

1-2014

## Rules of Procedure 2014

Brandon Telchi  
btelchi@usf.edu

Follow this and additional works at: [https://digitalcommons.usf.edu/sg\\_jud\\_pubs](https://digitalcommons.usf.edu/sg_jud_pubs)

---

### Scholar Commons Citation

Telchi, Brandon, "Rules of Procedure 2014" (2014). *Judicial Branch Publications*. 32.  
[https://digitalcommons.usf.edu/sg\\_jud\\_pubs/32](https://digitalcommons.usf.edu/sg_jud_pubs/32)

This Article is brought to you for free and open access by the Student Government at Digital Commons @ University of South Florida. It has been accepted for inclusion in Judicial Branch Publications by an authorized administrator of Digital Commons @ University of South Florida. For more information, please contact [digitalcommons@usf.edu](mailto:digitalcommons@usf.edu).



# **The University of South Florida Student Government**

## **Rules of Procedure of the Supreme Court**

**Revised: 15 January, 2014  
Effective: 22 January, 2014**

## TABLE OF CONTENTS

- i. The Student Government Supreme Court of the University of South Florida
- ii. Table of Contents
- iii. Preamble
1. Constitutional Conformity
2. Jurisdiction
3. Definitions
4. Composition
5. Judicial Expectations
6. Judicial Initiation
7. Conditions Regarding Seniority and Reappointment
8. The Chief Justice
9. The Senior Justice
10. The Ranking Justice
11. The Associate Justices
12. Court Leadership
13. The Judicial Clerk
14. Meetings
  - a. Court Leadership Meetings
  - b. General Business meetings
  - c. Special Meetings
  - d. Ad-Hoc Committees
  - e. Parking Appeals - see Appendix A
  - f. Complaints and Interpretations– see Appendix B
  - g. Trials – see Appendix C
  - h. Declaratory Judgment Meetings
15. Agenda Template
16. ERC ROP Revision Ad-Hoc Committee
17. Judicial Review Panel
18. Referendum Review Panel
19. Attendance Policies
20. Court Records
21. End of the Year Awards
22. Temporary and Permanent Changes to the Rules of Procedure

Appendix A - Parking Appeal Procedure

Appendix B – Complaints and Interpretations Rules of Procedure

1. Obtaining a Writ of Mandamus
2. Declaratory Judgment

Appendix C - Trial Rules of Procedure

1. Obtaining a Trial
2. Rights and Responsibilities
3. Pre-Trial Discovery
4. Original Jurisdiction Proceedings
5. Appellate Jurisdiction Proceedings

# **The University of South Florida Student Government Supreme Court Rules of Procedure**

---

## **PREAMBLE**

Endeavoring to ensure the reign of Liberty and Justice, men have established magistrates to discern the Laws of Nature as expressed in statute or precedent thereby maintaining the Rule of Law. We, the Justices of the University of South Florida Student Government Supreme Court, serve to ensure that the Spirit of the Law is upheld in all cases and controversies pertaining to Student Government; and maintain an independent Judiciary to guard the rights of students against arbitrary acts.

Therefore, in order to ensure Justice and maintain the Natural Rights and privileges of individual students and the Student Body as a whole; We the members of the Judiciary, in accordance with the laws promulgated under the Constitution of the United States of America, the Constitution of the State of Florida, and the Constitution of the University of South Florida, do ordain and establish these Rules of Procedure.

### **1. CONSTITUTIONAL CONFORMITY**

- 1.1 The Rules of Procedure of the Student Government Supreme Court shall not conflict with the United States Constitution or Federal Law, the State of Florida Constitution or State Law, or the Student Body Constitution.
- 1.2 The Rules of Procedure of the Student Government Supreme Court shall not conflict with the Student Government Statutes. It may, however, further define any section of statutes that deals with the operation of the Supreme Court.

## **2. JURISDICTION**

2.1 The Jurisdiction of the Supreme Court shall be as defined by the Student Body Constitution and further expressed by the Student Government Statutes.

Pertinent Articles and Statutes:

USF SG Constitution:

**SECTION I:** The judicial power of Student Body shall be vested in the Student Supreme Court, hereinafter may be referred to as The Supreme Court. The Supreme Court shall have jurisdiction over all cases and controversies, excluding those delegated to other entities by the University Board of Trustees, involving the Student Body and Student Government Association, including the power to declare any act of the Student Government Association unconstitutional. Any decision or ruling made by the Student Supreme Court may be appealed, according to habeas corpus, only by the prosecution or the defense in the particular controversy or case, to the Dean for Students of the Division of Student Affairs.

**SECTION II:** The Supreme Court shall try all cases of impeachment brought by the Senate.

**SECTION III:** The Supreme Court shall adopt rules for its practice and procedure, including the time for seeking appellate review. These rules may be repealed by statute enacted by two-thirds vote of the Senate.

USF SG Statutes:

**501.1** The Supreme Court shall have original jurisdiction over:

**501.1.1** All cases and controversies involving Student Government.

**501.1.2** All cases and controversies involving judicial review of Senate legislation.

**501.1.3** All cases and controversies involving a contest of elections.

**501.1.4** All cases of impeachment except for the impeachment of members of the Supreme Court.

**501.2** The Supreme Court shall have appellate jurisdiction over:

**501.2.1** All cases and controversies involving the Election Rules Commission.

**501.2.2** All cases and controversies involving ASMB.

**501.2.3** Final student appeals of USF Parking and Transportation Services violations

### 3. DEFINITIONS

<b><u>Academic Semester</u></b>	Either fall, spring, or summer semesters as set forth by the University of South Florida's Academic Calendar
<b><u>Business Day</u><sup>1</sup></b>	Any calendar day Monday through Friday, except for federal or state holidays, unless explicitly noted otherwise. Saturday and Sunday are not considered business days.
<b><u>Counsel</u></b>	The advocate or lawyer who pleads a case.
<b><u>Court Leadership</u></b>	Refers to the Chief Justice, Senior Justice, and Ranking Justice collectively
<b><u>General Administrative Issues</u></b>	Subject matter, as it pertains to the Student Government Supreme Court solely or primarily, that will effect only the operations of the Supreme Court. (i.e. ROPs, voting for senior leadership, any Supreme Court project, or initiative, etc.)
<b><u>Good Behavior</u></b>	Having good academic standing as defined in the Student Body Constitution, and good disciplinary standing, meaning that the student has not been censured twice, previously impeached for reasons other than incompetence, or has been deemed fit to continue by a Judicial Review Committee after a member of the Supreme Court has been found violation of the Student Code of Conduct and has received no more than probation as punishment.
<b><u>Majority of the Court</u></b>	50% plus 1 of the Justices appointed at the time.
<b><u>Party</u></b>	A person or group involved in legal proceedings.
<b><u>Resignation 'under duress</u></b>	A Justice shall be deemed to have resigned under duress if the motivation of their resignation could reasonably be assumed to be to avoid imminent censure and/or removal. A majority of the Court shall be required to agree that a Justice has resigned under duress.
<b><u>School Day</u><sup>1</sup></b>	Any calendar day that the University offers class(es) on one or more of its campuses, including Saturday. Times of the year that classes are not in session (such as spring breaks and winter breaks) do not constitute school days, unless explicitly noted otherwise
<b><u>Special Election</u></b>	An election held to fill the remainder of a term by a Senior Justice and/or a Ranking Justice who has graduated, resigned, or for any other reason is no longer with the USF Supreme Court.

