

**ARKANSAS BAR ASSOCIATION
MOCK TRIAL COMMITTEE
BYLAWS**

ARTICLE I. PURPOSE AND EFFECTIVE DATE

1.1. Effective Date These Bylaws shall be effective as of the date of their passage on October 27, 2010. These Bylaws shall govern the activities of the Mock Trial Committee (hereinafter “MTC”) and the Arkansas High School Mock Trial Competition (hereinafter “Competition”), as amended from time to time.

1.2. Subordination The MTC is a Committee and subdivision of the Arkansas Bar Association (hereinafter “the Association”), and as such is subject to the control and oversight of the Association. To the extent that any rules or regulations promulgated by the Association conflict with these Bylaws, the rules and regulations of the Association shall govern.

The MTC is herein empowered to enact Rules of Evidence and Rules of Competition (hereinafter “Rules”) for the Competition. To the extent that anything contained in said Rules conflicts with these Bylaws, these Bylaws shall govern.

1.3. Supersession These Bylaws shall replace and supersede all preexisting Bylaws or practices of the MTC, except as specifically stated herein.

1.4. Purpose and Objectives The MTC was formed and exists for the primary purpose of providing for the study, understanding and appreciation of the American legal process through competitions and programs for educational purposes to and for the benefit of high school students in order to enhance the education of such students and foster their respect for the American legal process.

ARTICLE II. MEMBERSHIP AND OFFICERS

2.1. MTC Leadership The MTC shall have either one Chairperson (hereinafter “Chair”) and one Vice-Chairperson (hereinafter “Vice-Chair”), or two Co-Chairpersons (hereinafter “Co-Chairs”), who shall be appointed by the President of the Association (or his or her designee). The Chair and Vice-Chair, or Co-Chairs, shall lead the activities of the MTC, and shall serve at the pleasure of the President of the Association.

2.2. MTC Membership The MTC shall consist of as many members as the President of the Association (or his or her designee) may from time to time direct. The official membership roster shall be kept by the Secretary or the Coordinator, as directed by the Chair and Vice-Chair, or Co-Chairs. Members shall ordinarily serve for one-year terms, beginning and ending on dates established by the President of the Association. The President of the Association may add members at any time. The Chair and Vice-Chair, or Co-Chairs, may recommend removal of a member for cause to the President of the Association. Cause for removal shall include, but not

be limited to, failure to regularly attend meetings, failure to volunteer at the regional competition or state playoffs, or violation of any MTC Bylaw or Rule of the Competition.

2.3. Secretary The MTC may have one Secretary, who shall be appointed from the membership by and serve at the pleasure of the Chair and Vice-Chair, or Co-Chairs. The Secretary shall be responsible for attending MTC meetings, maintaining the official MTC membership roster, maintaining an official roster of MTC meeting attendees, and maintaining the official Bylaws, Rules, and other actions taken by the MTC. The Secretary shall be responsible for all official notifications to MTC members. Should the Secretary be unable to perform his or her duties for a temporary period of time, the Chair and Vice-Chair, or Co-Chairs, may appoint a temporary Secretary to assume those duties, or may temporarily assign those duties to the Coordinator.

2.4. Coordinator The MTC may be assisted by one Coordinator, who shall not be a member of the MTC, but who shall be bound in equal measure by the Rules, Bylaws, and other actions of the MTC. The Coordinator shall be an employee of the Association, and shall have such duties as the MTC, Chair and Vice-Chair, or Co-Chairs, shall direct.

The Coordinator may assume any and all duties of the Secretary, at the direction of the Chair and Vice-Chair, or Co-Chairs.

ARTICLE III. MEETINGS AND NOTICES

3.1. Meetings The MTC shall meet at such times and places as directed by the Chair and Vice-Chair, or Co-Chairs. Meetings may take place, and members may attend meetings, via telephone or other digital means.

3.2. Notice The Secretary or Coordinator shall give reasonable notice of meetings to all members. Notice may be given orally, via mail or special delivery, via facsimile, or via e-mail. Each member is responsible for notifying the Secretary or Coordinator of his or her current contact information and any change thereto, and notice shall be effective if given at the member's most recent contact information on file.

Five days notice shall be deemed reasonable under all circumstances. The Chair and Vice-Chair, or Co-Chairs, may call emergency meetings, if needed, and as much notice as is practicable under the circumstances shall be given to members, if less than five days.

