

SGA SUPREME COURT RULES AND PROCEDURES

I. STATEMENT OF MISSION AND PHILOSOPHY

The recourse of an individual to an independent judiciary is one of the hallmarks of our political heritage. Rights and protections guaranteed by the Constitution and the Law are only meaningful when interpreted with compassion and understanding by an impartial tribunal. It is this ideal which every court strives to uphold.

The law-making power must and does rest with the legislature, acting in concert with the executive. The judiciary cannot and should not act in a law-making capacity. Proper interpretation of the Law involves usage of the letter of the Law, guided by the intention of the legislature in enacting the particular law. This is the most difficult element of judicial consideration. Every judicial court possesses inherently all the power necessary for the exercise of its jurisdiction and duties, even though not granted explicitly by Law.

II. ORGANIZATION

- A. The provisions and requirements for the Judiciary concerning the Constitution shall be held in these Rules and Procedures.
- B. These Rules and Procedures may be amended by a two-thirds (2/3) vote of those Justices present at a Judiciary Meeting. See SGA Constitution, Article IV, Section 9, for additional amendment information.
- C. When in the best interests of the litigants and the SGA, the Chief Justice or Presiding Justice (in the absence of the Chief Justice) at his/her discretion, may temporarily waive any sections of these Rules and Procedures, unless said waiver is inconsistent with the Constitution. Any Justice may move to waive Rules and Procedures.

III. INITIATION OF ACTION

A. FILING OF ACTION

- 1. The official SGA Supreme Court Complaint Form (see: Form C-001), which may be obtained from the Clerk of Court, must be filled out completely and filed with the Clerk of Court for an action to be considered valid.
- 2. Upon filing an action with the Clerk of Court, ten (10) copies of said form must be submitted. One (1) copy will be posted, with the remainder going to the SGA Advisor and all members of the SGA Supreme Court.
- 3. Upon the filing of an action with the SGA Court, the defendant(s) of such action shall be notified within forty-eight (48) hours by an authorized agent of the Court by means of telephone or U.S. mail.

4. After an action has been properly filed, in accordance with the steps supra, the Chief Justice or Presiding Justice (in the absence of the Chief Justice) will place the matter on the Court Docket.
5. All actions placed on the Docket will be given a Court File Number. This file number will consist of the semester code (1=fall, 2=spring, 3=summer), followed by the year (1997=97) and the case number for that semester (2nd case heard=2). For example, the third case heard during the spring semester of 1996, would filed as #296-3.

B. PRIOR TO HEARING

1. A party in an action can request to have someone else represent them before the Court. However, the representative must be either a regularly enrolled student at the University of New Orleans or a member of the faculty at the University of New Orleans. This request must be submitted to the Clerk of Court at least forty-eight (48) hours prior to the Hearing and must be in written form. The Court may deny this request at its discretion by a majority vote at the respective hearing.
2. Interested parties wishing to speak during a Hearing must submit a request at least twenty-four (24) hours prior to said Hearing. This request must be in written form and include the individual's reason(s) for wishing to speak. Interested party requests are limited to regularly enrolled students at the University of New Orleans and members of the faculty and staff at the University of New Orleans. The Court may deny this request at its discretion by a majority vote at the respective Hearing.
3. The Court recommends that the defendant in an action submit an answer to the complaint (see: Form C-002) to the SGA Clerk of Court. Any such filing must be made no later than forty-eight (48) hours prior to the scheduled hearing date.

IV. HEARING OF ACTION

A. CALL TO ORDER

B. RULES REVIEW

The Chief Justice or Presiding Justice (in the absence of the Chief Justice) shall review the Rules.

C. READING OF ACTION

The Chief Justice or Presiding Justice (in the absence of the Chief Justice) shall read the action.

