



**Student Government Association
Supreme Court Procedures**

Revised: March 9, 2014

Chief Justice: Gustavo A. Dominguez

Pro-Tempore Justice: Alvin J. Garcia

Justice: Alexandra Huitron

Justice: Roya Edalatpour

Justice: Gerardo Medrano III

Justice: Alex Jimenez

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SECTION 1. GENERAL STATEMENTS

- Section 1.01 Creation: The Judicial Branch of the Student Government Association of the University of Texas at El Paso was established by the Constitution of the Student Government Association (hereinafter referred to as The Constitution) as a separate and equal branch of student government. It consists of the Supreme Court and such inferior Courts as may be established by the Student Government Association Senate.
- Section 1.02 Composition of the court: Under The Constitution, The Supreme Court is to consist of seven (7) Justices, appointed by the Student Application Review Committee and/or the President, and approved by the Senate from the students who submit applications. Length of terms served by the Justices and methods of removing Justices are specified in the Constitution.
- Section 1.03 Powers: The Constitution empowers the Supreme Court to hear, interpret and decide a variety of matters based on original and appellate jurisdiction. In matters where The Supreme Court has jurisdiction to decide a matter, the Court's decisions, opinions and orders are final authority on the matter.
- Section 1.04 Procedural Philosophy: The Supreme Court recognizes that the Constitution of the United States guarantees certain basic rights and protections to every citizen and that these rights and protections are intended to apply in both legal and administrative procedures. All procedures of The Supreme Court are intended, whenever possible, to conform to and be consistent with sound judicial procedure and to insure that the basic rights guaranteed to every citizen are also the rights of every student.
- Section 1.05 Quorum Requirements: All meetings of the Supreme Court are subject to quorum requirements; if a quorum is not present for any hearing or meeting, the business may not be conducted.
- A. Quorum Requirements for a Punitive Trial – The quorum for a “punitive” trial (defined herein) is five (5) Justices of the seven (7) sitting Justices.
 - B. Quorum Requirements for a Civil Trial – The quorum for a “civil” trial (defined herein) is five (5) Justices of the seven (7) sitting Justices.
 - C. Quorum Requirements for a Preliminary Hearing – The quorum for a preliminary hearing is all three (3) Justices of the three (3) Justices assigned to hear the matter.
 - D. Quorum Requirements for an Administrative Meeting – The quorum for an Administrative Meeting of Justices is four (4) Justices of the seven (7) sitting Justices.

SECTION 2. JURISDICTION

- Section 2.01 Jurisdiction in General – The Supreme Court recognizes that it does not have jurisdiction to adjudicate some cases. Cases that involve students, as individuals or in groups, and certain Administrative Policy are within the jurisdiction of the Supreme Court. It also appears that Jurisdiction is not always clear on the face of a matter. Since, without a hearing, it would be unlikely to determine jurisdiction in some cases, the Supreme Court therefore, reserves the right to hear any case involving any student. After such a hearing and based on the facts of the case, the Supreme Court shall then determine whether it has jurisdiction to adjudicate the case.
- Section 2.02 Jurisdiction to Decide – There shall be a presumption that the Supreme Court has Jurisdiction to decide unless the facts of the case clearly indicate otherwise. Jurisdiction to decide shall be determined prior to any other action being taken. Once the Supreme Court makes a determination that it has jurisdiction to decide, all decisions, opinions and orders of the Court which follow the determination of jurisdiction shall be permanently binding on all parties or as determined by the Court.
- Section 2.03 Original Jurisdiction
- A. Original jurisdiction gives the Supreme Court the right to hear a case immediately, without the necessity of the case first being tried by a lower court.
 - B. The Constitution gives the Supreme Court original jurisdiction in matters that involve the Constitution, by-laws and all Legislation enacted by the Senate. It also gives the Supreme Court original jurisdiction over regulations within the jurisdiction of the Student Government Association and any other case referred to the Court by the Senate.
- Section 2.04 Appellate Jurisdiction – The Supreme Court also has appellate Jurisdiction to hear and resolve any cases appealed from any lower court. However, since the only other court in existence at the time this document is being written is Traffic Court, most cases must be categorized as cases of original jurisdiction.

SECTION 3. DEFINITIONS

- Section 3.01 Specified Definitions – Some definitions used by the Supreme Court may be exclusive to the Court or differ from standard judicial terminology. When this is the case, the non-standard definitions will, in so far as reasonably possible, be defined in the Supreme Court Terminology Handbook.
- Section 3.02 Definitions not Specified – Definitions not specified in the Supreme Court Terminology Handbook may be found in “Blacks Law Dictionary”.

SECTION 4. BRINGING A CASE BEFORE THE COURT

- Section 4.01 A case may be brought before the Court by petition of a party, by referral from any other branch of the Student Government Association or by referral from any office of the University or the University system or as a matter of law or procedure.

- Section 4.02 Any party may petition the Supreme Court for a hearing except:
- A. No petition may be accepted from any party if such a petition creates a double jeopardy, conflict for a party whose case has been previously tried under “Punitive” Procedure” in a lower court.
 - B. If the party that petitions the Supreme Court is not a student or a group representing students and does not represent the University, then a student or student group must be the Respondent/defendant in the action or the interests of students must be a major component of the case.
 - C. In the matter of a case brought to the Supreme Court that involves a University employee, the Supreme Court must contact the department from which the case encompasses and determine jurisdiction. If there is no jurisdiction determined by the Court, then no further action can be taken from the Court and the case will be referred to the Office of Student Conduct and Conflict Resolution.

Section 4.03 Procedure for Petitioning

- A. The party that wishes to bring the case must begin by filling out a Petition, the form of which shall be available in the office of the Dean of Students, at the offices of the Campus Police, in the office of the Student Government Association and in any other locations which the Chief Justice may later order. The Petition must state the name of the Petitioning Party, the nature of issues to be heard, the probable Respondent or Defendant in the matter and the name or names of all individual who are authorized to represent the Petitioner in the matter. If a Respondent or Defendant is stated in the Petition, the Petitioner must also, to the best of Petitioner’s ability, provide the Court with a true and correct address and telephone number for the Defendant/Respondent.
- B. After completing the Petition, the Petitioner must contact any Justice of the sitting Supreme Court and request that the Justice sign the Petition. The Petition must be signed by at least one (1) Justice of the sitting Supreme Court in order for the matter to be brought before the Court for a hearing. The signature may be void if the Justice has any direct affiliation with the parties involved in the case, as determined by the Court.
- C. After obtaining a signature from any sitting Justice, the Petitioner must then deliver the completed and signed Petition to the Chief Justice, the Court Clerk or the Student Government Association secretary.
- D. If the Petition is received by any Party other than the Chief Justice, the Petition should be delivered to the Chief Justice without delay.

Section 4.04 A matter may be referred to the Supreme Court by:

- A. Any lower Court established by student government and recognized by the Supreme Court;
- B. The Student Government Association Senate;
- C. The Student Government Association Executive, any Judge or Justice of any lower Court, the Attorney General of the Student Government Association or the Student Government Association Public Defender’s Office, any office or department of the University or the University system or any judicial or administrative body not associated with the University;
- D. Student Organizations.

