Explanation of Duties, Powers, and Processes

SA JUDICIAL COUNCIL

2013-2014
Judicial Council Members

- Chief Justice: Charlotte Hale
- Justices: Ryne Carman, Curtis French, Ashley Johnson, Tara Moses, J. Christopher Proctor, Ryan Wilkins
- Clerks: None for 2013-2014
Structure of the Judicial Council

- Article IV of SA Constitution outlines duties and powers
- Judicial Board members appointed by President
  - Approved by Senate
- Chief Justice and six Justices
  - Must be members of SA (aka TU student), cannot be serving in another elected or appointed position
  - Minimum eligibility requirements
- Ex-Officio members
  - Includes SA Advisor, Senate Advisor and Clerks
Chief Justice

- Presides over all Judicial meetings
- Can subpoena SA members or documents relevant to petition
- Decides procedural matters as they arise
- Issues orders necessary to operation of Judicial (Writs, subpoenas, etc)
- Appoints Judicial Clerks
The Justices and Clerks

- **Justices**
  - Appointed by President and approved by Senate
  - Each member has one vote
  - If Chief Justice is absent, a designated Justice or the senior Justice presides
  - Quorum is 4

- **Clerks**
  - Program allows insight into operation of Judicial
  - Have at least one year left at TU
  - Provide incoming President with pool of potential Justices
Duties

• Hear petitions brought before it through the proper procedure
• Ensure procedural due process for all parties
• Final interpreter of Constitution and other SA documents
• Issue opinions on all petitions in a timely manner
• Reactionary body
Rules of Operation

- Judicial Procedure
  - How to file a petition
  - Follows Federal Rules of Civil Procedure (loosely)
  - Powers of Chief Justice
  - Rights of petitioners
  - Rules for exchange of evidence
  - Rules for Judgments
  - Rules for recusal

- Judicial Code
  - Substantive law under which the Judicial Council operates
  - Defines Writ of Mandamus and Writ of Election
  - Meetings
  - Removal of members

Both documents available on SA website (www.utulsa.edu/sa)
Why do we have a procedure?

- The procedure is the key that activates the judiciary.
  - Creates a timeline
  - Facilitates order
  - Eliminates “proactive judiciary”
- Pursuant to §1.60 of the SA Judicial Code
Types of Writs

Writ of Mandamus

- order to enforce compliance with SA constitution or other SA documents
- Can not be used in election disputes
- Judicial is final authority

Writ of Election

- Deals with violations of Election rules
- Election results can be revoked or affirmed
- Decision can be appealed to Senate, but requires 2/3 vote to overturn Judicial’s decision
Judicial Process Rights

- Right to be informed of charges

- Opportunity to present evidence
  - Evidence due 24 hours prior to the scheduled hearing
  - Evidence must relate to petition
  - Evidence must follow Federal Rules of Evidence

- Object to procedural matters

- Right to know appellate options available

- Receive a fair and equitable hearing on evidence

- Given a fair and equitable hearing based on the evidence
Step 1: The Petition §1

Prior to Filing
- Does not involve Judiciary
  - Exception 1: Extenuating circumstances will involve only Chief Justice
  - Exception to the Exception: When Chief Justice is not available
- Associate Justices should not be contacted

When and Where to file
- Must be filed in the SA Office and emailed to Chief Justice between 8:00 AM and 5:00 PM (thomas-landrum@utulsa.edu)
- Monday through Friday
- Excludes University or legal holidays
**Step 1: The Petition §1 (cont.)**

- **When and where to file, cont.**
  - Notwithstanding other deadlines, a petition must be filed within 5 business days of action

- **Petition Must Include:**
  - Statement of claim and entitlement to relief
  - Demand from the Judicial Council
    - Writ of Mandamus
    - Writ of Election
    - Appeal from committee decision
  - Documentation or evidence
  - Request for emergency hearing, if applicable
Step 2: Post-Filing §1

- For Writs of Election, Chief Justice will schedule a hearing
- For Writs of Mandamus, Chief Justice will schedule a settlement conference, if applicable
  - >3 Justices will facilitate
  - Scheduled within 3 business days
  - Without a settlement, hearing will be scheduled
  - Evidence and information are confidential
What happens after a petition is filed?

- Settlement conference, if necessary, is the first step of the process
- Three Justices facilitate a discussion to see if matter can be resolved
- All parties must have a representative at settlement with authority to negotiate in good faith. Without authority, a default judgment is possible.
- All evidence or information shared during a settlement conference will remain confidential
- If settlement conference fails to resolve the issue, a trial date will be scheduled.
What happens at the trial?

1. Pretrial conference with Chief Justice for each side
2. Opening statements from each side
3. Questions from Judicial to each side
4. Closing statements from each side
5. Parties are excused, Judicial discusses the trial and comes to a decision
6. Opinion is released to both parties
Questions?

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