

# Rules of the Court

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## PART I. THE COURT

### Rule 1. Chief Justice

1. The Chief Justice shall be the presiding officer of the Court.
2. The Chief Justice shall be the official representative and chief executive officer of this Court.
3. The Chief Justice, in conjunction with the Clerk, shall maintain the informational affairs of this Court.
4. The Chief Justice shall maintain representative attendance at all meetings of the Court.
5. The Chief Justice shall comply with the Iowa Code of Judicial Conduct.

### Rule 2. Chief Justice Pro Tempore

1. The Chief Justice Pro Tempore shall be nominated by the Chief Justice and confirmed by order of the Court.
2. The Chief Justice Pro Tempore may be removed by order of the Court.
3. In the absence of the Chief Justice, the Chief Justice Pro Tempore shall act as the Chief Justice. The Chief Justice shall be considered absent if any of the following conditions have been met:
  - a. The Chief Justice is hospitalized.
  - b. The Chief Justice is severely ill or otherwise physically or mentally incapacitated, as declared by a majority of the Court.
  - c. The Chief Justice is unreachable or has not made contact with the Office Manager for more than one day and there is a pressing judicial issue.
  - d. The Court has received notification of absence from the Chief Justice.
4. The Chief Justice Pro Tempore shall work in conjunction with Chief Justice to administer this Court.

### Rule 3. Associate Justices

1. If an urgent judicial matter arises and both the Chief Justice and Chief Justice Pro Tempore are absent, under the qualifications listed in Rule 2.3, the Associate Justices shall choose among themselves a Presiding Justice who shall preside over meetings of the Court. The Presiding Justice may exercise the authority of Chief Justice only as chair of the Court.
2. Associate Justices shall maintain representative attendance at all meetings of the Court.
3. Associate Justices shall comply with the Iowa Code of Judicial conduct.

### Rule 4. Clerk

1. The Clerk shall be nominated by the Chief Justice and confirmed by order of the Court.
2. The Clerk shall receive documents from the Office Manager and prepare them for distribution to the Court. The Clerk shall distribute documents to the Court within one day of receipt.
3. The Clerk shall codify documents in accordance with the Rules of this Court.
4. The Clerk shall maintain the files of this Court. The Clerk shall maintain the documents of the current term of the Court and the two previous terms in the Government Office. The Clerk shall archive all other documents in the Parks Library and maintain a

complete and comprehensive record of those archives. The Clerk shall make all documents of this Court publicly available.

5. The Clerk shall be responsible for the creation and maintenance of all tape recordings of all formal proceedings of the Court. All tape recordings shall be conserved until one year after the date of the formal proceedings.

#### **Rule 5. Office Manager**

1. The Office Manager is responsible for receiving documents for filing. The Office Manager shall immediately notify the Chief Justice and the Clerk of receipt of such documents. The Office Manager shall forward submitted documents to the Clerk within one day.
2. The Office Manager shall notarize documents at the request of the Chief Justice, the Clerk, or the Court.

#### **Rule 6. Term**

The Court holds a continuous annual Term commencing on the first day of classes of the summer session and ending of the day before the first day of classes of the summer session of the following year. At the end of each Term, all cases pending on the docket are continued to the next Term.

#### **Rule 7. Meetings and Quorum**

1. All open meetings of the Court shall comply with the Iowa Open Meetings and Open Records Act.
2. Six members of the Court constitute a quorum. In the absences of a quorum on any day appointed for holding a meeting of the Court, the Justices attending—or if no Justice is present, the Clerk—may announce that the Court will not meet until there is a quorum.
3. When appropriate, the Court will direct the Clerk to announce recesses.

### **PART II. GENERAL MEETINGS**

#### **Rule 8. General Policy**

1. The Chief Justice shall preside over general meetings of the Court. General meetings of the Court shall come to order, recess and adjourn at the behest of the Chief Justice. The Court may recess or adjourn at the behest of a majority of the Court.
2. The Court shall convene a general meeting no less than once per month to discuss general judicial matters.
3. The Chief Justice shall maintain order at all times.
4. All individuals present shall maintain decorum at all times. Further, during formal proceedings, the dress required for all members and staff of the Court and parties shall be no more casual than business dress.

### **Rule 9. Prohibition Against Practice**

No member or employee of this Court shall make motions or applications to this Court; nor shall any person who is not a currently enrolled student at Iowa State University.