**Supermajority**

A supermajority vote shall be defined as a vote greater than or equal to two thirds (2/3) of those present at a meeting who have voting rights.

**Term**

A year of Student Government business which shall directly correspond with the University academic year. A Student Government Term shall begin at midnight on the Monday after Spring Commencement and end corresponding to the termination of the Spring Commencement ceremonies.

**Vote of Confidence**

A parliamentary procedure used to affirm or deny support to the Senior or Ranking Justice. If the Senior or Ranking Justice losses a Vote of Confidence by a majority vote, it is customary, but not mandatory that they resign their position in Court Leadership.

**Writ of Mandamus**

An order by the Supreme Court to force a Student Government Officer to perform his or her duties as outlined in statutes.<sup>1</sup>

---

<sup>1</sup> As defined by the Coppens Interpretation opinion signed and rendered September 18, 2007.

#### **4. COMPOSITION**

- 4.1 As written in the Article IV of the Student Body Constitution, the Supreme Court shall be comprised of seven (7) Justices, appointed by the President of the Student Body with the advice and consent of the Senate. A Justice who has served three terms may be reappointed by the President of the Student Body.
- 4.2 The President of the Student Body shall nominate, by and with the advice and consent of the Senate, the Chief Justice of the Supreme Court.



## **5. JUDICIAL EXPECTATIONS**

- 5.1 All Justices shall be expected to follow all governing documents immediately following confirmation, and should therefore be familiar with all documents immediately following confirmation.
- 5.2 Justices shall comply with the Judicial Ethics Act as outlined in Chapter 503 of the Student Government Statutes.
- 5.3 All Justices shall dress in business casual attire to all stated student government related events.
- 5.4 All Justices shall be expected to follow Robert's Rules of Order at all meetings unless stated otherwise.
- 5.5 All Justices shall know their ranking in order to correctly follow proper procedure in meetings.
- 5.6 All Justices shall participate in a "ride along" with Parking and Transportation Services within one month of being sworn in, to enhance knowledge regarding parking and transportation policy.
- 5.7 It is recommended that Justices should attempt to continue to do a ride along each semester to better familiarize with any changes regarding Parking and Transportation policies.

## **6. JUDICIAL INITIATION**

- 6.1 If a confirmed Judicial nominee is not sworn in during Senate the candidate shall be officially sworn in by the Chief Justice or next highest ranking Justice as a Supreme Court Justice at the next General Meeting of the Supreme Court immediately following the taking of attendance for said meeting.
- 6.2 Seniority shall be established in the order the Justices are sworn in.
- 6.3 The acts of initiation shall follow the rules given in Student Government Statutes Chapter 203.
- 6.3.1 The Oath of Office is as follows:

**“As a member of the Student Government of the University of South Florida, I [state full name] do hereby affirm to uphold the office of [state the office], to abide by the Student Body Constitution, to uphold the Statutes incorporated therein, and to represent the Student Body to the best of my ability.”**

## **7. CONDITIONS REGARDING SENIORITY AND RE-APPOINTMENTS**

- 7.1 A Justice who leaves the Supreme Court, via term expiration or resignation, shall be considered having been discharged with “good behavior” status retained, and if reappointed, shall retain all of their accumulated seniority.
- 7.2 If a Justice is removed from the Supreme Court for not having good academic standing, as stated in the USF Constitution and/or the USF Student Body and/or Student Government Statutes, or for poor attendance to Supreme Court meetings, and they are reappointed, then that Justice shall be consider as having been discharged with “good behavior” status not retained, and forfeit their seniority.
- 7.3 A Justice who has resigned ‘under duress’ shall forfeit their seniority and may not stand for Court Leadership until the annual term has elapsed after their reappointment.

## **8. THE CHIEF JUSTICE**

- 8.1. As written in the Constitution of the Student Body, The President of the Student Body shall nominate with the advice and consent of the Senate the Chief Justice.
  - 8.1.1. The President may appoint a new Justice to fill this position if there are open seats on the Supreme Court.
  - 8.1.2. If the Supreme Court is at capacity after the resignation of the Chief Justice, as an officer of the Supreme Court, then the President must choose, with the advice and consent of the Senate, a current member of the Supreme Court for this position.
  - 8.1.3. As also written in the Student Body Constitution, The Chief Justice shall serve for one term, and may be re-appointed for one additional term.
- 8.2. The Chief Justice shall preside over all meetings and judicial proceedings. In the absence of the Chief Justice, the Senior Justice will serve in this capacity.
- 8.3. Presiding over the Supreme Court shall not allow the Chief Justice to arbitrarily restrict the voice, vote or any other privileges of another Justice.
- 8.4. The statutorily required duties of the Chief Justice as provided in the Student Government Statutes, Chapter 502.2

## **9. THE SENIOR JUSTICE**

- 9.1 The Senior Justice shall be elected between the first two weeks of April, by a majority vote with a minimum of three votes of Justices present.
  - 9.1.1. The Senior Justice shall serve for one term, and may be re-elected for one additional term.
  - 9.1.2. The election of Senior Justice shall be voted on by open ballot and counted by a Justice that is not running for the same office and the Judicial Clerk.
  - 9.1.3. A Special Election will be held the last general meeting before summer and or fall Commencement in the event that the Senior Justice will be graduating in that semester.
  - 9.1.4. A Special Election will be held at the next general meeting in the event that the Senior Justice has resigned, or for any other reason is no longer with the USF Supreme Court during the term.
- 9.2 The Senior Justice elect shall take office on the first Monday after Spring Commencement.
- 9.3 Should the Chief Justice be unable to fulfill any of their duties, the Senior Justice shall fulfill that capacity until a time in which the Chief Justice can resume their duties.
- 9.4 The Senior Justice shall be subjected to a Vote of Confidence within the first two meetings of the fall and spring semesters.
- 9.5 The statutorily required duties of the Senior Justice as provided in the Student Government Statutes, 502.3
- 9.6 The Senior Justice working in conjunction with the Ranking Justice shall be responsible for training all incoming Associate Justices during the fall and spring semesters.
- 9.7 The Senior Justice shall have supervisory authority over branch structure.
- 9.8 The Senior Justice shall be responsible for the enforcement of all time limits during all Supreme Court proceedings.

