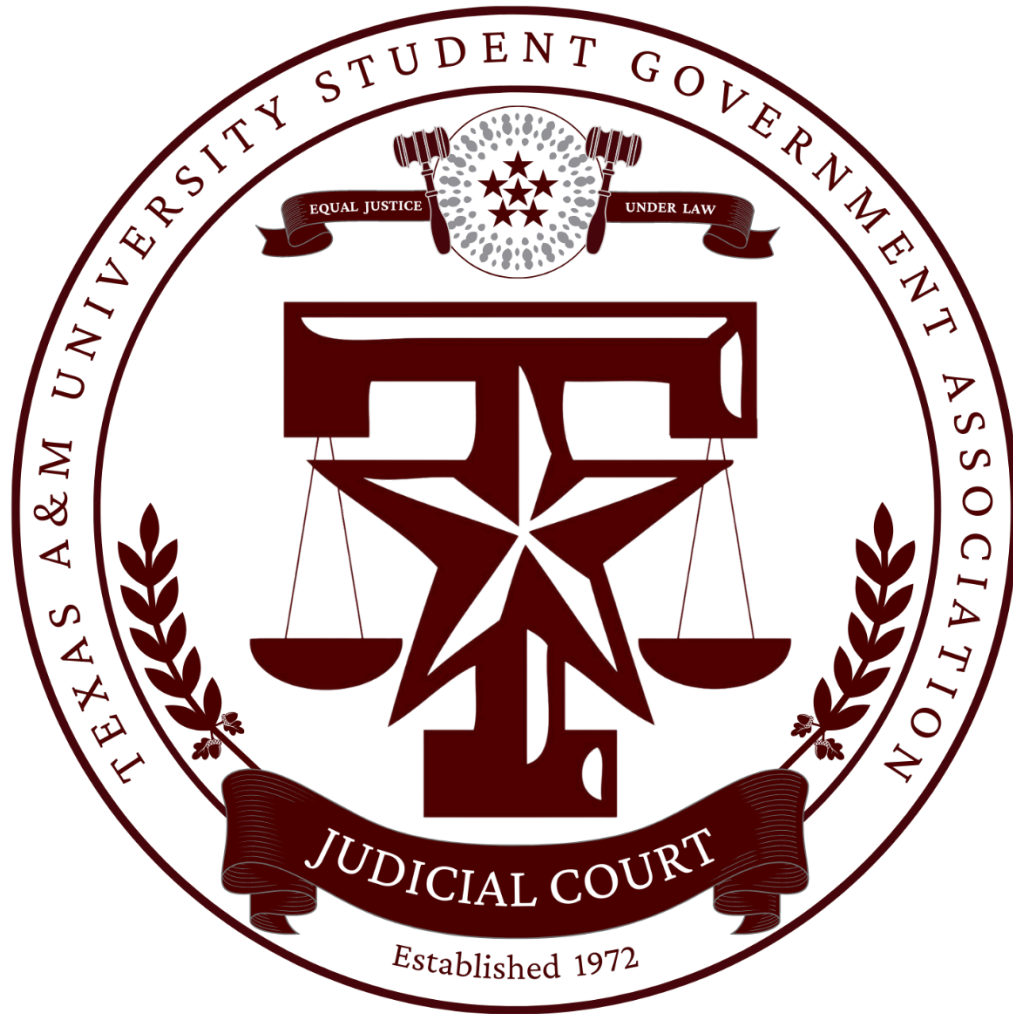


THE JUDICIAL COURT OF TEXAS A&M UNIVERSITY



BYLAWS

ESTABLISHED: 04/03/2012

REVISED: 01/31/2024

STUDENT GOVERNMENT ASSOCIATION JUDICIAL BRANCH BYLAWS

The Judicial Court recognizes its duties of constitutional interpretation, legislative interpretation, election regulation, and conflict resolution as granted by the Student Government Association Constitution. Each student shall be protected by equal justice under the Student Government Association governing documents.

ARTICLE I. RESPONSIBILITY OF THE CHIEF JUSTICE

SECTION I. The Chief Justice shall be responsible for upholding, protecting, and complying with these Bylaws, as well as preserving the integrity and transparency of the Court. A failure to maintain and uphold the aforementioned duties shall constitute grounds for impeachment of the Chief Justice.

