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PREFACE

The overriding purpose of the Judicial Branch of the Florida State University Student Government Association is to see that justice is carried out in the most efficient, uncomplicated, and non-technical way as possible. While due process must be afforded to each party, we must take great pains not to impede the judicial process on campus by making the system too technical or too time consuming. The Judicial Branch does not have the time nor the facilities to conduct investigations as thoroughly as we do elsewhere. We must do the best we can under the circumstances to see that parties are afforded due process and that any charges brought against a party are substantiated.

The jurisdiction of the Judicial Branch extends only to students. The Florida State University Staff, Faculty, and Administration do not fall within the Student Supreme Court's jurisdiction.

The Judicial Branch decides alleged violations of the Florida State University Student Body Constitution and Statutes. It includes the Supreme Court, the University Defender, and the General Counsel.

The Supreme Court consists of the Chief Justice, four Associate Justices and a Clerk of the Court. The Student Body President appoints



THE FLORIDA STATE UNIVERSITY STUDENT SUPREME COURT RULES OF PROCEDURE
justices from among second- and third-year students at the Florida
State University College of Law. The Chief Justice appoints a Clerk of
Court.

The Supreme Court has jurisdiction over cases and controversies involving questions of the constitutionality of actions by student governing groups, organizations, and their representatives. The Court has the power to issue writs of mandamus, writs of prohibition, writs of quo warranto, advisory opinions, and such other writs as deemed necessary and proper to complete exercise of its jurisdiction. Additionally, the Court has subpoena power and the power to cite contempt.

Pursuant to Article IV, section 2, of the Florida State University Constitution, the Supreme Court shall adopt rules governing practice and procedure. The following Rules of Procedure are intended to encourage the speedy and just determination of every case before the Court.



Rule One — General Provisions

1.1 Scope

These rules shall govern proceedings in the Student Supreme Court, hereinafter referred to as “Court.” These rules are intended to encourage the speedy and just determination of every case before the Court. They shall be construed in the light most favorable to the interests of justice, fairness, and simplicity.

1.2 Commencement of Action

Actions are commenced by filing two (2) copies of a Petition, or Complaint form, with the Court. It shall state in concise form the nature and basis for the claim and what relief is requested. It shall state the applicable jurisdiction of the Court to hear the matter. All petitions and complaints must include contact information for the petitioner.

1.3 Papers

Any documents or tangibles filed with the Court shall be considered a “paper.” All papers shall be submitted on 8 ½” x 11” paper. All papers filed must be typed to ensure clarity. It is also required that 12 point Times New Roman font be used in all documents.

1.4 Filing

All papers are to be filed with the Clerk of the Court or, if the Clerk is unavailable, with the Chief Justice. Additionally, papers may be left under the door of the Court, so long as an e-mail is sent to sgasupremecourt@admin.fsu.edu notifying the Court of the delivery. Papers may also be mailed or delivered to:

Student Supreme Court
F.S.U. A223 Union
Tallahassee, FL 32306-4027

The Court shall note on all papers filed at the time and date that the document was received.

1.5 Certification

All pleadings, motions, and papers filed with the Court shall be signed by the party submitting it, or by that party’s representative. By signing, the party or representative certifies that they have read the paper, that there are legitimate grounds to support it, and that it is not submitted for the purpose of bad faith or delay.



1.6 Service of Process

A party filing a paper with the Court shall serve all other parties with a copy of that paper before filing the paper with the Court. In-person service shall be presented to the party or party's representative. Service by mail is only appropriate with prior permission from the Court.

1.7 Copies

Two (2) copies of each paper filed shall be submitted with the original.

1.8 Presence at Court Proceedings

All parties shall be present at any proceeding before the Court. A party may attend in-person or through a designated representative. A party shall notify the Court prior to the proceeding if they will be unable to attend. Failure to appear may entitle opposing parties to a judgment in their favor.

1.9 Location of Hearing

Unless parties are informed otherwise, all proceedings before the Court shall take place at the FSU College of Law Advocacy Center 425 W. Jefferson St. Tallahassee, FL 32306.

1.10 Public Access

All proceedings before the Supreme Court shall be open to the public.

1.11 Waiver of Rules

These rules may be waived by the Court if the interests of justice so require.

1.12 Administrative Appeal of Supreme Court Decisions

Any decisions of the Student Supreme Court may be appealed to the Vice President of Student Affairs. See the Student Government Advisor for further details concerning an administrative appeal or contact the Office of the Vice President of Student Affairs.

1.13 Rehearing

Requests for a rehearing shall be made within one (1) week of the Court's initial judgment. A rehearing will only be granted if new evidence is available or there is evidence of fraud. A rehearing is not an opportunity to re-litigate the entire case.



1.14 Intimidation

No person shall threaten, coerce, intimidate, or otherwise attempt to improperly influence any member of the Court, litigant, witness, or other person involved or potentially involved in cases over which the Court has jurisdiction.



