

# **CONSTITUTION OF THE ORDER OF BARRISTERS**

## **Article I -- Name and Purpose**

The name of this society shall be The Order of Barristers. The Order shall be a national honorary organization whose purpose is the encouragement of oral advocacy and brief writing skills through effective law school appellate moot court and mock trial programs. The Order shall also serve to recognize, on a national basis, graduating law students who have excelled in moot court and mock trial activities in their respective law schools.

## **Article II -- Chapters**

**Section 1.** The Order of Barristers shall consist of chapters organized in law schools of the United States which meet the eligibility requirements of The Order.

**Section 2.** The application for the granting of a charter must be in writing and must be approved by the Dean of the law school desiring the formation of a chapter.

**Section 3.** The law school must have participated in the National Moot Court Competition or the National Mock Trial Competition for two consecutive years prior to its application to become a chapter of The Order.

**Section 4.** The law school's moot court and mock trial program must be reviewed and approved by the Permanent Secretary of The Order. The law school's advocacy program need not conform to any one format. Factors for review and approval of prospective chapters shall include: the amount of student participation in the moot court and mock trial activities; opportunity for curriculum instruction in brief writing and oral advocacy, which may be compulsory, credit or non-credit, or taught by faculty or students; sufficient faculty supervision; and a student organization for moot court and/or mock trial.

**Section 5.** A law school's application to become a chapter of The Order shall be submitted to the Permanent Secretary which shall approve or disapprove the application according to the guidelines expressed in this Constitution and procedural rules, if any, promulgated by the Board of Governors. The Board of Governors may overrule the Permanent Secretary's decision.

Each law school submitting an application to become a chapter shall pay an initial fee of \$10.00. The amount of this fee may be adjusted by the Permanent Secretary as needed, but not more than 20% in any year.

**Section 6.** Chapters of The Order may not be discontinued except by voluntary request from the Dean of the respective law school or by vote of three-fourths of the Board of Governors. Discontinuance of a chapter by the Board of Governors shall be permitted only if the discontinuance has been recommended by the Permanent Secretary or a similar three-fourths vote by the previous year's Board of Governors. The Permanent Secretary shall recommend discontinuance of a chapter only if the respective chapter fails to participate in either the National Moot Court Competition or National Mock Trial Competition for two consecutive years.

## **Article III--Membership**

**Section 1.** Individual law students excelling in oral advocacy and brief writing skills and activities shall be selected for membership in the following manner:

**Section 2.** The faculty or a faculty committee appointed by the Dean of the law school shall select or shall determine the means of selecting those students from their respective law schools who shall receive membership in The Order. The Dean of the law school shall approve those selected.

**Section 3.** The criteria upon which selection to The Order is based shall include two or more of the following:

- a. Membership on interscholastic teams.
- b. Participation for tryouts for interscholastic teams.
- c. Participation and performance in intramural competitions.
- d. Participation and performance in the administration of the school's moot court and mock trial program.
- e. Participation and performance in a teaching program for brief writing and/or oral advocacy skills to other law students.
- f. Performance record in the school's brief writing and/or oral advocacy courses.

**Section 4.** The number of students per year that a school may select to The Order shall be related to the number of students who actually participate in the current year in a faculty supervised and sanctioned moot court or mock trial program. The program must include mandatory or voluntary class work involving instruction and practice in both appellate brief writing and appellate oral advocacy or in both trial brief writing and trial oral advocacy. It may also include intramural competitions, as well as interscholastic team tryouts and participation.

There shall be an annual limit of eight Barristers for annual student participation of up to 100, nine Barristers for annual student participation of up to 200, and ten Barristers for annual student participation over 200.

**Section 5.** Members of the legal profession who have attained distinction may be selected to honorary membership in The Order by the faculty or faculty committee of the respective schools, provided that no chapter may select more than one honorary member per year. The Order may, through the Permanent Secretary, award an honorary membership to any person who is not already a member, is not currently enrolled in any law school, and has made an outstanding contribution to The Order.

**Section 6.** Student members shall be selected within six (6) months of their graduation. Only graduating students or recent graduates shall be eligible for student membership.

## **Article IV--Organization and Administration**

**Section 1.** The Board of Governors shall be the governing body of The Order. The Board of Governors shall consist of one student representative from each school having a chapter of The Order and representing its region in the final rounds of the National Moot Court Competition or the National Mock Trial Competition. The location of meeting of the Board of Governors shall vary according to Section 4 of this Article. The number of board members shall be the same as the number of chapter schools participating in the final rounds of the National Moot Court Competition or the National Mock Trial Competition. The term of the members of the Board of Governors shall commence on the Monday immediately preceding the final rounds of the National Competition and shall continue for one year.