## 10. THE RANKING JUSTICE

- 10.1 The Ranking Justice shall be elected between the first two weeks of April by a majority vote with a minimum of three votes of Justices present.
  - 10.1.1. The Ranking Justice shall serve for one term, and may be re-elected for one additional term.
  - 10.1.2. The election of Ranking Justice shall be voted on by open ballot and counted by a Justice that is not running for the same office and the Judicial Clerk.
  - 10.1.3. A Special Election will be held the last general meeting before summer and or fall Commencement in the event that the Ranking Justice will be graduating in that semester.
  - 10.1.4. A Special Election will be held at the next general meeting in the event that the Ranking Justice has resigned, or for any other reason is no longer with the USF Supreme Court during the term.
- 10.2 The Ranking Justice elect shall take office on the first Monday after Spring Commencement, or once a vote taken.
- 10.3 Should the Chief Justice and Senior Justice be unable to fulfill any of their duties, the Ranking Justice shall fulfill that capacity until a time in which the Chief Justice and the Senior Justice can resume their duties.
- 10.4 The Ranking Justice shall be subjected to a Vote of Confidence within the first two meetings of the fall and spring semesters.
- 10.5 The statutorily required duties of the Ranking Justice as ~~provided~~ in the Student Government Statutes, 502.4
- 10.6 The Ranking Justice in conjunction with the Senior Justice shall be responsible for training all incoming Associate Justices during the fall and spring semesters.
- 10.7 The Ranking Justice shall ensure that trial procedure is clear and operates efficiently.

## **11. THE ASSOCIATE JUSTICES**

- 11.1 Should the Chief Justice, Senior Justice, or Ranking Justice be unable to fulfill any of their duties, the Justice that is next in seniority shall fulfill that capacity until a time in which they can resume their duties.
- 11.2 Should the Supreme Court be without a Chief Justice, Senior Justice, and Ranking Justice, the Justice who is next in seniority shall fulfill the role of Acting Chief Justice and perform any and all duties of the office of Chief Justice until an appropriate appointment is made.
- 11.3 The ranking and speaking rights of Associate Justices shall be by seniority.
- 11.4 Associate Justices shall perform any duties that are expected of all Justices as well as any duties deemed necessary by Court Leadership.

## **12. Court Leadership**

12.1. Court Leadership shall have the power to:

12.1.1. Assign all members to committees and create new ad-hoc committees when necessary.

12.1.2. Assign duties necessary to the maintenance of day to day operations to the Associate Justices.

12.1.3. Provide supervisory authority over outreach operations.

12.1.4. Review all absences and excuse forms of Justices and staff, and assess points when deemed necessary.

12.1.5. Plan all projects dealing with the promotion of internal communications in the Supreme Court (i.e. workshops, retreats, and socials).

12.1.6. Reprimand, through written warning or point assessment, any Justice who fails to carry out his/her assigned or acquired duties or violates judicial ethics.

12.1.7. Create the annual budget request.

12.1.8. Rule on pretrial motions in the absence of quorum.

12.1.9. Carry out any other duties deemed necessary and proper for carrying into execution the foregoing Powers and all other Powers vested by the Student Government Constitution and Statutes in the Court.



### **13. THE JUDICIAL CLERK**

- 13.1 In the event of a vacancy of the position of Judicial Clerk the following procedure is prescribed:
- 13.1.1 It is recommended that during the Fall and Spring Semesters that this position shall not be filled until the position has been advertised in the Oracle for at least three consecutive printed days.
  - 13.1.2 During the summer semester, it is recommended that this position shall not be filled until the position has been advertised in the Oracle for at least two consecutive printed days or a week, whichever is shorter.
  - 12.1.3 An Ad-hoc hiring committee shall be formed to interview selected applicants and make a selection by a simple majority vote.
- 13.2 The duties of the Judicial Clerk, as prescribed by the Supreme Court shall be:
- 13.2.1 Keep minutes of all public meetings and trials.
  - 13.2.2 Maintain records of all correspondences to or from the Supreme Court.
  - 13.2.3 Maintain records of all copies of all petitions, documents, written testimony, written evidence and other papers appearing before the Supreme Court.
  - 13.2.4 Maintain records for all rulings and documentation of all actions of the Supreme Court.
  - 13.2.5 Maintain the Judicial Branch section of the Student Government Website.
  - 13.2.6 Other duties deemed necessary by the Chief Justice or a majority of the Supreme Court.
- 13.3 If the Supreme Court decides, by a majority vote, that the Judicial Clerk has not fulfilled the duties listed in this section, a written reprimand will be issued by the Supreme Court.
- 13.4 The Judicial Clerk shall submit their availability at the request of the Chief Justice.
- 13.5 The presence of the Judicial Clerk at General meetings and trials, for the purpose of recording and providing minutes, shall be mandatory.
- 13.6 The Judicial Clerk shall not represent the Supreme Court, beyond the duties stated herein, in any official capacity, except when specifically asked to do so by the Chief Justice or a majority of the Supreme Court.

13.7 The Judicial Clerk shall be responsible for maintaining the Office of the Supreme Court of the University of South Florida.

## **14. MEETINGS OF THE SUPREME COURT**

- 14.1 There shall be Five types of meetings: Court Leadership Meetings, General Business Meetings, Special Meetings, Ad- Hoc Committee Meetings, and Declaratory Judgment Panel Meetings; and three types of hearings: Parking Appeals, Complaints and Interpretations and Trials.
- 14.2 All Supreme Court meetings shall be conducted in a parliamentary procedure manner, which shall adhere to the order of seniority in discussing all complaints and interpretations.
- 14.3 Regular speaking rights shall be exclusive to the Justices of the Supreme Court.
- 14.3.1 A guest speaker(s) and/or appellant(s) may address the Supreme Court during their appointed times as set in the agenda.
- 14.3.2 A non-Justice may address the Supreme Court beyond such times by permission given by the Chief Justice.
- 14.4 Meetings shall be conducted in the order prescribed in the most recent edition of Robert's Rules of Order.
- 14.5 The following entails the five types of meetings:
- a. Court Leadership Meetings**
1. This shall be a standing committee consisting of the Chief Justice, the Senior Justice, the Ranking Justice, and the Judicial Clerk (ex-officio, non-voting). The Chief Justice shall preside over the meeting.
  2. It is recommended this committee meet once a month, however it is not necessary.
  4. Quorum for all Court Leadership Meetings shall be met with a supermajority.
- b. General Business Meetings**
1. The Chief Justice, with agreement from a majority of the Supreme Court, shall determine the time, day, place, of the General Supreme Court meetings.
    - i. The Supreme Court shall meet for a General Meeting at least twice a month during the fall and spring semesters. During the summer semesters, the Supreme Court shall meet for a General Meeting at least once.

- ii. No meeting shall be called on a school observed or a religious holiday.
  - iii. Notice of all General Business Meetings must be given publicly no less than 24 hours in advance.
  - iv. All official decisions, including court leadership elections, must meet Quorum.
2. As written in Student Government Statutes, The Supreme Court shall have quorum in order for any official decision to be rendered. Quorum shall be as follows:

<b>Justices Currently on Bench</b>	<b>Quorum</b>
<b>9</b>	<b>7</b>
<b>8</b>	<b>6</b>
<b>7 or less</b>	<b>5</b>

3. The Supreme Court may have General meetings for the purpose of discussing general administrative issues, as they pertain to the Supreme Court.

**c. Special Meetings**

1. The Chief Justice may call a special meeting of the Supreme Court, if necessary, provided that all members are given appropriate notice of the special meeting.

