

Title 5

The Judicial Branch

Chapter 500

Composition and Authority

- 500.1.** The Judicial Branch shall be composed of:
- 500.1.1.** The Chief Justice
 - 500.1.2.** The Senior Justice
 - 500.1.3.** The Ranking Justice
 - 500.1.4.** Four (4) Associate Justices
 - 500.1.5.** The Judicial Clerk
- 500.2.** The Supreme Court shall be composed of:
- 500.2.1.** The Chief Justice
 - 500.2.2.** The Senior Justice
 - 500.2.3.** The Ranking Justice
 - 500.2.4.** Four (4) Associate Justices
- 500.3.** The Supreme Court shall contain the Judicial Power of the Student Body.
- 500.4.** The Supreme Court shall have jurisdiction over all cases, controversies, and referendums involving the Student Body and Student Government.
- 500.4.1.** This excludes items delegated to other entities by the University Board of Trustees.
- 500.5.** The Supreme Court shall have the power to declare any act of Student Government unconstitutional.
- 500.6.** The Supreme Court shall try all cases of impeachment brought by the Senate, unless specified otherwise in the Student Body Constitution.
- 500.7.** The Supreme Court shall adopt Rules of Procedure (ROPs) for its practice and procedure, including the time for seeking appellate review.
- 500.7.1.** These ROPs may be repealed by a supermajority vote of the Senate.

Chapter 501

Duties and Responsibilities of the Supreme Court

- 501.1.** The Supreme Court shall have original jurisdiction over:
- 501.1.1.** Cases and controversies involving Student Government.
 - 501.1.2.** Cases and controversies involving referendums.
 - 501.1.3.** Cases for Removal from Office following Impeachment.
- 501.2.** The Supreme Court shall have appellate jurisdiction over:
- 501.2.1.** Cases and controversies elections and the ERC.
 - 501.2.2.** Final student appeals of USF Parking and Transportation Services violations.
- 501.3.** The Supreme Court shall maintain internal ROPs, which not conflict SG Statutes.
- 501.3.1.** These ROPs may be amended via a majority vote of the Supreme Court, upon the approval of the Senate Policy Committee.
 - 501.3.2.** These ROPs shall be reviewed by the Senate Policy Committee at least one (1) time per semester for clarity and conformity with SG Statutes.
 - 501.3.2.1.** The Senate Policy Committee may recommend amendments to these ROPs.
 - 501.3.2.2.** Recommended amendments shall be sent to the Supreme Court for review.
 - 501.3.2.3.** Recommended amendments that are not accepted by the Judicial Branch may be added to the ROPs via a supermajority vote for the Senate.
- 501.4.** The Supreme Court shall allow any student to choose another student to represent them in any case pending before the Supreme Court, with the exception of representation by a current Supreme Court Justice.
- 501.5.** All cases and controversies shall be handled according to guidelines outlined in SG Statutes and the Supreme Court Rules of Procedure.
- 501.6.** A constitutional conformity review of a referendum shall consist of, but not be limited to, a review of the referendum by the Supreme Court to determine its constitutionality within governing documents.
- 501.7.** A majority vote of the Supreme Court may decide any case pending before the court.
- 501.8.** All pre-trial motions, by either party, must be voted upon by the Supreme Court. The pre-trial motion needs a majority vote to accept or decline the motion.
- 501.8.1.** All pre-trial motions, by either party, must be turned in at least forty-eight (48) hours prior to the presiding Justice gaveling the trial to order. The motion must be submitted in writing and/or via official USF email, to either the Chief Justice or

Clerk of the Court. If submitted in writing, the motion must be time stamped at the time of submission by the receiving party.

501.8.2. The Supreme Court must decide upon all pre-trial motions, in writing, at least twenty-four (24) hours prior to the presiding Justice gaveling the trial to order.

501.8.2.1. The decision must be sent to both parties, via official USF email, of the trial at least twenty-four (24) hours prior to the presiding Justice gaveling the trial to order.

501.9. The Supreme Court shall have quorum in order for any official opinion pertaining to any issue brought forth to the court to the Supreme Court to be rendered.

