

Idaho State University
Supreme Court Procedures

Article I Sessions of the Court

Section 1 There shall be two standard types of sessions that the court holds for purposes relating to internal issues

- 1 Hearings-for the review of cases of original jurisdiction
- 2 Closed Sessions- for the internal discussion of the proceedings of hearings, and issues of policy relation to internal business. Transcripts of closed sessions are not included in the Public Record.
- 3 Emergency Hearings in the event that circumstances require a decision by the Court that goes beyond the time parameters specified in these procedures and rules.
- 4 Mediation Hearings wherein the Court deems in closed session that a case is not necessary so attempts to intervene between the two parties of a dispute to try and resolve the situation, using two or more justices to mediate. Should mediation fail, an open hearing may then proceed as per the procedures and rules.

Section 2 The sessions of business of the Supreme Court shall consist of the following

- 1 The first week of fall semester through the final week of fall semester.
- 2 The first week of spring semester through the final week of spring semester

Article II Jurisdiction

Section 1 Original Jurisdiction

- 1 Includes matters involving the interpretation of the Associated Student of Idaho State University Constitution, its by-laws, or any amendments to either.
- 2 Matters involving the interpretation of the constitutions or by-laws of all other Student Organizations, or committees involving complaints by members of the clubs.
- 3 Matters involving the interpretation and constitutionality of the actions of all ASISU Associations, commissions, student organizations, or committees.

Section 2 Decisions

- 1 The decisions of the ASISU Supreme Court and the opinions thereto shall be binding on all parties named in the actions under jurisdiction of the court. The ASISU President shall

have the authority to enforce all decisions or orders of the Supreme Court by necessary and proper means.

- 2 The rules governing filings and hearings shall be binding on all parties named insofar as they do not conflict with the ASISU Constitution, procedures regarding student's rights, federal, state, or local laws, or commonly accepted legal precedence of the United States.

Article III Rules

Section 1 Complaint and Limitations

- 1 Complaints shall be written and include:
 - a A summary of facts
 - b The decision of the relevant ruling body, if applicable.
 - c The relief requested.
 - d Reasons for the relief requested.
 - e Supporting documents to the extent necessary to educate the Court.
 - f The basis for the Court's Jurisdiction, if the basis is known to the complaining party.
- 2 Complaints will be considered, received, and formalized when:
 - a Received by the Chief Justice
 - b Time-stamped and initialized by the Chief Justice or the Administrative Assistant in Student Affairs.

Section 2 Docket

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), followed by the year (2012=12) and the case number for that semester (2nd case heard=2). For example the third case heard during the spring semester of 2012, would be filed as 212-3.

Section 3 Notification

The Supreme Court will notify both parties in a case, and the ASISU President, and Senate no less than one (1) week before the case is to be heard.

Section 4 Action Rules

- 1 Evidence
 - a Copies of all evidence must be submitted to the Court no later than 48 hours prior to the hearing.
 - b The court shall rule on the relevancy of all evidence submitted in closed session.

- c Testimony will be limited to the witness's' personal knowledge of facts of the case. Hearsay evidence is inadmissible.
 - d The court may issue a writ of mandamus for evidence that it feels is relevant to the case being heard.
 - e Introducing Exhibits into Evidence (Younger)
 - i Request that the exhibit be marked for identification.
 - 1 Court should make the request as follows:
 - a "I request that this be marked as (plaintiff's) (prosecution's) (defendants) exhibit for identification."
 - 2 Exhibit will be marked using the alphabet.
 - ii Lay the foundation for the exhibit.
 - 1 Example: for a photo of a scene, all that is required is the statement of a witness that the picture is a true and accurate representation of the scene, and testimony that the scene is relevant to the case.
 - iii Let the opposing counsel examine the exhibit.
 - iv Offer the exhibit into evidence
 - 1 Offer should be as follows:
 - a "Defense exhibit 14 for identification is offered into evidence"
 - v Give exhibit to trial judge for inspection.
 - vi Objection from opposing counsel if any.
 - vii Ruling of the Court.
 - viii The testimony concerning the exhibit.
- 2 Hearing
- a Absolutely no commentary or questions shall come from the gallery.
 - b The time limits of the Plaintiff Statement, Plaintiff Closing Statement Defendant Statement, and Defendant Closing Statement may be extended or shortened at the discretion of the Chief Justice equal time being granted to both parties.
 - c Litigants may object to the proceedings at any point in which they believe the rules have been violated. Objections shall be either sustained or overruled by the Chief Justice.
 - d The dress code of the court will be business apparel. No casual clothing.
 - e Each Justice shall have the opportunity to question any party or witness at any time during the proceedings.
- 3 Briefs
- a The purpose of a brief is to elaborate on the questions of law to be reviewed by the Court, once the court has granted review. Each party in the case is entitled to submit a brief to the court. Such brief must be submitted no later than 5 business days after notification that the court will be hearing the case.

