition, and each team is credited with a win by one judge a piece, a win will be calculated by the total point spread.

Example: Judge 1 credits Team A with the win by 4 points.
Judge 2 credits Team B with the win by 6 points.
→The win is credited to Team B as a win by 2 points.

MOCK TRIAL RULES APPENDIX C

Mock Trial Brackets



INTRAMURAL MOCK TRIAL BALLOT

Judge _____ Round _____

PROSECUTION (Team No.): _____ Competitor _____ & Competitor _____	DEFENDANT (Team No.): _____ Competitor _____ & Competitor _____
--	--

(Please fill out the names of the volunteers, not the characters they're playing, below— we use the witness/bailiff portion of the ballot to track students for membership purposes)

Witness #1 _____ Witness #2 _____	Witness #1 _____ Witness #2 _____
--	--

Bailiff _____

MOTIONS IN LIMINE - 10 points

PROSECUTION	DEFENDANT
Explained background of case Provided a rule to support motion Persuasively related law to case Effectively argued and responded to MIL	Explained background of case Provided a rule to support motion Persuasively related law to case Effectively argued and responded to MIL
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

OPENING STATEMENT - 10 points

PROSECUTION	DEFENDANT
Explained the facts of the case Explained the trial process Preview of witnesses Overall demeanor and style	Explained the facts of the case Explained the trial process Preview of witnesses Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

FIRST WITNESS – 10 points

PROSECUTION <u>Direct Examination</u>	DEFENDANT <u>Cross Examination</u>
Asked effective questions Made and defended objections well Exhibited control of the witness Overall demeanor and style	Asked effective questions Made and defended objections well Maintained control of the witness Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

SECOND WITNESS – 10 points

PROSECUTION <u>Direct Examination</u>	DEFENDANT <u>Cross Examination</u>
Asked effective questions Made and defended objections well Exhibited control of the witness Overall demeanor and style	Asked effective questions Made and defended objections well Maintained control of the witness Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

THIRD WITNESS – 10 points

PROSECUTION <u>Cross Examination</u>	DEFENDANT <u>Direct Examination</u>
Asked effective questions Made and defended objections well Maintained control of the witness Overall demeanor and style	Asked effective questions Made and defended objections well Exhibited control of the witness Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

FOURTH WITNESS – 10 points

PROSECUTION <u>Cross Examination</u>	DEFENDANT <u>Direct Examination</u>
Asked effective questions Made and defended objections well Maintained control of the witness Overall demeanor and style	Asked effective questions Made and defended objections well Exhibited control of the witness Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

CLOSING ARGUMENT - 10 points

PROSECUTION	DEFENDANT
Effectively utilized facts, exhibits and demonstratives Clearly explained applicable law Persuasively related law to facts Overall demeanor and style	Effectively utilized facts, exhibits and demonstratives Clearly explained applicable law Persuasively related law to facts Overall demeanor and style
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

**EFFECTIVE USE OF AND RESPONSES TO OBJECTIONS –
10 points**

PROSECUTION	DEFENDANT
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

**GENERAL TEAM MECHANICS/OVERALL PRESENTATION –
10 points**

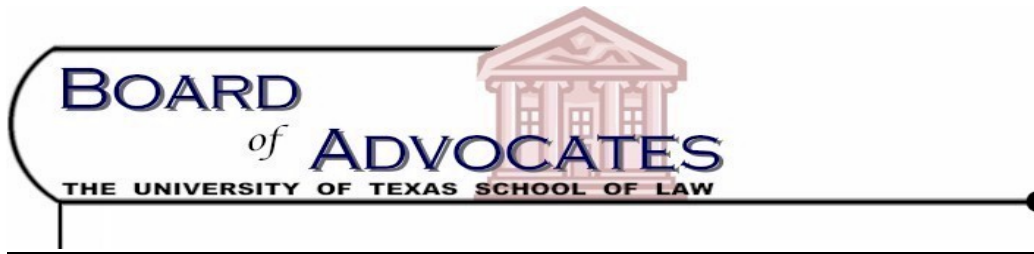
PROSECUTION	DEFENDANT
Deposition witnesses Teamwork Effective exhibits and demonstratives Case theory or theme effectively communicated	Deposition witnesses Teamwork Effective exhibits and demonstratives Case theory or theme effectively communicated
SCORE _____ (10 points possible)	SCORE _____ (10 points possible)

OVERALL –

Total all of the above points for each team and circle the winner

PROSECUTION Total (90 points):	DEFENDANT Total (90 points):

Judge's Signature _____ **Date:** _____



Intramural Moot Court Rules

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100.00 CONSTRUCTIVE NOTICE

- 100.10 *Of the Rules.* Competitors have constructive notice of these Intramural Moot Court Rules (“Rules”).
- 100.20 *Of Posted Times.* Competitors are responsible for all information posted by 1:00 p.m. in the BOA office (Townes Hall 2.130) or in the glass case located outside of the BOA office. **IT IS REQUIRED THAT TEAM MEMBERS CHECK THE BOARDS AFTER 1:00 p.m. EACH DAY OF THE COMPETITION.** Competitors are not required to check the boards on weekends, unless a round is scheduled to be held on a Sunday, in which event team members are responsible for information posted before 1:00 p.m. the preceding Saturday.
- 100.30 *Rule Conflicts.* If rules included in a moot court problem packet conflict with these Rules, these Rules will govern, unless the packet specifically states that it was meant to supersede these Rules.

200.00 INTRODUCTION

- 200.10 *Interpretation.* The purpose of intramural moot court competitions is to provide an opportunity for development of appellate advocacy skills. The Moot Court Directors (“MCDs”) will interpret these Rules in accordance with this purpose.
- 200.20 *Standard.* Written rules provide guidance when applied to unanticipated circumstances. Competitors are expected to adhere to the spirit, not the letter, of these rules.
- 200.30 *Sanctions.* Violations of the Rules will subject the violator to sanctions by the MCDs as determined by the BOA Constitution.
- 200.40 *Directors.* The MCDs will make all decisions regarding interpretation of these Rules. The MCDs may establish specific competition rules to aid in facilitating each particular competition in the spirit of Rule 200.10. Specific competition rules shall be made available to the moot court participants no later than one (1) week before the written brief is due.

300.00 SELECTION

- 300.10 *Sign-Up.* Students who wish to compete must sign-up in the BOA office or other areas designated by the MCDs during the announced sign-up period. Failure to sign-up during the sign-up period may prevent a team from participating in the competition. It is up to the MCDs’ sole discretion whether or not to permit students to sign-up for the moot court competition after the sign-up deadline has passed. Students must also comply with any other applications and/or sign-up requirements and deadlines established by the MCDs.
- 300.20 *Selecting Preliminary Round Competitors.* Both the Fall Moot Court Competition and Spring Moot Court Competition shall be open to all second-year and third-year law students, unless those students are ineligible to compete under the BOA Constitution.

300.30 *Preliminary Round Bracketing.* Teams competing in Round I and Round II will be randomly paired by the MCDs.

300.40 *Elimination Rounds.* Assignment to, and bracketing of, elimination rounds will be governed by Appendices A, B, and C attached hereto.

400.00 WITHDRAWALS

400.10 *Voluntary Withdrawal.* A withdrawal is voluntary if the team withdraws by informing either MCD in writing by 5:00 p.m. on the day of the withdrawal deadline. No sanctions will be levied for this type of withdrawal.

400.20 *Involuntary Withdrawal.* A withdrawal is involuntary if a team withdraws from the competition after 5:00 p.m. on the day of the withdrawal deadline per Rule 400.10, fails to appear for a moot court round, manifests an intent to the MCDs prior to the round not to appear for that round, or violates any of the Rules in such a way that results in the team's removal from the competition. See Section 500.00 for the appropriate sanction.

500.00 RULE VIOLATIONS AND SANCTIONS

500.10 *Standing.* Complaints concerning alleged rule violations may only be asserted by a competitor involved in the particular round at issue, the MCDs, or the Chair. All complaints must be in writing and signed and must allege the violations with specificity. See the Grievance Procedure included as an appendix to the BOA Constitution for an explanation of what must be included in a written complaint or grievance. E-mail is an acceptable way to submit complaints.

500.20 *Limitations.* Complaints concerning alleged rule violations must be orally brought to the attention of a MCD within two (2) hours after the complainant knew or should have known of the occurrence or situation that gave rise to the grievance or complaint. Additionally, a written complaint must be submitted within twenty-four (24) hours after giving oral notification of the complaint or grievance. See the Grievance Procedure attached as an appendix to the Constitution for further instruction regarding the procedure with respect to filing a grievance or complaint. This rule is subject to Rule 500.50.

500.30 *Expeditious Handling.* All complaints will be fully investigated by the MCDs and a decision rendered within forty-eight (48) hours of the filing of the written complaint, or before the next competition round, whichever is sooner, pursuant to the Clause 3 of Section 4 of the Grievance Procedure provided as an appendix the BOA Constitution.

500.40 *Involuntary Withdrawals.* If a team involuntarily withdraws, as that term is defined by Rule 400.20, the withdrawing student(s) will become ineligible to compete in any tournament run by the Board of Advocates for the remainder of the semester, but in no event less than two subsequent tournaments. A showing of good cause may eliminate or reduce the sanction pursuant to the MCDs' discretion. Good cause may include, but is not

limited to, personal illness, injury, the illness or death of a family member, or other extenuating circumstances. If a partner withdraws, the remaining partner may be required to continue in the tournament pursuant to the MCDs' discretion. If the remaining partner then involuntarily withdraws he or she may suffer sanctions.

500.50 *Post-round Violations.* Post-round rule violations are defined as those violations, which could not be detected by the harmed team during the round. They include, but are not limited to, receiving improper outside assistance or knowing the judge. If such a violation is found to have occurred, and the harmed team has lost the round, the harmed team will replace the violating team in the bracket. If another round has occurred between the time the violation occurs and the time the complaint is resolved, the violating team will be disqualified and no team will take its place. Regardless of who ultimately advances, the violating team will either, at the discretion of the MCDs: (a) be banned from competing in the remainder of the competition out of which the complaint arose; or (b) be banned from competing in any BOA intramural moot court competitions for the both the current and following semesters.