501.10. If there are fewer than four (4) Justices on the Supreme Court, the Supreme Court cannot meet quorum.

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

501.12. The court shall have Regular Meetings for the purpose of discussing general administrative issues, and future business, as they pertain to the court. These meetings shall require a majority of active Justices present in order to satisfy the requirement for quorum.

501.13. Attendance shall be monitored by the means of a point system which is further outlined within the Supreme Court Rules of Procedure.

501.14. For a Supreme Court decision to be official and recognized, the opinion(s) must be made public, in writing, within five (5) business days of the verdict.

501.15. Each opinion shall be signed by the Justices that wrote or supported it.

501.16. The verdict shall be sent to each party, via official USF email, of the case within five (5) business days of the verdict.

501.17. No opinion of the Supreme Court shall cite or reference in any way of any court besides the USF Student Government Supreme Court.

501.18. The ability of the Supreme Court to oversee Parking Appeals shall be granted by USF Parking and Transportation Services.

501.18.1. The Supreme Court shall follow the Procedures for an appellate hearing within a Parking Appeal so long as it is consistent with the policies of USF Parking and Transportation Services.

Chapter 502

Duties and Responsibilities of Members of the Supreme Court

- 502.1.** The Supreme Court shall be composed of seven Justices appointed by the Student Body President, with the advice and consent of the Senate.
- 502.2.** The Supreme Court shall elect from its body the positions of Senior Justice and Ranking Justice as per Supreme Court Rules of Procedure.
- 502.2.1.** All Supreme Court Officers, 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.
- 502.3.** The Chief Justice, the Senior Justice, and the Ranking Justice shall be expected to serve during the fall, spring, and summer C semesters on the USF Campus.
- 502.4.** All Justices shall review and provide amendments as necessary to the Judicial Branch's Rules of Procedure at least (1) time during each semester.
- 502.5.** All justices must give a report of their activities at each judicial regular meeting.
- 502.6.** The Chief Justice
- 502.6.1.** The duties of the Chief Justice shall include, but are not limited to:
- 502.6.1.1.** To preside over all meetings and proceedings of the Judiciary.
 - 502.6.1.2.** To administer the Oath of Office to the President and Vice President of the Student Body, and all incoming Justices.
 - 502.6.1.3.** To run meetings and arrange dockets and agendas for said meetings.
 - 502.6.1.4.** To have first speaking rights on issues.
 - 502.6.1.5.** To rule on objections during trials.
 - 502.6.1.6.** To receive and review all complaints and appeals first.
 - 502.6.1.7.** Initially review and provide copies of any case that may come before the court to all Justices.
 - 502.6.1.8.** Read all official Student Government documents and relevant case materials.
 - 502.6.1.9.** Shall be the accountable financial officer for the Supreme Court, and shall ultimately be responsible for all fiscal records.
 - 502.6.1.10.** Shall have the power to assess points and to recommend removal of a Justice to the Judicial Review Committee for violation of attendance policies outlined in the Rules of Procedure.
 - 502.6.1.11.** Prepare and screen all press related materials before relaying such materials to the Public.
 - 502.6.1.12.** Maintain contact and organize regular meetings with the Office of Parking and Transportation Services (PATS).
 - 502.6.1.13.** Any duties deemed necessary by a majority of the Supreme Court.

502.7. The Senior Justice

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

- 502.7.1.1.** Preside over all meetings in the absence of the Chief Justice.
- 502.7.1.2.** Preside over at least one (1) meeting per semester.
- 502.7.1.3.** Have second speaking rights on all issues.
- 502.7.1.4.** Review all complaints and appeals with the Chief Justice.
- 502.7.1.5.** Review all Justice absence excuse forms.
- 502.7.1.6.** Any duties deemed necessary by a majority of the Supreme Court.

502.8. The Ranking Justice

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

- 502.8.1.1.** Preside over all meetings, in the absence of both the Chief and Senior Justices.
- 502.8.1.2.** Preside over at least one (1) meeting per semester.
- 502.8.1.3.** Any duties deemed necessary by a majority of the Supreme Court.