### **Rule 10. Disciplinary Procedures**

1. The Chief Justice shall have the authority to eject any disorderly individuals during proceedings, after issuing one verbal warning to the individuals. The ejection shall be for no fewer than twenty minutes. The Court will issue the following warning to the ejected individual upon the return of the individual: "You are hereby warned that further disorderly conduct may result in the Court barring you from further Court proceedings." If the ejected individual is a Party, the warning must include the following: "The Court shall consider further disorderly conduct a waiving of your rights in this proceeding."
2. The Court may bar individuals who are continually disorderly. Disorderly individuals may be barred from proceedings by a majority of the Court. In the instance where the barred individual is a party, this Court shall select another individual to serve as the appropriate party. If no suitable alternate exists, the case shall be heard *in absentia*.

## **PART III. ORIGINAL ACTIONS**

### **Rule 11. Initiation**

The Court shall initiate an original action when the Chief Justice or Chief Justice Pro Tempore receives a petition from a student, group of students or campus organization requesting relief. The written communication must identify the Plaintiff, the Defendant, a description of the circumstances, and relief sought. If a petition is received during the action of another, said second petition would not be initiated until there is a resolution in the first case.

### **Rule 12. Preliminary Meeting**

1. The Chief Justice shall set the date of a preliminary meeting of the Court to be held no more than seven calendar days after the initiation of an Original Action.
2. The Court shall determine its jurisdiction in the original action.
3. The Court shall determine if the original action is frivolous.
4. If the Court finds that the original action is within its jurisdiction and is not frivolous, it shall set a trial date no more than fourteen calendar days after the preliminary meeting. The Court shall immediately make public the date, time and place of formal proceedings.
5. The Court shall invite all interested parties to submit a motion to file a brief as *amicus curiae* pursuant to the Rules of the Court.
6. If the Court finds that the original action is outside of its jurisdiction, it shall issue an order dismissing the original action, which shall include the determination of the appropriate judicial authority. The Chief Justice shall notify all parties that the original action has been dismissed. The Clerk shall forward all documentation of the case to the appropriate judicial authority.
7. If the Court finds that the original action is frivolous, it shall issue an order dismissing the original action, which shall include the explicit terms by which the Court found the

original action frivolous. The Chief Justice shall notify all parties that the original action has been dismissed.

8. Arbitration shall be explained to all parties. If both parties agree to arbitration, Arbitration shall be initiated. The Chair of the Conference shall set the date of the Arbitration Hearing, to be held no more than five days after the Pre-Trial Conference, and immediately notify the Chief Justice of the initiation of arbitration.

### **Rule 13. Pre-Trial Conference**

1. The Chief Justice shall schedule a pre-trial conference to be held no more than seven calendar days after preliminary meeting. The Chief Justice shall invite both the Plaintiff and Defendant to attend the Pre-Trial Conference and may assign an Associate Justice to be the Chair the Conference. A Quorum of the Court shall not be required at the Pre-Trial Conference.
2. The Pre-Trial Conference may be conducted by electronic means. The Pre-Trial Conference shall be a conference held in person at the request of either party.
3. Each party shall be notified of its rights under the Law.
4. The requirements of the brief of arguments, both in content and format, shall be explained to all parties.
5. The timeline for submission of documents and a summary of the policies and procedures of the Court shall be explained to all parties.
6. The brief of arguments to be used by the Plaintiff shall be submitted no fewer than four days before the date of the trial. The brief of arguments to be used by the Defendant shall be submitted no fewer than two days before the date of the trial. The Court may change the submission timeline before the Pre-Trial Conference is convened.
7. A list of witnesses to be called and of evidence to be submitted shall be submitted with the brief of arguments. The list of witnesses shall be approved by the Chief Justice. The parties shall be responsible for notifying the witnesses.

### **Rule 14. Arbitration**

1. Either party may submit a written motion to arbitrate. The motion to arbitrate shall be delivered to the Chair of the Conference before the adjournment of the Pre-Trial Conference. Arbitration shall be initiated upon the concurrence of the adverse party. Concurrence shall be signified by the signing of an Agreement of Arbitration by both the movant and the adverse party.
2. One justice shall be selected, by the Chief Justice or the Court, to be the Arbitrator.
3. The Arbitrator shall issue a ruling no more than three days after the adjournment of the Arbitration Hearing.
4. The Arbitrator shall be empowered to make a binding decision that carries the full weight of the Court. The decision of the Arbitrator may be appealed to the Court through an appellate action.

### **Rule 15. Trial**

1. The Chief Justice shall preside over the Trial.
2. The Chief Justice shall determine the merit of all objections. An objection may be sustained or overruled. If the objection is sustained, the testimony shall be struck from the record. If the objection is overruled, the testimony shall remain in the record.
3. Any Justice may request, or any party may move for, a recess, which shall be granted unless this privilege is being used to compromise the integrity of the proceedings.

