



The Supreme Court Rules of Procedure

RULE 1. SCOPE AND PURPOSE OF RULES

Pursuant to Article IV, Section 2, Subsection B of the Florida State University Constitution, the Florida State University Supreme Court has the authority to adopt and enforce rules of procedure. These rules govern the procedure in actions or claims for relief before the Florida State University Supreme Court, hereinafter referred to as the "Court." They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action.

These rules may be waived upon a showing of cause by any party or at the Court's discretion.

RULE 2. AVAILABILITY OF COUNSEL; REQUEST OF COUNSEL

The Judicial Branch of the Student Government Association, hereinafter referred to as "SGA," will provide counsel for any party, as directed by Florida State University Statutes. Counsel may be requested for any action before the court, or before the commencement of such action, by request. All requests for counsel shall be submitted to the Court in writing, using the appropriate form. The Court may, at its own discretion, appoint counsel for any unrepresented party.

RULE 3.1. COMMENCEMENT OF AN ACTION

(a) FORMS

All complaints, appeals, and claims for relief to be heard before the Court must be submitted using the appropriate form promulgated by the Court.

(b) INITIAL PLEADINGS

Every complaint, appeal, or claim for relief, or response shall include:

- (1) a short and plain statement of facts surrounding the controversy;
- (2) a short and plain statement of the grounds upon which jurisdiction depends;
- (3) a short and plain statement of the claim showing the pleader is entitled to relief;
- (4) and a demand for judgment for the relief the pleader seeks.

RULE 3.2. RESPONSES

The Court may require any party of a complaint or controversy to provide the Court and the adverse party with a response to any pleading. The Court may allow such party up to seven days to prepare and submit a response. Every response must meet the requirements of Rule 3.1 (b).

Any party failing to submit a response upon request is deemed to have admitted any allegations contained within the initial pleading, and to have waived any available defenses or relief.

RULE 3.3. SPECIAL PLEADINGS

The Court, at its discretion, may require any party of an action to submit additional pleadings. Such pleadings may include, but are not limited to, statements of fact, timelines, and motions. The Court shall instruct the parties on the format of such pleadings when making a request.

RULE 3.4. FILING

All pleadings shall be submitted as directed by the Clerk of the Court. In his/her absence, pleadings shall be submitted to the Deputy Clerk, the Chief Justice, or at the Office of the Court.

RULE 3.5. CERTIFICATION

All pleadings submitted to the Court must be signed by the party or that party's representative. By signing, the party or representative certifies that he/she has read the paper, that there are legitimate grounds to support it, and that it is submitted in good faith and not solely for delay.

RULE 3.6. SUBMISSION OF DOCUMENTS

Any party submitting a document to the Court must provide it as an attachment in an email to the Chief Justice and opposing party. If the Court is to hold a hearing on any issue, any documents to be considered at such hearing must be submitted at least 24 hours prior to the hearing unless otherwise instructed by the Court. Any party submitting a document to the Court must provide an original plus five (5) extra copies to the Court and at least one copy to the opposing party. Any documents submitted contrary to this rule may be excluded in such proceeding. The Court may waive this rule upon a showing of good cause or undue hardship or prejudice by any party.

RULE 3.7. 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.

RULE 3.8. 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.

RULE 3.9. 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 3.10. NONCOMPLIANCE

Any pleading that does not conform to the rules promulgated by the Court, shall be dismissed without prejudice.

RULE 4. ORIGINAL JURISDICTION HEARINGS

(a) WHEN AVAILABLE

Any party may request that the Court hear an issue arising under its original jurisdiction, pursuant to the Florida State University Constitution and Statutes. The Court shall exercise its discretion when determining whether to allow a hearing. The Court will determine the time, place, and manner of any such hearing.

(b) COMMENCEMENT OF ACTION

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.

(c) NOTICE

Notice of every hearing shall be posted at least 24 hours before such hearing. All hearings shall be open to the public.

(d) 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.