502.9. Associate Justices

502.9.1. The duties of the Associate Justice shall include, but not limited to:

- 502.9.1.1.** Attend all Regular Meetings and Court Meetings, read all official Student Government documents, and relevant case materials.
- 502.9.1.2.** Read all Parking and Transportation rules and regulations.
- 502.9.1.3.** Perform any duties deemed necessary and proper to execute the mission of the Judicial Branch.

502.10. Clerk of the Court

502.10.1. The duties of the Clerk of the Court shall include, but not limited to:

- 502.10.1.1.** Keep minutes of all public meetings and trials.
- 502.10.1.2.** Maintain records of all copies of all rulings, petitions, documents, and evidence appearing before the Supreme Court and all actions of the Supreme Court.
- 502.10.1.3.** Maintain the Judicial Branch section of the Student Government website and on BullSync.
- 502.10.1.4.** Other duties deemed necessary by the Chief Justice or a majority of the Supreme Court.

Chapter 503

Judicial Ethics Act

- 503.1.** All Justices and the Clerk of the Court shall adhere to the Judicial Ethics Act.
- 503.2.** 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 SG Official under the Rule of Law.
- 503.3.** 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.
- 503.4.** 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.
- 503.5.** A Justice shall uphold the integrity and independence of the judiciary.
- 503.6.** 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.
- 503.7.** A Justice shall avoid impropriety and the appearance of impropriety in all of their activities through following the measures prescribed below:
- 503.8.** 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.
- 503.9.** 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.
- 503.10.** 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.

- 503.11.** A Justice shall perform the duties of the Judicial Office impartially and diligently, following the measures prescribed below:
- 503.11.1.** A Justice shall hear and decide all matters assigned to the Supreme Court except those in which they recuses themselves.
 - 503.11.2.** A Justice shall be faithful to the law regardless of partisan interests, public clamor, or fear of criticism.
 - 503.11.3.** 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.
 - 503.11.4.** 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.
 - 503.11.5.** 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.
 - 503.11.6.** A Justice shall dispose of all matters fairly, promptly, and efficiently.
 - 503.11.7.** 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.
 - 503.11.8.** A Justice shall not disclose or use, for any purpose unrelated to their judiciary capacity, non-public information acquired in a judicial capacity.
 - 503.11.9.** 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.
- 503.12.** A Justice with reliable information that another Justice has violated any provision of the Act shall initiate appropriate corrective action procedures.
- 503.13.** A Justice shall recuse themselves 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.

503.14. A Justice shall so conduct extrajudicial activities as to minimize the risk of conflict with judicial obligations, following the measures prescribed below:

503.14.1. A Justice shall conduct extrajudicial activities so they do not:

503.14.1.1. Cast reasonable doubt on their capacity to act impartially.

503.14.1.2. Demean the judicial office.

503.14.1.3. Interfere with the proper performance of judicial duties.

503.14.2. No Justice shall engage in financial and business dealings which:

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

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

503.14.3. No Justice shall under any 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.

503.14.4. No Justice shall practice in the function of Student Counselor.

503.14.5. No Justice shall publicly endorse or oppose any candidate.

503.14.6. No Justice shall personally solicit funds or make contributions to any candidate.

503.14.7. No Justice shall influence any SG Policy in a non-public forum.

503.14.8. No Justice shall engage with or be interviewed by any media outlet in relation to Supreme Court proceedings.

503.14.9. No Justice shall be eligible to run for office as per Title 7 in SG Statutes.

503.14.10. No Justice shall publically indicate their position on any items pending review or under review by the Supreme Court.

