

## **Section I - Summary**

1. This Chapter shall serve as the founding document for the administrative duties and matters given to the Judicial Council, outlines case management policies for the Judicial Council, the process of elections, recall, nominations and appointments of the Judicial Council, the ASUCR Penal System as managed by the Judicial Council, and the witness and evidence rules that must be followed in any case under the purview of the Judicial Council. All matters included herein remain subject to the authority and supremacy of any responsibilities, duties, actions, and powers granted by the ASUCR Constitution

## **Section II - Administrative**

1. This shall govern the Judicial Branch's administrative matters.
2. Office Policies
  - a. The Judicial Branch office shall be available to all members of the Judicial Branch for matters related to official ASUCR or UCR business.
  - b. The Chief Justice and the Vice Chief Justice shall be required to have office hours in accordance with the aforementioned policy. All other members of the Judicial Branch are encouraged but not required to have office hours.
  - c. Computer
    - i. The computer shall be managed by any Justice.
    - ii. Each member of the Judicial Branch will have the option of using the common Judicial Branch account, or to use their own personal account, on the computer.
    - iii. The member shall not use the computer to engage in any illegal or morally reprehensible activity, or to participate in the elections process.
    - iv. Printing is allowed only for official business.
3. Budget
  - a. The Chief Justice shall draft a budget each Spring for the following year, and present it to the Judicial Council for recommendations.
    - i. The staff members of the Judicial Branch shall be able to make recommendations but not vote.
    - ii. The Judicial Council shall adopt a final budget by majority vote.

- b. The Chief Justice shall be the authorized signature for all Judicial Branch requisitions.
  - i. The Vice Chief Justice may be designated as the authorized signer instead, but this must be authorized in advance, in writing, with approval of a majority of the Judicial Council. This authorization must be given to the ASUCR Financial Operations Manager and the Vice President of Finance.
- c. This budget and the budgeting process shall be in accordance with all ASUCR budget policies. In any case of conflict over budget between these Rules of Procedure and the ASUCR Finance Bylaws, the Finance Bylaws shall prevail.

### **Section III - Case Management**

1. This shall govern the management of the Judicial Council caseload.
2. Assignment of a Docket Number
  - a. Each request received by the Secretary of the Court will be assigned a docket number.
  - b. This docket number shall start with the academic term abbreviation, such as S16 for Spring Quarter 2016. It then shall list an abbreviation for the type of case. Then, it shall list the filing number, starting with 1 each quarter. This filing number shall not differentiate between different types of cases.
  - c. The following shall be the abbreviations for each type of case:
    - i. Complaint Against an ASUCR Official - C
    - ii. Constitutional Challenge to a Statute - CC
    - iii. Judicial Review - JR
    - iv. Elections Violation - EV
    - v. Automatic Leave Waiver- AC
    - vi. Other Type of Case - ZZ
    - vii. Appeals shall be assigned the same abbreviation but with an A at the end of the abbreviation.
  - d. Examples:
    - i. Fall 2015, Complaint Against an ASUCR Official Appeal, 5th request filed for the quarter: F15-CA-5

- ii. Winter 2016, Judicial Review, 11th request filed for the quarter:  
W16-JR-11

### 3. Storage of Case Documents

- a. All Case documentation, evidence, testimony, records, and other resources must be stored in the private Judicial Google Drive.
- b. If the case is filed electronically, the Secretary of the Court shall distribute the case and all related documents via email to all of the Justices.
- c. If the case is filed on paper, the Secretary of the Court shall scan the documents and distribute the case and all related documents via email to all of the Justices.
- d. Paper documents should be destroyed when the case has been decided, once it has been confirmed they are stored electronically.