- Section 4.05 Procedures for Referring a Matter to the Court
- A. Any lower Court established by student government and recognized by the Supreme Court may refer a matter to the Supreme Court by filing a Referral Form with the Supreme Court along with all relevant documentation and a copy of any verdict or decision of a verdict or decision was reached by the lower court.
 - B. The Student Government Association Senate may bring a matter before the Supreme Court in either of the two (2) following ways:
 1. By a Resolution brought before the Senate and approved under normal Senate procedure;
 2. By inclusion in any bill, with said bill later being passed into law, of a stipulation that the law should be referred or reviewed by the Supreme Court.
 - C. The Student Government Association Executive, the Attorney General of the Student Government Association or the Student Government Association Public Defender's Office, any office or department of the University of the University System or any judicial or administrative hearing body not associated with the University may bring a case before the Supreme Court by submitting a referral form to the Court.

SECTION 5: DUE PROCESS AND NOTIFICATIONS

- Section 5.01 Definitions, guidelines and procedures designed to insure due process may be found in the "Due Process and Notifications Manual".
- Section 5.02 Procedures for affecting notification may be found in the "Due Process and Notifications Manual".

SECTION 6. PRELIMINARY HEARING

- Section 6.01 The purpose of a Preliminary Hearing is to discern whether or not;
- A. The Supreme Court has jurisdiction to hear the case;
 - B. The case holds sufficient merit as to warrant a Full Hearing, and;
 - C. The case calls for Punitive or Civil Procedures.
- Section 6.02 As soon as reasonably practical, The Chief Justice, upon receipt of a Hearing Petition to the Supreme Court, shall:
- A. Select one (1) Justice to act as the Presiding Judge and two (2) Justices to act as Associate Judges in the matter;
 - B. Consult with the appointed Judges and schedule the Preliminary Hearing. If possible, the Hearing should be scheduled within 48 hours after receipt of a hearing request. If it is not possible to schedule the Hearing within 48 hours, the Chief Justice should schedule the Hearing with all due haste and as soon as reasonably possible;
 - C. Notify the Court Clerk of the date, time and place where the Hearing is to be held so that the Court Clerk might be present to make a record of the Hearing, and;
 - D. Notify the Petitioning Party and the Dean of Students of the date, time and place where the Hearings is to be held and brief description of the subject matter of the Petition.

Section 6.03 Each of the parties at the Hearing shall have the following responsibilities:

- A. The Court Clerk shall:
 - 1. Be responsible for determining the names and other relevant information of all parties to the matter and notifying the Presiding Judge when all parties are present;
 - 2. Be responsible for keeping and accurate record of the proceedings;
 - 3. Be responsible for executing any orders of notification issued by the Presiding Judge; and
 - 4. Be responsible and have such other duties as the presiding Judge might deem necessary and reasonable.
- B. The Presiding Judge shall:
 - 1. Be responsible for informing the petitioning party, any other interested parties and any spectators of Hearing purpose and procedure and of any other matters which might be considered necessary and proper;
 - 2. Be responsible for hearing all evidence and argument in the matter;
 - 3. Be responsible for ruling on all procedural questions at the Hearing;
 - 4. Be responsible for issuing any orders which may be necessary and proper in order to insure that no damage or injury occurs as the result of any delay;
 - 5. Be responsible for determining what other entities and individuals should be notified in the event that a decision is made that the matter should be heard before the entire Court.
 - 6. Be responsible for casting a vote on the relevant issues.
- C. The Associate Judges shall:
 - 1. Be responsible for hearing all evidence and arguments in the matter;
 - 2. Be responsible for advising the Presiding Judge when requested to do so;
 - 3. Be responsible for casting one (1) vote (Aye/Nay) on the relevant issues;
 - 4. Be responsible for such other matters and duties as the Presiding Judge may deem reasonable, necessary and proper.
- D. The Petitioning Party shall:

Section 6.04 At the appointed place and time, the hearing shall proceed as follows:

- A. Upon determining relevant information about all interested parties and determining that all interested parties are present, the Court Clerk shall notify the Presiding Judge that the matter is ready for Hearing and the Clerk shall then being making a record of the proceedings.
- B. Upon notification by the Clerk that the matter is ready for Hearing, the Presiding Judge will announce that all parties are present and that the Hearing is thereupon convened.
- C. The Presiding Judge will then, for the record, announce:
 - 1. The names of the Judges and the Court Clerk;
 - 2. The name of the organization or organizations, if any, that is represented at the Hearing;
 - 3. The name of the Party, Parties or Entity that has brought the matter before the Court, and;
 - 4. The names and affiliations of any other individuals which he/she might deem to be appropriate for the record.
- D. The Presiding Judge will then read the "Purpose Of Preliminary Hearing Statement" into the record.

- E. After reading the “Purpose Of The preliminary Hearing Statement” into the record, The Presiding Judge will then ask the Petitioning Party to proceed.
- F. After the Petitioning Party presents its case, the presiding Judge may, at his/her discretion, recognize any other party desiring to speak for or against the issue. Also, at this time, any Judge may question the Petitioning Party or any other party who has spoken to any issue.
- G. When all testimony has been completed the Presiding Judge will:
 1. Issue any temporary orders which he deems necessary;
 2. Instruct the Clerk of any Notifications to be made;
 3. Adjourn the Hearing.

Section 6.05 Post-Hearing Procedures

- A. If the Presiding Judge issues any orders or directs the Clerk to make any make any notification, the Clerk will follow the procedures established to implement the instructions and orders of the Presiding Judge.
- B. After a period of time to be determined by the Presiding Judge, considering the amount of time which may be necessary for the Judges to fully consider the merits of the matter and arrive at a recommendation, the President Judge will re-convene the Hearing in closed session. Only members of the Supreme Court and/or other individuals permitted by the Presiding Judge may any individual other than the Presiding Judge and the Associate Hearing Judges speak. In order to insure that the matter is considered in an impartial manner, the Presiding Judge should take special care to exclude any Party who might unduly influence the matter and, in particular, any representative of the Petitioning Party (refer to Section 6.03, Part B).
- C. The first matter that the three (3) Hearing Judges should consider is the matter of Jurisdiction. After reasonable consideration any Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each Judge recorded. Each Judge may vote only in accordance with the options listed on the verdict form.
- D. Once the matter of jurisdiction has been discussed and voted on, the three (3) Hearing Judges should then consider merit; that is, whether a case has been made that would seem to require a judicial hearing. After reasonable consideration any Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each Judge recorded. Each Judge may vote only in accordance with the options listed on the verdict form.
- E. Once the matters of Jurisdiction and Merit have been voted on, the three (3) Hearing Judges should then consider whether the case should be tried under “Punitive” or “Civil” procedure. After reasonable consideration any Judge may move the question. If the matter is seconded, a vote shall be taken and the ballot of each Judge recorded. Each Judge may vote only in accordance with the options listed on the verdict form.
- F. Regardless of the question under consideration, if the question is moved and there is no second, discussion shall continue until such a time as the question is moved and seconded.
- G. Only the appointed Hearing Judges may vote on any issue, but they may consult their fellow Justices for advice.
- H. After voting, any Judge must forward a written statement in support of his/her opinion to any affiliated Parties.

