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Senate Statutes - Title V (Judicial Branch) - Updated 04-29-13

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Title
5
The Judicial Branch

Chapter

500

Judicial Branch Composition and Authority

- 500.1** The composition and authority of the Judicial Branch shall be as contained in the Student Body Constitution.

Chapter

501

Duties and Responsibilities of the Supreme Court

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.¹

501.3 The Supreme Court shall draw up its respective Rules of Procedure which may be amended by a supermajority vote, as defined in statutes, of the Supreme Court. The Rules of Procedure may not conflict with Student Government Statutes or the Student Body Constitution.

501.4 All cases and controversies shall be handled according to guidelines outlined in the Supreme Court Rules of Procedure.

501.5 A majority vote of the Supreme Court may decide any case pending before the court.

501.6 The Supreme Court shall have quorum in order for any official opinion pertaining to any issue brought forth to the court² to be rendered. Quorum shall be as follows:

Justices Currently on Bench	Quorum
9	7
8	6
7 or less	5

501.7 Exceptions to quorum regarding final student appeals of Parking and Transportation Services violations shall be made in the Supreme Court Rules of Procedure.

501.8 The court may have regular meetings for the purpose of discussing general administrative issues, as they pertain to the court. These meetings shall require a simple majority of active justices present in order to satisfy the requirement for quorum.³

¹ SB 47-084, Revises 501.1-501.2.4

² SB [S] 51-018 Revises 501.6

³ SB [S] 51-018 Adds clause 501.8

501.9 For a Supreme Court decision to be official and recognized, the majority opinion must be made public, in writing, within one calendar week of the verdict. The dissenting opinion shall appoint a Justice to write a brief which shall be made public with the majority opinion.

501.10 Each opinion shall be signed by the justices that wrote or supported it.⁴

⁴ SB 47-004, inserts 501.7.1

Chapter

502

Duties and Responsibilities of Justices of the Supreme Court

502.1 The Supreme Court shall be composed of nine Justices appointed by the Student Body President, with the advice and consent of the Senate. The Supreme Court shall elect from its body the positions of Senior Justice, Ranking Justice and Committee Chairs as per Supreme Court Rules of Procedure. All Supreme Court Officers, excluding Committee Chairs, must be elected by a majority of the Supreme Court and there must be a minimum of 5 Justices appointed to the Supreme Court at the time of selection.

502.2 The Chief Justice

502.2.1 The duties of the Chief Justice shall include, but are not limited to:

- 502.2.1.1** To preside over all meetings and proceedings of the Judiciary.
- 502.2.1.2** To administer the Oath of Office to the President and Vice President of the Student Body, and all incoming Justices.
- 502.2.1.3** To run meetings and arrange dockets and agendas for said meetings.
- 502.2.1.4** To have first speaking rights on issues.
- 502.2.1.5** To assign opinions of majority and minority.
- 502.2.1.6** To rule on objections during trials.
- 502.2.1.7** To appoint committee members.
- 502.2.1.8** To receive and review all complaints and appeals first.
- 502.2.1.9** Shall be the accountable financial officer for the Supreme Court, and shall ultimately be responsible for all fiscal records.
- 502.2.1.10** Shall have the power to initiate ad-hoc committees, with the advice and consent of the other Supreme Court Officers.
- 502.2.1.11** Preside over the annual ERC ROP Revision ad-hoc committee, and present a report to the Supreme Court on the committee's findings.
- 502.2.1.12** Prepare and screen all press related materials and supervise the Supreme Court Public Relations Coordinator in relaying such materials to the Public.
- 502.2.1.13** Any duties deemed necessary by a majority of the Supreme Court.

502.3 The Senior Justice

502.3.1 The duties of the Senior Justice shall include, but are not limited to:

- 502.3.1.1** Preside over all meetings in the absence of the Chief Justice.
- 502.3.1.2** Preside over at least one meeting per semester.
- 502.3.1.3** Have second speaking rights on all issues.
- 502.3.1.4** Oversee the activities of all committees under his/her authority.
- 502.3.1.5** Prepare and present a report of his/her activities.
- 502.3.1.6** Review all complaints and appeals with the Chief Justice.