## **Section IV - Penal System**

- 1. This shall govern the ASUCR Penal System, which is administered by the Judicial Branch.
- 2. Applicability
  - a. The ASUCR Penal System shall apply to all members of ASUCR, including elected members, appointed members, student staff, professional staff, fellows, interns, and anyone else who falls under the purview of the Judicial Council.
- 3. Allocation
  - a. The Judicial Council shall have the sole authority to allocate strikes, and to decide on all matters relating to the allocation of strikes.
  - b. As with all Judicial Council action, the allocation of strikes is final unless reversed by subsequent action of the Judicial Council.
- 4. Strike System
  - a. Strikes are a way of assigning different levels of corrective action based on the severity of a breach of the rules. Therefore, the Judicial Council does not have strike allocation guidelines, as the allocation will be based on the facts of the matter.
  - b. Strikes will most often be assigned as a result of a guilty verdict in a case against a member of ASUCR. However, the Judicial Council has the authority to assign

strikes in other situations when it feels it is necessary and proper. In situations where strikes other than are assigned as a result of something a guilty verdict, the notification of strikes assigned will be accompanied by a written explanation.

- c. Strikes shall remain with the members of ASUCR for the duration of his or her term.
  - i. This shall not apply to the Judicial Council, since it is the only position that has a two year term. For the Judicial Council, strikes shall reset for each member the day after the last day of commencement.
- d. A member who accumulates three strikes will be subject to a six week censure, and will lose any applicable pay and voting rights for those six weeks.
- e. A member who accumulates five strikes will be subject to immediate removal.

## **Section VI - Witness and Evidence Rules**

### 1. General Provisions

- a. The Witness and Evidence Rules are in place to ensure the Judicial Council has the ability to ensure a fair and speedy trial for all parties involved, without any tainted witnesses or evidence present.
- b. The Judicial Council reserves the right to manage evidence and witnesses as it sees fit, to ensure a fair and speedy trial, a just decision, and the smooth and efficient operation of ASUCR.

### 2. Evidence Submission

- a. This shall govern the submission and distribution of evidence to be used in a case.
- b. Discovery
  - i. All evidence to be used in a hearing or any other part of a case must be submitted during the discovery process. This includes any primary source material that is going to be used to make an argument. A list of all witnesses to be called in a hearing or trial is considered evidence, for the purposes of this section.
    1. This does not include statutes to be used to make an argument, and this does not include anything created by the party for the purposes of the case. For example, if the plaintiff submits photos, but then

organizes them onto a single page with the violation listed next to them, the submission of only the photos would be sufficient.

- ii. Any evidence that should have been submitted in discovery, but was not, will generally be considered inadmissible by the Judicial Council.
  1. This may be waived in situations when the evidence was not available by the deadline, or at the discretion of the Judicial Council.
- iii. Each party will submit the evidence to the Secretary of the Court and the Secretary of the Court shall receive it and send it via email to all of the Justices. The Chief Justice will compile the evidence from each party, review it and make sure there is no information that cannot be released, and send each party's evidence to the other party.
- iv. The deadline for initial submission of the evidence will be 72 hours before the time of the hearing or trial, in normal cases. This can be changed if it is deemed necessary and proper by the Chief Justice.
- v. The Judicial Council will make every attempt to review the evidence and issue it to the parties within 24 hours of receiving both parties' evidence. However, in case this is not possible, the Judicial Council will issue it as soon as is reasonably possible.

### 3. Evidence Rules

- a. This shall govern the rules of evidence to be used in a case.
- b. Inadmissible Evidence
  - i. Evidence shall be deemed inadmissible by the Judicial Council if one of the following conditions exists:
    1. If the evidence was obtained using means in violation of ASUCR, UCR or UC policy, or a local, state, and/or federal law;
    2. If the evidence is irrelevant;
      - a. Relevant evidence shall be defined as evidence having any tendency to make a fact more or less probable than it would be without the evidence.