500.60 *Additional Sanctions.* In addition to suspension from BOA activities, teams or individuals who involuntarily withdraw (see Rules 400.20 and 500.40) or commit a post-round rule violation (see Rule 500.50) will be considered the lowest seeded/ranked team for purposes of preference selection in future moot court competitions for which they are eligible.

600.00 GENERAL RULES

600.10 *Outside Assistance.* Competitors may not seek advice, assistance, coaching, or counseling from anyone but their competition partner. This rule is in effect from the time of the informational meeting or when the moot court problem is released, whichever is earlier.

600.20 *Competitor-observer.* Competitors may not watch other rounds of the Moot Court Competition in which they are competing. Good faith observance of this rule includes, but is not limited to, not listening to reports of strategies used in other rounds.

600.30 *Moot Court Directors as Bailiff.* The MCDs may never bailiff; however, other Board of Advocates' officers will not be barred from serving as a bailiff.

600.40 *Attorney-bailiff.* Attorneys may never bailiff. An attorney is defined as any person holding a law degree and/or a license to practice law.

600.50 *Communication.* All questions or other communications to the MCDs regarding the problem or the Rules must be in writing. Communications should be given to one or both of the MCDs in-person or sent to one or both of the MCDs via electronic mail. Written responses to questions will be posted within twenty-four (24) hours in the glass case located outside of the BOA office (TNH 2.130).

600.60 *Oral Communication.* Any oral answer given by the MCDs will not be binding.

- 600.70 *Bench Memo.* Only the MCDs, the Judging Directors and the Chair will have access to the judges' bench memo during the competition. However, the bench memo will be made available to all after the final round of the competition upon request.
- 600.80 *Judges' Decisions.* During a round, the presiding judge's decisions will be final. Note that demeanor and ability to handle judges' questions and comments are criteria upon which you will be judged.
- 600.90 *Brief Ballots.* Brief ballots will be made available to the competitors the week following the end of the competition. A sample brief scoring ballot is provided as an appendix to the BOA Constitution.
- 600.100 *Oral Ballots.* Oral ballots will be posted by 1:00 p.m. on the day following the applicable competition round. A sample oral argument scoring ballot is provided as an appendix to the BOA Constitution.
- 600.110 *Bailiff.* The Appellant must supply the bailiff. The bailiff is an officer of the Court and is to remain impartial. The bailiff must arrive in the BOA office (TNH 2.130) **twenty (20) minutes** before the round is scheduled to begin. If a team fails to supply a bailiff, such failure may result in sanctions at the discretion of the MCDs. Additionally, if a bailiff is late and/or does not show up, the team who supplied such bailiff may, at the discretion of the MCDs, be held responsible and appropriate sanctions may be administered.
- 600.120 *Spectators.* Preliminary rounds, the Octofinals and Quarterfinals will be open to spectators subject to veto by any participant or presiding judge. The Semifinals will be open to spectators, other than team members competing in Semifinals. The final round will be open to all spectators.
- 700.00 ORAL ARGUMENTS**
- 700.10 *Side Preparation.* Competitors should be prepared to argue both as appellant/ petitioner and as appellee/respondent. Teams will be informed no later than twenty-four (24) hours after their most recent round of the side they will be arguing for the next round.
- 700.20 *Content.* Teams will not be limited to arguing the content of their brief.
- 700.30 *Time Allocation.* Oral argument shall be limited to thirty (30) minutes total per team. Appellants/respondent may reserve up to five (5) minutes for rebuttal. **No individual may speak for more than eighteen (18) minutes of their team's allotted time.**
- 700.40 *Tardiness.* Teams are expected to be on time and prepared for oral argument. This includes all team members and the bailiff, if required. The MCDs or Assistant MCDs on duty or a presiding judge may declare an involuntary withdrawal (see Rule 400.20) at any time if one or both teams are not prepared for argument by ten (10) minutes after the scheduled round time. The MCDs or Assistant MCDs on duty or presiding judge **must**

declare an involuntary withdrawal if one or both teams are not prepared for argument by twenty (20) minutes after the scheduled round time.

800.00 THE BRIEF

- 800.10 *Submission.* Each team must submit **six (6) copies** of its brief by the brief deadline. Briefs must be in compliance with Rule 800.70 prior to acceptance. In addition, one (1) copy of the brief must be provided on CD in Word (.doc) format. Briefs must be submitted directly to a MCD or to the Chair if a MCD is not present.
- 800.20 *Lateness.* Briefs are due by 5:00 p.m. on the day designated by the MCDs. **Briefs submitted after 5:00 p.m. on the due date are late and will not be accepted.** Any team which fails to submit a brief by 5:00 p.m. on the due date may, in the MCDs discretion, be subjected to involuntary withdrawal, and the MCDs may, in their discretion, apply sanctions accordingly.
- 800.30 *General.* Briefs must comply with the most current briefing rules for the United States Supreme Court (these rules can be downloaded from Westlaw and are available in the BOA Office) unless specifically superseded by these Rules.
- 800.40 *Content.* Briefs should contain the following sections: (a) Cover Page; (b) Table of Contents; (c) Table of Authorities; (d) Questions Presented; (e) Statement of the Facts; (f) Summary of the Argument; (g) Argument; and (h) Conclusion. Appendices are allowed but limited to a total of ten (10) pages and do not need to conform to Rules 800.40 and 800.50; consequently, appendices will not be graded by the brief judges. Point allocations for each of these sections are reflected in the sample brief scoring ballot provided in the BOA Constitution.
- 800.50 *Format.* Briefs must be entirely on white 8½” x 11” paper. Each page must have 1” margins on all sides and may have no more than twenty-five (25) double-spaced lines per page. Single-spaced lines may be used for quotations exceeding fifty (50) words, footnotes, and headings. Two (2) single-spaced lines shall equal one double-spaced line in calculating the maximum number of lines per page. Where an odd number of single-spaced lines are employed, the last single-spaced line shall equal one double-spaced line.
- 800.60 *Type.* Briefs must be generated by a word processing device and must utilize Courier 12-point font. Typesetting and proportional spacing are prohibited. The brief must be fully justified. The style, font, and pitch of characters shall be uniform for all brief contents, including footnotes, with the exception that italics may be used when necessary to comply with Rule 800.90.
- 800.70 *Length.* Briefs may not exceed twenty-five (25) pages, excluding the Table of Contents, Table of Authorities, the Cover Page and any appendices. All other pages will be counted. **Brief judges will stop reading at the maximum page limitation.** If the MCDs determine that a brief may be in violation of the page limitation as a result of single spacing or font

manipulation, they may require a team to resubmit its brief entirely double-spaced as proof of compliance with the page limitation rule.

800.80 *Binding and Cover Page.* The Cover Page of **one (1)** brief must comply with the most current briefing rules for the United States Supreme Court and must be clearly marked “Measuring Brief.” **The measuring brief must be bound.** All other cover pages of the remaining briefs may be photocopies of the measuring brief except that the term “Measuring Brief” must be omitted from the cover page of the other briefs and the remaining briefs may be stapled.

800.90 *Names.* **Competitors may not place their names or any other identifying marks anywhere on the brief.** The team number, which will be assigned to each team by the MCD after the withdrawal date, must appear on the cover.

800.100 *Citation.* The latest editions of the Texas Rules of Form and the Blue Book govern citation in the brief.

800.110 *Certification.* Each team must turn in a certification page with the “Measuring Brief” at the time the brief is turned in. All team members must sign the certification page.

800.120 *Library.* Participants must promptly reshelv all library materials used in the course of their research. The honor code will be strictly enforced.

800.130 *Ownership.* All briefs submitted become property of the Board of Advocates. No competitor may distribute any brief to anyone other than a teammate. Competitors may only look at an opponent’s brief if the Board of Advocates provides it for them. Photocopying of opponent’s briefs will be permitted if and only if the specific competition guidelines allow. The best brief will be kept in the Board of Advocates’ brief bank.

800.140 *Brief Penalties.* For each violation of the brief rules, a brief will be penalized in the brief ranking process. Although grammatical errors and general sloppiness will not be penalized *per se*, the judges will take those factors into account when scoring the briefs. Briefs that fail to meet the requirements of Section 800.00 will not be accepted by the MCDs.

900.00 SCORING

900.10 *Brief Scores.* Each brief shall be graded by one (1) to three (3) brief judges selected by the MCDs. Brief grades will be awarded according to the criteria detailed in the sample Brief Scoring Ballot provided as an appendix to the BOA Constitution. Brief scores will be weighted in accordance with the “Determination of Winning Team” form, included as Appendix C to these Rules.

900.20 *Oral Scores.* Each round shall be scored by one (1) judge; however, depending on judge availability and the MCDs’ discretion, more than one judge may be used. As many as five (5) judges may be used in the final round. Each judge shall independently grade each counsel within the minimum-maximum points permitted for each category of scoring on

the Oral Argument Ballot provided as an appendix to the BOA Constitution. Oral scores will be weighted in accordance with the “Determination of Winning Team” form, included as Appendix C to these Rules.

900.30

Total Score. A team’s total score for any round will be determined by a combination of its brief and oral scores. For the preliminary rounds and Octofinals, the brief shall count 50% and the oral argument 50% of the total score. For the Quarterfinal round the brief shall count for 40% and the oral argument 60% of the total score. For the Semifinal round, the brief shall count for 30% and the oral argument 70% of the total score. For the final round, the brief shall count for 20% and the oral argument 80% of the total score. The team with the higher total score will be declared the winner of the round and will advance to the next competition round. In the event of a tie in total scores, the team with the higher oral argument score will advance.