- I. At the conclusion of all discussion and consideration and based on the voting of the three (3) Hearing Judges, the Presiding Judge shall complete and forward to the Chief Justice a "Preliminary Hearing Findings Form". Any statements in support of any Judge's position and any other materials which may be considered relevant and helpful to the Full Court in making a decision as to the issue to be determined should be attached to the "Preliminary Hearing Findings Form".

SECTION 7. CHIEF JUSTICE PROCEDURE

- Section 7.01 The actions to be taken by Chief Justice if the matter is recommended for trial:
- A. Review the Preliminary Hearing information;
 - B. Schedule the matter to be heard by the full Supreme Court. In determining the date and time to be scheduled, the Chief Justice should consider the following:
 - C. In accordance with established procedure, notify or cause to be notified all interested parties, including, but not limited to, The Petitioning Party, all possible Respondents, each and every Justice of the Supreme Court, the Supreme Court Clerk, the Attorney General, the Public Defender, the Dean of Students, the President and Vice Presidents of the Student Government Association, the Presiding Officer of the Student Government Association Senate, the Prospector and/or an other media which might have an interest in, or be of assistance in, notifying the student body of the impending case any other parties which the Chief Justice might deem appropriate.
 - D. Issue any supplementary Orders which may be deemed necessary at the time.
 - E. In accordance with established procedure, if necessary, schedule any hearing which might be necessary to rescind any orders previously issued.
 - F. Notify the Court Clerk to enter the recommendation of the Preliminary Hearing in the Book Of Judicial Decisions.
- Section 7.02 After determining that the case under consideration has not been recommended for trial, the Chief Justice shall:
- A. Review the Preliminary Hearing information;
 - B. In accordance with established procedure, notify or cause to be notified all interested parties, including, but not limited to, The Petitioning Party, all possible Respondents, each and every Justice of the Supreme Court, the Attorney General, the Public Defender, the Court Clerk, the Dean of Students, the President and Vice Presidents of the Student Association, the Presiding Officer of the Senate and any other parties which the Chief Justice might deem appropriate.
 - C. In accordance with established procedure, If necessary, schedule any hearing which might be necessary to rescind any orders previously issued.
 - D. Notify the Court Clerk to enter the recommendation of the Preliminary Hearing in the Book of Judicial Decisions.

SECTION 8. FULL HEARING RESPONSIBILITIES

Section 8.01 Each of the parties at the Trial shall have the following responsibilities during the trial:

- A. The Plaintiffs and the Defendants in the case shall:
 - 1. Be responsible for insuring that all witnesses, evidence and argument to be used at the trial are available and are presented in a timely manner within the framework of the trial. Failure of either Party to be prepared may result in an adverse finding by the Court.
 - 2. Be responsible for selection one (1) individual to make a presentation of the case for its side and insuring that the presentation by the selected individual follows the prescribed Hearing procedure.
 - 3. Be responsible for providing a full list of witnesses that they will bring forth to testify for the case. The Supreme Court reserves the right to subpoena any member of the student body to testify in a case.
- B. The Chief Justice shall:
 - 1. Be responsible for informing the all interested parties of the rights and responsibilities of the parties;
 - 2. Be responsible for hearing all evidence and argument in the matter;
 - 3. Be responsible for ruling on all procedural question at the Hearing;
 - 4. Be responsible for issuing any orders which may be necessary and proper in order to enforce any decision of the Court;
 - 5. Be responsible for casting a vote on the relevant issues and on the final opinion of the Court.
- C. The Associate Justices shall:
 - 1. Be responsible for hearing shall evidence and argument in the matter;
 - 2. Be responsible for advising the Chief Justice when requested to do so;
 - 3. Be responsible for casting one (1) vote on the relevant issues and on the final opinion of the Court;
 - 4. Be responsible for such other matters and duties as the Chief Justice may deem reasonable, necessary and proper.
- D. For the Court Clerk responsibilities, refer to Section 6.03, Part A:
 - 1. In the case that the Supreme Court Clerk is not available, the Traffic Court Clerk may be called upon for assuming the responsibilities aforementioned in assisting the Supreme Court.

SECTION 9: FULL HEARING PROCEDURE

Section 9.01 At the appointed place and time, the hearing shall proceed as follows:

- A. Upon determining relevant information about all interested parties and determining that all parties to the action are present, the Court Clerk shall notify the Chief Justice that the matter is ready for Hearing and the Clerk shall then begin making a record of the proceedings.
- B. Upon notification by the Clerk that the matter is ready for Hearing. The Chief Justice will announce that all parties are present and that the Trial in the matter of _____ is thereupon convened.
- C. The Chief Justice will then, for the record, announce:
 1. The names of the Justices and the Court Clerk;
 2. The name or names of any organization or organizations represented at the Hearing;
 3. The name of the Parties that have become the Plaintiffs and Defendants in the matter;
 4. The names and affiliations of any other individuals which he/she might deem to be appropriate for the record.
- D. At this point the Chief Justice shall read the rights of the parties as specified in either the Criminal Trial Procedures section or the Civil Trial Procedures section.
- E. After the parties have each acknowledged the rights read to them by the Chief Justice, the case may then begin under the rules and procedures specified.

Section 9.02 Court Motions

- A. A motion is a request or a proposal for the Court to take a certain action in favor of the applicant.
- B. With the exception of motions for dismissal, retrial, and continuance, under no circumstances will the other party be allowed to contest any of the other motions discussed in this article. Excluding the above exceptions, the Court shall listen to a motion made by a litigant and only from the reason(s) for that request to decide without further delay or argument, whether or not to grant or to deny the motion.
- C. The acceptance or rejection of a motion shall be simple majority vote of the currently appointed Court Justices (but never less than four (4) or them).
- D. These motions shall apply to original and appellate trials as well as retrials.
- E. Motions recognized by this Court are:
 - a. Continuance.
 1. For sufficient cause, either parity to trial action or a justice of the Court may make a motion continue the trial date to another time. Sufficient cause for a continuance motion shall include such reason(s) as a new attorney replacing a former one; one of the litigants, for good cause, unable to be present for the scheduled date/time of trial; insufficient time for preparation of the case; and subpoenaed witness(es) necessary for the presentation of case not

- present; no Court Clerk present to record trial procedures; a university official known by the Chief Justice to have been appointed by the Dean of Students not present for the trial; and the Defendant(s) not present in the courtroom when the case title has been read by the Court Clerk.
2. Any motions shall be made in writing.
 - a. This motion shall be filed at least seventy-two hours prior to the scheduled date of the trial so that the Court and the other party(ies) to the trial action will not be inconvenienced.
 - b. The motion shall be commenced by the filing of two (2) written signed copies of a "Motion for Continuance" to the Student Supreme Court.
 - c. The first copy of the motion will be for the Dean of Students and the second for the Court. Upon receiving the motion, the Dean of Students shall contact the Chief Justice as soon as possible.
 3. Within one (1) day after receiving the motion, the Chief Justice will convene a meeting of the Court to decide whether or not to grant a continuance.
 - a. If the Court decides not to grant a continuance, then within forty-eight (48) hours after the Court has met, the Chief Justice will notify the Dean of Students and the party(ies) who filed the motion for the Court's decision.
 - b. If the Court decides to grant a continuance, then within forty-eight(48) hours after the Court met, the Chief Justice will notify the Dean of Students, the Court Clerk, all parties to the trial action, and any subpoenaed witness(es) of the Court's decision.
 4. A Justice of the Court may make an oral motion continuance if the motion is made prior to either the Court being declared in session or the commencement of a trial (whichever is appropriate), the motion will be handled in accordance with part 4 above the this paragraph.
- b. Recess.
1. For sufficient cause, either party to a trial action may make a motion for a recess. A motion for recess during the case presentation, case rebuttal, or penalty arguments can be made only by the party presenting such. At no time will Court allow the motion from any party during the summation of a case. A Justice of the Court, for sufficient cause or out of necessity, may make a motion for a recess at any time during the trial. If at all possible, however, the motion made by a justice should not interrupt either a case presentation, case rebuttal, case summation, penalty or penalty arguments.
 2. This motion is made orally after the trial has commenced.
 3. Sufficient case shall include such reason(s) as fatigue, (i.e., because of the length of time in the presentation of a case), the need for additional time to prepare a summation, and the necessity for taking

the justices of the Court to a place where a particular item of evidence is located.