SECTION II. Unless expressly denied by the particular statute enacted by the Student Senate, any additional duty or power vested in the Chief Justice by a particular statute enacted by the Student Senate shall be freely assignable and delegable by the Chief Justice to any Justice of the Judicial Court.

SECTION III. Any motion or appeal, such as a Motion to Rehear, taken against the Court shall name the Chief Justice as the opposing party.

ARTICLE II. JUDICIAL ORDERS

SECTION I. The initials of the Chief Justice shall be present on each page of the order which do not bear the Justices' signatures. The date of the Judicial Order shall also be present on the page that contains the Justice's signatures.

SECTION II. Judicial Orders shall be numbered according to the session of the Student Senate during which they are signed and shall bear an increasing

numerical designation restarting at the beginning of each session of the Student Senate (e.g., J.O. 64-01, J.O. 64-02, J.O. 64-03, etc.)

SECTION III. All Judicial Orders shall be provided to the Archives of the Student Senate pursuant to the provisions of the S.G.A. Records Act (Title V Chapter 801).

ARTICLE III. WRITS OF THE COURT

SECTION I. All Writs shall issue only by a majority vote of the Justices hearing the motion for a Writ to be issued, and only through a signed Judicial Order.

SECTION II. In cases pertaining to constitutional, legislative, election, or any other matters within the Court's jurisdiction, a Writ of Injunction may be issued on appeal when at least four Justices agree to the issuance of the Writ. The Writ must be issued directly following an appeal's submission and before any subsequent hearing is scheduled.

- a)** A Writ of Injunction may only be issued if the movant, or the party who will benefit from the injunction, has no other redress to avoid immediate harm.
- b)** Writ of Injunction shall forbid those named in the writ or his or her agents to (1) do, (2) threaten to do, (3) attempt, or (4) continue to commit a specified action which is deemed unjust, inequitable, or injurious, or in violation of any rule or procedure under the Constitution or its statutes and which cannot be immediately addressed by action of the Court.
- c)** A Writ of Injunction may only be issued for a period not to exceed thirty (30) days.
- d)** The Writ of Injunction shall remain in effect until a hearing adjudicates the related controversy. At such time, the status of the Writ will be determined.

SECTION III. A Writ of Mandamus may be issued by the Judicial Court to inform S.G.A. officials that adequate evidence of negligence and/or abuse of their duties and responsibilities has been shown such that appropriate remedial action must occur. The Court shall designate in the Writ the directed course of action an official must take following issuance of an opinion related to the controversy. The Writ must be issued directly following an appeal's submission and before any subsequent hearing is scheduled.

a) The Writ may be requested by a moving party or by the Judicial Court on its own motion. The non-movant, however, shall be notified at least three (3) days in advance of any hearing considering a Writ of Mandamus.

b) Any member of the S.G.A. who is found to have not complied with a Writ of Mandamus may be fined by the Judicial Court or may be removed from their office after receiving at least two (2) separate fines for the same offense. The fine shall not exceed ten dollars (\$10.00) for non-compliance with any single Writ of Mandamus. Further no member of the S.G.A. may be fined any more than twenty dollars (\$20.00) during any session of the Student Senate for failure to comply with any Writ(s) of Mandamus. All fines under this Section shall be remitted to the Student Senate for later appropriation.

1) No Student Senator, Justice of the Judicial Court, Executive Cabinet member, or Student Body President may be removed by the Judicial Court for failure to act according to a Writ of Mandamus. However, the Judicial Court maintains the ability to conduct the following actions against any such individual:

i) Issuances of fines by the Judicial Court.

ii) Referral to the Student Senate to initiate impeachment procedures.

iii) Referral to the Student Body President to initiate removal procedures.

SECTION IV. An appealing party shall receive a Writ of Certiorari immediately following the Judicial Court's acceptance of an appeal. For details regarding the conditions of acceptance and the petition process for a Writ of Certiorari, refer to Article III.

SECTION V. The Chief Justice will be notified of any and all writs before they are served for the purpose of ensuring proper protocols are followed by all parties involved, and not necessarily to gain the Chief Justice's support for or against the writ's issuance. If a writ is issued without the prior notification of the Chief Justice, then the status of the writ will be determined by the Court once the Chief Justice is aware of the writ.