MOOT COURT RULES APPENDIX A

Moot Court Breaking Criteria

1. All 2-0 (win/loss) teams will advance to the first elimination round.
2. No 0-2 teams will advance.
3. The number of 1-1 teams to advance will be the number necessary to complete the bracketing. *E.g.*, if the competition breaks to Octofinals and there are eight undefeated teams, then eight 1-1 teams will advance to equal the number of teams needed (16) for Octofinals. If the competition breaks to Quarterfinals and there are six 2-0 teams, then only two 1-1 teams will advance to total the eight teams necessary for quarterfinals.
4. The method for determining which 1-1 teams will advance will be oral argument points. *E.g.*, if two 1-1 teams will advance, then the two teams with the highest oral argument points from all the 1-1 teams will be selected. If two or more teams are tied on their oral argument points, then brief scores will be used to break the tie. In the event of a further tie, a coin toss will decide which team(s) advance.
5. The first elimination round, whether Octofinals or Quarterfinals will be power protected. Brackets will be established and will not be broken. The teams will be seeded according to the point totals accumulated during the preliminary rounds. If the first elimination round is Octofinals, the sixteen teams will be paired so that each matchup of two teams totals seventeen. *E.g.*, 1-16, 2-15, 3-14, 4-13, 5-12, 6-11, 7-10, 8-9. If the first elimination round is Quarterfinals, the eight teams will be paired so that each match of two teams totals nine. *E.g.*, 1-8, 2-7, 3-6, 4-5. See brackets included herein as Appendix B for illustration.
6. During elimination rounds, the higher seeded team in a match will argue the position asserted in that team's brief.

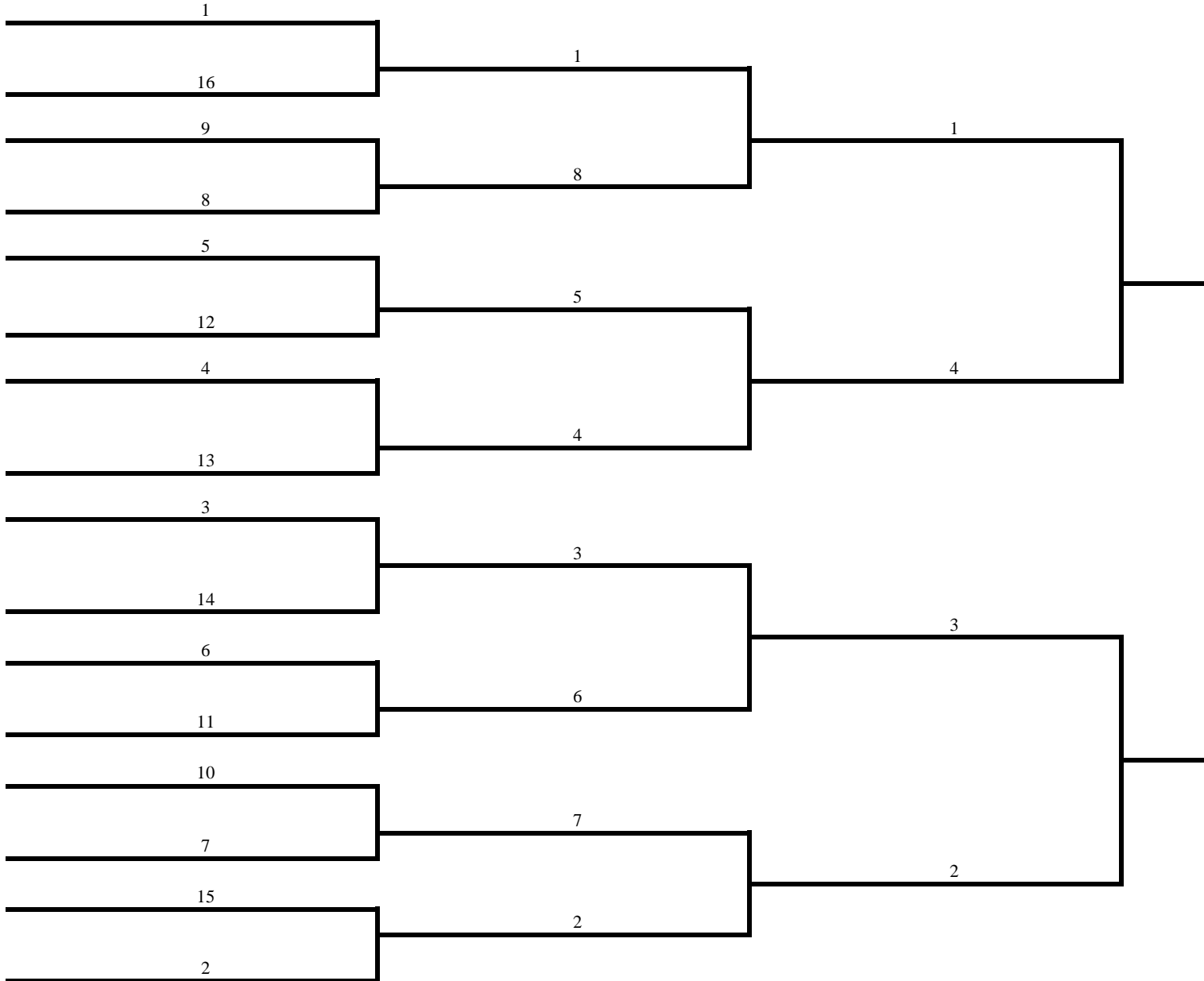
MOOT COURT RULES APPENDIX B

Moot Court Brackets

OCTOFINALS

QUARTERFINALS

SEMIFINALS



MOOT COURT RULES APPENDIX C

Determining the Winning Team in Moot Court Match

1. General Information:

Date: _____ Time: _____ Round: _____

Team # _____ (Petitioner/Appellant) **Team #** _____ (Respondent/Appellee)

Speaker A _____ Speaker C _____

Speaker B _____ Speaker D _____

2. Individual Oral Scores:

First, fill in scores given by each judge to each speaker. Note: most rounds will have fewer than five (5) judges. Second, calculate the average score for each speaker and fill in the score in the appropriate box.

Judge	Speaker A (petitioner)	Speaker B (petitioner)	Speaker C (respondent)	Speaker D (respondent)
1				
2				
3				
4				
5				
Avg. →				

3. Team Average Oral Score:

Calculate each team’s Average Oral Score (AOS) to the nearest tenth of a point.

Example:

$$AOS \text{ (Petitioner/Appellant)} = \frac{\text{(Speaker A Average Oral Score + Speaker B Average Oral Score)}}{\div 2}$$

AOS (Petitioner) = _____

AOS (Respondent) = _____

4. Team Weighted Oral Score:

Calculate each team’s Weighted Oral Score (WOS) to the nearest tenth of a point.

Example:

$$WOS \text{ (Petitioner/Appellant)} = N \times [AOS \text{ (Petitioner)}]$$

[N_{Preliminary Rounds & Octofinals} = 0.50; N_{Quarterfinals} = 0.60; N_{Semifinals} = 0.70; N_{Final Round} = 0.80]

WOS (Petitioner) = _____

WOS (Respondent) = _____

5. **Team Average Brief Score:**

First, fill in scores given by each judge to each brief. Note: most rounds will have fewer than five (5) judges. Second, calculate the average score for each brief and fill in the score in the appropriate box.

Judge	Petitioner/Appellant	Respondent/Appellee
1		
2		
3		
4		
5		
ABS →		

6. **Team Weighted Brief Score:**

Calculate each team's Weighted Brief Score (WBS) to the nearest tenth of a point.

Example:

$$WBS (Petitioner/Appellant) = N \times [ABS (Petitioner)]$$

[N_{Preliminary Rounds & Octofinals} = 0.50; N_{Quarterfinals} = 0.40; N_{Semifinals} = 0.30; N_{Final Round} = 0.20]

WBS (Petitioner) = _____

WBS (Respondent) = _____

7. **Total Team Score:**

Calculate each team's Total Team Score (TTS).

$$TTS = WOS + WBS$$

TTS (Petitioner) = _____

TTS (Respondent) = _____

8. The team with the higher Team Total Score is the winner of that round. If the Team Total Scores are tied in preliminary rounds, the outcome is a **tie**. If Team Total Scores are tied in an elimination round, the team with the higher **oral** score will be declared the winner.

The winner of this match is TEAM # _____ [(Petitioner) (Respondent)]
Circle one

This score sheet is certified by: _____ Date: _____

Moot Court Director

Moot Court Brief Scoring Ballot

Team # _____

[possible] Given

I. FORMAL REQUIREMENTS [30 points]

a. **Cover Page of Brief** [1] _____
Is the cover page formatted as required by the rules of the Proper Court?

b. **Topical Index** [3] _____
Are the sections of the brief in proper sequence?
Does the brief contain all necessary parts?

c. **Format of Table of Authorities** [2] _____
Is there a proper division of cases between Federal and State?
Is there a sensible division and arrangement of statutes and secondary source material?

d. **Citations in Table of Authorities** [3] _____
Are authorities properly cited in the Table of Authorities?
In counting the number of errors in citation, count every error made, even though it is repeated more than once, and grade as follows:

No errors	3 points
1 to 2 errors	2 points
3 to 4 errors	1 point
5 or more errors	0 points

e. **Statement of Facts and Other Opening Sections** [3] _____
Are the facts stated in as favorable a way as possible without leaving out any material facts, overstating the facts, stretching the facts, unfairly stating the facts, etc.?

f. **Overall Effectiveness of Statement of Facts and Other Opening Sections** [3] _____

g. **Summary of Arguments** [7] _____

h. **Questions Presented** [6] _____
Are the Questions Presented phrased such that the natural answer is favorable to the party propounding them?
Do the Questions Presented include the essential facts of the case?

i. **Overall Appearance of the Brief** [2] _____
Evaluate the overall neatness and professional impression given.