4. Any Justice may question all parties and any witness at the appropriate time. Justices may not ask questions during the opening or closing statements of the parties. Justices may ask questions after or during the questioning of a witness, but shall speak only after being recognized by the Chief Justice.
5. The trial shall commence with the opening statement of the Plaintiff. Upon the completion of the opening statement of the Plaintiff, the opening statement of the Defendant shall commence. No party may object during the opening statement of either party unless that party has clear and convincing proof that the content of the opening statement is not factual.
6. The Plaintiff will present evidence and witnesses.
7. The Defendant will present evidence and witnesses.
8. All parties shall be allowed to cross-examine witnesses presented by the adverse party. The cross-examination questions shall be limited to material presented during the previous questioning. Cross-examination may be followed by redirect questioning.
9. Upon the completion of the presentation of the evidence and witnesses of the Plaintiff and Defendant, the members of the Court may recall witnesses. During such testimony to the Court, neither the Plaintiff nor the Defendant may question the witnesses or present new evidence or arguments.
10. The Plaintiff will deliver a closing statement, followed immediately by the closing statement of the Defendant. No party may object during the closing statement of either party unless that party has clear and convincing proof that the content of the closing statement is not factual.

## PART IV. APPELLATE ACTIONS

### **Rule 16. Petition for Writ of Certiorari**

1. A student, group of students or campus organization may petition the Court for a writ of certiorari in matters of judicial review of actions of the Executive or Legislative branches of the Government or its Election Commission, or actions of subsidiary governments.
2. The submission of a petition for a writ of certiorari shall be considered the initiation of an appellate action.
3. A petition for a writ of certiorari, shall include, in the order indicated:
  - a. The questions presented for review by the Court, expressed concisely in relation to the circumstances of the case. The questions should be short and should not be argumentative or repetitive.
  - b. A concise statement of the case setting out the facts material to consideration of the questions presented.
  - c. A direct and concise argument amplifying the reasons relied on for the allowance of the writ.
  - d. The superior laws, constitutional and bylaw provisions, and other laws involved in the case, set out verbatim with appropriate citation.
  - e. Any other material the petitioner believes essential to understand the petition.
4. The petition for a writ of certiorari shall be delivered to the Office Manager. The Office Manager shall notify the Chief Justice and Chief Justice Pro Tempore immediately of the receipt of the petition.
5. The Court shall meet within five days of the submission of the petition.
6. The Chief Justice or a majority of the Court may order oral arguments regarding the petition. Oral arguments shall be limited to the merits of certiorari; discussion of the

merits of the case shall not be allowed. Oral arguments shall be held within three days of the issuance of the order.

7. If the Court grants the petition for a writ of certiorari, it shall issue a writ of certiorari within ten days of the submission of the petition.

#### **Rule 17. Preliminary Conference**

1. The Chief Justice shall meet with the petitioner and respondent within three days of the issuance of a writ of certiorari.
2. Each party shall be notified of its rights under the Law.
3. The requirements of the brief of arguments, both in content and format, shall be explained to all parties.
4. The timeline for submission of documents and a summary of the policies and procedures of the Court shall be explained to all parties.

#### **Rule 18. Brief of Arguments**

1. The brief of arguments shall comply in format with these Rules and shall delineate all legal arguments to be used.
2. The brief of arguments shall include an explanation of the legal arguments used for the review of the questions before the Court. The brief of arguments should include references to all appropriate law, appropriately cited.
3. The petitioner shall submit a brief of arguments no fewer than five days before the date of the trial.
4. The respondent shall submit a brief of arguments no fewer than three days before the date of the trial.
5. Under extraordinary circumstances, the Court may grant permission for the submission of a supplemental brief.

#### **Rule 19. Oral Arguments**

1. The Court shall hear oral arguments no fewer than five days and no more than ten days after the preliminary conference.
2. Oral Arguments shall be limited to arguments presented in brief.
3. Arguments from the Petitioner shall be heard first.
4. After the arguments from the petitioner, arguments from the Respondent shall be heard.
5. Only one representative from each party shall be permitted to present arguments, unless the Court grants special permission.
6. Each party shall be allowed thirty minutes to present before the Court. The presentation time shall include all time required to answer questions from the Court. The Chief Justice or the Court may grant one extension of twenty minutes. This extension shall be granted to both parties and may only be granted before commencement of oral arguments.
7. The Court may ask questions of the party presenting only during the presentation of the case by that party.
8. No witnesses shall be called during oral arguments.