ARTICLE IV. THE PETITION FOR A WRIT OF CERTIORARI

SECTION I. The Petition shall be initiated and submitted to the Chief Justice by email using the appeal form located on the Judicial Court website.

a) Email shall be the primary mode of communication between the Court and all parties involved. The Court will send all notification via email unless specifically requested to do so otherwise by a party involved.

SECTION II. Upon filing the Petition, the Chief Justice shall notify all Justices of the appeal. A vote of four or more Justices to hear the case shall signify the Court's acceptance of the appeal. Following acceptance, the Chief Justice shall issue a Writ of Certiorari to the Petitioner(s) and notify the Respondent(s).

b) Any Justice may recuse himself or herself from a case if they feel that a conflict of interest exists.

SECTION III. Should the Court vote not to accept an appeal the Chief Justice shall notify the Petitioner of the Court's vote and provide a substantive reason for the Court's decision.

a) Substantive reason shall be left to the discretion of the Chief Justice alone.

b) Substantive reason(s) may be provided in the form of a judicial opinion and subject to the same standards as all other judicial opinions outlined in Article IX Section III of the Judicial Branch Bylaws.

- c) Opinions regarding the denial of petitions for certiorari shall be numbered in a similar manner as all other cases, but the last digit must be enclosed by parentheses. For example, if the denied certiorari petition was filed during the 73rd session after the Judicial Court's third case, then it would be numbered 73-0(4).
- d) The only exception to the publication requirements for denial of certiorari opinions is the issuance to *The Battalion* for publication — this shall be at the discretion of the Chief Justice.

ARTICLE V. DISCOVERY AND NOTIFICATION OF EVIDENCE

SECTION I. Any party is allowed counsel of its choosing to assist the party during the course of its appeal. Both parties may email the Chief Justice and request a Judge Advocate General (JAG) be assigned to them. The Chief Justice will then assign a Judge Advocate General to the requesting party.

- a) Parties shall not be permitted to request a specific JAG.
- b) Any party who requests assistance from a member of the JAG Commission may terminate that assistance at any time and for any reason.

SECTION II. Parties to the appeal have 72 hours following notification of issuance of a Writ of Certiorari to submit all relevant evidence and a Witness List, when witnesses are to be called, to the Court. Except upon an emergency Motion to Admit, no additional evidence or witnesses will be accepted for consideration following the 72 hour period of discovery.

- a) By the request of any party or at the discretion of the Chief Justice, the Chief Justice may extend the deadline to submit evidence by no more than 48 hours. The Chief Justice may only grant an extension if all of the following conditions are met: (1). An extenuating circumstance exists to justify such an extension; (2). The original 72 hour period of discovery for each party has not expired; (3). All parties receive an equal extension of time.
- b) A witness is defined as any party not named as an appellant or an appellee but who wishes to be called by either party.

c) A party wishing to call a witness must include that witness in the originally submitted Witness List and include in evidence a signed affidavit of the witness's perception and recollection of events pertinent to the case. The witness shall include in his or her affidavit a signature accompanying the following oath: "I swear or affirm on my honor as an Aggie the truthfulness of everything stated in this affidavit." Only the affidavit template on the Judicial Court website may be used for purposes of an affidavit.

SECTION III. The Chief Justice, upon receiving all evidence submitted by both parties at the conclusion of the 72 hour period of discovery, shall immediately notify and provide both parties access to the respective opposing party's evidence.

I. Should evidence submitted be in violation of any Judicial Court Bylaws or the S.G.A. Code, the Chief Justice may strike said evidence from the ongoing case.

II. In the event of a high profile case which requires the highest level of confidentiality, at the discretion of the Chief Justice or at least three Justices, the Judicial Court shall move to closed door evidence and all Court related documents. In such an event, evidence will be available on a printed copy with the supervision of a Justice. No electronics shall be allowed near evidence prior to the day of the hearing.

a. Electronic evidence may be sent eight hours prior to a hearing.

b. Should it be necessary, either party may request the Chief Justice for accommodations in access to the evidence. Additionally, the Court reserves the right to temporarily amend closed door evidence procedure should the need arise.