II. LEGAL ANALYSIS AND ARGUMENT [70 points]

- a. **Argument Structure** [12] _____
Is the structure logical and, thus, indicative of the issues?
Are the arguments organized in a clear and persuasive manner?
Do the arguments follow logically, compelling a conclusion in the writer's favor?
- b. **Legal Analysis and Problems Involved** [18] _____
Did the arguments include all of the necessary issues?
Is the legal analysis sound?
Is it well developed and properly supported?
You may consider and subtract points from the total points awarded in this section if issues are confused and show a lack of understanding, or when irrelevant issues are discussed.
- c. **Headings** [5] _____
Are the headings clear and effective?
Do the headings relate to the discussion which follows?
Do the headings serve as a succinct argument of the point made below?
- d. **Argumentative Headings and Tone of Text** [5] _____
Was the argumentative tone of both the headings and the text properly developed?
- e. **General Use of Authority** [8] _____
Does the brief evidence the use of the best available legal authorities?
Have relevant statutes been cited with important legislative history?
Have persuasive secondary authorities been used?
Has there been excessive reliance on secondary materials?
Have public policy arguments or arguments by analogy been developed when appropriate?
- f. **Effective Use of Authority** [3] _____
Have the cases cited and the authorities been used as effectively as possible?
Where appropriate, has a case been properly summarized so that its relevancy is made clear?
- g. **Handling of Important and Unfavorable Authority** [4] _____
How well has the brief handled important authorities or cases which are unfavorable to the writer?

h. Style

[15] _____

Is the brief written in a manner that is clear and unambiguous,
or is it frequently necessary to reread in order to comprehend
the arguments?

Has there been good word choice by the writer?

Is the brief concise, or wordy and poorly edited?

Does the brief look polished from redrafting and rewriting?

Has there been an excessive use of quotations?

TOTAL (100 points possible): _____

Judge's Signature: _____

Date: _____

Print Name: _____

Moot Court Oral Argument Ballot

Round # _____

Directions: Please adhere to the minimum/maximum points set forth in this ballot. You may write individual critiques in the space provided on the last page of this ballot, or you may give any individual critiques you may have orally after the round.

PETITIONER/APPELLANT:

Team # _____

Counsel 1

Counsel 2

Name: _____

Name: _____

Counsel 1

Counsel 2

(Min) _____ (Max)	DESCRIPTOR	(Min) _____ (Max)
(25) _____ (50)	Evidence of Research; Knowledge of the Record, Issues and Law; Organization and Reasoning; Makes best available argument for client	(25) _____ (50)
(10) _____ (20)	Performance in Answering Questions—Gives direct, correct, and complete answers with poise	(10) _____ (20)
(05) _____ (10)	Public Speaking Performance—Clarity of expression, appropriate voice levels, eye contact, gestures, absence of verbal “tics” and other bad habits	(05) _____ (10)
(05) _____ (10)	Persuasiveness of counsel irrespective of the merits of argument (Conveys sincerity and conviction)	(05) _____ (10)
(05) _____ (10)	Counsel’s Demeanor and Courtroom Manner—Polite and professional toward judge(s) and other speakers both while speaking and when opposing counsel is speaking	(05) _____ (10)
Speaker Total (50) _____ (100)	TEAM TOTAL (100) _____ (200)	Speaker Total (50) _____ (100)

RESPONDENT/APPELLEE:

Team # _____

Counsel 3

Counsel 4

Name: _____

Name: _____

Counsel 3

Counsel 4

(Min) _____ (Max)	DESCRIPTOR	(Min) _____ (Max)
(25) _____ (50)	Evidence of Research; Knowledge of the Record, Issues and Law; Organization and Reasoning; Makes best available argument for client	(25) _____ (50)
(10) _____ (20)	Performance in Answering Questions—Gives direct, correct, and complete answers with poise	(10) _____ (20)
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(05) _____ (10)	Persuasiveness of counsel irrespective of the merits of argument (Conveys sincerity and conviction)	(05) _____ (10)
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Speaker Total (50) _____ (100)	TEAM TOTAL (100) _____ (200)	Speaker Total (50) _____ (100)

General Critique Please indicate briefly the factors you consider most important in effective appellate advocacy:

Judge's Signature: _____

Date: _____

Print Name: _____

Individual Critiques

PETITIONER/APPELLANT:

Counsel 1

Name: _____

Counsel 2

Name: _____

RESPONDENT/APPELLEE

Counsel 3

Name: _____

Counsel 4

Name: _____



Intramural Negotiation Rules

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Article I. Introduction

- 110 **Negotiation rules.** Competitors have constructive notice of these rules.
- 120 **Posted times.** Competitors are responsible for knowing all information posted by 1:00 p.m. each day during the competition in the glass case across the hall from the BOA office (Townes Hall 2.130). IF A CHANGE IS POSTED BY 1 P.M. IT MAY TAKE EFFECT AS EARLY AS THAT EVENING’S COMPETITION ROUND.
- 130 **Rule conflicts.** If specific rules included in a negotiation problem conflict with the Negotiation Rules, the Negotiation Rules will govern.
- 140 **Discretion.** Any matter not addressed by these rules is left to the discretion of the Alternative Dispute Resolution (ADR) Director and the Chair.

Article II. Definitions

- 210 **Alternative Dispute Resolution Director.** The Alternative Dispute Resolution Director (“ADR Director”) is the Executive Board member in charge of all administrative duties with regard to all intramural alternative dispute resolution tournaments conducted throughout the year.
- 220 **Executive Board member.** An Executive Board member is defined as any full-time Board of Advocates Director.
- 230 **Attorney.** An attorney is defined as any person holding a law degree or a license to practice law.
- 240 **Voluntary withdrawal.** A withdrawal is voluntary if the team withdraws by informing the ADR Director in writing by 5:00 p.m. on the day of the withdrawal deadline. No sanctions will be imposed for a voluntary withdrawal.
- 250 **Involuntary withdrawal.** A withdrawal is involuntary if a team fails to appear for a practice round or actual negotiation round or, after 5:00 p.m. on the day of the withdrawal deadline, manifests to the ADR Director an intention not to appear prior to the round. See Rule 870 for the appropriate sanction.

Article III. Selection

- 310 **Sign-up.** Students who wish to compete in an intramural negotiation tournament must sign up at the informational meeting or submit their written intention to compete to an ADR Director at any time during the week designated for sign-ups. For team competitions, students should sign up in teams. Individuals without a partner may sign up individually, and the ADR Director will *attempt* to pair them with another individual. The sign-up period

ends at 5:00 p.m. on a date designated by the ADR Director. It is within the ADR Director's discretion to allow teams to sign-up after the deadline.

320 **Informational Meeting.** There is an optional informational meeting held during the week of sign-ups. Any questions competitors or potential competitors have should be asked during this meeting.

330 **Code of Conduct.** It is mandatory that all competitors read, sign, and abide by the Code of Conduct attached hereto as Appendix A.

Article IV. General Rules (Competitors)

410 **Outside Assistance.** After the beginning of the first negotiation round (not including any educational rounds), competitors may not seek advice, assistance, coaching, or counseling from anyone other than their competition partner.

420 **Tardiness.** Teams are expected to be on time and prepared for the negotiation. **The ADR Director or Assistant ADR Director on duty or presiding judge may declare an involuntary withdrawal at any time if any team is not prepared for negotiation by fifteen (15) minutes after the scheduled trial time.** Exceptions may be allowed pursuant to the ADR Director's discretion.

Article V. General Rules (Competition)

510 **Communication.** All questions or other communications to the ADR Director regarding the negotiation problem or the rules *must be in writing*. Communications should be delivered in-person or sent by electronic mail to the ADR Director. All answers to all communications will be published to all parties involved the tournament.

520 **Oral communication.** Any oral answer given by the Chair, ADR Director, and/or Assistant ADR Director *will not be binding*.

530 **BOA officers and members.** No BOA members or officers participating in a competition will have access to any information not made available to all other participants.

540 **Ballots.** Judges' ballots will be made available by 1:00 p.m. the day following the end of each round. A sample judge's ballot is provided as an appendix to the BOA Constitution.

550 **Rescheduling.** Posted dates and times are final. The ADR Director may, at his or her discretion, reschedule a round to accommodate curriculum-related activities.

560 **Spectators.** The preliminary rounds, octofinals, and quarterfinals will be open to spectators subject to veto by any participant or the judge. The semifinal and final rounds will be open to all.

Article VI. General Rules (Negotiation)

610 **Round format.** Each round will consist of a 50-minute negotiation session (which may include one 5-minute break per team), a 10-minute period for teams to analyze their performance in private, and a 20-minute self-analysis period (10 minutes per team) in the presence of the judges for a total of 80 minutes in active competition. The 80-minute competition time is followed by the judge(s)'s comments.

620 **Breaks.** Each team may take one break of no more than five (5) minutes. The 50-minute negotiation session will continue during any such break. If the team calling the break specifically requests, both teams must leave the room during the break.

630 **Materials.** Competitors may bring and/or use blank flip charts or black/white boards. These materials may be used only while both parties are present during the 50-minute negotiation session; they may not be used during the self-analysis. No prepared materials may be presented or handed out during the negotiation session or self-analysis, except as specifically authorized by the fact pattern. However, the competitors may themselves use previously prepared notes in any format or medium, including a laptop computer, during the negotiation session. Competitors may also use calculators.

640 **Timekeeping.** Responsibility rests with the competitors for timekeeping and for adherence to allotted time periods for negotiating sessions and breaks. Decisions by the judge(s) as to elapsed time are final and non-reviewable. Responsibility for timekeeping during the self-analysis periods rests jointly with the competitors and the judge(s), each having the responsibility to terminate the period at the end of ten (10) minutes.

650 **Self-analysis.** Following the 10-minute preparation for self-analysis, each team will have ten (10) minutes in which to analyze for the judge(s) the team's performance in the negotiation. This will take place outside the presence of the opposing team. The complaining party will go first. Competitors will begin this 10-minute period by answering, in the presence of the judges, the following questions: (1) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"; and (2) "How well did your strategy work in relation to the outcome?" The team should also be prepared to respond to questions from the judge(s) concerning the team's performance. In addition, the team might use this as an opportunity to explain why it chose a particular approach or even a specific tactic. The judge(s) may consider for scoring purposes anything said during this session.

Article VII. Scoring

710 **Scoring and advancing.** Each judge (or, in the final round, a panel of three judges) will observe four (4) teams per round. Judges will rank the teams from one (1) to four (4) in order of effectiveness in the negotiating session. After the preliminary round(s), quarterfinals (if applicable), and semi-finals, the four (4) highest-ranking teams will

advance to the final round. Scoring for the final round will also be based on the judges' ranking of one (1) to four (4).