4. Normally, a recess shall be for a brief period of time, i.e. within an hour. But at no time shall a recess be granted by the Court in excess of five (5) class days. If a recess is granted, the Chief Justice must specify the date/time and place for the reconvening of the Court. The Chief Justice must make it clear to all justices of the Court, to all parties concerned, and to any witness(es), that they must be in the court room when the recess is over.
- c. Mistrial
1. For sufficient cause, either party to the trial action may make the motion at any time during the trial. The motion is made by one of the parties concerned against the Court for failure to follow these Court procedures or for other error(s) in procedures/regulation to which this court is accountable.
 2. This motion is made orally after the trial has commenced but before the trial is concluded (i.e., before a verdict is rendered and sanction(s) imposed).
 3. If a motion for a mistrial is granted, the case and the trial remain undetermined by Court judgment. The trial will be scheduled on the Court Docket and the Court shall reschedule it for another time/date and place.
 4. If a new trial is granted, all parties concerned and any subpoenaed witness(es) must be notified again in writing of the new date/time and place of the trial in accordance with Article 2, Section 1, paragraph g and h of these Court procedures.
- d. Dismissal
1. This motion is made for the benefit of the Defendant(s). For sufficient cause, either party to the trial action may make the motion. The motion may be either written or oral.
 2. Sufficient cause for one of the litigants shall include such Reason(s) as:
 - a. The failure by the Prosecutor(s)/Plaintiff(s) to be present at the trial when the Court is declared in session;
 - b. A decision by the Prosecutor(s)/Plaintiff(s) not to pursue the case;
 - c. The charge(s) presented by the Plaintiff(s) during the trial being different from that which was originally filed in a petition against the Defendant(s).
 - d. A failure by the Plaintiff(s) to establish a prime facie case;
 - e. The case presentation by the Defendant(s) being such that it refutes the charges(s) made and the case presented by the Prosecutor(s)/Plaintiff(s).
 3. This motion may be requested by:
 - a. The Plaintiff(s) for a dismissal of charge(s) against the Defendant(s).
 - b. The Defendant(s) for a dismissal of charge(s) against him(them); and,
 - c. The Chief Justice of the Court may make a motion for dismissal but only if there is tie vote during a trial deliberation and, consequently, the Court is unable to agree upon a verdict.

4. If the Plaintiff(s) make a written or oral motion for dismissal, the Court shall immediately dismiss the case. The Plaintiff(s) shall file two (2) written signed copies of a "Motion for Dismissal" to the Student Supreme Court.
 5. The Defendant(s) will not be allowed to contest a motion for dismissal.
 6. Prior to the commencement of the trial, only the Plaintiff(s) can make a motion for dismissal, but this motion must be in writing.
 - a. This motion should be filed, if at all possible, at least three (3) days prior to the scheduled date/time of the trial so that the Court and other party(ies) to the trial action will not be inconvenienced.
 - b. The first copy of the motion will be for the Dean of Students and the second for the Court.
 7. After receiving the motion, the Chief Justice will notify the Court, the Court Clerk, the Defendant(s), and any subpoenaed witness(es) that the case has been dismissed.
 8. After the trial has been commenced, either party to the trial action may make an oral motion for dismissal of a case before the plea is entered by the Defendant(s) or after a party has rested his case and before or after a summation of a case. Only the party who is presenting the case or giving his summation may make a motion for dismissal during the case presentation or a case summation.
 9. If the motion is made by the Defendant(s) and is not part of his (their) case summation, the Plaintiff(s) shall have the opportunity, if he (they) chooses, to offer a rebuttal to the motion. After a rebuttal to the motion, if any, has been presented, the Court will rule on the motion without further delay or argumentation from either party.
 10. The granting of a dismissal by the Court is not a verdict or decision of the guilty or innocence of the Defendant(s).
 - a. During an original trial, if a case is dismissed by the Plaintiff(s), or, if the Defendant's motion for dismissal is granted, the Court shall render no verdict or impose any sanction(s) against the Defendant(s).
 - b. If a case is dismissed by the Plaintiff(s), or, if the Defendant's motion for dismissal is granted in either an appeal trial or in a retrial, the Defendant(s) shall be treated as though no trial had ever taken place and any previously guilty verdict rendered and any penalty/ sanction(s) imposed against him (them) shall be set aside by the Court.
- e. Retrial
1. After the trial has been concluded, either the Plaintiff(s) or the Defendant(s) for sufficient cause may request a retrial.
 2. Any of the Court justices may make this motion, but only on an appeal petition to request a lower judiciary to retry a case.
 3. The filing of a "Motion for a Retrial" and the processing of retrial cases shall be handled in exactly the same manner as the filing of an appeal petition and processing of an appeal case as outlined in Article 3 of these Court procedures with the exception of Section 15, paragraphs a, b, and c.

4. Differing from an appeal, a retrial is a trial before the same court (or Judicial body), which originally heard the case. Moreover, if a retrial is granted, the verdict rendered and the sanction(s) imposed in a previous trial will be set aside. A retrial shall be treated by the Court just as though no previous trial had taken place.
 5. In a retrial, a litigant may either present the same case as before, or may introduce newly discovered evidence.
 6. The granting of a retrial in no way effects the right of the Plaintiff(s) or Defendant(s) to file an appeal, but the "Petition of Appeal" must be filed on or before the tenth (10th) day after either the denial of the retrial motion or, if there is a retrial, the judicial decision.
- f. Default Judgment – Mandatory: The Court shall, on its own motion, enter a default judgment in favor of the Plaintiff(s) in all cases which the Defendant(s) has failed to file a written answer to the charge(s) pending by the time the Court convenes for trial when no pre-trial conference has been ordered. Except for constitutional cases.
 - g. Summary Judgment – On the motion of either party, the Court may grant summary judgment in favor of the moving party(ies) at any time prior to the presentation of evidence at the trial. The motion for summary judgment may be made orally or in writing. The motion is in the nature of a request for the Court to declare that all evidence presently before the Court clearly shows by preponderance of evidence that the moving party(ies) would be entitled to judgment if the case were to fully proceed through trial.
 - h. Motion for Severance
 1. Severance of issues: When two or more severable issues have been joined in one action before the Court, the Court in its discretion on motion of either party, may grant a severance of any issues to avoid confusion, prejudice, or when a finding on one issue is a prerequisite to a finding on one or more other issues. A find on such severed issue(s) shall not be a final judgment. The Court's ruling on a motion under this section shall not be final judgment and shall not be appeal able until final judgment in the case.
 2. Severance of actions: When two or more severable actions have been joined before the court in one petition, the court in its discretion on motion of either party may grant a separate trial of the severable action(s) to avoid confusion, prejudice, or when a finding in one action is a prerequisite to a finding on one or more other actions. A find on such separately ordered trial(s) shall be a final judgment when rendered.