**d. Ad-Hoc Committee Meetings**

- 1. All ad-hoc committees shall be created by the Court Leadership.
- 2. All members of the Ad-Hoc committees shall be appointed by the Chief Justice, with the advice and consent of the other members of the Court Leadership.
- 3. Court Leadership shall appoint Chair of the ad-hoc committee.
- 4. All ad-hoc committee Chairs shall be responsible for taking attendance and the minutes, and then forward them to the Court Leadership for review.
- 5. An Ad-Hoc Committee Meeting shall be any meeting scheduled and agreed upon by a majority of the members of that specific committee.
- 6. These meetings shall require a simple majority of appointed Justices present in order to satisfy the requirement for quorum.

**e. Parking Appeals**

1. Complete Parking Appeal Procedure shall follow the guidelines in Appendix A.

**f. Complaints and Interpretations**

1. Complete Complaints and Interpretations Rules of Procedure shall follow the guidelines in Appendix B.

**g. Trials**

1. Complete Trial Rules of Procedure shall follow the guidelines in Appendix C.

**h. Declaratory Judgment Panel Meetings**

1. Declaratory Judgment Panel Meetings will occur within forty-eight (48) hours of a formal request being made, excluding weekend and University holidays.
2. The meeting will follow the procedures of the court leadership meeting.
3. All further procedures will be adhered to as outlined in Appendix B-2.

## **15. MEETING AGENDA TEMPLATE**

- 15.1 The regular order of a General Meeting of the Supreme Court shall be conducted as follows:
  - 15.1.1 Call to Order by the Justice presiding.
  - 15.1.2 The Justice presiding shall announce the absences of member of the regular members of the Supreme Court, and rather those absences are excused or not.
  - 15.1.3 Addition/Deletions to the Agenda
  - 15.1.4 Additions/Deletions to the Minutes (followed by a motion to approve the minutes)
  - 15.1.5 Open Forum (including non-judicial branch member's reports)
  - 15.1.6 Judicial Reports
  - 15.1.7 SGATO Report
  
  - 15.1.9 Old Business (including motions to open and close this segment)
  - 15.1.10 New Business (including a motion to open this segment)
  - 15.1.11 Announcements
  - 15.1.12 Adjournment (including a motion to close the meeting)
- 15.2 As a courtesy to the Judicial Clerk, it is asked that the presiding Justice announce which Justice presented a motion and which one seconded the motion.
- 15.3 This format is not fixed and shall be adjusted as needed by the Chief Justice, or presiding Justice (if not the Chief Justice) for the business of the day.

## **16. ERC ROP Revision Ad-Hoc Committee**

16.1. The Chief Justice, following the completion of the General Election shall create the ERC ROP Revision committee.

16.1.1. If the Committee has not been convened in over a year, the Chief Justice may form one at his/her discretion.

16.2 The Purpose of the Committee shall be to revise the Election Rules Committee Rules of Procedure.

16.4 The Chief Justice shall preside and vote only to make or break a tie.

## **17. Judicial Review Panel**

17.1. The Judicial Review Panel shall consist of the Chief Justice, Senior Justice, and Ranking Justice or their designees.

17.1.2. Designees must be active members of the Court.

17.2. Consistent with the power granted to the Judiciary in Art. IV Sec. I of the Student Body Constitution “to declare any act of the Student Government Association unconstitutional” the Court may accept grievances against any act of the Executive branch or Senate.

17.3 Any member of Student Government may submit a grievance to the Court alleging a conflict with the Student Body Constitution or Statutes.

17.4. The Judicial Review Panel will review complaints and issue a binding ruling within five (5) business days.

17.4.1. The Panel may opt to summarily dismiss any grievance without issuing a binding ruling.



## **18. Referendum Review Panel**

18.1. The Referendum Review Panel shall consist of the Chief Justice, Senior Justice, and Ranking Justice or their designees.

18.1.2. Designees must be active members of the Court.

18.2. The Referendum Review Panel shall review all referendums before they are placed on the ballot and issue a binding ruling regarding their constitutionality within two (2) business days of the submission of the referendum.

18.3 Referendums which conflict with the following shall not be placed on the ballot:

18.3.1. Federal or State Law.

18.3.2. Resolution of the State Legislator.

18.3.3. University Policy.

18.3.4. Student Government Constitution or Statutes.

## 19. ATTENDANCE POLICIES

19.1 Members of the Supreme Court are expected to attend all meetings of the Supreme Court as well as any committees they may be assigned to.

19.1.1 If a newly confirmed Justice, without an excused absence, misses the first two consecutive meetings of the Supreme Court after being confirmed, he/she will be automatically referred to the Judicial Review Committee for removal. This shall be recognized as being pointed out of the Supreme Court.

19.2 The Judicial Clerk shall keep an accurate record of each Justice's attendance via meeting minutes.

19.3 Members of the Supreme Court will be assigned points for failure to attend the required meetings.

19.3.1 Attendance to all Supreme Court meetings shall be monitored by a point system.

19.3.2 No member of the Supreme Court shall accumulate more than three points per academic semester.

19.3.3 Each unexcused absence from meetings shall constitute one point.

19.3.4 Each unexcused absence from a hearing shall constitute one point.

19.3.5 If a Justice is absent during the taking of attendance he/she shall be assessed one point unless they are excused or arrive within *10 minutes of the call to order*.

19.3.6 No Points shall be leveled for excused absences.

19.4 Any Justice accumulating three points within one academic semester shall be automatically referred to the Senate, who shall initiate a Judicial Review Committee as outlined in the Student Government Statutes.

19.4.1 If the Senate proceeds with a Judicial Review Committee the Justice's voting and quorum privileges shall be suspended until the committee renders a decision.

19.4.2 If a Justice is denied removal by the Senate or by the Judicial Review Committee and the Justice accumulates a fourth point, then the Court Leadership shall submit a written notice to the Senate President and the Student Body President to call a Judicial Review Committee who shall convene and shall validate the automatic removal of the Justice.

- 19.4.3 The Judicial Review Committee Chairperson shall, after final review, notify the Court Leadership and the Student Body President whether the Justice has been removed.
- 19.5 All absences from General Meetings, Committee Meetings, Trials and deliberations shall count as unexcused unless the absence is deemed to be excused by the Court Leadership upon the commencement of a meeting.
- 19.5.1 The absence shall be documented via minutes and shall be acknowledged as excused or unexcused by the Chief Justice at the beginning of each meeting.
- 19.6 Any Justice with a class conflict shall be excused until 15 minutes after the class has ended.
- 19.6.1 In the event that a Justice has a class conflict that prevents them from attending General meetings, that Justice may request a leave of absence for such meetings, but shall be expected to attend all other meetings.
- 19.6.2 The leave of absence must be typed and submitted to the Court leadership before the first week of classes has ended.
- 19.6.2.1 Failure to properly notify the Court leadership of a leave of absence may result in point accumulation and/or removal from the Supreme Court.
- 19.7 If a Justice is absent during a Supreme Court deliberation session, he/she may not turn in a proxy vote, and their attendance shall be contingent on their attendance of the meeting or trial preceding the deliberation.
- 19.7.1 If a Justice is absent for a portion of a trial, they may sit in on the trial, unrobed, and may attend deliberations, but may not vote.
- 19.7.2 If a Justice is late for oral parking appeals, they may sit in on remaining oral appeals, unrobed, but shall not participate in the proceeding. They may, however, be in attendance for the deliberations of written appeals and may vote.