720 **One-person teams.** In the event of a single person team, the judge will average criteria I, II, III, V, and VI on the ballot, and enter that result (to the nearest whole number) as the teamwork rating on the evaluation criteria form.

730 **Tie-breaking.** If there is a tie when determining what teams advance to the next round, the following steps, in the listed order, will be taken to break the tie: (1) with respect to teams who were previously in a head-to-head competition, the team that one that particular round will advance; (2) the teams with the largest average point spread will advance.

Article VIII. Rule Violations and Sanctions

810 **Sanctions.** Violations of the Negotiation Rules will subject the violator to sanctions by the ADR Director. Sanctions include, but are not limited to, receiving a lower seed in a subsequent round, deletion of points, forfeiture of a round, or removal from the tournament. The ADR Director shall have complete discretion in deciding what sanctions are appropriate for the offense.

820 **Appeals.** Decisions by the ADR Director are subject to appeal in accordance with Section 6 of Article II of the BOA Constitution.

830 **Standing.** Complaints concerning alleged rule violations may only be asserted by a competitor involved in the particular round at issue, the ADR Director, or the Chair. All complaints must be in writing and signed and must allege the violations with specificity. See the Grievance Procedure included as an appendix to the BOA Constitution for an explanation of what must be included in a written complaint or grievance. E-mail is an acceptable way to submit complaints.

840 **Time limit.** Complaints concerning alleged rule violations must be orally brought to the attention of the ADR Director within two (2) hours after the complainant knew or should have known of the occurrence or situation that gave rise to the grievance or complaint. Additionally, a written complaint must be submitted within twenty-four (24) hours after giving oral notification of the complaint or grievance. See the Grievance Procedure attached as an appendix to the Constitution for further instruction regarding the procedure with respect to filing a grievance or complaint. This rule is subject to Rule 860.

850 **Expeditious handling.** All complaints will be fully investigated by the ADR Director and resolved within forty-eight (48) hours of the filing of the written complaint, or before the next competition round, whichever is sooner.

860 **Post-round rule violations.** Post-round rule violations are defined as those violations, which could not be detected by the harmed team during the round. They include, but are not limited to, receiving improper outside assistance or knowing the judge. If such a violation is found to have occurred, and the harmed team has lost the round, the harmed team will replace the violating team in the bracket. If another round has occurred between the time

the violation occurs and the time the complaint is resolved, the violating team will be disqualified and no team will take its place. Regardless of who ultimately advances, the violating team will either, at the discretion of the ADR Director: (a) be banned from competing in the remainder of the competition out of which the complaint arose; or (b) be banned from competing in any BOA intramural ADR competitions for the both the current and following semesters.

870 **Involuntary withdrawals.** If a team involuntarily withdraws, as that term is defined by Rule 250, the withdrawing student(s) will become ineligible to compete in any tournament run by the Board of Advocates for the remainder of the semester, but in no event less than two subsequent tournaments. A showing of good cause may eliminate or reduce the sanction pursuant to the ADR Director’s discretion. Good cause may include, but is not limited to, personal illness, injury, the illness or death of a family member, or other extenuating circumstances. If a partner withdraws, the remaining partner may be required to continue in the tournament pursuant to the ADR Director’s discretion. If the remaining partner then involuntarily withdraws he or she may suffer sanctions.

880 **Curable rule violations.** Curable rule violations are defined as those which occur during the round and which may be cured by objection and citation to the particular rule at issue. They include, but are not limited to, improper use of exhibits and improper submission of written briefs or remarks. If such a violation occurs, the harmed team must object and cite the rule to the judge. If the judge finds that the rule was violated, the judge should sustain the objection and prevent the use of the extraneous material. If the judge finds that the rule was not violated and the objecting team believes that the judge’s ruling was erroneous, the objecting team should file a complaint pursuant to Rule 840. **Failure to object to a curable rule violation at trial waives any and all objection to such a violation at a later date.**

Article IX. Pairings

910 **Generally.** Competitions will be bracketed in the following manner: Preliminary Rounds – random; Elimination Rounds – power protected. “Power” will be determined first, by win/loss record and secondly, by point spread.

920 **Byes.** “Byes,” when required, will be awarded randomly. A team awarded a bye may observe one negotiation round for the round in which they receive a “bye.” The ADR Director will randomly select the trial to be observed. In the preliminary rounds, a team awarded a “bye” will not face a team they have observed. Instead, the team will be switched with the next lower-ranked team that was not involved in the round. “Byes” in preliminary rounds will be counted as a win, and the team will be awarded the average score of all winning teams, with both the high and low scores omitted. “Byes” will be counted as a win for all BOA purposes, including, but not limited to, seeding, membership, and Order of Barristers selection.

930 **Single elimination.** Beginning with the Quarterfinal Round, all competitions will be single elimination.

Article X. Sides

1010

Switching sides. After Round I, teams will be scheduled to switch sides whenever possible. If two teams who have met in preliminary rounds meet again in elimination rounds, they will represent the opposite side that they represented in the previous round. If this is not possible, the team switching sides will be determined randomly.

NEGOTIATION RULES APPENDIX A

Code of Conduct for Participation in Intramural Competitions

When you participate in mock trial or moot court, you begin your career as a lawyer. You are developing a reputation that will follow you even when you leave law school. Just as in the real world, your integrity as a lawyer is your most important commodity. At the University of Texas School of Law, “professionalism” is not just a word. It is what gives meaning to the higher calling to be a lawyer—to represent people in some of the most important events in their lives and some of the most important issues of our nation.

Your fellow students give their time and energy to provide you with the opportunity to compete in intramurals. Many of them sacrifice the chance to compete themselves so that you can. We will not tolerate unprofessional behavior that has marred competitions in the past. As a participant in an intramural competition, you ***MUST*** agree to the following code of conduct, or you cannot participate. This list is not exhaustive but simply prescribes the ***minimum*** standard of conduct all participants must follow.

I will treat my fellow students with respect.

I will appreciate the time and dedication of the lawyers who volunteer their time to judge rounds.

I will treat my partner and opponents with dignity and respect.

I will be professional and avoid even the appearance of impropriety with all my dealings with anyone connected to this competition.

I acknowledge that if my conduct falls below the highest standards of professionalism that I may be summarily dismissed from competition.

If, after reading the above, you have questions regarding what you can and cannot do during a competition, you probably should not be competing.



I have read this Code of Conduct for Participation in Intramural Competitions, acknowledge the degree of professionalism and integrity required of me, and agree to behave accordingly.

Signed: _____

Date: _____

Printed Name: _____

**INTRAMURAL
NEGOTIATION COMPETITION**

**STANDARDS FOR JUDGING
RANKING SHEET
EVALUATION CRITERIA FORM**

(Duplicate a total of four copies for each judge.)

How does the scoring system work? When both negotiating sessions have ended, each team's rank (1-4) should be written in the space provided on the attached Ranking Sheet. These rankings will be the primary factor in determining which teams will advance to the final round and/or win this competition. You are also asked to complete an Evaluation Criteria Form, on which you will rank the team on specific aspects of the negotiation on a 1-7 scale. The latter form will be used primarily to break ties.

In regard to both the ranking and the evaluation criteria form, we are interested in your independent judgment. Therefore, judges should not discuss their ranking with each other until the ranking sheets and evaluation criteria forms have been completed and collected.

How do the teams receive feedback? The evaluation criteria forms (and accompanying comments) provide the only written feedback the teams will receive. Therefore, please complete each category and make comments where appropriate. However, do not give the evaluation criteria forms to the participants yourselves; they will be collected and distributed later. The evaluation criteria forms should also prove useful in the oral critique you deliver to the teams at the end of each negotiation. While you can fill out the first five scales during the 10-minute period when the teams are preparing their self-analyses, Scale VI, Self-Analysis, can be filled out only after you have seen this final aspect of the negotiating session. Scale VII, Negotiating Ethics, should also be filled out after you have seen the team's complete performance, including the Self Analysis.

What do the numbers on the evaluation criteria form scales indicate? On the evaluation criteria form scales, the number 7 is at the low or poor performance end of the scale; the number 1 is at the high end of the scale. The number 4 rating, neutral, should be used if you cannot decide or if the performance was a somewhat evenhanded balance of positive and negative qualities. Indicate your rating by circling the appropriate number. The evaluation criteria form scales attempt to divide what is recognized as a dynamic and complicated process into discrete components or attributes that should be present in any approach to negotiation. Each of these standards should be applied at the end of each of the two negotiations, in light of the effect these aspects of the process had on the outcome.

Are the judging standards premised on the assumption that there is one correct approach? These standards are also based on the premise that there is no one "correct" approach to effective negotiation in all circumstances. Instead, the strategies and techniques used will vary with the nature of the problem, the specific mix of personalities involved, and other circumstances. Whatever approach is used, however, negotiation effectiveness can be judged at least in part by

the outcome of the session, regardless of whether agreement was reached. A good negotiation outcome 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 won't disrupt the agreement)
- * Adopts a solution that is the best of all available options
- * Is legitimate – 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 their lawyer can deal with future differences more easily.

**INTRAMURAL
NEGOTIATION COMPETITION**

SCORE SHEET

Judge: _____ Round: _____

Team Designation: _____

This Team's Overall Ranking: _____

- 1 = Most effective team*
- 2 = Next most effective team*
- 3 = Third most effective team*
- 4 = Least effective team*

****YOU SHOULD CONSIDER THE TEAMS' ETHICAL CONDUCT
IN ASSIGNING FINAL RANKINGS.****

While these criteria are helpful in evaluating a particular negotiation and identifying problems connected with it, they should not be read as requiring that the parties reach an agreement. In some situations, e.g., where the opponent's last offer satisfies few of the relevant 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.

**PLEASE BE SURE TO COMPLETE ALL CATEGORIES
BEFORE TURNING IN THIS FORM.**

EVALUATION CRITERIA FORM—JUDGING SCALES

I. NEGOTIATION PLANNING

Judging from its performance and its apparent strategy, how well prepared did this team appear to be?