Section 9.03 Trial Procedures

- A. The Student Supreme Court shall be convened by the Chief Justice to try, discuss, and decide cases when scheduled. Before the Court can be declared in session on before a case can be tried them must be a quorum of justices. Quorum is determined as per Section 1.05.
 - a. The quorum requirement cannot be waived.
 - b. For a Judicial decision to be rendered, at least a quorum of the same justices may have heard the entire trial and all arguments

(i.e., Plaintiff(s) and Defendant(s). If any Justice(s) is unable to be present for the entire arguments of both parties or must leave prior to the conclusion of either the Plaintiff's or Defendant's case, he (they) will not be allowed to participate in any judicial deliberation and decision.

- c. A justice, however, who has fulfilled the conditions outlined in part 2 above of this paragraph may, for sufficient cause, leave the Court during a judicial deliberation on a case. If the departing justice(s) has decided upon the case, he (they) may leave by proxy his(their) vote on both the verdict to be rendered and the sanction(s) to be imposed.
 - d. If, out of some necessity, the quorum of justices should be decreased during trial arguments, the Chief Justice shall recess the trial until such date or time as the required number of the same same justices who heard the trial arguments can be reconvened. After the recess is over and the Court reconvened, the trial shall continue on as before.
- B. At the trial, the student is entitled to be confronted by his accusers, and the witness(es) against him.
- C. The Plaintiff(s) and Defendant(s), if they do not wish to present their case, will have counsel of their choice (including an attorney) to represent them. In addition, a Public Defender(s) shall be available to the Defendant(s).
- D. Pretrial hearing. See above Section 6.
- E. During the case.
- a. The Prosecutor(s)/Plaintiff(s) and Defendant(s) (including in their counsels), as well as all oral witnesses and spectator, shall conduct themselves in a respectful manner towards the Court, observe these Court procedures, and follow all instructions of the Chief Justice.
 - b. A justice of the Court shall be addressed as "Your Honor"
 - c. The Prosecutor(s)/ Plaintiff(s) and Defendant(s) shall stand when addressing the Court, unless permission is obtained from the Court to the contrary.
 - d. Any person(s) who violates this section shall be warned of the violation by the Chief Justice. If a person(s), after this warning from the Chief Justice, still refused to comply with the provisions of this section, he(they) may be held in Direct Contempt of Court with a majority vote approval of the Court) and may be ordered to leave the courtroom.
- F. Throughout the trial.
- a. The justices of the Court shall follow these Court procedures, conduct themselves in a neutral manner, and remain impartial in the proceedings. The Chief Justice will preside over the conduct of all justices of the Court.
 - b. During the presentation of a case, any justice may ask questions to clarify the introduction of oral and non-oral evidence or to clarify an objection.
 - c. No Justice of the Court will ever initiate or suggest objections for/to one of the parties concerned or introduce evidence for them. Such matters will be the responsibility of the

Plaintiff(s)/Defendant(s).

- d. The Court may not direct questions of evidence or opinion to any oral witness(es) and the Plaintiff(s)/Defendant(s), or their counsels after a case has been rested.
- G. Although the Court Clerk may record the entire proceeding of the trial longhand, a tape recording of the trial will be made under the supervision of the Chief Justice. In addition, a stenographic record may also be made. Any person(s) in the courtroom may take notes of the trial.
- H. At the appointed time the Student Supreme Court shall be declared in session by the Court Clerk and he/she will then begin to record all proceeding of the Court.
- a. The Chief Justice shall call the Court to order.
 - b. The trial shall be commenced by the Court Clerk reading aloud the title of the case.
 - c. The Chief Justice will determine whether or not the Plaintiff(s) is in the courtroom. If the Plaintiff(s) is not in the courtroom, the Court will accept a motion for dismissal from the Defendant(s).
 - d. The Chief Justice will determine whether or not the Defendant(s) is in the Courtroom. If an organization is the Defendant(s), only one representative from the organization needs to present. If the Defendant(s) is not in the courtroom, the case will be continued on the Court Docket and rescheduled. The Court may then hold the Defendant(s) in Direct Contempt of Court and initiate appropriate action.
 1. If it can be determined to the Court's satisfaction, however, that the Defendant(s) did in fact receive a notice by certificate mail for the date/time and place for the trial, then, at the discretion of the Court, the Court may proceed in the absence of the Defendant(s) to hold trial and give a judgment decision of the case.
 2. When the Chief Justice has determined that neither the Plaintiff(s) nor the Defendant(s) is in the courtroom, the case will be dismissed but the Court may hold both parties in Direct Contempt of Court.
 - e. The Chief Justice shall direct the Court Clerk to read aloud the subpoena list, if any. The names(s) of any subpoenaed witness(es) who is not in the courtroom will be noted by the Clerk.
 - f. The Chief Justice shall determine if the Plaintiff(s) and Defendant(s) are familiar with there Court procedures. If either of the parties is not familiar with these procedures, then the Chief Justice will furnish a copy of these procedures and briefly explain them.
 - g. If there is no motion to the contrary, the Court will presume that both parties are prepared to present their cases.
 - h. The Chief Justice shall direct the Court Clerk to read the charge(s) on the petition against the Defendant(s) and ask for the plea.
 1. If there is more than one charge, the Defendant(s) may plead guilty to one or more of them and not guilty to the other(s). Either the Defendant(s) or his Counsel(s) enter the plead. The plea may be later changed or amended.
 2. Previously entered evidence, however, will remain a permanent part of the Court records and will not be affected by any amended plea.
 3. If the Counsel(s) enters any plea, the Court will presume (in the absence of any objection from the Defendant(s)) that such plea

- was entered with the consent of the Defendant(s).
4. If a plea of guilty is entered for all charges, paragraphs f to q of this section may be waived with the permission of both parties. The Plaintiff(s) shall then present his(their) recommendations as to the sanction(s) to be imposed. The Defendant(s) will then give his (their) recommendation.
- i. The Plaintiff(s) shall now be required to present his case which may be initiated through brief preliminary remarks.
 1. The court will not impose any time limit on the presentation of his (their) case.
 2. It shall be the responsibility of the Plaintiff(s) to prove (their) allegations or to at least establish a prima facie case through adequate evidence.
 3. The Chief Justice shall warn any witness(es) testifying for the Defendant(s)/Plaintiff(s) that any person(s) who perjures himself (themselves) shall be subject to disciplinary action by the Dean of Students.
 - j. The Defendant shall have the opportunity to examine the introduction of any non-oral evidence and to cross-examine any of the Plaintiff's oral witness(es) in an effort to discredit or dispute the evidence. The cross-examination shall be limited, however, only to those topics brought about by the Plaintiff in the direct examination of his oral witness(es).
 - k. The Plaintiff may then redirect his witness(es). The redirect shall be limited only to those topics which are pertinent to the information previously brought out in the cross-examination.
 - l. At the end of the presentation of his case, the Plaintiff will rest his case.
 - m. The Chief Justice will direct all of the oral witness(es) for the Plaintiff to remain in the courtroom so that the Defendant(s) may have the opportunity to direct questions to him (them).
 - n. A Justice of the Court or either of the parties to the trial action may make a motion for a brief recess.
 - o. The Defendant shall now be given the opportunity to present his case without any time limit being imposed by the Court.
 1. The Defendant may open his case with a brief preliminary remarks and he shall have the right to introduce evidence, including oral witness(es), to support his case.
 2. The Defendant may recall to testify any or all of the oral witness(es) of the Plaintiff.
 3. The Plaintiff shall have the opportunity to examine any non-oral evidence and to cross-examine any of the Defendant's oral witness(es) in an effort to discredit or dispute the evidence. Only topics brought about in direct examination will be questioned.
 4. The Defendant shall be limited in the same way in his redirect as in paragraph h above of this section.
 - p. At the end of the presentation of his case, the Defendant(s) will rest his case.
 - q. The Plaintiff may now, either close his case or reopen it for the purpose of rebuttal.
 1. Rebuttal shall be used only to impeach, disprove, or