## **20. COURT RECORDS**

- 20.1 The Supreme Court of the University of South Florida shall keep and administer records in accordance with the Student Government Statutes and applicable law.
- 20.2 All requests for a trial filed with the Supreme Court shall be kept on permanent record. If a trial was granted, the request shall be filed with the trial. If the trial was denied, the reason for denial shall be kept with the request.
- 20.3 Records of all trials shall be kept. These records shall contain at least a copy of the request for said trial, copies of written testimony, an outline of all arguments presented before the Supreme Court, and a copy of the rulings.
- 20.4 Minutes shall be kept of all General, Special, Ad-Hoc Committee, and Declaratory Judgment Meetings of the Supreme Court.

## **21. END OF THE YEAR AWARDS**

### **21.1 Kristen Corpion Distinguished Service Award**

21.1.1 This award shall serve to recognize an excellent and outstanding member of the Judicial Branch who has gone above and beyond his/her regular duties to serve and advance the role of the Judicial Branch.

21.1.2 Candidates for this award must meet the following requirements:

21.1.2.1 Must be either at the end of their term, or graduating.

21.1.2.2 Must have served at least one full semester as a member of the Judicial Branch.

21.1.3 This award may not be given to the Chief Justice unless agreed upon by a Super majority of the justices present.

21.1.4 The Chief Justice must make a list of eligible candidates available to the Judicial Branch by the first meeting after Spring Break.

21.1.5 Voting for this award shall take place at the same meeting where elections for Court Officers are held.

21.1.6 The winner will be announced at the annual Student Government Banquet.

### **21.2 John Jay Leadership Award**

21.2.1 This award shall serve to recognize a member of the Supreme Court who has exhibited leadership and has represented the Supreme Court above and beyond his/her regular duties.

21.2.2 Candidates for this award must have served at least one full year (summer, fall, and spring) on the Supreme Court.

21.2.3 This award may not be given to the Chief Justice unless agreed upon by a Super majority of the Supreme Court.

21.2.4 The Chief Justice must make a list of eligible candidates available to the Supreme Court by the first meeting after Spring Break.

21.2.5 Voting for this award shall take place at the same meeting where elections for Court Officers are held.

21.2.6 The winner will be announced at the annual Student Government Banquet.

21.3 **Approval of Awards**

21.3.1 Each award must be won by a vote of a simple majority of the justices present.

21.3.2 In the case of a plurality vote, the top two vote recipients shall be presented to the Supreme Court in a runoff vote for each award.

## **22. Suspensions AND Amendments TO THE RULES OF PROCEDURE**

### **22.1 Suspension of the Rules of Procedure**

22.1.1 The Rules of Procedure may be suspended for a limited time and purpose, by a vote of the majority of those present.

22.1.2 Rules may only be suspended in order to allow a particular course of action, which shall be stated in the motion to suspend the rules.

### **22.2 Amendments to the Rules of Procedure**

22.2.2. The Rules of Procedure may be amended only during a General Business Meeting by a supermajority of the Justices present, provided that the amendment(s) were reviewed by all Justices present at the meeting within one week of the proposed changes.

22.2.3. Proposed Amendments shall not be voted on until the following General Business Meeting.

22.2.3 Amendments shall not take effect until the following meeting of the Supreme Court after being approved.

22.2.4 If there are any typographical, numerical or grammatical errors in the Rules of Procedure once it has passed, the Judicial Clerk or Chief Justice can amend the document while entering it into the Student Government Database.

22.2.5 All final votes concerning Amendments in a General Business Meeting shall be done by open ballot.

## **APPENDIX A**

### **PARKING APPEAL PROCEDURE**

- 1.1 Only the student responsible for incurring the citation may appeal to the Student Government Supreme Court.
- 1.2 Any student who wishes to appeal a citation shall do so within fourteen (14) calendar days from the date of notification of denial of initial appeal.
  - 1.2.1 Warning citations may not be appealed.
  - 1.2.2 Appeals must be submitted in writing to Parking and Transportation Services.
  - 1.2.3 The student appealing the citation must explain the circumstances existing at the time of the citation, in the appeal.
- 1.3 If an appeal is not submitted within the time frame outlined above, the right to appeal is forfeited.
- 1.4 Students may elect to have their appeal heard orally at a designated Supreme Court Parking Appeals Hearing.
  - 1.4.1 Students electing to have their appeal heard orally shall have their appeal heard in the order that they have signed in for appeals. Students shall have 5 minutes to present their appeal. This shall be followed by questioning by the Justices present.
    - 1.4.1.1 The student retains the right to have representation during their oral appeal; however, the student must still be present during the proceedings.
    - 1.4.1.2 Use of representation must be made known to the Court Leadership at least three (3) business days before the appeal. Representation can only be provided by the Student Government Solicitor General or a student currently enrolled at the USF Tampa campus.
  - 1.4.2 The written appeals shall also be reviewed and ruled on by the Supreme Court, and shall be adjudicated based on the current regulations stated in the University of South Florida Rules Manual. A letter of decision will then be issued by Parking and Transportation services.
- 1.5 A **minimum** of three Justices shall be present to adjudicate Parking Appeals
  - 1.5.1 The highest ranking Justice present shall preside over the public hearing oral appeals and closed deliberations for written appeals.



1.6 The Judicial Clerk shall be present for the purposes of signing in and announcing the names of the appellants, and other duties relating to the public hearing of appeals.

1.6.1 No minutes shall be taken of a parking appeals meeting

**APPENDIX B**  
**COMPLAINTS & INTERPRETATIONS, RULES OF PROCEDURE**

**1. OBTAINING A WRIT OF MANDAMUS**

- 1.1 To obtain a Writ of Mandamus from the Supreme Court, an individual or organization shall complete the Petition for Writ of Mandamus form as provided by the Supreme Court in accordance with the rules adopted by the Supreme Court. The Writ of Mandamus request form can be downloaded from the Student Government website or obtained in person or email from the Judicial Clerk or Court Leadership.
- 1.2 The Petition shall be submitted to the Court Leadership or the Judicial Clerk completed, signed, and time stamped.
  - 1.2.1 Should the Petition be improperly filled out the Chief Justice shall return or discard the Petition and instruct the Petitioner on how to complete the form correctly.
- 1.3 The Supreme Court must grant or deny the Petition within five (5) business days of the date that the Petition was submitted, while in session.
  - 1.3.1 Should a petition be submitted while the Supreme Court is not in session, the Supreme Court must grant or deny the Petition within five (5) business days after the first General Business Meeting.