503.14.11. All business in official Judicial Branch meetings shall be recorded.

503.14.12. All meetings of the Judicial Branch shall be subject to all policies outlined in Title 2.

503.14.13. Deliberations of the court are public records except for materials protected by Federal and/or State law.

Chapter 504

Constitutional Judgment Panel

- 504.1.** The purpose of the Constitutional Judgment Panel, hereafter referred to as the “CJP”, shall be to offer a conclusive and legally binding opinion with regard to the constitutionality of Statutes and/or Acts of Student Government Statutes, which may not mandate any further action to be taken.
- 504.2.** The CJP shall be conducted using the procedures outlined in Chapter 510 with the following additions:
- 504.2.1.** Both parties shall be granted a five (5) day discovery period.
- 504.3.** The CJP shall be composed of all Justices of the Supreme Court.
- 504.4.** The Chief Justice shall preside as Chair.
- 504.5.** Any SG Official may make a request for Constitutional Judgment to the Chief Justice or the Judicial Clerk.
- 504.6.** The request for a Constitutional Judgement shall include:
- 504.6.1.** The name of requestor
- 504.6.2.** A time stamp showing the time the request was received
- 504.6.3.** The Statute(s) and/or Acts in question
- 504.6.4.** The names of any persons or groups who would be adversely affected by this judgement
- 504.7.** The CJP must meet within five (5) business days of a request being made.
- 504.8.** In the event that the Supreme Court should not meet the minimum required number of appointed Justices to satisfy the statutorily prescribed quorum, the CJP process shall not be utilized.

Chapter 505

Appeals of the Supreme Court

- 505.1.** The Supreme Court is the final judicial authority within any case or controversy within Student Government.
- 505.1.1.** Any other external case or controversy may be appealed to its respective appellate board or designee.
- 505.1.2.** The Director of SGATO shall determine who the respective appellate board or designee is, by memorandum to JuSenEx.
- 505.2.** The respective appellate board or designee shall determine if the matter is of an external nature, and if they are the proper appellate board or designee.
- 505.2.1.** If the original appellate board or designee determines it shall be sent to a more appropriate board or designee, SGATO shall forward it to said appellate board or designee.
- 505.3.** If a student wishes to appeal a ruling of the Student Supreme Court, they must submit their case to SGATO via printed material. SGATO shall then time stamp the appeal and all evidence/statements from the appealing party. SGATO shall then contact the adverse parties and Chief Justice and inform them that the ruling has been appealed. They shall have five (5) business days from that point to turn in any evidence and/or statements to SGATO. SGATO shall also concurrently contact the Chief Justice to inform the Court of the appeal. The Chief Justice within five (5) business days may also submit any evidence and/or statements on behalf of the Supreme Court. No other parties may submit evidence and/or statements.
- 505.3.1.** If there are any dissenting opinions, then the highest ranking Justice on each opinion will have five (5) business days to turn in any relevant evidence and/or statements.
- 505.4.** Once any evidence/statements are submitted to SGATO, SGATO will time stamp any evidence/statements. Once SGATO has received all evidence/statements, they shall forward the appeal, evidence, and statements to the respective appellate board or designee.
- 505.4.1.** If all evidence/statements are collected before the end of the five (5) business days, SGATO may forward the appeal, evidence, and statements to the respective appellate board or designee prior to five (5) business days.
- 505.5.** The respective board appellate board or designee shall inform SGATO of their decision, and SGATO shall release the decision to all parties and JuSenEx within two (2) business days of receiving it.
- 505.6.** If a ruling of the Student Supreme Court is overturned, the decision from the respective appellate board or designee shall take effect immediately.

Chapter 506

Obtaining a Trial

- 506.1.** Trial procedures may only occur during business days, excluding school observed holidays and federal holidays.
- 506.2.** 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.
- 506.2.1.** It is required that the request be sent to the Supreme Court via hard copy or electronic copy.
- 506.2.1.1.** The Hard Copy must be delivered in person or mailed to the University of South Florida Student Government, Supreme Court Chief Justice or Clerk.
- 506.2.1.2.** The electronic copy is recognized as an email with a scanned pdf attached to the Chief Justice or to the Supreme Court Clerk.
- 506.3.** Once a request has been filed with the Supreme Court, the Supreme Court shall consider the request at the next general business meeting or within five (5) business days of the submission.
- 506.4.** The Supreme Court may only hear a case in which it has jurisdiction over the parties and subject matter in controversy.
- 506.5.** In determining jurisdictional viability of the case, the Supreme Court must consider the following:
- 506.5.1.** The complainant must factually allege a violation of the Student Body Constitution and/or Student Government Statutes.
- 506.5.2.** Both the complainant and defendant must be parties that fall under the jurisdiction of the Supreme Court as established in Article IV of the Student Body Constitution and SG Statutes Chapter 501.
- 506.6.** The Supreme Court may dismiss cases under circumstances including but not limited to the following:
- 506.6.1.** The Supreme Court will dismiss any complaint where jurisdictional requirements are not met.
- 506.6.2.** The Supreme Court may dismiss a complaint that fails to state a claim for which relief can be granted by the Supreme Court.
- 506.7.** In all Supreme Court deliberations, the Supreme Court shall consider all applicable SG Governing Documents.
- 506.8.** For cases brought under the original jurisdiction of the Supreme Court:

- 506.8.1.** The Court shall be responsible for notifying all parties of a request for trial and of any subsequent meetings pertaining to their case.
- 506.8.2.** The Court shall be responsible for notifying all parties of applicable trial procedures and shall provide no less than four (4) business days for gathering of evidence following the granting of a Writ of Certiorari.
- 506.8.2.1.** The discovery period may be expedited via the approval of all parties.
- 506.8.2.2.** The discovery period may be expedited in emergency circumstances via the unanimous vote of the Supreme Court.
- 506.8.3.** 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.
- 506.8.4.** Should the defendant named in the complaint not file their 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.
- 506.8.5.** The Supreme Court shall, after receiving the response from the defendant, set the matter for trial.

506.9. For cases brought under the appellate jurisdiction of the Supreme Court:

- 506.9.1.** 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.
- 506.9.2.** 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.
- 506.9.3.** 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.
- 506.9.4.** 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.
- 506.9.5.** 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.
- 506.9.6.** 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.
- 506.9.6.1.** The petitioner must clearly demonstrate he/she was wrongfully prevented from raising said issues in their first request.

- 506.10.** Any party to a case may submit any pretrial motion for consideration by the Supreme Court.
- 506.10.1.** Such motions may include: a motion for summary judgment, motion to dismiss, motion for a continuance, motion in limine, or discovery motion.
- 506.11.** 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.
- 506.11.1.** The Clerk will notify and make available to the adverse party, the evidence submitted.
- 506.11.2.** The Supreme Court will not consider any evidence not submitted by the established deadline.
- 506.12.** Any brief or piece of evidence not submitted by the established deadline will not be considered by the Supreme Court.
- 506.13.** Depositions must occur in a manner agreed to by the parties as well as the Supreme Court; including interrogatories, recorded depositions, or written depositions.
- 506.13.1.** Each deposition shall include a written verification that the party deposed has testified truthfully under oath.
- 506.14.** 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.
- 506.15.** A list of any potential witnesses and their contact information must be provided to the Supreme Court by counsel one (1) business day 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.

Chapter 507

Rights of Individuals before the Court

- 507.1.** The Supreme Court shall create a file for each case heard.
- 507.2.** Individuals appearing before the Supreme Court shall be guaranteed the following:
- 507.2.1.** The right to due process.
 - 507.2.2.** The right to an expedient trial.
 - 507.2.3.** The right to be aware of Supreme Court Procedures
 - 507.2.4.** The right to be heard by quorum.
 - 507.2.5.** The right to be heard without ridicule, interference, or unnecessary interruption.
 - 507.2.6.** The right to ask any Justice, the Solicitor General, and/or the Attorney General any questions concerning any procedural matter or concerning rights and privileges of the individual before the Supreme Court.
 - 507.2.7.** The right to be free from slanderous remarks or unwarranted accusations during any Supreme Court proceedings.
 - 507.2.8.** The right to representation of counsel by a fellow student of their choosing, or the right to self-representation.
 - 507.2.8.1.** All parties in a trial must identify in writing who will be representing them at least twenty-four (24) hours before a trial.

Chapter 508

Pre Trial Proceedings

- 508.1.** The purposes of pre-trial proceedings are:
- 508.1.1.** To narrow the issues to matters actually disputed.
 - 508.1.2.** To secure information regarding the existence of evidence that may or may not be used at trial.
 - 508.1.3.** To hear any pre-trial motions submitted by either party.
- 508.2.** 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.
- 508.2.1.** 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.
- 508.3.** The parties will have a maximum of a five (5) business day discovery period.
- 508.3.1.** 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.
 - 508.3.2.** Failure to comply with these rules will result in omission of evidence improperly submitted.
 - 508.3.3.** Should both parties agree to expedite the hearing, the discovery period may be reduced to no less than two (2) business days.
 - 508.3.4.** It is the Judicial Clerk's responsibility to forward all evidence submitted to the opposing parties.
 - 508.3.4.1.** 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.