ARTICLE IV. QUORUM, VOTING, AND PROCEDURE

4.1. Quorum Fifteen percent (15%) of the total membership of the MTC shall constitute a quorum for the purposes of any regular meeting. Ten percent (10%) of the total membership of the MTC shall constitute a quorum for the purposes of any emergency meeting. The Chair and Vice-Chair, or Co-Chairs, shall be considered members, and shall count towards a quorum.

4.2. Voting Voting shall be accomplished by a majority of those members in attendance at a meeting where a quorum is present. In the event of a tied vote, the measure shall

be deemed not to pass. The quorum and voting requirements shall be the same for all measures, including amendments to these Bylaws or the Rules.

4.3. Procedure Robert's Rules of Order shall generally apply to meetings, although meetings of the MTC are generally informal in nature, and failure to follow Robert's Rules of Order or other parliamentary procedure shall not affect the validity of any action. The Chair and Vice-Chair, or Co-Chairs, shall preside over any meeting, or shall designate another member to preside over a meeting in their place.

4.4. Subcommittees The MTC shall have the authority to constitute subcommittees comprised of MTC members and delegate tasks to said subcommittees for any purpose relevant to the Competition at any time.

ARTICLE V. CASE MATERIALS AND RULES

5.1. Case Materials The MTC is responsible for selecting, editing, and publishing the annual case materials to be used in the Competition. The MTC shall establish procedures each year for the selection and editing of the materials, and may utilize a subcommittee to assist with that process.

5.2. Rules of Competition The MTC shall promulgate and from time to time amend as needed the official Rules of the Competition (hereinafter "Rules of Competition"). The Rules of Competition shall be made publicly available to all teams in the state. The Rules of Competition shall endeavor to approximate as closely as practicable the actual practice of law, and shall strive to encourage fairness and vehement competition amongst the competing teams.

5.3. Rules of Evidence The MTC shall promulgate and from time to time amend as needed the Rules of Evidence which govern the admissibility of evidence during rounds of the Competition. The Rules of Evidence shall be made publicly available to all teams in the state. The Rules of Evidence shall endeavor to approximate as closely as practicable actual federal and/or state Rules of Evidence, and shall strive to encourage fairness and vehement competition amongst the competing teams.

ARTICLE VI. COMPETITION AND BRACKETING

6.1. Competition Dates The competition shall normally consist of two stages of play—a regional competition and state playoffs. The regional competition shall take place on a date selected by the MTC. The regional competition will normally be held in February or March, and the MTC shall endeavor to select a date which avoids other student and educational conflicts, if possible. Traditionally, the MTC has held the regional competition on the last weekend in February. State playoffs shall normally be held the week following the regional competition, unless the MTC decides otherwise. The MTC shall have the authority to schedule and re-schedule both the regional competition and state playoffs as it sees fit, and may, in its discretion, add additional rounds of competition if desired. The MTC shall endeavor to complete the state playoffs prior to the release of the National High School Mock Trial Competition's case materials.

6.2. Division of Regionals Regional competition is traditionally held in four regions, but the MTC shall determine into how many regions the state should be divided for purposes of competition, keeping in mind the following six (6) factors: 1) the geographical area covered; 2) anticipated travel for teams competing or which may compete; 3) the number of teams competing or which may compete; 4) availability of facilities; 5) availability of resources for competition, including but not limited to judges and volunteers; and 6) any other factors the MTC deems relevant. The MTC must decide the manner and method through which it will divide regions on an annual basis.

6.3. Assignment of Schools to Regions The MTC shall maintain exclusive control over the regional competition at which each particular team competes. The MTC will annually assign teams to regional competitions utilizing the six (6) factors enumerated in Bylaw 6.2.

6.4. Alteration of Regional Assignments The MTC reserves the right to alter the regional divisions at any time prior to the start of the regional competition. Any alteration of the regions should occur after consideration of the six (6) factors enumerated in Bylaw 6.2.

6.5. Advancement Beyond Regional Competition The MTC shall implement a procedure for selecting teams to compete in the state playoffs that will encourage fair and vehement competition amongst the competing teams. The MTC may, in its discretion, alter the rules for advancing in the mock trial competition.

6.6. Bracketing and Allocation of Byes At each regional competition and the state playoffs, the MTC shall randomly set the brackets.

In the event that an odd number of teams compete at a particular stage of the mock trial competition, the MTC shall randomly allocate any bye rounds.