(e) EVIDENCE; NOTICE OF INTENT

Any party wishing to introduce evidence at a hearing before the Court must notify the Court and the opposing party of their intent to do so. The Court shall determine when notice is to be provided when setting a date, time, and place for the hearing. Notice shall include the type or nature of evidence sought to be introduced and a general description of such evidence.

(f) TYPES OF EVIDENCE ALLOWED

The Court may, at its discretion, expand or limit the amount and types of evidence to be allowed at a hearing. The Court may consider the Florida Rules of Evidence when determining the admissibility of evidence. Some types of evidence to be allowed at a hearing are:

- (1) Affidavits: any sworn statement by an interested party or person possessing relevant information.
- (2) Witnesses: any party may use the Court's subpoena power under the Florida State University Constitution, Article IV, Section 6. A list of all potential witnesses and the nature of their testimony shall be provided to the Court and the opposing party. All subpoena requests must be submitted to the Court in writing and within a reasonable amount of time.
- (3) Relevant Court Decisions: a party may submit relevant court decisions, including prior Florida State Student Supreme Court decisions, at a hearing. All relevant court decisions shall be considered persuasive authority by the Court.
- (4) Tangible evidence: any physical object, including documents, photographs, and recordings, relevant to a proceeding may be submitted to the Court.

(g) PROCEDURE

The Court shall determine the time, place, and manner of each hearing. The Court may, at its discretion, limit the amount of time, number of witnesses, or amount and type of evidence allowed by each party. The Court shall allow for each adverse party to have an equal amount of time, number of witnesses, and amount of evidence. A party may request additional time, which the Court may allow upon a showing of good cause. The Court shall inform the parties of the procedures to be followed for a hearing at or before the commencement of the hearing.

(h) 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 given, opening statement of Defendant(s);
- (6) Defendant's case — see (4) above;
- (7) Plaintiff's closing statement;
- (8) Defendant's closing statement.

(i) REHEARINGS

Any party to a proceeding before the Court may request a rehearing. Such a request must be made within five business days of the Court's decision being published. A rehearing may be requested when new, material evidence has become available, evidence of fraud at a hearing is introduced, or at the discretion of the Court.

RULE 5. APPELLATE JURISDICTION HEARINGS

(a) WHEN AVAILABLE

The Court can hear appeals of decisions from all lower bodies over which it has jurisdiction, pursuant to the Florida State University Constitution and Statutes. To appeal a lower bodies decision, a request for certiorari must be submitted to the Court within 24 hours. The Court reserves the right to deny certiorari as long as an opinion justifying the court's denial is submitted. The court has 5 days from the submission of the notice for appeal to decide if it will grant or deny certiorari. The Court has 14 days from the submission of the notice to schedule the trial.

(b) NOTICE; PUBLIC ACCESS

Notice of every hearing shall be posted at least 24 hours before such hearing. All hearings shall be open to the public.

(c) PROCEDURE

Appellate hearings shall be limited to oral arguments. The Court may, at its own discretion, allow the introduction of evidence during an appellate hearing when the record is insufficient upon a showing of good cause from a party. The Court shall determine the time, place, and manner of each hearing. The Court may, at its discretion, limit the amount of time allowed to each party. The Court shall allow for each adverse party to have an equal amount of time. A party may request additional time, which the Court may allow upon a showing of good cause. The Court shall inform the parties of the procedures to be followed for a hearing at or before the commencement of the hearing. The losing party has 24 hours to submit an appeal to the proper appellate body after the Court has rendered a decision.

(d) REVIEW

The court will review findings of fact under the substantial evidence standard. Questions of law are reviewed de novo.

RULE 6. ADVISORY OPINIONS

A request for an advisory opinion shall contain, in plain and clear language with sufficient specificity:

- (a) the applicable and relevant statute or constitutional clause in question; and
- (b) any question of law or potential conflict.

RULE 7. EFFECTIVE DATE OF RULES

These rules shall become effective immediately upon adoption by the Court. They shall replace any existing rules.

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