Chapter 509

Original Jurisdiction Proceedings

- 509.1.** The Impeachment of Student Government officials and including Judicial Review Committee proceedings shall fall under this section.
- 509.1.1.** The Chief Justice shall preside.
- 509.1.1.1.** If the Chief Justice is unable to preside, the presiding Justice shall be determined by order of seniority.
- 509.1.2.** The Presiding Justice shall be responsible for ensuring that no rights are violated, for maintaining order, ruling on objections, and for expediency of business before the Supreme Court.
- 509.1.3.** Any member of the Supreme Court may, at any time, call for a Point of Order.
- 509.1.3.1.** If a Justice wishes, they may call for a motion to discuss an objection.
- 509.1.3.2.** The Supreme Court will then briefly retire to discuss the objection at hand.
- 509.1.4.** The Supreme Court may overturn a ruling on an objection by a majority vote.
- 509.2.** The trial shall be conducted in the following order:
- 509.2.1.** 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.
- 509.2.2.** The trial shall be called to order by the Presiding Justice.
- 509.2.3.** The Presiding Justice shall explain the Supreme Court Rules of Procedure to the prosecuting counsel, defense counsel, and audience, and then proceed with the trial.
- 509.2.3.1.** 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.
- 509.2.4.** The prosecution shall present, openly and clearly before the Supreme Court, an opening statement in which they present germane information.
- 509.2.4.1.** The prosecution shall have a maximum of ten (10) minutes to present their opening statement.
- 509.2.5.** The defense may make an opening statement that shall not last longer than ten (10) minutes.
- 509.2.6.** The prosecution will call their witnesses who will be examined by counsel for the prosecution and cross-examined by counsel for the defense.

- 509.2.6.1.** Each side will have ten (10) minutes to question the witness unless time is otherwise extended by the Supreme Court.
- 509.2.7.** The defense will make an opening statement that shall not last longer than ten (10) minutes.
- 509.2.8.** The defense will then call their witnesses who will be examined by counsel for the defense and cross-examined by counsel for the prosecution.
- 509.2.8.1.** Each side will have ten (10) minutes to question the witness unless time is otherwise extended by the Supreme Court.
- 509.2.9.** 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.
- 509.2.9.1.** Should the prosecution finish before their time is up, they may reserve that time for a rebuttal after the defense's closing statement.
- 509.2.9.2.** Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 509.2.10.** 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.
- 509.2.11.** If the prosecution has reserved any time, they may deliver a final rebuttal to the defense's closing statement.
- 509.2.12.** Once the trial has come to a close, the trial shall be adjourned, and the Supreme Court shall retire for deliberations.
- 509.2.13.** The Presiding 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.
- 509.2.13.1.** 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.
- 509.3.** Immediately upon adjournment, the Supreme Court shall meet privately for discussion.
- 509.3.1.** 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.
- 509.3.2.** During the recess, the Supreme Court members shall not discuss the case with non-court members.

- 509.4.** 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.
- 509.4.1.** Deliberations shall last no longer than five (5) business days.
- 509.5.** This ruling shall be the will of the majority of those present and voting
- 509.6.** The Supreme Court shall, following the vote, make reasonable attempts to notify both parties and make public the ruling.
- 509.6.1.** 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.
- 509.7.** 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.
- 509.8.** The following rules shall apply to the opinions of the Supreme Court:
- 509.8.1.** 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.
- 509.8.1.1.** The maximum time period for the writing of an opinion shall be Five (5) business days.
- 509.8.2.** Dissenting and concurring opinions shall be made public with the majority opinion, when such opinions exist.
- 509.8.3.** The majority opinion shall serve as the opinion of the Supreme Court.
- 509.8.4.** 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.
- 509.8.5.** No Justice may author an opinion that does not coincide with their respective vote.
- 509.8.6.** 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.
- 509.8.7.** Any amendments made to the Rules of Procedure may not prohibit the liberty of Justices to write their opinion that corresponds only to their respective vote.