ARTICLE VI. GENERAL APPEAL PROVISIONS

SECTION I. This article applies to any hearing that may be convened by the Judicial Court.

SECTION II. If the information presented is of a nature that is deemed confidential by FERPA, HIPAA, or any other educational confidentiality document, then the Court shall move into executive session.

- a)** Either party may make a motion for the Court to enter into executive session if they provide valid cause related to the preceding.
- b)** Information discussed in the executive session is to be treated with the highest level of confidentiality by all persons involved with said session.

SECTION III. The Court may begin a hearing only upon achieving a quorum of five (5) Justices.

SECTION IV. During any proceedings, the Chief Justice may, upon request by either party OR by his or her discretion, grant a motion to extend time.

- a)** Additional time will be granted to both parties.

SECTION V. The amount of people allowed to attend a hearing is limited to the capacity of the room. Entry into the hearing will be on a first-come, first-serve basis.

- a)** The Chief Justice reserved the right to remove any person in attendance on the grounds of disruptive behavior.

SECTION VI. Upon the vote of at least three Justices, the Court shall move to a Closed Hearing, in which only the related parties, their witnesses, the Justices, and SGA advisors are permitted to attend. This can be done for any reason deemed appropriate by the Court.

SECTION VII. Counsel shall be asked no more than two judicial questions at the same moment. If two Justices simultaneously address counsel or a witness, the less tenured Justice shall defer to the other Justice.

SECTION VIII. No audio or video recording, except upon agreement of the Chief Justice, shall be allowed during any Judicial Court hearing.

SECTION IX. Any opinions by a Justice given outside of the Court setting, otherwise known as advisory opinions, are not binding on either that Justice or the Court.

SECTION X. In the event that a decision comes to an even split among the Justices, the status quo shall be upheld.

SECTION XI. In any pending or ongoing Court procedure, all parties involved shall not share or divulge Judicial Court documents, evidence, or any information relevant to said procedure.

- a) In the event that a hearing is involved, the Court reserves the right to treat the party at fault as if absent from the hearing. In the case of a Petitioner's party being at fault, the Court shall terminate their right to appeal. In the event that the Respondent's party is at fault, the Court reserves the right to conduct an ex parte hearing consisting of presentations by the Petitioner alone.
- b) The Court reserves the right to determine the route to be taken, with a majority vote of the Justices hearing the case, should a party break this provision.

ARTICLE VII. RULES OF EVIDENCE PURPOSE

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

RULE 1. *Excluding Relevant Evidence that was Acquired Illegally or in Violation of the Aggie Honor Code*

The Court may exclude relevant evidence if it determines that the evidence was obtained illegally or in violation of the Aggie Honor Code. This shall be left to the discretion of the Justices of the Judicial Court.

RULE 2. *Remainder of or Related Writings or Recorded Statements*

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part – or any other writing or recorded statement – that in fairness ought to be considered at the same time.

RULE 3. *Test for Relevant Evidence*

Evidence is relevant and admissible, unless provided otherwise under these rules or the SGA Code, if it has any tendency to make a fact more or less probable than it would be without the evidence; and the fact is of consequence in determining the action.

RULE 4. *Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons*

The Court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

RULE 5. *Character Evidence*

- a) Character Evidence.
 - 1) *Prohibited Uses.* Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
- b) Wrongs, or Other Acts.

- 1) *Prohibited Uses.* Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- 2) *Permitted Uses.* This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

RULE 5.1. *Methods of Proving Character*

- a) *By Reputation or Opinion.* When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the Court may allow inquiry into relevant specific instances of the person's conduct.
- b) *By Specific Instances of Conduct.* When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.
- c) *By Habit or Routine Practice.* Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The Court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

RULE 6. *Need for Personal Knowledge*

A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness's own testimony.

RULE 7. *Definitions That Apply to Hearsay; Exclusions from Hearsay*

- a) Hearsay, as defined, is not admissible unless provided otherwise by these rules.