3. If the evidence only serves to defame the character of one or more parties, and does not serve any real purpose for the case;
      4. If the evidence was not submitted by the deadline set by the Judicial Council, and the Judicial Council did not grant a waiver.
    - ii. No conclusions can be drawn from the inadmissible evidence, from any of the parties or from the Judicial Council. This evidence cannot be used to make arguments in a hearing.
  - c. Motion to Strike Evidence for Inadmissibility
    - i. A party to the case can enter a motion to strike evidence for inadmissibility, at the beginning of the trial before opening arguments.
    - ii. The party shall clearly state that they are making a motion to strike evidence for inadmissibility, and shall state why he or she believes the evidence is inadmissible.
    - iii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the motion.
      1. If the motion is sustained, the evidence will be inadmissible. If the motion is overruled, the evidence shall be allowed.

#### 4. Witness Rules

- a. This shall govern the witnesses used in a hearing.
- b. Inadmissible Witnesses
  - i. All witnesses shall be admissible in a hearing unless one of the following conditions exists:
    1. If the witness is not competent to testify, as determined by a licensed medical practitioner;
    2. If the witness does not have personal knowledge of the case;
      - a. This shall be defined as the witness having personal knowledge of a matter which arises in the case through evidence. This evidence can include the witness's testimony itself.
    3. If the witness refuses to sign an agreement stating that all testimony will be truthful.

c. Motion to Strike a Witness for Inadmissibility

- i. A party to the case can enter a motion to strike a witness for inadmissibility, either at the beginning of the trial before opening arguments or when the witness takes the stand for examination.
- ii. The party shall clearly state that they are making a motion to strike a witness for inadmissibility, and shall state why he or she believes the witness is inadmissible.
- iii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the motion.
  1. If the motion is sustained, the witness will be inadmissible and will not take the stand. If the motion is overruled, the witness shall be allowed to take the stand.

d. Agreement to be Truthful

- i. All witnesses taking the stand shall sign an agreement, prepared by the Judicial Council, saying that he or she will be truthful in his or her testimony and will not lie or intentionally mislead the Court.
- ii. This agreement shall discuss that there may be consequences for failure to abide by this agreement, and that the Judicial Council will pursue these consequences to their fullest extent.

5. Objecting to Evidence or Testimony

- a. This shall govern objections to evidence or testimony brought up in a trial.
- b. The Judicial Council shall allow objections to evidence or testimony brought up in a trial, from any party including the Judicial Council. They shall be as follows:
  - i. Argumentative: when the party is making an argument rather than asking a question;
  - ii. Asked and answered: when the party is asking a question already answered, and this question is only for added effect;
  - iii. Assumes facts not in evidence: when the party asks a question or makes a statement which relies on a fact not proved by evidence presented;

- iv. Badgering: when the party is antagonizing the witness in order to provoke a response, either by asking questions without giving the witness an opportunity to answer or by openly mocking the witness;
  - v. Beyond the scope: when a party asks a witness a question during cross examination that is beyond the scope of the line of questioning in the initial testimony;
  - vi. Calls for a conclusion/speculation: when a party asks for an opinion or speculation rather than facts;
  - vii. Compound question: when the party asks a question for which there are multiple parts;
  - viii. Fruit of the poisonous tree: when evidence was obtained illegally, or when testimony or arguments rely on evidence obtained illegally or otherwise declared inadmissible;
  - ix. Incompetent: when a witness does not have sufficient knowledge to answer a question;
  - x. Irrelevant: when the question is not relevant to the facts of the case;
  - xi. Lack of foundation: when evidence lacks any authenticity or source.
- c. Making an Objection
- i. The party shall clearly state that they are making an objection, and shall state the type of objection they are making.
  - ii. The Judicial Council shall deliberate if necessary, and either sustain or overrule the objection.
    - 1. If the objection is sustained, the testimony, argument, or evidence will be inadmissible. If the motion is overruled, it shall be allowed.

### **Section V - Amendments**

- 1. This chapter of the Judicial Rules and Procedures may be amended through:
  - a. A simple majority of the Judicial Council;
  - b. Amendments may only be made by members of the Judicial Branch, as defined in Chapter 1 of the Rules and Procedures;