7	6	5	4	3	2	1
Very Unprepared	Unprepared	Somewhat Unprepared	Neutral	Somewhat Prepared	Prepared	Highly Prepared

II. FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY

How flexible did this team appear to be in adapting its strategy to the developing negotiation, e.g., to new information or to unforeseen moves by the opposing team?

7	6	5	4	3	2	1
Very Inflexible	Inflexible	Somewhat Inflexible	Neutral	Somewhat Flexible	Flexible	Highly Flexible

III. OUTCOME OF SESSION

Based on what you observed in the negotiation and the self-analysis, to what extent did the outcome of the session, regardless of whether agreement was reached, serve the client's goals?

7	6	5	4	3	2	1
Very Poorly Served	Poorly Served	Somewhat Poorly Served	Neutral	Somewhat Served	Served	Fully Served

IV. TEAMWORK

How effective were the negotiators in working together as a team, in sharing responsibility, and providing mutual backup?

7	6	5	4	3	2	1
Very Ineffective	Ineffective	Somewhat Ineffective	Neutral	Somewhat Effective	Effective	Highly Effective

V. RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS

Did the way this team managed its relationship with the other team contribute to or detract from achieving its client's best interests?

7	6	5	4	3	2	1
Strongly Detracted	Detracted Somewhat	Detracted	Neutral	Contributed Somewhat	Contributed	Strongly Contributed

VI. SELF-ANALYSIS

Students should begin this 10-minute period by answering the following questions:

(1) "In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?"

(2) "How well did your strategy work in relation to the outcome?"

Based on the team's self-analysis during the review session, how adequately has it learned from today's negotiation?

7	6	5	4	3	2	1
Very Inadequately	Inadequately	Somewhat Inadequately	Neutral	Somewhat Adequately	Adequately	Very Adequately

VII. NEGOTIATING ETHICS

Based on your observation, do you believe the negotiating team observed or violated the ethical standards of the legal profession? For example, 1) did the team misrepresent material facts? 2) did the team exceed its settlement authority? 3) did the team invent self-serving material facts? etc.

OBSERVED

VIOLATED

If you circled violated, was the ethical violation so severe that, in your judgment, the team should be disqualified from the competition? Circle one:

YES

NO

If "YES," please explain in detail:

JUDGE’S CRITIQUE/COMMENTS

Judge: _____ Round: _____

Team Designation: _____

Please use the space below for comments:

I. NEGOTIATION PLANNING

II. FLEXIBILITY IN DEVIATING FROM PLANS OR ADAPTING STRATEGY

III. OUTCOME OF SESSION

IV. TEAMWORK

V. RELATIONSHIP BETWEEN THE NEGOTIATING TEAMS

VI. SELF-ANALYSIS

ADDITIONAL COMMENTS:



Intramural Mediation Rules

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- 210 **Alternative Dispute Resolution Director.** The Alternative Dispute Resolution Director (“ADR Director”) is the Executive Board member in charge of all administrative duties with regard to all intramural alternative dispute resolution tournaments conducted throughout the year.
- 220 **Executive Board member.** An Executive Board member is defined as any full-time Board of Advocates Director.
- 230 **Attorney.** An attorney is defined as any person holding a law degree or a license to practice law.
- 240 **Voluntary withdrawal.** A withdrawal is voluntary if the team withdraws by informing the ADR Director in writing by 5:00 p.m. on the day of the withdrawal deadline. No sanctions will be imposed for a voluntary withdrawal.
- 250 **Involuntary withdrawal.** A withdrawal is involuntary if a team fails to appear for a practice round or actual negotiation round or, after 5:00 p.m. on the day of the withdrawal deadline, manifests to the ADR Director an intention not to appear prior to the round. See Rule 870 for the appropriate sanction.

Article III. Selection

- 310 **Sign-up.** Students who wish to compete in an intramural mediation tournament must sign up at the informational meeting or submit their written intention to compete to an ADR Director at any time during the week designated for sign-ups. For team competitions, students should sign up in teams. Individuals without a partner may sign up individually, and the ADR Director will *attempt* to pair them with another individual. The sign-up period

ends at 5:00 p.m. on the date of the withdrawal deadline designated by the ADR Director. It is within the ADR Director's discretion to allow teams to sign up after the deadline.

320 **Informational Meeting.** There is an option informational meeting held during the week of sign-ups. Any questions competitors or potential competitors have should be asked during this meeting.

330 **Code of Conduct.** It is mandatory that all competitors read, sign, and abide by the Code of Conduct attached hereto as Appendix A.

Article IV. General Rules (Competitors)

410 **Outside Assistance.** After the beginning of the first mediation round (not including any educational rounds), competitors may not seek advice, assistance, coaching, or counseling from anyone other than their competition partner.

420 **Tardiness.** Teams are expected to be on time and prepared for the mediation. **The ADR Director or Assistant ADR Director on duty, the presiding judge, or the presiding mediator may declare an involuntary withdrawal at any time if any team is not prepared for mediation by fifteen (15) minutes after the scheduled trial time.** Exceptions may be allowed pursuant to the ADR Director's discretion.

Article V. General Rules (Competition)

510 **Communication.** All questions or other communications to the ADR Director regarding the mediation problem or the rules *must be in writing*. Communications should be delivered in-person or sent by electronic mail to the ADR Director. All answers to all communications will be published to all parties involved the tournament.

520 **Oral communication.** Any oral answer given by the Chair, ADR Director, and/or Assistant ADR Director *will not be binding*.

530 **BOA officers and members.** No BOA members or officers participating in a competition will have access to any information not made available to all other participants.

540 **Ballots.** Judges' ballots will be made available by 1:00 p.m. the day following the end of each round. A sample judge's ballot is provided as an appendix to the BOA Constitution.

550 **Rescheduling.** Posted dates and times are final. The ADR Director may, at his or her discretion, reschedule a round to accommodate curriculum-related activities.

560 **Spectators.** The preliminary rounds, octofinals, and quarterfinals will be open to spectators subject to veto by any participant or the judge. The semifinal and final rounds will be open to all.

Article VI. General Rules (Mediation)

- 610 **Round format.** Each round will consist of a 75-minute mediation session. At the close of the mediation session, there will be a 10-minute period during which each team is to analyze its performance in private, followed by a 20-minute self-analysis period (10 minutes per team) for each team to evaluate its own performance in the presence of the judge(s), but outside the other team’s presence.
- 620 **Breaks.** Each team may take one break of no more than 5 minutes during the mediation session. Taking a break does not suspend time on the 75-minute mediation session—time continues to run. If the team calling for a break specifically so requests, both teams must leave the room during the break.
- 630 **Caucuses.** Caucusing is optional for each team. If one team takes a caucus, the other team may take a caucus immediately following, or may choose to wait until a later time. Each caucus should last **no more than ten (10) minutes**. Any time spent in caucus is deducted from, not in addition to, the 75-minute mediation session.
- 640 **Team Composition.** Each team will consist of two students, with one student acting as the lawyer and the other acting as the client. The students on each team are to determine between themselves who will act in which role for each round. There will be no changing of partners at any time during the competition. The Judging Criteria, included as an appendix to the BOA Constitution, are applied to the performance of the attorney/client team—not just the performance of the attorney.
- 650 **Timekeeping.** Responsibility rests with the student participants for timekeeping and adherence to the allotted time periods for mediation sessions and breaks. **Abuse of time limits may result in a 5-point penalty deduction.** Decisions by the judge with respect to elapsed times are final and non-reviewable. Responsibility for timekeeping during the self-analysis period rests jointly with the participants and judge, each having the responsibility to adhere to the time limits.
- 660 **Self-analysis.** Following the 10-minute preparation for self-analysis, each team will have ten (10) minutes to orally analyze its own performance in the mediation in front of the judge(s) and mediator. This will take place outside the presence of the opposing team. Students will begin this 10-minute period by stating their answers to the following questions: (1) In reflecting upon the entire mediation, what specific problem-solving strategies did your team use well?; (2) Also, in what areas did you experience difficulties and what would you do differently next time when facing a similar situation?; (3) How well did the outcome advance your client’s interests as presented in the written representation plan? Judges are only allowed to ask questions about the team’s self-analysis or the team’s performance during this time. During the self-analysis, judges shall not provide critique or feedback about the self-analysis or any other element of the team’s performance. The team should be prepared to respond to questions from the judge(s) concerning the team’s performance. In addition, the team may use this time as an opportunity to explain why it chose a particular approach or even a specific tactic. For

scoring purposes, the judges may take into consideration anything said during this session. The “plaintiff” team will go first in the self-analysis session.

670 **Problem.** Each problem will consist of: (1) general information for all participants; and (2) confidential information for each party and their counsel. Judges will receive all general and confidential information provided to the teams. Mediators will receive the general information only. If the mediator also serves as a judge the mediator will receive the confidential information but should not read the confidential information until after the conclusion of the mediation session. The problems will be drafted in a gender-neutral format, meaning that either a male or female law student can play in the role of the party on either side of the problem. In terms of complying with Rule 680 (“Staying Within the Record”) teams may draw reasonable inferences from the facts provided, but teams are constrained to the facts contained within the four corners of the written problem. Students are encouraged to do some outside research to become more familiar with the subject matter as well as the legal issues. However, when presenting “facts” in the role-play, the students should be limited to facts as written in the problem. The problems are carefully drafted to create a balanced playing field. This careful balance could be tipped if the students bring in outside facts that specifically change their legal position.

680 **Staying within the record.** While teams may draw reasonable inferences from the facts provided, they are cautioned to stay within this reasonable sphere. **Failure to stay within the record may result in up to a 5-point penalty.**

690 **Controlling law.** Although the mediation exercises may refer to actual places, for purposes of this competition, assume there is no controlling law, and the jurisdiction applies general principles of Anglo-American common law. (Any exceptions will be explicitly stated in the common facts.)