## PART V. MOTIONS AND APPLICATIONS

### Rule 20. Motions to the Court

1. Every motion to the Court shall clearly state its purpose and the facts on which it is based and may present legal argument in support thereof. No separate brief may be filed.
2. All motions and applications shall be made based on the electronic template provided by the Office of the Clerk of the Court. All documents submitted to this Court shall be made on white, letter-sized paper. The following fonts, in twelve-point size are the only ones permitted for use on submissions to this Court: Garamond, Times New Roman, CG Times, Courier, and Courier New.
3. All requests to submit a brief as *amicus curiae* shall be submitted more than three days before formal proceedings. If both parties have agreed to the submission of a third-party brief as *amicus curiae*, a “Consent to the Submission of a Brief as Amicus Curiae” form shall be submitted to the Clerk with the *amicus curiae* brief. The Chief Justice shall grant permission to file a brief as *amicus curiae* only to those individuals who have established the ability to provide the Court with sound legal advice or information of which the Court is not cognizant. The Government shall be granted permission to file a brief as *amicus curiae*.
4. A motion to the Court shall be filed with the Clerk. Oral argument on a motion will not be permitted unless the Court so directs.
5. Any response to a motion shall be filed as promptly as possible, and, in any event, within three days of receipt, unless the Court or the Chief Justice, orders otherwise. A response to a motion shall be prepared and submitted as required for a motion in these rules. In an appropriate case, the Court may act on a motion without waiting for a response.
6. A *Motion to Dismiss* shall be based solely on one of two grounds: want of jurisdiction or filing of a frivolous case. The former shall not be considered if the Court has heard Oral Arguments on the matter of jurisdiction. A motion to dismiss shall be filed no later than two days before formal proceedings. The Court may consider a motion to dismiss after the submission deadline if weighty proof is brought to the attention of the Court.
7. A *Motion to Arbitrate* must include any terms of the arbitration requested by the motioning party. The adverse party must agree to all the terms in the Agreement to Arbitrate.
8. A *Motion to Challenge a Justice for Bias* shall be submitted in writing more than one day before the beginning of formal proceedings.

### Rule 21. Applications to the Chief Justice

1. An application addressed to the Chief Justice shall be submitted to the Office Manager, who shall transmit it immediately to the Chief Justice.
2. If the Chief Justice denies an application, the Chief Justice shall note the denial thereon. Thereafter, the party making the application may renew it to the Court. A renewed application is made by a letter to the Clerk indicating that the application should be directed to the Court.
3. The Chief Justice may refer an application to the Court for determination.
4. The Clerk will advise all parties concerned, by appropriately speedy means, of the disposition made of an application.

## **Rule 22. Injunctions**

1. The Chief Justice and the Court, separately or jointly, shall have the authority to issue injunctions to prohibit or require actions of an individual or group in the event that any of the following conditions are met:
  - a. The integrity of the student body may be compromised.
  - b. The integrity of the Government may be compromised.
  - c. The integrity of a proceeding of this Court may be compromised.
  - d. The actions or potential actions may be illegal.
2. All parties have the right to file with the Chief Justice or this Court an application for injunctive relief.
3. A Request for Injunctive Relief may be submitted by a student or group of students without an action pending before the Court. In this case, the relief sought shall be limited to prohibition of actions and the injunction shall be effective no more than three days.
4. The application shall contain the exact relief sought and an explanation of the harm that could come to the student body, Government, or this Court, specifically its proceedings.
5. All injunctions considered by the Chief Justice shall be done so in consultation of the Chief Justice Pro Tempore.
6. The Court shall review all injunctions issued by the Chief Justice within five days of enjoining.

## **Rule 23. Expedited Proceedings**

1. A Request for Expeditious Proceedings may be filed concurrently with documents to initiate action in this Court.
2. A Request for Expeditious Proceedings shall be filed as an application to the Chief Justice. The Chief Justice shall rule on the request as soon as possible after receipt, but in no circumstances shall the ruling be made more than one day after receipt. If the Chief Justice grants the request, the Chief Justice shall immediately notify the Court. A Request for Expeditious Proceedings shall be granted only in extraordinary circumstances.
3. Upon the granting of the Request for Expeditious Proceedings, the Chief Justice shall be empowered to determine all submission deadlines, except the following:
  - a. The initiating party shall submit a brief of arguments one day before the adverse party.
  - b. The formal proceedings shall commence as soon as the Court can convene, but in no circumstances shall the formal proceedings commence more than five days after the granting of the request.