Rule Two — Original Proceedings

2.1 Commencement of Actions

Actions are commenced by filing with the Court a Complaint that states in a concise form the nature and basis for the claim and the relief requested. The case will be given a case number by the Clerk. This number shall be included on all papers filed by any party to the case. Any party who files a Complaint shall be referred to as a Plaintiff or Petitioner. Any opposing party shall be referred to as a Defendant or Respondent. The names of parties do not change with the filing of additional motions. All titles are to be kept, so as to keep order.

2.2 Written Response

The Court may require a Defendant or Respondent to submit an Answer to the Complaint. Unless the Court directs otherwise, however, it lies at the discretion of the Respondent.

2.3 Hearings

It shall be at the discretion of the Court whether a hearing is granted concerning a matter of original jurisdiction.

2.4 Evidence

Any documents that the party wants the Court to consider in rendering its decision shall be submitted to the Court for approval. A party shall use its best efforts to submit evidence to the Court no later than twenty-four (24) hours before a hearing. Relevant evidence includes, but is not limited to:

- Relevant Judicial Decisions
- Memoranda
- Affidavits
- Depositions
- Interrogatories
- Lists of Witnesses and the nature of their testimony
- All other relevant evidence.



Evidence presented during the hearing may be admitted only if there was a valid reason that prior approval was not requested. The Chief Justice, or Acting Chief Justice, shall rule on the admissibility of such evidence. The Court shall be guided by the Florida Rules of Evidence.

2.5 Burden of Proof

The burden of proof to be met by the plaintiff shall be preponderance of the evidence and the decision of the Student Supreme Court shall be based solely on the evidence presented at the hearing.

2.6 Subpoenas

The Court may issue subpoenas when requested by a party, or *sua sponte*, upon its own initiative, if the person to be subpoenaed may assist the Court in rendering its decision. Requests for subpoena shall include the person's name, address, and a brief statement explaining why the person should be brought before the Court.

2.7 Role of Chief Justice

The Chief Justice shall preside at the hearing and maintain order in the courtroom. The Chief Justice shall make a determination of the total time allotted for the hearing and may limit the time for any portion of the hearing. The Chief Justice shall rule on any objections raised by a party at the hearing.

2.8 Order of the Hearing

The hearing may proceed in the following manner:

- (1) Synopsis of Complaint read by the Clerk/ Introduction of parties/ counsel;
- (2) Opening statement of Plaintiff(s);
- (3) Opening statement of Defendant(s), unless given after presentation of Plaintiff's case;
- (4) Plaintiff's case — presentation of evidence, testimony, cross-examination of witnesses, parties, and/ or counsel by the Court
- (5) If not previously give, opening statement of Defendant(s);
- (6) Defendant's case — see (4) above;
- (7) Plaintiff's closing statement;
- (8) Defendant's closing statement.



Rule Three — Appellate Proceedings

3.1 Commencement of Action

A party shall notify the Court in writing of their intent to appeal within five (5) business days of the decision of any quasi-judicial body at Florida State University in which the Supreme Court has appellate capacity over. The Clerk shall assign a case number to the appeal. This number shall be included on all papers filed by any party to the appeal. Any party who files an intent to appeal shall be referred to as an Appellant or Petitioner. Any opposing party shall be referred to as an Appellee or Respondent.

3.2 Filing of Briefs

The Appellants or Petitioners shall file a Brief with the Court within five (5) business days after filing the appeal. The Appellee or Respondent may file an Answer Brief within five (5) business days after the Appeal is filed or the Brief is filed.

Briefs filed with the Court shall conform to the format set forth in court files, which are available upon request. Briefs shall not exceed ten (10) pages (excluding Title Page, Table of Contents, Table of Authorities, and Question(s) Presented).

3.3 Hearings

Hearings will be scheduled no sooner than five (5) business days and no later than ten (10) business days after the Appeal is filed with the Court. The Court shall post notice on the door of the Court office at least five (5) days before a hearing. A party may request, by Motion for Extension of Time, that a hearing be rescheduled if the party, due to a valid reason, would be unable to attend at the scheduled time. Additionally, the hearing may be held earlier than five (5) days if both parties waive the notice requirement.



Rule 4 — Citation

4.1 Citation of Authority

All citation to authority shall be made pursuant to Florida Rule of Appellate Procedure 9.800, with the following additions:

- **The Florida State University Student Supreme Court** —
Adams v. Belton, 90-01 (FSU SSC 1990)
- **The Florida State University Reporter** —
3 FLA. ST. U. REP. 25 (FSU SSC 2001)
- **The Florida State University Constitution** —
Art. I, sec. 1, Fla. St. U. Const. (2001)
- **The Florida State University Statutes** —
Fla. St. U. Stat. (2001)
- **The Florida State University Court Rules of Procedure** —
Fla. St. U. S.Ct. R. P. 1.2
- **The Florida State University Attorney General Opinions** —
Op. Atty. Gen. Fla. St. U. 090-015
- **The Florida State University Supreme Court Advisory Opinions** —
In re: (Student Senator XXX/ Student Body President XXX), 02-01 (FSU SSC).