counteract the credibility of oral or non-oral evidence which was presented by the Defendant. Rebuttal may also be used to establish the fact that perjury has been committed.

2. Additional evidence or evidence which was not offered during the case presentation may be introduced for the purpose of rebuttal.
 3. A rebuttal shall not be another presentation of a case.
 4. If certain oral or non-oral evidence is not available within the courtroom, the trial may be recessed.
 5. After the rebuttal is completed, the Plaintiff will close his case and shall not be allowed to reopen it or to offer additional evidence.
- r. If the Plaintiff makes a rebuttal, the Defendant may either close his case or reopen it for the purpose of rebuttal. If the Plaintiff closes his case without a rebuttal, the Defendant cannot offer a rebuttal and must close his case and shall not be allowed to reopen it or to offer additional evidence.
 - s. The Prosecutor(s)/Plaintiff(s) will make his(their) oral argument to the Court summing up his (their) case.
 - a. This summation shall be as concise and factual as possible and the Chief Justice may impose a time limit (depending on the circumstances of the case).
 - b. Reference to any evidence not previously introduced during the presentation of the case will not be allowed during the summation. Analogies or inferences, however, based upon previously introduced evidence can be used in the summation.
 - c. At the conclusion of his summation, the Plaintiff shall make his recommendation(s) as to the verdict of the case. The presentation of the case is now concluded and the Prosecutor/Plaintiff will not be allowed to make any additional remarks in behalf of his case or to present any additional evidence.
 - t. The Defendant(s) shall now make his summation and recommendations to the Court as per paragraph s above.
 - u. A Justice of the Court may make a motion for recess.
 - v. The court will then go into deliberation.

Section 9.04 Evidence and Objections

- A. The Chief Justice shall be the final authority on the acceptance or rejection of any evidence introduced and on the sustaining or overruling of any objections made.
- B. Evidence denotes the facts presented to the mind of a person for the purpose of enabling him to decide a disputed question. A fact is a circumstance, event or occurrence as it actually take or took place; a physical object or appearance, as it actually exists or existed. Evidence may also be the means from which an inference may be drawn as to an existence of a fact. Evidence can be either oral or non-oral.
 - a. Where the evidence consists of a writing (any document), deposition, photograph, or other tangible object, such as an article of clothing, counsel for the offering part first produces a

witness to identify or authenticate it and then submits it to opposing counsel for inspection. He is then ready to make the offer, which is done by presenting the writing or object to the judge, stating "we offer this into evidence." Where the evidence is received and is written, counsel may then read it to the Court. For an affidavit, or any other article, etc., establishing the proof of the publisher, printer, or similar evidence shall be considered as establishing an authenticating witness.

- b. Where evidence in the form of a document (i.e., any writing such as a book, written article, letter, affidavit, etc.), deposition, or conversation contains several facts, some of which are inadmissible, it is up to the counsel for the offer or to select the admissible parts. Should he fail to do this and offer the entire instrument or conversation, he cannot complain if the offer is rejected by the judge upon proper objection.
 - c. A witness can be either oral or non-oral. Both parties to a trial action should produce oral witness(es) in the presentation of a case.
 - 1. An oral witness should answer all questions addressed to him. If an oral witness pleads self-discrimination (i.e., invokes the 5th Amendment, U.S. Constitution), the Chief Justice may determine through appropriate inquiry where or not the witness is merely being evasive, hostile, etc.
 - 2. If the Chief Justice determines that a particular question is not self-incriminatory, then the witness shall be directed to answer the question under penalty of Contempt of Court.
 - 3. Under no circumstances will the counsel(s) for the Plaintiff(s)/ Defendant(s) be required to testify as witness(es).
 - d. Admissible Evidence – Upon proper objection, there are certain matters which are excluded as evidence, either because there is no logical relation between the evidence and the issue to be decided, or because they complicate the dispute with collateral issues. The burden of objecting to inadmissible evidence is on the party objecting. The Chief Justice has the final decision on objections to evidence.
- C. Objections – The proper method for a party to prevent the entrance of inadmissible evidence to a case is objection. Objection to evidence at the pre-trial hearing or at the trial itself is required before admission of inadmissible evidence may be used as a point of error on appeal. Objections to evidence must specially point out the ground of inadmissibility relied on.
- a. Objections to oral evidence or questioning:
 - 1. Leading and suggestive questioning: One that suggests a desired answer.
 - 2. Hearsay: a statement made out of court which is offered in court to assert the truth or falsity of the matter(s) within the out-of-court statement.
 - 3. Irrelevant, Incompetent, or Immaterial: no relation in logic to the specific issues before the Court.
 - 4. Incompetency of witness: the witness is not competent to answer the questions requiring personal opinion and conclusion.
 - 5. Harassment: questions which tend to abuse, threaten,

- or intimidate the witness.
- 6. Argumentative: conclusion or discourses by opposing concerning the testimony of the witness, made during the direct, cross, and redirect examinations.
- 7. Evasive Answer: An objection that the witness, if either refusing to admit or to deny a matter, which the individual is necessarily presumed to know.
- 8. Rambling: A counsel may object to a witness who does not directly answer a question but who discusses various topics irrelevant to the questions which were asked.
- b. Objections to non-oral evidence is based on failure to follow modes of petitioning.
- c. General principles:
 1. The Court will not sustain a general objection to evidence or one which is merely challenges the admission of evidence without assigning a specific reason.
 2. The competence of a witness is presumed, and the burden of proving incompetence lies with the objecting party; except that the competence of expert witnesses must be proven by the party offering the witness.
 3. The Court shall allow objections only during the presentation of a case. Objections will not be allowed during the summation of a case except to protest the introduction of additional evidence.
 4. When an objection is made, the opposite party will be allowed to answer any or all parts of an objection after which the Court will rule without further delay or argument from either party.
 5. The objections listed in this section are not all inclusive. Other objections may be made as circumstances warrant in accordance with these procedures.