695 **Exhibits and props.** Although teams are not expected to use exhibits in the mediation sessions, a team may prepare in advance one exhibit, limited to one 8 ½” by 11” page with print in 12-point font for each round. Teams are allowed to write on this exhibit during the course of the mediation session. Anything disseminated with the fact patterns does not count as a prop unless the competitors alter it before the mediation session. Teams are prohibited from using video, computers, or other technology or displays. Pictures may be used only if they comply with Rule 680 and do not in any way contradict or impermissibly expand upon the facts as written in the competition problem. In addition to sharing an exhibit with the other side, the students should also provide a copy of the exhibit to the mediator and the judges. This can be done immediately prior to the 75-minute mediation session, or during it. If the students so choose, they may attach the exhibit to their representation plan. The students should not hand any exhibit or other document to the mediators or judges after the 75 minute mediation session. If the ADR Director makes them available, teams may use flip charts, whiteboards and blackboards for presentations during the mediation session, self-analysis, and critique segments of the competition rounds. If the ADR Director makes flip charts, whiteboards, and blackboards available, they must be available in each competition room. Teams are prohibited from bringing props and wearing costumes to the mediation session. **A violation of Rule 690 will result in a 5 point penalty.**

Article VII. Scoring

710 **Judges and mediators.** In each mediation, an experienced mediator serves as the facilitative mediator. One judge will observe, and score the quality of representation by the student teams. The judge will also give feedback directly to the competitors at the end of the competition. The judge will evaluate the performance of the competitors according to the standards and criteria provided. (See sample Judge’s Score Sheet provided as an appendix to the BOA Constitution.) Every attempt will be made for the teams to face a different mediator and different judges in subsequent rounds, to the extent possible. After the judge has completed the scoring he/she will have the opportunity to critique each team for 15 minutes. The team that is not being critiqued shall leave the room unless the other team affirmatively offers to have the team stay. Spectators may remain in the room through the entire process, including the feedback sessions for both teams.

720 **Disqualification of judges and mediators.** A judge may be disqualified before a round begins by any team if the judge has any prior relationship with a team or team member. For instance, a judge may be disqualified if he or she knows any member of a team through academic, professional or social contact. He or she may also be disqualified by a team in the current round of the competition if the judge has acted as a judge in a prior round when one of the teams has participated in both rounds and could therefore be judged twice by the same judge. However, the judge may still serve in the second round if: (1) the other mediation sessions in that round of competition have started at the time the team moves to disqualify a judge for this reason, thereby creating the possibility that another judge cannot substitute in without disrupting the other mediation sessions; or (2) an insufficient number of judges exists to allow a substitution. A judge may also disqualify himself or herself if she feels his or her participation in the round of competition will create an appearance of impropriety. A mediator who is not also acting as a judge in the round may not be disqualified for any reason. The mediator does not make any decisions on behalf of the parties and, as long as he or she is not also acting as a judge, has no influence on the outcome of the session. Accordingly, no reasonable basis exists for disqualifying the mediator under these circumstances.

730 **Scoring.** In each mediation, the judge will rate the performance of each team on certain relevant criteria, with a maximum of 77 points awarded per team, per round. The criteria on which the teams will be judged are set out in the Judge’s Score Sheet which is provided as an appendix to the BOA Constitution. Judges must independently score each team and are not allowed to confer with the mediator or other judges, if applicable. Before the judge hears the self-analysis he or she should give each team a preliminary score. After the self-analysis the judge may revise and finalize the scores. Each judge must total his or her own scores for each team. The judge must then circle the word “Win” at the bottom of the score sheet for the team he or she gives the most points to and should circle the word “Lose” at the bottom of the score sheet for the team that received fewer points. If the judge has given both teams the same number of points, the judge must either adjust the scores for the teams to give one team more points than the other or designate one team as the winner. Judges must give the competition director the score sheets before the critique.

740 **Tie-breaking.** If there is a tie when determining what teams advance to the next round, the following steps, in the listed order, will be taken to break the tie: (1) with respect to teams who were previously in a head-to-head competition, the team that one that particular round will advance; (2) the teams with the largest average point spread will advance.

Article VIII. Rule Violations and Sanctions

810 **Sanctions.** Violations of the Mediation Rules will subject the violator to sanctions by the ADR Director. Sanctions include, but are not limited to, receiving a lower seed in a subsequent round, deletion of points, forfeiture of a round, or removal from the tournament. The ADR Director shall have complete discretion in deciding what sanctions are appropriate for the offense.

820 **Appeals.** Decisions by the ADR Director are subject to appeal in accordance with Section 6 of Article II of the BOA Constitution.

830 **Standing.** Complaints concerning alleged rule violations may only be asserted by a competitor involved in the particular round at issue, the ADR Director, or the Chair. All complaints must be in writing and signed and must allege the violations with specificity. See the Grievance Procedure included as an appendix to the BOA Constitution for an explanation of what must be included in a written complaint or grievance. E-mail is an acceptable way to submit complaints.

840 **Time limit.** Complaints concerning alleged rule violations must be orally brought to the attention of the ADR Director within two (2) hours after the complainant knew or should have known of the occurrence or situation that gave rise to the grievance or complaint. Additionally, a written complaint must be submitted within twenty-four (24) hours after giving oral notification of the complaint or grievance. See the Grievance Procedure attached as an appendix to the Constitution for further instruction regarding the procedure with respect to filing a grievance or complaint. This rule is subject to Rule 860.

850 **Expeditious handling.** All complaints will be fully investigated by the ADR Director and resolved within forty-eight (48) hours of the filing of the written complaint, or before the next competition round, whichever is sooner.

860 **Post-round rule violations.** Post-round rule violations are defined as those violations, which could not be detected by the harmed team during the round. They include, but are not limited to, receiving improper outside assistance or knowing the judge. If such a violation is found to have occurred, and the harmed team has lost the round, the harmed team will replace the violating team in the bracket. If another round has occurred between the time the violation occurs and the time the complaint is resolved, the violating team will be disqualified and no team will take its place. Regardless of who ultimately advances, the violating team will either, at the discretion of the ADR Director: (a) be banned from competing in the remainder of the competition out of which the complaint arose; or (b) be banned from competing in any BOA intramural ADR competitions for the both the current and following semesters.

870 **Involuntary withdrawals.** If a team involuntarily withdraws, as that term is defined by Rule 250, the withdrawing student(s) will become ineligible to compete in any tournament run by the Board of Advocates for the remainder of the semester, but in no event less than two subsequent tournaments. A showing of good cause may eliminate or reduce the sanction pursuant to the ADR Director’s discretion. Good cause may include, but is not limited to, personal illness, injury, the illness or death of a family member, or other extenuating circumstances. If a partner withdraws, the remaining partner may be required to continue in the tournament pursuant to the ADR Director’s discretion. If the remaining partner then involuntarily withdraws he or she may suffer sanctions.

880 **Curable rule violations.** Curable rule violations are defined as those which occur during the round and which may be cured by objection and citation to the particular rule at issue. They include, but are not limited to, improper use of exhibits and submission of written briefs or remarks. If such a violation occurs, the harmed team must object and cite the rule to the judge. If the judge finds that the rule was violated, the judge should sustain the objection and prevent the use of the extraneous material. If the judge finds that the rule was not violated and the objecting team believes that the judge’s ruling was erroneous, the objecting team should file a complaint pursuant to Rule 840. **Failure to object to a curable rule violation at trial waives any and all objection to such a violation at a later date.**

Article IX. Pairings

910 **Generally.** Competitions will be bracketed in the following manner: Preliminary Rounds – random; Elimination Rounds – power protected. “Power” will be determined first, by win/loss record and secondly, by point spread.

920 **Byes.** “Byes,” when required, will be awarded randomly. A team awarded a bye may observe one negotiation round for the round in which they receive a “bye.” The ADR Director will randomly select the trial to be observed. In the preliminary rounds, a team awarded a “bye” will not face a team they have observed. Instead, the team will be switched with the next lower-ranked team that was not involved in the round. “Byes” in preliminary rounds will be counted as a win, and the team will be awarded the average score of all winning teams, with both the high and low scores omitted. “Byes” will be counted as a win for all BOA purposes, including, but not limited to, seeding, membership, and Order of Barristers selection.

930 **Single elimination.** Beginning with the Quarterfinal Round, all competitions will be single elimination.

Article X. Sides

1010 **Switching sides.** After Round I, teams will be scheduled to switch sides whenever possible. If two teams who have met in preliminary rounds meet again in elimination rounds, they will represent the opposite side that they represented in the previous round. If this is not possible, the team switching sides will be determined randomly.

MEDIATION RULES APPENDIX A

Code of Conduct for Participation in Intramural Competitions

When you participate in mock trial or moot court, you begin your career as a lawyer. You are developing a reputation that will follow you even when you leave law school. Just as in the real world, your integrity as a lawyer is your most important commodity. At the University of Texas School of Law, “professionalism” is not just a word. It is what gives meaning to the higher calling to be a lawyer—to represent people in some of the most important events in their lives and some of the most important issues of our nation.

Your fellow students give their time and energy to provide you with the opportunity to compete in intramurals. Many of them sacrifice the chance to compete themselves so that you can. We will not tolerate unprofessional behavior that has marred competitions in the past. As a participant in an intramural competition, you ***MUST*** agree to the following code of conduct, or you cannot participate. This list is not exhaustive but simply prescribes the ***minimum*** standard of conduct all participants must follow.

I will treat my fellow students with respect.

I will appreciate the time and dedication of the lawyers who volunteer their time to judge rounds.

I will treat my partner and opponents with dignity and respect.

I will be professional and avoid even the appearance of impropriety with all my dealings with anyone connected to this competition.

I acknowledge that if my conduct falls below the highest standards of professionalism that I may be summarily dismissed from competition.

If, after reading the above, you have questions regarding what you can and cannot do during a competition, you probably should not be competing.



I have read this Code of Conduct for Participation in Intramural Competitions, acknowledge the degree of professionalism and integrity required of me, and agree to behave accordingly.

Signed: _____

Date: _____

Printed Name: _____

BOARD OF ADVOCATES' MEDIATION COMPETITION

Introduction to Judges' Score Sheet

Preface

These criteria should be interpreted to favor problem-solving strategies in the competition. Although practitioners use a diversity of representation approaches, this competition is organized on the premise that the mediators and teams will use a problem-solving approach. The criteria cumulatively enlist judges to assess whether each team consistently and competently followed a problem-solving approach throughout the mediation session. The criteria should be applied to the performance of the attorney/client team—not just the performance of the attorney. By judging the teams based on the same approach to representation, judges will be able to evaluate different teams on a comparable basis.