**Section 2.** The National Secretary shall preside at all meetings of the Board of Governors. The National Secretary shall have no vote at such meetings, except in the event of a tie. In such event the National Secretary shall cast the deciding vote. If, in the opinion of the National Secretary, action on any matter involving The Order is required which cannot wait until the time specified in this Article for meetings of the Board, a vote by mail shall be allowed. In such event, the voting representative from each school represented on the Board of Governors shall be the (student) head of that school's Moot Court Board or Board of Advocates. Ballots shall be mailed to all board members by the National Secretary. The National Secretary shall specify a date by which all ballots must be returned, and if ballots from a majority of the members of the then current Board are received by that date, a quorum of the Board shall be deemed to have voted on the issue(s) presented on the ballot.

**Section 3.** A chapter selected at the initial meeting of the Board of Governors after the adoption of this Constitution shall serve as Permanent Secretary of The Order from year to year, electing a student each year to serve as National Secretary for a term of one year. The National Secretary shall be responsible for and custodian of all records and monies, shall bear responsibility for publishing the annual report of The Order of Barristers, shall process applications for chapters and nominations for membership, and shall call meetings of the Board of Governors when necessary.

**Section 4.** When necessary, meetings of The Order shall take place during or immediately prior to the final rounds of the National Moot Court Competition in New York City, New York (in even years), or the final rounds of the National Mock Trial Competition in a designated city in Texas (in odd years), at the time and place called by the National Secretary. The Board of Governors shall review charter applications, budgets and financial reports, and all other business of The Order raised at the meeting.

## **Article V--Barrister Awards**

**Section 1.** The names of those students selected to The Order shall be sent to the Permanent Secretary during January, February, March, April, or May as they are selected by their respective chapters. The Permanent Secretary shall accept nominations only for the current year.

**Section 2.** Each Barrister shall receive a certificate which shall be forwarded to the dean of the law school by the Permanent Secretary so it may be bestowed in a manner that each chapter deems fitting. The certificate for membership in The Order of Barristers shall be prepared and distributed in accordance with the directions of the Board of Governors.

**Section 3.** If a chapter wishes to award a statue of Justice, in addition to the certificate, to those students selected to The Order of Barristers, it may do so. Awarding of the statues of Justice shall be discretionary with each chapter. The official statue of Justice which may be awarded by the respective chapters shall be that statue of Justice distributed by the Legal Arts Company, 1376 Redsail Circle, Westlake Village, California 91361. No other statue of Justice, plaque, or similar award shall be made without approval of the Board of Governors at their meeting.

**Section 4.** Chapters may, upon approval and coordination with their respective Deans, seek financial assistance from local and state bar associations of the trial bar for the purpose of financing the statue of Justice awards. Chapters are encouraged to announce and recognize those students selected to The Order of Barristers at their annual law school banquet or awards ceremony.

**Section 5.** Each chapter submitting the names of those selected for membership in The Order, shall at the same time submit a sum of \$10.00 per Barrister. Such fee, along with the chapter's initiation fee, shall be the income of The Order, other than voluntary contributions. The Permanent Secretary may periodically review and adjust such fees as may be appropriate, but any increase of over 35% in a given year must be approved by the Board of Governors.

**Section 6.** Permanent records of the names and schools of persons selected to The Order shall be kept by the Permanent Secretary and shall be made available upon request by anyone.

**Section 7.** Each year the National Secretary shall be awarded, through the Permanent Secretary, a scholarship for services rendered to The Order.

## **Article VI--Annual Report of The Order of Barristers**

**Section 1.** The Permanent Secretary shall publish an annual report of The Order of Barristers and a roster of the persons selected for membership in The Order for the current year. The report shall include a summary of each chapter's advocacy program and activities, which summary shall be repeated each year in the annual report unless changed or updated by the respective chapter. The report shall contain other matters relating to moot court and mock trial as the Board of Governors may direct or as the Permanent Secretary deems appropriate. The report shall be mailed to all law schools in the nation. Any extra copies shall be provided at cost by the Permanent Secretary to any person requesting a copy.

**Section 2.** All chapters shall cooperate in the publication of the report and shall be further obligated to exchange information about their advocacy program on request by any other law school, regardless of whether the request is from a chapter of The Order of Barristers. The cost of moot court manuals, etc. shall be the same as the respective school charges its own students.

**Section 3.** Each year (in which finances permit) the National Secretary shall attend the annual meeting of the Litigation Section of the American Bar Association. The National Secretary shall represent The Order at and participate in such meetings for the purpose of improving the image and visibility of The Order in the legal profession as a whole. The National Secretary shall report significant items of interest occurring at such meetings to all chapter members in the annual report of The Order of Barristers. The expenses of attending such meetings shall be paid by The Order.

### **Article VII--Amendment**

This Constitution may be amended by a three-fourths vote of the Board of Governors, provided that the proposed amendment shall have been circulated in writing to all chapters of The Order of Barristers at least thirty days prior to a meeting of the Board of Governors.

Adopted December 16, 1970; as amended December 12, 1977, March 27, 1985, and January 22, 1988.