D. MOTION FOR CONTINUANCE - (optional)

Any litigant may make a motion for continuance at this time. However, said motion must be in written form (see: Form C-003) and specifically state the reasons a continuance has been requested. A majority vote of justices present shall be necessary to grant a continuance. The date for continuance shall be decided by the Court.

E. PLAINTIFF STATEMENT

Fifteen (15) minute time limit.

F. DEFENDANT STATEMENT

Fifteen (15) minute time limit.

G. INTERESTED PARTY STATEMENT(S)

Five (5) minute time limit.

H. RECESS - (optional)

I. PLAINTIFF CLOSING STATEMENT

Five (5) minute time limit.

J. DEFENDANT CLOSING STATEMENT

Five (5) minute time limit.

K. PLAINTIFF REBUTTAL

Three (3) minute time limit.

L. QUESTIONING BY COURT

Justices may direct questions to any party. The Chief Justice or Presiding Justice (in the absence of the Chief Justice) may close the questioning period at his/her discretion.

M. NEXT ACTION/ADJOURNMENT

At this point, should there be other actions on the Docket, the Court will return to step C, supra. Upon hearing all matters on the Docket, the Court will adjourn.

N. EXECUTIVE SESSION

A closed executive session will be held amongst those Justices present at the Hearing and an SGA Advisor to render opinions in each action heard.

V. RULES

A. ACTION RULES

1. EVIDENCE

- a. Ten (10) copies of all evidence must be submitted to the SGA Clerk of Court no later than forty-eight (48) hours prior to the meeting.
- b. The Court shall rule on the relevancy of all evidence submitted.
- c. Testimony will be limited to the witness' personal knowledge of the facts of the case. Hearsay evidence is inadmissible. The Court recognizes the Interested Party Statement(s) as the only forum for witness testimony, other than that of the plaintiff and defendant.

2. HEARING

- a. Absolutely no commentary or questions shall come from the gallery. The Chief Justice or Presiding Justice (in the absence of the Chief Justice) may eject anyone who violates the decorum of a Hearing or other official convening of the Court.
- b. Each Justice shall have the opportunity to question any party or witness at any time during the proceeding.
- c. The time limits of Plaintiff Statement, Plaintiff Closing Statement, Defendant Statement, and Defendant Closing Statement may be extended or shortened at the discretion of the Chief Justice or the Presiding Justice (in

the absence of the Chief Justice). The Interested Party Statement(s) time limit may not be altered in any manner.

- d. Litigants may object to the proceedings at any point in which they believe the Rules have been violated. Upon objection, the Court may call a side-bar conference and rule on said objection. Only the Chief Justice or the Presiding Justice (in the absence of the Chief Justice) may call a side-bar conference. Objections shall be either Sustained or Overruled by the Chief Justice or Presiding Justice (in the absence of the Chief Justice).

3. EXECUTIVE SESSION

- a. Executive Session shall be the private deliberations of the Court with the Chief Justice or the Presiding Justice (in the absence of the Chief Justice) presiding. Each Justice shall have at least one chance to speak for up to five (5) minutes; the five minute time limit may be waived by a majority of the Court. At any time, a majority of the Court may set or extend a time on deliberation.
- b. The Court shall vote orally and each Justice's vote shall be recorded. The Chief Justice or Presiding Justice (in the absence of the Chief Justice) shall vote last.
- c. The Court reserves the right to issue a vote without opinion in matters that the Court finds to be moot or premature.
- d. The Chief Justice or senior Justice in the Majority shall author the decision or delegate the authority to another Justice in the Majority. Concurring or dissenting Justices may author and sign such Opinions as they wish. The Decision and all separate Opinions for each case shall be collected and posted by the Chief Justice or the Presiding Justice (in the absence of the Chief Justice). Said collection shall be posted in the SGA Office within six (6) school days of the Adjournment of a Hearing. Copies shall be forwarded to the SGA President, SGA Vice-President, Dean of Student Life, and the SGA Advisor.
- e. Opinions shall not be posted until all Justices who wish to be included have signed said Opinion.