- b)** *Statement.* “Statement” means a person’s oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- c)** *Declarant.* “Declarant” means the person who made the statement.
- d)** *Hearsay.* “Hearsay” means a statement that the declarant does not make while testifying at the current trial or hearing; and a party offers in evidence to prove the truth of the matter asserted in the statement.
- e)** *Statements That Are Not Hearsay.* A statement that meets the following conditions is not hearsay:
 - 1)** *An Opposing Party’s Statement.* The statement is offered against an opposing party and:
 - i)** was made by the party in an individual or representative capacity;
 - ii)** is one the party manifested that it adopted or believed to be true;
 - iii)** was made by a person whom the party authorized to make a statement on the subject; or
 - iv)** was made by the party’s agent or representative on a matter within the scope of that relationship and while it existed.

RULE 7.1. *Exceptions to the Rule Against Hearsay – Regardless of the Declarant’s Availability*

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

- a)** *Present Sense Impression.* A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- b)** *Excited Utterance.* A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- c)** *Then-Existing Mental, Emotional, or Physical Condition.* A statement of the declarant’s then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed.

- d) *Recorded Recollection.* A record that:
 - 1) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
 - 2) was made or adopted by the witness when the matter was fresh in the witness's memory; and
 - 3) accurately reflects the witness's knowledge.
- e) *Records of a Regularly Conducted Activity.* A record of an act, event, condition, opinion, or diagnosis if:
 - 1) the record was made at or near the time by – or from information transmitted by – someone with knowledge;
 - 2) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
 - 3) making the record was a regular practice of that activity;
 - 4) all these conditions are shown by the testimony of the custodian or another qualified witness
 - 5) neither the source of information nor the method or circumstances of preparation indicate a lack of trustworthiness.
- f) *Market Reports and Similar Commercial Publications.* Market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations.
- g) *Statements in Learned Treatises, Periodicals, or Pamphlets.* A statement contained in a treatise, periodical, or pamphlet if:
 - 1) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
 - 2) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.
- h) *Reputation Concerning Character.* A reputation among a person's associates or in the community concerning the person's character.

RULE 7.2. *Exceptions to the Rule Against Hearsay –When the Declarant Is Unavailable as a Witness*

a) *Criteria for Being Unavailable.* A declarant is considered to be unavailable as a witness if the declarant:

- 1) is exempted from testifying about the subject matter of the declarant's statement because the Court rules that a privilege applies;
- 2) testifies to not remembering the subject matter;
- 3) cannot be present or testify at the trial or hearing because of then-existing infirmity, physical illness, or mental illness; or
- 4) is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:

b) *The Exceptions.* The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

1) *Statement Against Interest.* A statement that:

- i) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil liability; and
- ii) is supported by corroborating circumstances that clearly indicate its trustworthiness

2) *Former testimony.* Testimony that:

- i) was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
- ii) is now offered against a party who had – or, in a civil case, whose predecessor in interest had – an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

RULE 7.3. *Attacking and Supporting the Declarant's Credibility*

When a hearsay statement has been admitted in evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The Court may admit evidence of the declarant's inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny

it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

ARTICLE VIII. PRE – TRIAL HEARING PROCEDURES

SECTION I. The Chief Justice, upon request by either party, may grant and set the date of a pretrial hearing so long as:

- a) the request comes less than 24 hours following the end of discovery and;
- b) the requesting party provides a substantive and legitimate reason for calling such hearing.

SECTION II. All motions considered during the pre-trial phase will either be granted or denied by the Court, by majority vote, immediately following the pre-trial hearing. Motions must be formally submitted no later than 12 hours before the pretrial hearing begins and must include substantive reasons for granting the motion. Only the following may be considered during the pre-trial hearing:

- a) Motion(s) to Dismiss
 - 1) Either party may make a Motion to Dismiss specific evidence in the form of an exhibit submitted to the Court during the discovery phase
 - 2) Either party may make a Motion to Dismiss the testimony of a witness
 - 3) The Respondent may make a Motion to Dismiss the case altogether
 - 4) A Motion to Dismiss may pertain to more than one witness or exhibit in a singular motion if:
 - i) the nature of the exhibits or witnesses is substantially similar and;
 - ii) the legal reasoning to dismiss the set of exhibits or witnesses is substantially similar.

b) Motion(s) to Admit

1) A party may make an emergency Motion to Admit specific evidence in the form of an exhibit submitted to the Court. The motioning party must demonstrate that the evidence included in the emergency motion could not have been collected during the period of discovery.