## **2. DECLARATORY JUDGMENT PANEL**

- 2.1 The purpose of the Declaratory Judgment Panel, hereafter referred to as the “Panel”, shall be to offer a conclusive and legally binding opinion, with regard to the clarification of Student Government Statutes, which may not take into account circumstances specific to the request, nor mandate any further action to be taken.
  - 2.1.1 The Declaratory Judgment Panel shall be comprised of the following members:
    - 2.1.1.1 The Chief Justice, and
    - 2.1.1.2 Two Justices elected by the Supreme Court to serve for the remainder of the Student Government term.
  - 2.1.2 Should a Justice no longer be able to serve on the aforementioned Panel, the Court shall elect another Justice to fill the position at the next scheduled meeting.
  - 2.2.2 Any Justice on the Panel, excluding the Chief Justice, may be brought up for a vote of confidence by a supermajority vote of the Supreme Court.
- 2.2 Should a Justice be removed from office or resign, the Supreme Court shall elect another Justice to fill the position as defined in the Supreme Court Rules of Procedure.
- 2.3 Only Officers of Student Government may make a request for Declaratory Judgment.
- 2.4 The Panel must meet within forty-eight (48) hours of a request being made, excluding weekends and University holidays.
- 2.5 The Panel’s opinion will be issued within ten (10) business days, excluding University holidays, after the final meeting to discuss the request.
- 2.6 The opinion of the Panel may be appealed to the entire Court and must be heard within five (5) business days.
- 2.7 In the event that the Supreme Court should not meet the minimum required number of appointed Justices to satisfy the statutorily prescribed quorum, the Declaratory Judgment process may not be utilized.

## **APPENDIX C TRIAL RULES OF PROCEDURE**

### **1. OBTAINING A TRIAL**

- 1.1 Trial procedures may only occur during business days, excluding school observed holidays and federal holidays.
- 1.2 To obtain a trial before the Supreme Court, an individual or organization shall complete a written request for a hearing, in accordance with the rules adopted by the Supreme Court.
  - 1.2.1 It is required that the written request be sent to the Supreme Court via both hard copy and electronic copy.
    - 1.2.1.1 The Hard Copy must be delivered in Person or mailed to the University of South Florida Student Government, Supreme Court
    - 1.2.1.2 The electronic copy is recognized as an email with a scanned pdf attachment to the Chief Justice or to the Supreme Court Clerk.
  - 1.2.2 The request form may be obtained by visiting the Student Government website or requesting one from the Chief Justice or Judicial Clerk via email.
- 1.3 Once a request has been filed with the Supreme Court, the Supreme Court shall consider the request at the next general business meeting.
- 1.4 If the matter is of an urgent nature, the Chief Justice shall call a Special Meeting of the Supreme Court if he/she deems it necessary and proper.
- 1.5 The Supreme Court may only hear a case in which it has jurisdiction over the parties and subject matter in controversy.
  - 1.5.1 The complainant must factually allege a violation of the Student Body Constitution and/or Student Government Statutes.
  - 1.5.2 The complainant may additionally allege a violation of Florida State or Federal Law in regards to the University of South Florida.
  - 1.5.3 The Supreme Court will dismiss any complaint where jurisdictional requirements are not met.
- 1.6 The Supreme Court may dismiss a complaint that fails to state a claim for which relief can be granted by the Supreme Court.

- 1.7 The Supreme Court takes judicial notice of the USF Student Body Constitution, Student Government Statutes, Constitution of the United States, Federal Statutes, State of Florida Constitution and Statutes, Florida Rules of Civil Procedure, Florida Rules of Evidence, any Student Government entity's Rules of Procedure, and all current Student Government fiscal/budgetary policies.
- 1.8 Any party to a case may submit any pretrial motion for consideration by the Supreme Court.
  - 1.8.1 Such motions may include: a motion for summary judgment, motion to dismiss, motion for a continuance, motion in limine, discovery motion, or other motions as articulated in the Florida Rules of Civil Procedure.
- 1.9 For cases brought under the original jurisdiction of the Supreme Court:
  - 1.9.1 The Clerk shall forward a copy of the complaint to the defendant named therein and request a response by the next regularly scheduled meeting of the Supreme Court.
  - 1.9.2 Should the defendant named in the complaint not file his/her response within ten (10) business days, the Supreme Court may, upon written motion from the plaintiff, award a default judgment against the defendant and in favor of the plaintiff.
  - 1.9.3 The Supreme Court shall, after receiving the response from the defendant, set the matter for trial.
  - 1.9.4 Upon written motion by the party, the Supreme Court shall issue any Requests for Attendance necessary for the timely prosecution or defense of a case, but may not force attendance.
- 1.10 For cases brought under the appellate jurisdiction of the Supreme Court:
  - 1.10.1 The Supreme Court shall consider the request as to whether the complaint contains sufficient information and an adequate argument as to whether the request raises a justifiable issue of error only if four (4) or more Justices vote in favor of granting the trial.
  - 1.10.2 The Supreme Court shall, after due consideration, either grant or deny a new trial no later than the next meeting after the respondent has responded to the complaint.

- 1.10.3 Should a new trial be granted to the petitioning party, no new evidence shall be admitted unless a majority of the Supreme Court agrees evidence was previously and wrongfully excluded.
- 1.10.4 Should a new trial be denied, the individual who filed the request should be notified and given written reasons for the denial within five (5) business days of decision.
- 1.10.5 Notification shall include, but not be limited to, telephone calls/messages, e-mail notification, or pronouncement of the Supreme Court's determination on the Supreme Court's webpage.
- 1.10.6 Denial of a new trial in no way prohibits a petitioner from submitting a subsequent request for a trial, provided the subsequent request raises issues not raised in the first request.
  - 1.10.6.1 The petitioner must clearly demonstrate he/she was wrongfully prevented from raising said issues in their first request.
- 1.11 All parties proceeding to trial must submit their evidence, including any and all depositions, exhibits, etc., to the Judicial Clerk by no later than 5 PM or the close of business hours and seven, (7) business days before the trial date.
  - 1.11.1 The Supreme Court will notify and make available to the adverse party, the evidence submitted.
  - 1.11.2 The Supreme Court will not consider any evidence not submitted by the established deadline.
- 1.12 Any brief not submitted by the established deadline will not be considered by the Supreme Court.
- 1.13 Depositions must occur in a manner agreed to by the parties as well as the Supreme Court; including interrogatories, recorded depositions, or written depositions.
  - 1.13.1 Each deposition shall include a written verification that the party deposed has testified truthfully under oath.
- 1.14 Once the evidentiary deadline has occurred, there shall be a period of discovery, in which both parties shall be entitled to review each other's materials. The Judicial Clerk shall notify the parties (via phone or email) when the evidence has been received. It shall be each party's responsibility to pick up the opposing party's evidence packet from the Supreme Court.

## **2. RIGHTS AND RESPONSIBILITIES**

- 2.1 The Supreme Court shall create a file for each case heard.
- 2.2 Individuals appearing before the Supreme Court shall be guaranteed the following:
  - 2.2.1 The right to be heard by quorum.
  - 2.2.2 The right to have his/her say without ridicule, interference, or unnecessary interruption.
  - 2.2.3 The right to ask the Solicitor General and/or Attorney General any questions concerning any procedural matter or concerning rights and privileges of the individual before the Supreme Court.
  - 2.2.4 The right to be free from slanderous remarks or unwarranted accusations during any Supreme Court proceedings.
  - 2.2.5 The right to representation of counsel by a fellow student of his/her choosing, or the right to self-representation.
    - 2.2.5.1 All members of the Judicial Branch, Legislative Branch, and the Executive Cabinet, with the exception of the Attorney General and Solicitor General, are prohibited from acting as counsel for a fellow student.
      - 2.2.5.1.1 In cases where Student Government is a party the Attorney General must serve as its representation.
      - 2.2.5.1.2 All parties in a trial must identify who will be representing them in writing no less than twelve (12) business days before a trial.
- 2.3 A list of any potential witnesses and their contact information must be provided to the Supreme Court by counsel seven (7) business days before trial, and in turn the potential witness(es) shall be notified by the Judicial Clerk as to their impending involvement in a Supreme Court proceeding.