When these criteria refer to a problem-solving approach, the criteria refer to an approach in which negotiators learn about each other's interests and BATNAs (Best Alternative To A Negotiated Agreement), brainstorm options, and select and shape a solution that meets their interests and, where appropriate, objective standards. When there are apparently conflicting interests (distributive conflicts), teams should first try problem-solving methods before resorting to positional strategies. In contrast, the classically positional negotiator generally starts with firm, extreme and opposite positions and then makes calibrated concessions until both sides are close enough to split the difference.

Before the mediation begins, judges should read each side's representation plan. Each representation plan provides essential background information that will help the judges *interpret* what they are observing. Each plan describes briefly (1) "Responsibility Sharing" –*how* the team plans to share responsibilities between the attorney and the client in the mediation session; (2) "Allocation Strategy" – *why* the team chose the particular allocation strategy; (3) "The Team's Interests" – the interests that the team's side plans to advance in the mediation session; (4) "The Other Side's Interests" – the likely interests of the other side; and (5) "Negotiating Strategy" – the team's negotiation strategy in light of the four preceding factors.

CRITERIA

Please score each criterion on a scale of 1-7, with 1 as the lowest and 7 as the highest.

- 1= very poor
- 2= poor
- 3= somewhat poor
- 4= adequate
- 5= somewhat good
- 6= good
- 7= very good

BOARD OF ADVOCATES' MEDIATION COMPETITION

JUDGES' SCORE SHEET

Judge: _____

Team: _____

Round: _____

1----- Very Poor	2----- Poor	3----- Somewhat Poor	4----- Adequate	5----- Somewhat Good	6----- Good	7----- Very Good
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PLEASE USE WHOLE NUMBERS – NO FRACTIONS OR DECIMALS!

CRITERIA	SCORE (1 – 7)
Presentation of Case in Opening Statements and Throughout <ul style="list-style-type: none"> ●Presented facts and law in a way that could be heard productively by other side. ●Offered proposals in a way that reflected careful planning and skillful implementation. ●Accurately assessed and discussed litigation benefits and risks, as well as other consequences of failing to reach settlement (in joint session and/or caucus). 	
Teamwork Between Attorney and Client (Both attorney and client will participate in session) <ul style="list-style-type: none"> ●Effectively divided responsibilities in light of client's knowledge, strengths, and vulnerabilities. (Clients are expected to speak during the mediation) ●Communicated effectively with each other. ●Worked together as a coordinated team. ●Attorney ensured that client was able to make informed choice about settlement possibilities. 	
Problem-Solving Relationship Building <ul style="list-style-type: none"> ●Established a problem-solving relationship with other side, if possible. ●Recognized other side's interests and tried to satisfy them when possible given client's interests. ●Took initiatives to convert other team into problem-solvers. 	
Information Gathering and Communications with Other Side <ul style="list-style-type: none"> ●Used active listening skills to promote communications. ●Used appropriate questioning techniques to gather information. ●Tested assumptions and collected necessary information at appropriate times. 	
Generating and Selecting Creative Options <ul style="list-style-type: none"> ●Generated range of legal and non-legal options to meet client's interests, as well as interests of other side. ●Evaluated and selected options based on interests and, where appropriate, objective criteria. ●Actively encouraged the development of creative ideas. ●Effectively managed distributive features of dispute (effectively bridged any final gaps). 	

1----- 2----- 3----- 4----- 5----- 6----- 7-----
 Very Poor Somewhat Adequate Somewhat Good Very
 Poor Poor Good Good Good

CRITERIA	SCORE (1 – 7)
Using Opportunities in the Mediation Process – Part A <ul style="list-style-type: none"> ● Responded appropriately to the mediator’s style. ● Engaged the skills of the mediator to assist in breaking impasse and/or move towards resolution. 	
Using Opportunities in the Mediation Process – Part B <ul style="list-style-type: none"> ● Chose intelligently whether and when to use a caucus; if caucus used, used caucus effectively. ● Responded appropriately to developments that occurred during mediation, especially new information and unforeseen moves by other side. 	
Advocating Client’s Interests – PART A <ul style="list-style-type: none"> ● Understood and advanced client’s legal and non-legal interests throughout the mediation process. 	
Advocating Client’s Interests – PART B <ul style="list-style-type: none"> ● Did not sacrifice client’s interests in order to be collaborative. ● Did not sacrifice client’s interests in order to seek competitive advantage. 	
Self Analysis of the Team’s Skills – (Mediator is not Present During Self Analysis) Students should begin the 10-minute period of team self-analysis by answering the following questions: <i>(1) In reflecting upon the entire mediation, what specific problem-solving strategies did your team do well?</i> <i>(2) Also, in what areas did you experience difficulties and what would you do differently next time when facing a similar situation?</i> Based on this team’s answer, how adequately did it learn from its experiences in this mediation exercise?	
Self-Analysis of Outcome – (Mediator is Not Present During Self Analysis) Students should continue the 10-minute period of team self-analysis by answering the following question: <i>How well did the outcome advance your client’s interests as presented in the written representation plan?</i> Based on the answer, how adequately did it understand how well or poorly it advanced the interests of the client?	
RULE 650 -- TIME PENALTY: Deduct up to 5 points if the team continually abused the time limits.	
RULE 680 -- FAILURE TO STAY WITHIN THE RECORD PENALTY: Deduct up to 5 points if the team strayed from the record as prohibited in the Rules.	
GENERAL PENALTY: Deduct up to 5 points if the team violated any Rule other than 650 or 680.	
Total Team Score:	
<i>Please designate this team as Win or Lose!!</i>	Win Lose (circle one)
Judge’s Signature: _____	

BOARD OF ADVOCATES' MEDIATION COMPETITION

JUDGE'S REMARKS

Judge: _____

Team: _____

Round: _____

Please return this completed sheet to the Competition Director after the conclusion of the competition. These sheets will be provided to any participating teams that request copies.

REMARKS / NOTES:



INTRAMURAL VOIR DIRE COMPETITION RULES

1. Sequence and Time Allowances. Each side has a total of 30 minutes. The round will proceed as follows:

- I. Plaintiff Introduction and Public Questioning—(25 minutes max.)
- II. Defendant Introduction and Public Questioning—(25 minutes max.)
- III. Plaintiff Bench Questioning and Challenges for Cause—(remainder of 30 min.)
- IV. Defendant Bench Questioning and Challenges for Cause—(remainder of 30 min.)

Time spent making challenges for cause is assessed against the team making the challenge. Time spent responding or rehabilitating is counted against the team responding or rehabilitating. Competitors on the plaintiffs' side are advised to reserve a few minutes of their time for rehabilitation of jurors in defendants' Part 4.

Each challenge for cause, including bench questioning, should not take more than 2 minutes. Competitors are advised they should use approximately 5–10 minutes for Parts 3 & 4.

2. Challenges for Cause. For purposes of the Voir Dire Competition, competitors should hold their challenges for cause until after the defendants' public questioning in Part 2. Competitors may take advantage of note-taking during the first section of the competition, and make effective use of these notes in remembering juror responses and attitudes when challenging jurors for cause in Parts 3 & 4.

Up to **three (3) challenges** for cause may be made by each side. At least **four (4) or more biases** will be planted among the juror panel. The biases will be fairly straightforward and follow the Texas Rules of Civil Procedure.

3. Panelist Conduct. If asked about information contained on the juror information sheet, panelists must respond with the appropriate information. If asked about information outside the scope of the sheet, panelists must give answers consistent with the information provided on the sheet, if possible. If not possible, panelists may respond with information taken from their own experience.

Panelists may be given a secret bias which, if discovered during the jury selection process, may be grounds for motion to strike for cause. If asked a general question relating to their secret or bias, panelists must answer truthfully and relay their bias.

4. Competitor Conduct. These rules are additions to the Mock Trial Rules. If there is a discrepancy between the two, these rules prevail. If any governing rules are violated, violators are subject to sanctions as enumerated in the Mock Trial Rules. Competitors will be held responsible for their panelists' or bailiff's violation of the rules

5. Rules and Qualifications. The Texas Rules of Civil Procedure shall apply. No written materials may be submitted to the Court at any time. Absolutely no case law is allowed. It is presumed that the panelists meet the minimum statutory qualifications for being a juror (mentally competent, Travis county resident, over the age of 18, etc.).

INTRAMURAL VOIR DIRE COMPETITION BALLOT

Judge _____ Round _____

PLAINTIFF	DEFENDANT
Competitor _____ & Competitor _____	Competitor _____ & Competitor _____

INTRODUCTION, PUBLIC QUESTIONING & BENCH QUESTIONING (80 points)

- Planted seeds of persuasion: through counsel’s statements and through counsel’s questioning of jurors.

PLAINTIFF	DEFENDANT
SCORE _____ (40 points possible)	SCORE _____ (40 points possible)

- Effectively ascertained relevant juror attitudes by creating conditions conducive to disclosure and by asking material substantive questions.

PLAINTIFF	DEFENDANT
SCORE _____ (40 points possible)	SCORE _____ (40 points possible)

CHALLENGES FOR CAUSE
(20 points)

- Effectively made challenges for cause.
 - Made effective use of juror biases.
 - Made proper arguments with rules.

<p>PLAINTIFF</p> <p>SCORE _____ (10 points possible)</p>	<p>DEFENDANT</p> <p>SCORE _____ (10 points possible)</p>
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- Effectively defended challenges for cause.
 - Responded effectively to opponents' challenges for cause.
 - Rehabilitated panelists he/she did not want struck.

<p>PLAINTIFF</p> <p>SCORE _____ (10 points possible)</p>	<p>DEFENDANT</p> <p>SCORE _____ (10 points possible)</p>
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PLAINTIFF Total (100 points):	DEFENDANT Total (100 points):

***If there is a tie, please circle a winner.**

Judge's Signature: _____ **Date:** _____

Printed Name: _____