2) A party may make an emergency Motion to Admit witness testimony submitted to the Court and include that witness in the party's Witness List. The motioning party must demonstrate that the evidence included in the emergency motion could not have been collected during the period of discovery.

3) A Motion to Admit may pertain to more than one witness or exhibit in a singular motion if:

i) nature of the exhibits or witnesses is substantially similar and;

ii) the legal reasoning to admit the set of exhibits or witnesses is substantially similar.

SECTION III. Each party will have 15 minutes, split however the party deems appropriate, to present an opening statement and a rebuttal.

a) During opening statements, the motioning party must offer arguments germane only to its motions.

b) Following the rebuttal phase, the Justices will deliberate and upon a majority vote grant or deny each motion brought forth.

SECTION IV. Each party and/or their representative must be in attendance to raise claims against any of the preceding.

ARTICLE IX. APPEAL HEARING PROCEDURES

SECTION I. The failure of the Petitioner or their representative to appear before the Judicial Court without justifiable cause approved by the Court shall terminate their right to appeal. In the event that the Respondent fails to appear at

the oral arguments scheduled by the Court, the Court reserves the right to conduct an ex parte hearing consisting of presentations by the Petitioner alone.

SECTION II. Any current student of Texas A&M University may submit to the Court for any case an Amicus Curiae Brief that outlines the outcome sought by the submitting party and the legal reasoning supporting that outcome.

- a) All briefs, if they are to be utilized, must be submitted to the Chief Justice via email after the appeal for the case has been filed and at least twelve (12) hours before the beginning of oral arguments for the same case.

SECTION III. Each party will have fifteen (15) minutes, split however the party deems appropriate, to present an opening statement and a rebuttal.

- a) Parties are allowed to speak at any point in their argument on their own behalf with or without a JAG representing them.
- b) The first three (3) minutes of each party's argumentation will not be interrupted by judicial questioning.
- c) Each party with witnesses must then call those included in the Witness List when they see fit.
 - 1) Either party may Motion to Sequester witnesses for the appellate hearing. If sequestration is circumstantially permissible, all witnesses to testify will exit the room. When the time arrives, the Bailiff will escort the called witness back into the Courtroom and to the witness stand.
 - 2) The Chief Justice shall issue the following oath to all witnesses immediately before testifying: "Do you swear on your honor as an Aggie to tell the truth, the whole truth, and nothing but the truth?" The proper response is, "I do."
 - 3) A witness may provide two (2) uninterrupted minutes of testimony and one (1) minute of testimony available to judicial questioning. The opposing party to a called witness may exercise their right to then cross examine that witness for a time of two (2) uninterrupted minutes and one (1) minute of cross examination available to judicial questioning.

- 4) Witness testimony and judicial questioning is included in the fifteen (15) minutes allotted for opening statements and rebuttals for the party that has called the witness. If the opposing party wishes to cross examine the witness, the time spent cross examining will be included in the opposing party's allotted fifteen (15) minutes.
- d) After all witnesses have taken the stand and the fifteen (15) minutes of argument time have expired with no further motions to extend time, the hearing shall conclude with both parties providing up to three (3) minutes of uninterrupted closing argumentation.

ARTICLE X. DELIBERATION AND OPINION

SECTION I. Immediately following the conclusion of a hearing, all Justices on the case shall exit to a secluded, private location to begin closed deliberations. Only the Justices who heard the case and SGA advisors may be present during the deliberations. The least tenured sitting Justice shall begin by providing general perceptions and inclinations regarding the case, then the next Justice shall offer the same until the most tenured Justice has spoken. Then, open dialogue among Justices shall occur before a final vote is taken. Voting shall occur from the least tenured Justice to the most tenured Justice.

SECTION II. The most tenured Justice for each opinion shall delegate the responsibility of writing each respective opinion. Individual Justices are able to write or join concurring or dissenting opinions.

SECTION III. Every opinion issued by the Court must bear the signature of each Justice joining the opinion. After approval, a copy of each opinion is to be placed in the Student Government Association Judicial Court permanent file. Similarly, all opinions are to be issued to *The Battalion* for publication, provided to all parties involved, posted on the Judicial Court's official social media(s), and posted on the Judicial Court website. Every opinion receiving at least two (2) votes shall also be posted in the SGA front office, and must be transmitted to the parties involved.