### **3. PRE-TRIAL DISCOVERY**

- 3.1 The purposes of pre-trial discovery are:
  - 3.1.1 To narrow the issues to matters actually disputed,
  - 3.1.2 To secure information regarding the existence of evidence that may or may not be used at trial, and
  - 3.1.3 To submit evidence post deadline at the discretion of the Chief Justice.
- 3.2 Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things, and the identity and location of persons having knowledge of any discoverable matter.
  - 3.2.1 Materials are not free from the chance of objection. It is still possible that the information sought will be inadmissible at trial, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.
- 3.3 The parties and/or their counsel shall orally communicate with the adverse party only in the presence of that party's counsel.
  - 3.3.1 Any communication, either verbal or nonverbal, shall be directed to the counsel of the party, if represented.
  - 3.3.2 Communication, either verbal or nonverbal, shall be directed to the party directly only if said party is not represented by counsel.
- 3.4 Upon written motion by a party, depositions or parts thereof, may be excluded by the Supreme Court if the deposition contains unauthorized leading questions, questions assuming facts not in evidence, questions calling for a conclusion from the witness, hearsay testimony of others, or unwarranted characterizations in questions and answers.
- 3.5 Each side is permitted to submit a maximum of twenty (20) pieces of evidence labeled correctly and have a corresponding Table of Contents page.
  - 3.5.1 Each side is responsible for printing and delivering evidence packets to the Supreme Court with enough copies for each Justice and one for the opposing party.
  - 3.5.2 Failure to comply with these rules will result in omission of evidence improperly submitted.



- 3.6 The parties will have a maximum of a five (5) business day discovery period.
  - 3.6.1 Should both parties agree to expedite the hearing, the discovery period may be reduced to two (2) business days.
  - 3.6.2 It is the Judicial Clerk's responsibility to forward all evidence submitted to the opposing parties.
    - 3.6.2.1 It is the responsibility of the parties to give all evidence to their respective counsel. Failure to do so will not result in a continuance of the hearing and/or mistrial.

**4. ORIGINAL JURISDICTION Proceedings**

4.1 The Impeachment of Student Government officials and including Judicial Review Committee trials shall fall under this section.

4.2 The Chief Justice shall preside.

4.3 The Chief Justice shall be solely responsible for ensuring that no rights are violated, for maintaining order, ruling on objections, and for expediency of business before the Supreme Court.

4.4 Any member of the Supreme Court may, at any time, call for a Point of Order.

4.4.1 If a Justice wishes, he or she may call for a motion to discuss an objection.

4.4.2 The Supreme Court will then briefly retire to discuss the objection at hand.

4.4.3 The Supreme Court may overturn a ruling on an objection by a 2/3 vote.

4.5 Quorum for a trial shall be as follows:

<b>4.5.1 Justices Currently on Bench</b>	<b>Quorum</b>
<b>9</b>	<b>7</b>
<b>8</b>	<b>6</b>
<b>7 or less</b>	<b>5</b>

4.6 The trial shall be conducted in the following order:

4.6.1 The Judicial Clerk or the person designated to serve as the Judicial Clerk in the absence of an appointed Judicial Clerk, shall announce the Justices as they enter the courtroom and conduct the pledge of allegiance.

4.6.2 The trial shall be called to order by the Chief Justice.

4.6.3 The Chief Justice shall explain the Supreme Court Rules of Order (which can only be changed by a two-thirds majority of the Supreme Court) to the prosecuting counsel, defense counsel, and audience, and then proceed with the trial.

4.6.3.1 All representatives must exhibit decorum during trial proceedings. Should any representative not exhibit decorum during a trial proceeding, it is within the Supreme Court's rights to eject them from a trial.

- 4.6.4 The prosecution shall present, openly and clearly before the Supreme Court, an opening statement in which he/she presents germane information that may be pertinent to his/her case.
  - 4.6.4.1 The prosecution shall have a maximum of ten (10) minutes to present his/her opening statement.
- 4.6.7 The defense may make an opening statement that shall not last longer than ten (10) minutes, or the defense may waive the opening until the beginning of the defense case.
- 4.6.8 The prosecution will call their witnesses who will be examined by counsel for the prosecution and cross-examined by counsel for the defense.
  - 4.6.8.1 Each side will have ten (10) minutes to question the witness unless time is otherwise extended by the Supreme Court.
- 4.6.9 The defense will make an opening statement that shall not last longer than ten (10) minutes, if not done previously.
- 4.6.10 The defense will then call their witnesses who will be examined by counsel for the defense and cross-examined by counsel for the prosecution.
  - 4.6.10.1 Each side will have ten (10) minutes to question the witness unless time is otherwise extended by the Supreme Court.
- 4.6.11 The counsel for the prosecution will deliver a closing statement, lasting no more than twenty (20) minutes, during which time Justices may, at any time, pose questions at the expense of counsel's time.
  - 4.6.11.1 Should the prosecution finish before their time is up, they may reserve that time for a rebuttal after the defense's closing statement.
  - 4.6.11.2 Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 4.6.12 The counsel for the defense then will deliver a closing statement, lasting no more than twenty (20) minutes, during which time Justices may, at any time, pose questions, at the expense of counsel's time.
- 4.6.13 If the prosecution has reserved any time, they may deliver a final rebuttal to the defense's closing statement.

- 4.6.14 Once the trial has come to a close, the trial shall be adjourned, and the Supreme Court shall retire for deliberations.
- 4.6.15 The Chief Justice may motion for the Judicial Clerk to announce the Supreme Court's exit from the courtroom should the Supreme Court hold deliberations in a room other than the room in which the proceeding is taking place.
  - 4.6.15.1 In the case that the Supreme Court decides to hold deliberations within the room that the proceeding has taken place, only members of the Judicial Branch shall be present for deliberations. All members of the public shall exit the room before deliberations commence.
- 4.7 Immediately upon adjournment, the Supreme Court shall meet privately for discussion.
  - 4.7.1 After adequate discussion, the Supreme Court shall recess for no more than forty-eight (48) hours for the individual members to study and reflect upon the case.
  - 4.7.2 During the recess, the Supreme Court members shall not discuss the case with non-court members.
- 4.8 The Supreme Court shall meet, within forty-eight (48) hours after being recessed, for the deliberation of the ruling of the case, unless a majority of the Supreme Court deems an immediate ruling appropriate or if the Rules of Procedure are suspended.
  - 7.8.1 Deliberations shall last no longer than one (1) week.
- 4.9 This ruling shall be the will of the majority of those present and voting
- 4.10 The Supreme Court shall, following the vote, make reasonable attempts to notify both parties and make public the ruling.
  - 4.10.1 Notification shall include, but not be limited to, telephone calls/messages, e-mail notification, or pronouncement of the Supreme Court's decision on the Supreme Court's webpage.
- 4.11 For a Supreme Court decision to be official and recognized, the Supreme Court shall make their ruling, including the vote count, communicated and available to the public.
- 4.12 The following rules shall apply to the opinions of the Supreme Court:
  - 4.12.1 It is asked that the majority opinion must be made public, in writing, within such a time to be determined by the presiding Justice at the conclusion of a trial.

