

FIU College of Law - Student Bar Association Bylaws¹

Judicial Committee

1. Function:

The sole purpose of the Judicial Committee is to resolve questions, discrepancies, conflicts, or ambiguities as to the meaning of the *Constitution of the Student Bar Association of Florida International University College of Law*, when the Student Bar Association Board cannot resolve the issue via majority vote.

2. Composition:

The Judicial Committee shall consist of three (3) student Judges representing both day and evening divisions. At no time shall the Judicial Committee be comprised solely of day or evening student.

3. Eligibility:

- a. Judges will be appointed, subject to these bylaws, at or near the beginning of each Fall semester; and
- b. Only those students who will be enrolled through the subsequent Spring semester will be eligible.
- c. Judges must be students enrolled at the FIU College of Law for at least one full academic year from the time of their appointment; and
- d. Judges must be in good academic standing, and must have completed their foundation curriculum; both as defined by the Office of the Registrar.
- e. During their tenure, no Judge may concurrently hold a position on the Student Bar Association nor may any Judge be an executive board member within any other student organizations at the FIU College of Law.

4. Tenure:

- a. The tenure of office for all Judges shall terminate upon graduation—subject to voluntary relinquishment of their position or removal by impeachment.
 - i. A Judge may resign by forwarding a resignation letter, to the SBA President, Secretary, and the Associate Dean for Admissions and Student Services.

5. Appointment Process:

- a. Vacancies on the Judicial Committee, as well as the eligibility requirements shall be announced to the student body and applications shall be submitted to the SBA President.
- b. The SBA President shall review all applications and perform the initial screening and interview of all candidates.

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- c. The SBA President, at his sole discretion, shall recommend qualified candidates to the SBA Board, and shall submit their applications to the SBA Board for review.
 - d. The SBA Board—acting in the capacity as a board—shall interview each candidate within two weeks of the President’s recommendation.
 - e. Upon the conclusion of the interviews all voting members of the SBA shall conduct an open vote on each recommended candidate with each voting member casting only one (1) vote.
 - i. Each candidate confirmed by majority vote of the Board shall be duly appointed as a Judicial Committee Judge and shall swear or affirm an oath of office, as provided in these bylaws.
 - ii. In the event of a tie, the President shall—as provided by the SBA Constitution—shall cast the tie-breaking vote.
 - iii. If the SBA Board fails to confirm three (3) Judges after voting, the SBA President shall submit another list of qualified candidates to the SBA Board within two weeks of the Board vote.
 - f. Once confirmed by the SBA, Judges shall take the following oath, which shall be administered by the SBA President or his/her designee

“I do solemnly swear and/or affirm that I will, to the best of my ability, preserve, defend, and enforce the provisions of the Constitution, amendments, and bylaws of the Student Bar Association of the Florida International University College of Law. I solemnly swear and/or affirm that I will adhere to the highest ethical standers and exercise utmost care to uphold the good name of Florida International University and the College of Law, and that I will diligently, faithfully, and conscientiously perform all my duties as a member of the Judicial Committee of the Student Bar Association of the Florida International University College of Law.”
6. General Procedure:
- a. The Chief Justice of the Judicial Committee shall be appointed by the SBA President from the three presiding members.
 - b. The Chief Justice shall preside over all Judicial Committee hearings and meetings, and shall establish the Committee’s internal rules of procedure; subject to the provisions of these bylaws.
 - c. The Chief Justice shall continue to serve as Chief Justice until the end of his/her tenure with the Judicial Committee, at which point a new Chief Justice will be appointed pursuant to sub-section (a) above.
 - d. All three members of the Judicial Committee must be present for the Committee to conduct business.
 - e. All Judicial decisions must be made pursuant to a majority vote of the Judges.
7. Procedure for Filing:
- a. Both petitioner and respondent shall submit four (4) copies of a written brief to the SBA Secretary.

- b. Petitioner and respondent shall exchange briefs at least seven (7) days prior to oral arguments.
 - c. Briefs shall be no longer than 15 pages, double spaced, 12 point font, New Times Roman, with one inch margins all around.
 - d. The briefs, along with transcripts from oral arguments and the Judicial Committee’s opinion, shall make up the record.
 - e. The Judicial Committee will hear oral arguments within twenty-one (21) days from the date the briefs are submitted (not including weekends or federal holidays).
 - i. Petitioner or respondent may request an expedited hearing.
 - f. The petitioner and respondent shall each have 15 minutes per issue for oral arguments.
 - g. The petitioner may reserve time for rebuttal; however, surrebuttal is not permitted.
 - h. The Judicial Committee, upon completion of oral arguments and deliberation, shall issue a written opinion within 21 days of the conclusion of oral arguments (not including weekends or federal holidays).
 - i. Petitioner or respondent may request an expedited decision.
 - ii. Dissenting opinions are permissible.
 - iii. The opinion(s) of the Judicial Committee and the record, as defined above, shall be published to the student body via email and on the SBA website, and shall be retained by the SBA and the Director of Student Services.
 - i. Decisions by the Judicial Committee are final—subject to constitutional amendment—and may only be reversed for abuse of discretion by the Dean of the College of Law.
 - j. All decisions shall be considered precedent for future decisions concerning similar factual situations.
8. Impeachment General:
A Judge may be impeached for ineligibility or for judicial misconduct.
9. Impeachment Procedures:
The impeachment procedures will follow those in the SBA Constitution ARTICLE VI – REMOVAL, Section 3.
10. Misconduct:
Judicial misconduct is defined as but not limited to the following:
- a. Failure to uphold the integrity and independence of the judiciary;
 - b. Evidence of a gross failure to be impartial and unbiased in executing the duties of his/her office;
 - c. Failure of a judicial officer to recuse him/herself from a case or controversy where recusal is required by these bylaws or where he/she has direct and substantial involvement in the potential outcome;

- d. Evidence that a judicial officer disclosed or used, for any purpose unrelated to judicial duties, non-public information, such as deliberation discussions, while acquired in a judicial capacity; or
- e. Any other reason agreed upon by two-thirds (2/3) majority vote of the SBA.

11. Recusal:

In the event a member of the Judicial Committee recuses him/herself, the SBA President, shall appoint a temporary replace, subject to SBA Board approval via majority vote. Temporary members shall participate in the cases in which the permanent member has recused only, and shall abandon membership in the Committee at the conclusion of that case.

12. Resignation:

In the event a member of the Judicial Committee elects to resign after briefs have been filed, but before oral arguments, that member shall continue to serve on the Judicial Committee until such case(s) are decided.