ARTICLE XI. REHEARING PROCEDURES

SECTION I. A Motion to Rehear can be submitted by any student of Texas A&M University and may be entertained if a procedural fault is more likely than not to have occurred. A procedural fault must meet both of the following criteria:

- a) direct contradiction of a previously established procedural mandate and;
- b) such fault unreasonably inhibited the application of Justice.

SECTION II. This motion must be made within seven (7) days of the opinion being posted. The Motion to Rehear shall be heard in a Closed Hearing consisting of at least three (3) Justices who sat on the original case.

- a) Only Justices who heard the original case may sit on the panel and vote on the motion.

SECTION III. The moving party will have ten (10) minutes to substantiate the claim of a procedural fault. No exhibits or witnesses are permitted. Arguments in the Closed Hearing on a Motion to Rehear shall solely be confined to failures to adhere to procedures mandated by the SGA Code.

SECTION IV. If the Motion to Rehear is granted, then the original case shall be declared a mistrial, the original ruling shall be discarded, and the case shall be reheard anew according to the procedures listed in Articles III-VIII in these Bylaws.

ARTICLE XII. OATH OF OFFICE

I (state your name) do solemnly swear (or affirm) to faithfully execute to the best of my ability the duties of the office of (state your office) for the Texas A&M University Student Government Association; to uphold the honor of the same; at all times to protect the welfare of the student body; and to promote good relations between the

students and those concerned with the university; so help me God, under penalty of perjury.

ARTICLE XIII. MEMBERSHIP REQUIREMENTS

SECTION I. All members of the Judicial Court are required to comply with the up-to-date student rules outlined in Texas A&M University Student Rule 41 in regard to GPA, class credits, and academic standing. Failure to remain compliant with Student Rule 41 throughout their term will result in that member's removal from the Judicial Court.

a) A member who has issued an appeal through Student Activities to determine the legitimacy of any probation will not be removed from office until the appeals process is completed and the member is confirmed to not meet the qualifications of office.

SECTION II. For any measures of seniority and tenure relevant in these Bylaws, the Chief Justice and Vice-Chief Justice shall rank first and second, respectively. All other measures of seniority and tenure shall be measured from a Justice's most recent appointment and confirmation.

ARTICLE XIV. INTERNAL PROCEDURES

SECTION I. The Student Government Judicial Court shall convene at the discretion of the Chief Justice in order to conduct business matters.

SECTION II. The Court's official meetings shall be mandatory. Only upon approval by the Chief Justice shall a Justice's absence be excused. Upon accumulating more than three (3) unexcused absences, the Justice in question will only continue to serve on the Court at the discretion of the Chief Justice.

SECTION III. The only officer positions required for the viable functioning of the Court are the Vice-Chief Justice, the Treasurer of the Judicial Court, and the Clerk of the Judicial Court—all of which shall be appointed by the Chief Justice.

a) The Treasurer is required per the Department of Student Activities in order for the Judicial Court to maintain its status as a recognized organization. The Treasurer shall be charged with overseeing the entirety of the Judicial Court's budget for each fiscal year. The responsibilities of this position include but are not limited to making purchases, managing invoices, maintaining inventory of all goods purchased with fiscal funds, and acting as a liaison between the Judicial Court and the Student Government Association Finance Committee.

b) The Clerk is charged with serving as the custodian of all Court records and documents. The responsibilities of this position include but are not limited to transferring hard copies of all Court records and documents to a digital format in order to make them available to the public via the Judicial Court website, maintaining the filing system for all Court records and documents, and delivering Appeals, Writs, Judicial Opinions, or Judicial Orders to the appropriate entities such as *The Battalion*, Student Senate Archives, the parties involved in Court proceedings, and any other entity as ordered by the Chief Justice.

c) Additional officer positions may be created at the discretion of and appointed by the Chief Justice for viable functioning of the Court.

ARTICLE XV. JUDGE ADVOCATES GENERAL

SECTION I. The entire JAG Commission shall include up to six (6) Judge Advocates General (JAG). All Judge Advocates General, including the Chief JAG, shall be appointed by the Chief Justice.