SECTION 10. TRIAL DELIBERATIONS

Section 10.01 Trial Deliberations

- A. All deliberations of the Supreme Court shall be in closed session. Only the sitting Justices may be present unless the Chief Justice shall authorize otherwise.
- B. The Chief Justice shall be responsible for establishing any procedure or routine to be used in deliberation.
- C. The Chief Justice shall be responsible for the notification of all Justices and shall convene deliberations at a time and place to be specified by the Chief Justice.
 1. In "Punitive" cases, deliberations must begin within one (1) hour after both sides have rested and shall continue, except in
 2. In "Civil" cases, deliberations may begin at any time but a ruling must be reached and published within ten (10) school days after both sides have rested.
- D. In all cases, if the Justices decide by a majority vote that the Court has no jurisdiction to decide a matter, the Court may issue an advisory opinion that shall not be binding on the Parties.

Section 10.02 Reaching a Decision to Vote – The Chief Justice shall allow reasonable time for deliberations and then move the questions. Upon a second by any

other Justice, the Justices, will vote on whether to close deliberations.

- A. A vote of “Aye” shall be defined as a vote to end deliberations and move the question. Upon a second by any other Justice, the Justices will vote on whether to close deliberations.
- B. A vote of “Nay” shall be defined as a vote to continue deliberations.
- C. If the result of the vote is to continue deliberations, deliberation shall continue until the Chief Justice again moves the question.
- D. If the result of the vote is to close deliberations, the Justices shall proceed to vote on the possible verdicts.

Section 10.03 “Punitive” Decisions

- A. If the case was tried under “Punitive” procedure, only a “Punitive” verdict may be returned by the Justices.
- B. Each Justice may cast only one vote and must be present to vote.
- C. Each Justice who is present must vote and the only acceptable votes are either “Guilty” or “Not Guilty”.
- D. If the case was brought under Original Jurisdiction, five (5) of the seven (7) Justices must vote guilty in order for the Defendant to be adjudged guilty of the specific offense.
- E. If the case was brought under Appellate Jurisdiction, majority vote “Guilty” in order for the Defendant to be adjudged guilty of the specified offense.
- F. As soon as a verdict has been reached, the Chief Justice shall meet with the Court Clerk in private and shall inform the Clerk of the verdict. In the presence of the Chief Justice, the clerk shall then enter the verdict in the Book of Judicial Decisions along with the date and time entered and the Clerk’s signature. The Chief Justice shall also sign and date the entry.
- G. During the time the Chief Justice and Court Clerk are meeting for the purpose of entering the verdict, all Justices shall remain in chambers and communicate with no outside party. If any Justice shall, in anyway and by any method, communicate published, such shall be considered an impeachable act.
- H. After the verdict has been entered by the Court Clerk, the Chief Justice shall reconvene the Court and announce the verdict.

Section 10.04 “Civil” Decisions

- A. If the case was tried under “Civil” procedure, only a “Civil” verdict may be returned by the Justices.
- B. Justice may cast only one vote and must be present to vote.
- C. Each Justice who is present must vote and the only acceptable votes are either “For the Plaintiff” or “For the Respondent”.
- D. Each Justice, including the Chief Justice, shall write his vote and deliver it to the Court Clerk as soon as reasonably possibly but in no event shall any Justice deliver his/her verdict later than five (5) school days after the date deliberations began.
- E. Each Justice, including the Chief Justice, shall support his/her opinion with a written argument.
- F. Upon receipt of the Opinions of all the Justices, the Court Clerk shall, with all due haste:
 - 1. Tally all votes;
 - 2. Enter the tally in the Book of Judicial Decision along with the date and time entered and the Clerk’s signature; and,

3. Deliver all the opinions and all supporting documents and the tally of the votes to the Chief Justice.

SECTION 11. PUBLISHING A CIVIL DECISION

- Section 11.01 On receipt of all the opinions and supporting documents from the Court Clerk, the Chief Justice shall review the opinions and the tally and either issue, or cause to be issued, the written decision of the Court.
- Section 11.02 If the Chief Justice has voted with the majority in any decision, the Chief Justice may write the decision of the majority.
- Section 11.03 If the Chief Justice did not vote with the majority, he/she must select a Justice who voted with the majority to write the decision of the Court.
- Section 11.04 Any Justice who obligated to write a decision may request and receive advice and assistance from other Justices and/or legal staff in preparation of the decision.
- Section 11.05 The written decision shall summarize the decisions of the Court and the reasons for arriving at the decision.
- Section 11.06 Immediately upon completion of writing the majority decision, the Justice who authorized the decision shall deliver the decision to the Court Clerk for proof reading and final typing.
- Section 11.07 After proof reading and typing the majority decision, the Court Clerk shall make copies of the decision and, in accordance with established procedure, cause a copy of the decision to be delivered each and every Party who has interest in the matter; as well as to the Dean of Students, all Justices, the Attorney General, the Public Defender's Office, the President of the Association, the Prospector and any other Parties authorized by the Chief Justice. The Court Clerk shall also enter the official verdict in the Book Of Judicial Decisions.
- Section 11.08 Any Justice who voted with the Minority may also write a decision in support of the minority position, have it typed by the Court Clerk & entered in the Book of Judicial Decision.

SECTION 12. ADMINISTRATIVE MEETINGS

- Section 12.01 Electing a Chief Justice and Chief Justice Pro- Temp
- A. Upon the occurrence of a vacancy in the position of either Chief Justice or Chief Justice Pro-Temp, the Court shall convene within one (1) week of such occurrence and choose a replacement to fill the vacant position of positions. The meeting shall be called by the still serving party listed highest of the following:
 1. The Chief Justice, if still serving;
 2. The Chief Justice Pro-Temp, if still serving;
 3. The Justice with the longest period of service.
 - B. The vacant position may be filled by the Justices based on two-thirds roll call consent of all serving Justices and an election to fill the vacant position shall not be considered necessary unless any Justice requests an election.
 - C. The election to fill the vacant position shall proceed as follows:
 1. The Justice who called the meeting shall act as the Chair of

- the meeting and ask for an announcement of candidates.
2. Any Justice who has served for at least the length of one (1) full, non-summer semester may announce as a candidate for the position. If no Justice has served a period of time equal to one (1) full, non-summer semester, then any Justice may announce for the vacancy.
 3. The Court Clerk will distribute paper ballots to each Justice physically present and each physically present Justice shall write the names of the one (1) announced candidate for whom he/she wishes to vote. Justices may only vote for announced candidates.
 4. After voting each Justice shall seal his/her ballot and give it to the Clerk so that votes may be tallied in private.
 5. During voting and while the Clerk is tallying ballots, there shall be no discussion among the Justices of the election.
 6. After a tally of the votes, the Court Clerk shall state whether any Justice has received the two-thirds votes of all present Justices that is required by the Constitution.
 - a. If any Justice has received the required number of votes, the Clerk shall announce the name of the winner.
 - b. If no Justice has received the required number of votes, the Clerk shall announce the name of the winner.
 - c. After a brief period of discussion, the election procedure shall be resumed with Section 12.01 (C)(1).
- D. If after five (5) ballots no Justice has received the required number of votes, the Chair shall ask if any candidate wishes to withdraw his/her name from consideration and/or whether any Justice who was not previously a candidate wishes to declare.
1. If any candidate shall at that time withdraw his/her name from consideration; or should additional Justice declare, the election procedure shall be resumed with Section 12.01 (C)(1) and continue for five (5) additional ballots or until one (1) candidate receives the required number of votes.
 2. Should no candidate withdraw and no additional candidates declare, the matter shall then be presented to the President of the Association who shall then have the authority to appoint any of the declared candidates as Acting Chief Justice or Acting Chief Justice Pro-Temp for a period not to exceed thirty (30) days.
 3. Before the end of the above mentioned thirty (30) day period, the Acting, an election must again be called and proceed as if it were a new election under Section 12.01 (C)(1).