- b Any party not directly involved in the outcome of the case, but indirectly involved or interested, may submit an Amicus curiae Brief within the deadlines for all other briefs. Such briefs may be submitted only with the approval of both major parties in the case. In the event that one party does not approve the submission of an Amicus Curiae Brief, the party which seeks permissions to enter such a brief may petition for approval to submit an Amicus Curiae Brief, but such petition must be filed with the Chief Justice no later than the deadline for submission of original briefs.
- 4 Oral Arguments
- a Oral arguments shall be presented in the following manner:
 - i Opening Statements: the petitioner and the respondent shall each have thirty (30) minutes to expand upon the basis of their arguments and call witnesses. The petitioner shall speak first.
 - ii Formal Questioning: at the conclusion of the opening arguments, Justices shall have the opportunity to ask any questions related to the case, of any party or witness thereof. There is no predetermined time limit for questioning, however the court may decide by a majority vote to limit such questions.
 - iii Closing Statements: After the court has completed questioning, the petitioner and respondent shall have ten (10) minutes to summarize their arguments and refute their opponents. The petitioner shall speak last.
 - b The court may grant permission for oral arguments to a party that has filed an Amicus Curiae Brief, if it feels that such argument is necessary.
 - c ANY JUSTICE OF THE COURT MAY INTERRUPT A SPEAKER DURING OPENING STATEMENTS FOR QUESTIONS. SUCH QUESTIONING WILL NOT BE DEDUCTED FROM THE SPEAKER'S ALLOTTED TIME. JUSTICES SHALL ATTEMPT TO LIMIT QUESTIONS DURING OPENING STATEMENTS.
 - d A Justice that asks a question of a party has authority to restrict the length or detail of a response. Additionally, the justice that asks the question will determine the adequacy of the response.
 - e The court may expand the time periods of oral arguments but may not restrict such time periods. Extensions will be given equally to both parties.
- 5 Witness
- a Parties may call witnesses subject to the following provisions:
 - i A witness list must be submitted no later than one week before the scheduled hearing.
 - ii Witnesses may be called upon to elaborate or substantiate points of fact during each party's respective Opening Statements. Witnesses will be limited to direct testimony: however at the discretion of the court

questioning can occur by the party that called the witness as well as cross-examination. Such actions will be explained prior to the official hearing. However, witnesses shall remain subject to questioning by justices at any time during the hearing.

6 Disposition of Cases

- a The court shall meet to decide a case as soon as possible after closing statements have been given, but no later than 5 business days after closing statements.
- b The court will decide the facts in a closed session.
- c When the court has arrived at a decision, the majority shall undertake to write the official opinion of the court. When the Chief Justice is in the majority, the Chief Justice is in the minority, the Justice as appointed by the Chief Justice shall write the opinion of the court.
- d Any Justice concurring with the decision of the majority, but not with the rationale may file a concurring opinion stating that rationale.
- e All Justices that do not agree with the majority opinion may write a dissenting opinion.

7 Hearing of Action

- a Call to Order
- b Rules Review: the Chief Justice shall review the rules.
- c Reading of Action: the Chief Justice shall read the action.
- d Plaintiff Statement thirty (30) minute time limit.
- e Defendant Statement thirty (30) minute time limit.
- f Interested Party Statement five (5) minute time limit.
- g Recess-(optional)
- h Questioning by the court.
- i Defendant Closing statement ten (10) minutes time limit.
- j Plaintiff Closing Statement ten (10) minutes time limit.
- k Adjournment
- l Closed Session

Article IV

In the case of the Chief Justice not being able to preside during a case his/her designee as appointed by the Chief Justice will assume the court responsibilities.

Bibliography

Sonosky, M: Goldsmith, M Principles of Evidence, National Practice Institute, Minneapolis, Minnesota 1984 pg 66-69