- 4.12.1.1 The recommended time period for the writing of an opinion shall be one (1) week.
- 4.12.2 Dissenting and concurring opinions shall be made public with the majority opinion, when such opinions exist.
- 4.12.3 The majority opinion shall serve as the opinion of the Supreme Court.
- 4.12.4 Members of the Supreme Court in agreement of their opinions shall select from amongst themselves one member of their voting block (majority, minority, dissenting, or concurring) to write their respective opinion.
  - 4.12.4.1 Should the selected Justice fail to complete the opinion in an appropriate amount of time, they may be subject to written reprimand from the faculty advisor and/or sent before the Judiciary and Ethics Committee.
- 4.12.5 No Justice may author an opinion that does not coincide with his or her respective vote.
- 4.12.6 The rule of 4.12.5 may not be suspended at any time, as to guarantee that each Justice shall only write an opinion that corresponds with their vote.
- 4.12.7 Any amendments made to the Rules of Procedure may not prohibit the liberty of Justices to write his or her opinion that corresponds only to his or her respective vote.

**5. APPELLATE JURISDICTION Proceedings**

- 5.1 All Election appeals hearings shall also fall under this section.
- 5.2 The Chief Justice shall preside.
- 5.3 The Chief Justice shall solely be responsible for ensuring that no rights are violated, for maintaining order, ruling on objections, and for expediency of business before the Supreme Court.
- 5.4 Any member of the Supreme Court may, at any time, call Points of Order.
  - 5.4.1 If a Justice wishes, he or she may call for a motion to discuss objection.
  - 5.4.2 The Supreme Court will then briefly retire to discuss the objection at hand.
  - 5.4.3 The Supreme Court may overturn a ruling on an objection by a 2/3 vote.
- 5.5 Quorum for an Election Appeals Hearing shall be as follows:

5.5.1	Justices Currently on Bench	Quorum
	9	7
	8	6
	7 or less	5
- 5.6 The trial shall be conducted in the following order:
  - 5.6.1 The Judicial Clerk or the person designated to serve as the Judicial Clerk in the absence of an appointed Judicial Clerk, shall announce the Justices as they enter the courtroom and conduct the pledge of allegiance.
  - 5.6.2 The trial shall be called to order by the Chief Justice.
  - 5.6.3 The Chief Justice shall explain the Supreme Court Rules of Order (which can only be changed by a two-thirds majority of Supreme the Court) to the prosecuting counsel, defense counsel, and audience, and then proceed with the trial.
    - 5.6.3.1 All representatives must exhibit decorum during trial proceedings.
  - 5.6.4 The party that requested the hearing shall state, openly and clearly before the Supreme Court, his/her case and present germane information (via his/her case brief) which he/she feels may be pertinent to prove his/her allegations.

- 5.6.4.1 The plaintiff shall have a maximum of five (5) minutes to present his/her opening statement.
- 5.6.5 The defense will then have a maximum of five (5) minutes to present his/her opening statement confirming or denying the allegations stated by the plaintiff.
- 5.6.6 Following the opening statements, the plaintiff will be allowed a maximum of twenty (20) minutes to present his/her case and present any germane information, which he/she feels may be pertinent to prove his/her allegations.
  - 5.6.6.1 At any time during the course of the presentation, any Justice may pose questions at the expense of counsel's time.
  - 5.6.6.2 Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 5.6.7 The defense will then have a maximum of twenty (20) minutes to present his/her case and present any germane information, which he/she feels may be pertinent to counter the allegations.
  - 5.6.7.1 At any time during the course of the presentation, any Justice may pose questions, at the expense of counsel's time.
  - 5.6.7.2 Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 5.6.8 Once both parties have given their presentations, the Supreme Court may extend the time limit, to ask further questions.
- 5.6.9 Once the Supreme Court feels all questions have been answered, each side will be granted five (5) minutes for closing statements.
- 5.6.10 Once the trial has come to a close, the trial shall be adjourned, and the Supreme Court shall retire for deliberations.
- 5.6.11 The Chief Justice may motion for the Judicial Clerk to announce the Supreme Court's exit from the courtroom should the Supreme Court hold deliberations in a room other than the room in which the proceeding is taking place.
  - 5.6.10.1 In the case that the Supreme Court decides to hold deliberations within the room that the proceeding has taken place, all parties, all members of the public, and non-Justice members of the Supreme Court shall exit the room, with the last person being the Judicial Clerk.

- 5.7 Immediately upon adjournment, the Supreme Court shall meet privately for deliberation.
- 5.7.1 After adequate discussion, the Supreme Court shall recess for not more than forty-eight (48) hours for the individual members to study and reflect upon the case.
- 5.7.2 During the recess, the Supreme Court members shall not discuss the case with non-court members.
- 5.8 The Supreme Court shall meet within forty-eight (48) hours after being recessed for the determination of the ruling of the case, unless a majority of the Supreme Court deems an immediate ruling appropriate.
- 5.8.1 Deliberations shall last no longer than one (1) week.
- 5.9 This ruling shall be the will of the majority of those present and voting.
- 5.10 The Supreme Court shall, following the vote, make reasonable attempts to notify both parties and make public the ruling.
- 5.10.1 Notification shall include, but not be limited to, telephone calls/messages, e-mail notification, or pronouncement of the Supreme Court's decision on the Supreme Court's webpage.
- 5.11 For a Supreme Court decision to be official and recognized, the Supreme Court shall make their ruling, including the vote count, communicated and available to the public.
- 5.12 The following rules shall apply to the opinions of the Supreme Court:
- 5.12.1 It is asked that the majority opinion must be made public, in writing, within such a time to be determined by the presiding Justice at the conclusion of a trial.
- 5.12.1.1 The recommended time period for the writing of an opinion shall be one (1) week.
- 5.12.2 Dissenting and concurring opinions shall be made public with the majority opinion, when such opinions exist.
- 5.12.3 The majority opinion shall serve as the opinion of the Supreme Court.
- 5.12.4 Members of the Supreme Court in agreement of their opinions shall select from amongst themselves one member of their voting block (majority, minority, dissenting, or concurring) to write their respective opinion.



- 5.12.4.1 Should the selected Justice fail to complete the opinion in an appropriate amount of time, they may be subject to written reprimand from the faculty advisor and/or sent before the Judiciary and Ethics Committee.
- 5.12.5 No Justice may author an opinion that does not coincide with his or her respective vote.
- 5.12.6 The rule of 5.12.5 may not be suspended at any time, as to guarantee that each Justice shall only write an opinion that corresponds with their vote.
- 5.12.7 Any amendments made to the Rules of Procedure may not prohibit the liberty of Justices to write his or her opinion that corresponds only to his or her respective vote.