502.3.1.7 Review all Justice absence excuse forms.

502.3.1.8 Any duties deemed necessary by a majority of the Supreme Court.

502.4 The Ranking Justice

502.4.1 The duties of the Ranking Justice shall include, but are not limited to:

502.4.1.1 Preside over all meetings, in the absence of both the Chief and Senior Justices.

502.4.1.2 Preside over at least one meeting per semester.

502.4.1.3 Have third speaking rights on all issues.

502.4.1.4 Any duties deemed necessary by a majority of the Supreme Court.

Chapter

503

Judicial Ethics Act

- 503.1** Legislative Intent: The Judicial system is based on the Principle that an independent, fair, and competent judiciary shall interpret and apply the laws that govern, and the role of the judiciary is central to the American concepts of Justice and Rule of Law. Intrinsic to this concept are the precepts that justices, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in the legal system. The Justice is an arbiter of facts and law for the resolution of disputes and a highly visible member of Student Government under the Rule of Law.
- 503.2** The Judicial Ethics Act, hereafter “the Act,” established standards for the ethical conduct of the Supreme Court Justices on and off the bench. The statutes below should be read together as a whole and each provision should be construed in context and consistent with every other provision. Nothing in the Act shall either impair the essential independence of Justices in making decision or provide a separate basis for civil liability.
- 503.3** The Act governs the conduct of Justices and is binding upon them, whether disciplinary action is appropriate and the degree of discipline to be imposed requires a reasoned application of the text and consideration of such factors as the seriousness of the transgression, whether there is a plan of improper activity, and the effect of the improper activity on others or on the judicial system.
- 503.4** A Justice shall uphold the integrity and independence of the judiciary. A justice shall participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the Judiciary shall be preserved. The provisions of the act are to be applied to further this objective. A Judicial decision or administrative act later determined to be incorrect legally is not itself a violation of the Act.
- 503.5** A Justice shall avoid impropriety and the appearance of impropriety in all of his or her activities through following the measures prescribed below:
- 503.5.1** A Justice shall respect and comply with the law and shall act at all times in a manner the promoted public confidence in the integrity and impartiality of the Judiciary.
 - 503.5.2** A Justice shall not allow family, social, political, or other relationships to influence their conduct or judgment, nor shall a Justice convey, or permit others to convey, the impression that any individual is in a position to influence a Justice.
 - 503.5.3** A Justice shall not lend the prestige of Judicial Office to advance the pecuniary or personal interests of the Justices or others, nor shall a Justice testify voluntarily as a material witness before the Student Government Supreme Court.
- 503.6** A Justice shall perform the duties of the Judicial Office impartially and diligently, following the measures prescribed below:

- 503.6.1** A Justice shall hear and decide all matters assigned to the Supreme Court except those in which he or she recuses themselves.
- 503.6.2** A Justice shall be faithful to the law regardless of partisan interests, public clamor, or fear of criticism.
- 503.6.3** A Justice shall be patient, dignified, and courteous to all with whom the Justice deals with in an official capacity; a Justice shall also require similar conduct of all counselors, Supreme Court staff, and personnel under the Justice's direction and control.
- 503.6.4** A Justice shall perform Judicial duties without bias or prejudice. A Justice shall not, in the performance of Judicial duties, by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon race, gender, religion, national origin, disability, age, sexual orientation, or socio-economic status.
- 503.6.5** A Justice shall require student counselors in proceedings before the Justice to refrain from manifesting, by words or by conduct, bias or prejudice based upon race, gender, religion, national origin, disability, age sexual orientation, or socio-economic status against parties, witnesses, counselors, or others. This rule does not preclude legitimate advocacy when such issues are involved with the proceeding.
- 503.6.6** A Justice shall dispose of all matters fairly, promptly, and efficiently.
- 503.6.7** A Justice shall not make any public comment about a pending or impending proceeding in the Supreme Court, and a Justice shall not make any non-public comment that might interfere with a fair trial or hearing. The Justice shall require a similar abstention on the part of Supreme Court personnel subject to the Justice's direction and control.
- 503.6.8** A Justice shall not disclose or use, for any purpose unrelated to his or her judiciary capacity, non-public information acquired in a judicial capacity.
- 503.6.9** A Justice with supervisory authority for the judicial performance of other Justices shall take reasonable measures to ensure the prompt disposition of matters before them and the proper performance of other judicial responsibilities.
- 503.7** A Justice with reliable information that another Justice has violated any provision of the Act shall initiate appropriate corrective action procedures.
- 503.8** A Justice shall recuse himself or herself in any proceedings in which recusal is required by Florida law. In all trial proceedings, a Justice shall disclose information that parties might consider relevant to the question of recusal, even if the Justice believes there is no actual basis for recusal.
- 503.9** A Justice shall so conduct extrajudicial activities as to minimize the risk of conflict with judicial obligations, following the measures prescribed below:
- 503.9.1** A Justice shall conduct extrajudicial activities so they do not:
- 503.9.1.1** Cast reasonable doubt on his or her capacity to act impartially.
- 503.9.1.2** Demean the judicial office.
- 503.9.1.3** Interfere with the proper performance of judicial duties.
- 503.9.2** A Justice shall not engage in financial and business dealings which:

503.9.2.1 May reasonably be perceived to exploit the Justice's position.

503.9.2.2 Involve the Justice in frequent transactions or continuing business relationships with counselors or other people likely to appear before the Supreme Court.

503.9.3 A Justice shall under no circumstances accept a gift, bequest, favor, or loan if the donor or lender is a party whose interests have come or are reasonably likely to come before the Supreme Court.

503.9.4 A Justice shall not practice in the function of Student Counselor.

503.9.5 A Justice shall not publicly endorse or oppose a candidate for Student Government Office. A Justice shall not personally solicit funds or make contributions for any candidate for Student Government Elections.

503.9.6 Justices shall not engage in any political activity within Student Government, other than in relation to measures concerning the improvement of the law, the judicial system, or the administration of justice.

Chapter

504

Declaratory Judgment Panel⁵

- 504.1** 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.
- 504.2** The Declaratory Judgment Panel shall be comprised of the following members:
- 504.2.1** The Chief Justice
 - 504.2.2** Two Justices elected by the Supreme Court to serve for the remainder of the Student Government term.
 - 504.2.2.1** 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.
 - 504.2.2.2** 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.
- 504.3** 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.
- 504.4** Only Officers of Student Government may make a request for Declaratory Judgment.
- 504.5** The Panel must meet within 48 hours of a request being made, excluding weekends and University holidays.
- 504.6** The opinion of the Panel may be appealed to the entire Court and must be heard within 5 business days.
- 504.7** 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.

⁵ SB [S] 52-005 adds this chapter