Chapter 510

Appellate Jurisdiction Proceedings

- 510.1.** All Election appeals hearings shall also fall under this section.
- 510.2.** The Chief Justice shall preside.
- 510.2.1.** If the Chief Justice is unable to preside, the presiding Justice shall be determined by order of seniority.
- 510.3.** The Presiding Justice shall be responsible for ensuring that no rights are violated, for maintaining order, ruling on objections, and for expediency of business before the Supreme Court.
- 510.4.** Any member of the Supreme Court may, at any time, call Points of Order.
- 510.4.1.** If a Justice wishes, they may call for a motion to discuss objection.
- 510.4.2.** The Supreme Court will then briefly retire to discuss the objection at hand.
- 510.4.3.** The Supreme Court may overturn a ruling on an objection by a majority vote.
- 510.5.** The trial shall be conducted in the following order:
- 510.5.1.** The Judicial Clerk, shall announce the Justices as they enter the courtroom and conduct the pledge of allegiance.
- 510.5.1.1.** If the Judicial Clerk is unable to be in attendance then a member of SGATO shall perform the duties of the Judicial Clerk.
- 510.5.2.** The trial shall be called to order by the Presiding Justice.
- 510.5.3.** The Presiding Justice shall explain the Supreme Court Rules of Procedure to the prosecuting counsel, defense counsel, and audience, and then proceed with the trial.
- 510.5.3.1.** All representatives must exhibit decorum during trial proceedings.
- 510.5.4.** The party that requested the hearing shall state, openly and clearly before the Supreme Court, their case and present germane information.
- 510.5.4.1.** The plaintiff shall have a maximum of five (5) minutes to present their opening statement.
- 510.5.5.** The defense will then have a maximum of five (5) minutes to present their opening statement confirming or denying the allegations stated by the plaintiff.
- 510.5.6.** Following the opening statements, the plaintiff will be allowed a maximum of twenty (20) minutes to present their case and present any germane information.

- 510.5.6.1.** At any time during the course of the presentation, any Justice may pose questions at the expense of counsel's time.
- 510.5.6.2.** Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 510.5.7.** The defense will then have a maximum of twenty (20) minutes to present their case and present any germane information.
- 510.5.7.1.** At any time during the course of the presentation, any Justice may pose questions, at the expense of counsel's time.
- 510.5.7.2.** Should multiple Justices have questions at the same time, the order of questioning shall be by rank and then seniority.
- 510.5.8.** Once both parties have given their presentations, the Supreme Court may extend the time limit, to ask further questions.
- 510.5.9.** Once the Supreme Court feels all questions have been answered, each side will be granted five (5) minutes for closing statements.
- 510.5.10.** Once the trial has come to a close, the trial shall be adjourned, and the Supreme Court shall retire for deliberations.
- 510.5.11.** The Presiding 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.
- 510.5.11.1.** 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.
- 510.6.** Immediately upon adjournment, the Supreme Court shall meet privately for deliberation.
- 510.6.1.** 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.
- 510.6.2.** During the recess, the Supreme Court members shall not discuss the case with non-court members.
- 510.7.** 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.
- 510.7.1.** Deliberations shall last a maximum of five (5) business days.
- 510.8.** This ruling shall be the will of the majority of those present and voting.

- 510.9.** The Supreme Court shall, following the writing of the opinion(s) notify the parties via official USF email and make the opinion(s) public.
- 510.10.** 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.
- 510.11.** The following rules shall apply to the opinions of the Supreme Court:
- 510.11.1.** 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.
 - 510.11.1.1.** The maximum time period for the writing of an opinion shall be five (5) business days.
 - 510.11.2.** Dissenting and concurring opinions shall be made public with the majority opinion, when such opinions exist.
 - 510.11.3.** The majority opinion shall serve as the opinion of the Supreme Court.
 - 510.11.4.** 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.
 - 510.11.5.** No Justice may author an opinion that does not coincide with their respective vote.