4. PROTESTING A DECISION

- a. Litigant(s) in the minority of a Decision may file a Protest of the Decision (see: Form C-004) with the Dean of Student Life. Said Protest must be filed within forty-eight (48) hours of the posting of the Decision.

- b. The Dean of Student Life, through a written opinion, may order a rehearing. Said opinion shall be forwarded to the Chief Justice or Presiding Justice (in the absence of the Chief Justice).
- c. If a rehearing is ordered by the Dean of Student Life, there will only be one rehearing. The date and time of the Hearing shall be set by the Court in consultation with the Dean of Student Life. This rehearing shall occur within ten (10) school days of the order for the rehearing, and shall follow the Rules and Procedures as set forth herein.

5. RECUSAL

- a. No Justice shall discuss the specific facts of or offer opinions on any case after the filing of an action and before the posting of a Decision in said case. This is intended to protect the objectivity of the Court.
- b. Any Justice having a personal interest or having had a personal involvement in a case shall recuse themselves from hearing said case.
- c. A litigant may request the recusal of a Justice by filing a written objection with the Court twenty-four (24) hours prior to the hearing. A Recusal Hearing will then be held prior to the scheduled Hearing to determine the validity of said objection. Following the Recusal Hearing, the Court may order a recusal of a Justice by a two-thirds (2/3) vote of those Justices present.

6. TEMPORARY RESTRAINING ORDERS

- a. Temporary Restraining Orders (TROs) may be placed on fiscal and election-related complaints only. TROs restrict actions, relative to a specific complaint, from being carried out/conducted until the matter is scheduled to be heard by the Court.
- b. A litigant may request a TRO by fully executing and properly filing the official SGA Supreme Court Petition for Temporary Restraining Order (see: Form C-005).
- c. The issuance of a TRO is at the sole discretion of the Court. Four (4) Justices must sign the Order with at least three (3) Justices granting the TRO for the TRO to be valid.
- d. Issuance of a TRO is not valid until copies have been forwarded to the SGA Advisor and all members of the SGA Supreme Court. Additionally, one (1) copy must be posted by the Clerk of Court, and the Clerk of Court must provide one copy to the person(s) whose conduct is being restrained.

- e. Complaints under a TRO shall be scheduled to be heard within six (6) school days. No TROs may be issued on a matter already under a TRO.

B. INTRA-JUDICIARY DISCIPLINARY ACTION

1. A Justice may be sanctioned for acts of misfeasance, nonfeasance, or malfeasance by a two-thirds (2/3) vote of sworn Justices, excluding the Justice in question.
2. Should a Justice be sanctioned by the Court three (3) or more times, the Court may file charges with the Senate recommending the impeachment of said Justice.

VI. DUTIES AND POWERS

A. THE CHIEF JUSTICE:

1. Shall administer the Judiciary;
2. Shall represent the Judiciary in dealings with other branches and bodies of SG;
3. Shall preside at all meetings of the Court;
4. Shall be responsible for convening the Court whenever necessary or required, to include posting notice of same in accordance with Law;
5. Shall be responsible for all duties as required by Law.

B. THE PRESIDING JUSTICE:

1. Shall assist the Chief Justice in the execution of his/her duties;
2. Shall carry out the duties of the Chief Justice in his/her absence.

C. THE CLERK OF COURT:

1. Shall be any and all designated representatives of the Court, including but not limited to SGA Supreme Court Justices and SGA office staff;
2. Shall perform all duties assigned to him/her by these Rules and Procedures.

D. THE COURT:

1. Shall have all powers and perform all the duties assigned to the SGA Supreme Court by the SGA Constitution and these Rules and Procedures;

2. Shall have the power to place charges with the SGA Senate for recommendation of impeachment (see Intra-Court Rules);
3. Shall have the power to issue temporary restraining orders in fiscal and election-related matters (see Action Rules).