## PART VI. PRACTICE AND PROCEDURE

### Rule 24. Codification

1. All documents submitted to this Court shall be assigned a unique document number. An individual submitting a document to this Court shall request a document number from the Clerk before submitting the document. The Clerk shall not accept documents that are not properly codified.
2. The document number shall contain three parts, separated by hyphens, in the order indicated:
  - a. A four-digit term number, determined by the year of the beginning of the term of the Court during which the action was initiated.
  - b. A two-digit consecutively determined case number.
  - c. A two-digit consecutively determined document number.

### Rule 25. Opinions of the Court

1. The process by which an opinion of the Court is drafted and adopted shall ensure the independence and preserve the integrity of this Court.
2. Opinions issued by the majority and minority shall include:
  - a. The relevant facts presented in the case.
  - b. A clear explanation of process by which the majority arrived at its decision.
  - c. A plainly stated determination of the Court and any relief granted by the Court.
  - d. The signatures of all members of the Court in the majority.
3. Relief in all appellate actions shall be made in the form of an order of the Court.
4. Individual justices should refrain from issuing opinions that include portions of the Opinion of the Court unless those points are in contention.
5. The Court shall meet no more than three days after the adjournment of formal proceedings. Each member of the Court having heard the case shall distribute, to the Court, a summary opinion, which shall include the opinion of the member on each major legal point raised in the case.
6. Those in the majority shall chose among themselves a Justice to draft the Opinion of the Court. The Justice writing for the majority shall submit to the Clerk a copy of the Opinion of the Court no more than eight days after the adjournment of formal proceedings.
7. The Clerk shall notify the Court of the exact time of publication. All individual opinions shall be submitted one day before publication.
8. The Clerk shall publish the Opinion of the Court after each Justice in the majority has signed the opinion. Upon the publication of the opinion of the Court, the matter shall be considered closed.

### Rule 26. Training

1. Training of all Justices shall include a familiarization with the following resources:
  - a. Rules of the Court
  - b. Government of the Student Body Constitution
  - c. Government of the Student Body Bylaws
  - d. Government of the Student Body Election Code
  - e. Standing Government Law

- f. Iowa Code of Judicial Conduct
  - g. Iowa State University Student Disciplinary Regulations
  - h. Internet resources, especially those regarding general legal matters, and those of superior governments.
2. The completion of supplementary training may be required and shall be determined by the Chief Justice.

**Rule 27. Adoption and Amendment of the Rules**

1. The proposed Rules of the Supreme Court shall be commented upon by the public in a hearing hosted by the Court. The Court shall consider changes proposed by the public.
2. The vote required to adopt the final version of the Rules of the Court shall be an affirmative vote of two-thirds of the Court. The Court shall issue a special order of adoption, stating the effective date and ordering the public distribution by the Clerk of the Rules of the Court.
3. The proposed amendments to the Rules of the Supreme Court shall be commented upon by the public in a hearing hosted by the Court. The Court shall consider changes proposed by the public.
4. The vote required to adopt amendments of the Rules of the Court shall be an affirmative vote of two-thirds of the Court. The Court shall issue a special order of amendment, stating the effective date and ordering the public distribution by the Clerk of the Rules of the Court.

## PART VIII. DEFINITIONS AND EFFECTIVE DATE

### Rule 28. Definitions

1. “Representative Attendance” shall be defined as being unexcused from no more than one formal proceedings of the Court, or three general meetings of the Court per term.
2. “This Court” shall be defined as the institution of the Supreme Court of the Government of the Student Body or the group of individuals constituted by the members of the Court and the Staff of the Court as defined in Government Law.
3. “The Court” shall be defined as the Chief Justice and Associate Justices of the Supreme Court of the Government of the Student Body.
4. “Government Law” shall defined as any of the following documents:
  - a. The Government of the Student Body Constitution
  - b. The Government of the Student Body Bylaws
  - c. The Government of the Student Body Election Code
  - d. All other laws properly adopted by the Senate and, if necessary, consented to by the President, which are in effect.
5. “Day” shall be defined as each day that classes are held at Iowa State University during the fall and spring semesters. The Court may extend this definition to include class days during the summer semester, if a need for such an extension arises.
6. “Formal Proceedings” shall be defined as the trial or oral arguments.

### Rule 29. Effective Date of the Rules

1. These Rules were adopted October 31, 2001, and amended and enacted by the Court on March 30, 2008.
2. The Rules govern all proceedings after their effective date except to the extent that, in the opinion of the Court, their application to a pending matter would not be feasible or would work an injustice, in which event the former procedure applies.