Section 12.02 The Court must meet at least once a week, four times a month as a minimum requirement. The Court must conduct its business in both Fall and Spring Semesters. Summer Semester is optional.

SECTION 13. OTHER COURT PERSONNEL

Section 13.01 Duties and Responsibilities

- A. Chief Justice will announce the responsibilities of all Justices at the beginning of each semester.
- B. Duties: To Know the Student Government Association Constitution, By-Laws, Court Procedures, Rules and Regulation of the U.T. System, and any other document which is of importance to the Court.

Section 13.02 Qualifications for a Justice

- A. To qualify the following criteria must be met:
 - 1. A minimum of fifteen (15) hours accumulated.
 - 2. Must not be in any type of academic probation
 - 3. Must have at least a 2.50 accumulative GPA.
 - 4. Must have complete a 30 days trial, pending Justice would then be vote in by the Justices on the last day of the 30 days trial.
- B. Once qualifications have been met and the individual becomes a Justice, he/she must maintain a 2.50 GPA for two semesters (Including the semester he/she was appointed to Court).

Section 13.03 Impeachment

- A. The Student Government Association Senate has the sole power to impeach and convict a Justice. Any Justice of the Court may be impeached for intentionally violating these Court procedures, for excessive absences from Court trials, or for behaving in such a manner as to adversely affect the reputation of the Court.
- B. Impeachment trials shall be presided over by the Chief Justice. If the member of the judicial branch is the defendant, the Internal Affairs Vice-President of the Student Government Association shall preside over the impeachment trial.
- C. Conviction of impeachment shall be by two-thirds roll call vote of the Student Government Association.

Section 13.04 Other Court Personnel – The Constitution and the By-Laws are mute on the matter of personnel other than the Justices; no staff is specified nor, however, is it prohibited.

- A. Clerk of the Court
- B. Court Research and Legal Advisor
- C. Court Secretary
- D. Administrative Aids

Section 14. MODE OF PETITION FOR TEMPORARY INJUNCTIONS

Section 14.01 A temporary or preliminary injunction is one that restrains the doing of an alleged unlawful and wrongful act during the pendency of proceedings that seek permanent relief.

Section 14.02 A temporary injunction as issued by this Court may temporarily command acts to be performed or temporarily prohibited their commission. It must be made clear by the party(ies) concerned and shall require a decision on the question(s) or issue(s) being litigated is rendered.

Section 14.03 All requests for a temporary injunction in constitutional or non-disciplinary cases will include a statement of reason(s) for the request and shall be filed according to the following procedure;

- a. The request for a temporary injunction shall be commenced by the filing of three (3) signed written copies of a "Petition for Temporary Injunction: in the Office of the Dean of Students. The first copy will be for the Dean of Students, the second for the Court, and the third for the other party(ies) concerned.
- b. Any student, organization, or the Student Government Association.
- c. Said petition shall contain an accurate, concise description of the infraction(s), the names of the alleged infraction(s), and the signature(s) of the party(ies) and the specific relief sought.
- d. Upon receiving the petition, the Dean of Students will contact the Chief Justice of the Court and will provide him with a copy of the petition.
 1. Within two (2) days after receiving the petition, the Chief Justice will convene a meeting of the Court to decide whether or not to grant and injunction.
 2. The refusing of granting of an injunction shall be by a simple majority vote of the currently appointed Court Justices.
 3. If the Court should refuse to grant and injunction, a written signed copy of the reason(s) for the Court's decision will be provided by the Chief Justice to the Dean of Students and the party(ies) which filed it within three (3) days after this refusal.
 4. If a Court agrees to grant and injunction, within two (2) days the Chief Justice will deliver a written signed statement granting the injunction to the Dean of Students' office. The Chief Justice will also notify the Court Clerk and provide him with a copy of the statement. Within three (3) days after this notification, the Court Clerk will notify all parties concerned and provide them with written signed copies of the Court decision.
 5. Under no circumstances will the other party be allowed to contest the request for an injunction before the Court.
 6. But if the other party has good cause to contend that an injunction issued by the Court is wrong or unfair, the injured party may appeal such an injunction to the Dean of Students at any time after the date on which the injunction was issued.

Section 15. SUBPOENAS

Section 15.01 A subpoena is a process to cause a witness to appear and give testimony, commanding him to lay aside all pretense and excuses, and appear before a court or magistrate therein named at the time therein mentioned to testify for the party named under a penalty therein mentioned.

Section 15.02 The Court shall possess the power to subpoena any UTEP student witness(es) necessary to expedient completion of its cases. Any student(s) refusing to comply with a subpoena from the Court may be held in Direct Contempt of Court.

Section 15.03 At least seven (7) days prior to the date of the trial, either the Court or the party(ies) to the Court action may present a written subpoena list to the Dean of Students containing the name(s) of person(s) or article(s) of evidence which will be necessary for the presentation of a case. All subpoena lists will be available to the parties concerned. The Dean of Students office shall notify the Chief Justice immediately upon receipt of a subpoena list.

Section 15.04 Any student(s) who is subpoenaed shall be notified by a written signed notice from the Chief Justice at least three (3) days prior to the date of the trial as determined by the postmark date of the notice of the date/time/place for the trial. This notification shall warn the student(s) that failure to appear before the Court at the designated time may subject the student(s) to disciplinary action by the Court. If a subpoenaed student(s) has any questions concerning the subpoena, he should contact the Chief Justice or the Court Clerk. The Dean of Students shall be furnished with a list of students to be subpoenaed.

Section 15.05 The subpoenaed witness(es) must be present in the courtroom when the Court Clerk reads aloud the title of the case. The subpoenaed witness(es) shall not leave the courtroom without the permission of the Chief Justice.

SECTION 16. CONTEMPT OF COURT AND PERJURY

Section 16.01 Contempt of Court is defined as the punishable act of showing disrespect of the authority of dignity of a court, a by disobedience, unruliness, ect...Contempt of Court will be defined for the Student Supreme Court as follows:

- A. Not being at the appointed place or time of the trial.
- B. Showing disrespect toward the Justice during their acting capacity

Section 16.02 Perjury is defined as the willful presentation of erroneous or misleading information to the Court.

Section 16.03 The Court may take any one of the following procedures to rectify any of the transgressions.

- A. Fine to have a minimum of five dollars and a maximum of one hundred dollars.
- B. Community Service of a minimum of ten hours and a maximum as determined by the Court.

Section 16.04 All money that is collected, in regards to this section shall be donated to a non-profit organization, which will be determined by the court.

SECTION 17. AMENDING THESE PRODECURES

Section 17.01 Amending These Procedures

- A. These procedures can be amended any time.
- B. A motion to change these procedures with a second, and simple majority vote of "Aye" and procedures can be amended. Changes or additions to these procedures must be discussed in an Administrative Meeting. Issues concerning changes or additions can not be passed until the next official meeting.