6.7. MTC's Obligation to the Winning Team The MTC shall endeavor to assist the team that wins the Competition in its preparation for and participation in the National High School Mock Trial Competition. The Chair and Vice-Chair, or Co-Chairs, shall have discretion to fund the winning team's participation in the national competition. The Chair and Vice-Chair, or Co-Chairs, shall have the necessary discretion to either agree or refuse to fund some or all of the expenses associated with the winning team's participation in the National High School Mock Trial Competition.

ARTICLE VII. PARTICIPATION

7.1. Maximize Participation The MTC shall endeavor to maximize participation in the Competition by eligible schools and students throughout the State of Arkansas.

7.2. Waiver of Application Fee In light of the MTC's goal to maximize participation in the Competition, any team that demonstrates that the application fee renders it financially incapable of participating in the Competition may petition the MTC for waiver of its application fee. The

MTC may, in its discretion, waive the application fee for any team that demonstrates that the application fee renders it financially incapable of participating in the Competition.

7.3. Age and/or Grade Limits The age and/or grade limitations stated in the Rules of Competition shall govern each particular student's eligibility for participation in the Competition. Any team that includes a student who does not meet the eligibility requirements stated in the Rules of Competition shall be disqualified from the Competition.

ARTICLE VIII. SANCTIONS

8.1. Sanctions for Inappropriate Behavior at Competition Any participating team or student that behaves so inappropriately at any level of the Competition, including at the National High School Mock Trial Competition, that it may do harm to the reputation of the Association, the MTC, the Competition, or the State of Arkansas, may be sanctioned by the MTC.

8.2. Authorized Sanctions Authorized sanctions shall include, but not be limited to, a ban on participation in the Competition during the upcoming year or removal of a particular student from the Competition. The MTC shall have discretion to implement these sanctions if the conduct at issue rises to the level contemplated in Bylaw 8.1.

ARTICLE IX. ADDITIONAL EXPECTATIONS OF MTC MEMBERS

9.1. Volunteering at Regional or State Mock Trial Competition Expected All members of the MTC are expected to volunteer at the Competition. Volunteering may include, but not be limited to, the following: coaching a mock trial team, judging rounds of mock trial competition, serving as a bailiff, serving as a regional coordinator or assistant regional coordinator, or attempting to procure judges or volunteers.

9.2. Failure to Volunteer The Chair and Vice-Chair, or Co-Chairs, may recommend to the President of the Association removal for cause of any MTC member who fails to volunteer at the regional competition or state playoffs absent exigent circumstances or prior approval from the Chair and Vice-Chair, or Co-Chairs.

9.3. Integrity of Competition Any MTC member who volunteers as a coach or sponsor for a particular team must subordinate the goals and interests of that particular team to the goals and interests of the MTC and the Competition as a whole, should the two conflict.

9.4. Per Se Conflicts of Interest To avoid the appearance of impropriety, any MTC member who participates in the selection of the annual case materials may not volunteer as a coach or sponsor of a particular team. To avoid the appearance of impropriety, no MTC member who volunteers as a coach or sponsor of a particular team shall judge any round at the Competition.

All members of the MTC shall endeavor to avoid any other apparent or presumed conflicts of interest whenever possible.

ARTICLE X. DISPUTE RESOLUTION GENERALLY

10.1. MTC's Authority The MTC shall have the exclusive authority to consider and adjudicate disputes between competing schools, teams, and students or between a particular school, team, student and the MTC, Chair, Vice-Chair, Co-Chairs, or a particular judge.

10.2. Initiation of Disputes Any school, team, student, coach or sponsor that disputes decisions made by the MTC, Chair, Vice-Chair, Co-Chairs, particular judges, or another competitor may petition the MTC for consideration of the issue.

The MTC shall have discretion to consider and adjudicate the issue. Although consideration of each dispute may be advisable, it is not mandatory. The MTC has discretion to refuse consideration of any particular dispute.

10.3. MTC's Decision Binding After consideration of particular disputes, the MTC should vote on a preferred resolution of the dispute. If a majority of those members in attendance at a meeting where a quorum is present approves a proposed resolution, the decision of the MTC shall bind the interested parties.

ARTICLE XI. CUSTODY OF RECORDS

11.1. Duty of the Custodian The Secretary or Coordinator of the MTC shall maintain copies of all Bylaws, Rules, resolutions, and/or other actions of the MTC, as they may be amended from time to time, including their effective dates.