SECTION II. The JAG Commission shall fall under the charge of the Chief Judge Advocate General.

SECTION III. The Vice-Chief Justice shall serve as a liaison to the JAG Commission. The Vice-Chief Justice shall be responsible for leading the selection of the Judge Advocates General and ensuring communication between the Court and the Judge Advocate General Commission. These processes shall be completed in whichever manner the Vice-Chief Justice sees fit.

- a) If there is an experienced JAG on the Commission, a Chief JAG may be appointed. Otherwise, it is not necessary to appoint a Chief JAG as determined by the Chief Justice.
- b) If no Chief JAG is selected, their responsibilities will become those of the Vice-Chief Justice.

SECTION IV. The responsibilities of the Judge Advocates General include performing discovery and research for cases, representing parties, assisting parties, and maintaining impartiality through all elections during the year. All requirements or expectations, be they attendance, supplementary, or academic in nature, that apply to a Justice shall also apply to the Judge Advocates General. So long as they do not resign or get removed, the term for all Judge Advocates General shall be for as long as the corresponding session of the Student Senate.

- a) Each exhibit of evidence shall be numbered and must be accounted for in an appropriately formatted Table of Contents.

SECTION V. Any JAG may be removed by the Chief Justice for cause, provided, however, that should any JAG be actively representing a party before the Judicial Court, that JAG may only be removed by a two-thirds (2/3) vote of the Justices of the Judicial Court present and voting at an announced hearing.

- a)** Reasons for removal include, but are not limited to, a JAG entering as a candidate in an election governed by the Election Commission, consistently not maintaining impartiality throughout elections, and failure to perform duties required for the position.
- b)** Any JAG removed by the Judicial Court may continue to advise and assist any party before the Judicial Court at the discretion of the party, provided that the former JAG comply with all other rules and procedures in the Judicial Branch Bylaws governing the conduct of counsel.

SECTION VI. The position of Chief JAG shall be responsible for the training of newly selected Judge Advocates General and ensuring communication among Judge Advocates General. The Chief JAG will be a communication liaison between the Court and the Judge Advocates General during a hearing, except in the instance of an executive session. If it is determined to select a Chief JAG, the selection must take place before the new JAG selection process. The Chief JAG's tenure shall last as long as the corresponding session of Student Senate.

SECTION VII. The JAG Commission shall have the Senior JAG position. This position shall require the approval of the Chief Justice and Chief JAG and one of the following:

- i) to have been a part of four (4) hearings; or
- ii) three (3) semesters as a JAG

ARTICLE XVI. REMOVAL OF MEMBERS OF JUDICIAL COURT

SECTION I. A complaint concerning an Associate Justice shall be filed by any current student of Texas A&M University to the Chief Justice.

SECTION II. Upon receipt of a complaint, the Chief Justice has one week to convene a performance review committee to consider the matter. The performance review committee shall be made up of the Chief Justice and a quorum of Judicial Court. If the complaint is made by a member of Judicial Court that person shall then forfeit their position in the review process and any subsequent appeal as secondary to their position as the filer of the complaint.

SECTION III. The performance review committee will evaluate the claim and may remove an individual from Judicial Court if it can be shown beyond a reasonable doubt that any of the following are true:

- a) The accused individual has shown gross negligence in their duties as outlined in the SGA constitution.
- b) The accused individual has shown gross negligence in their duties as outlined in the Judicial Court Bylaws.
- c) The accused individual has violated the Aggie Honor Code or engaged in egregious abuse of their position in Judicial Court.

SECTION IV. A two-thirds (2/3) majority vote of the performance review committee will be required to remove any individual from Judicial Court or from their officer position. In the case of a complaint concerning an officer's job performance, the performance review committee may allow the individual to resign from their office without being removed as an Associate Justice.

SECTION V. Following the impeachment of the Chief Justice by the Student Senate, the Vice-Chief Justice will assume the position of Chief Justice, until a new Chief Justice has been confirmed.

SECTION VI. A Justice who has issued an appeal through any of the means mentioned above to determine the legitimacy of removal will not have their seat

filled until the appeals process is completed and the Justice is confirmed to not meet the qualifications of office.

SECTION VII. If any JAG has been deemed unfit for office by any Justice, they may request to the Chief Justice that they be removed. If no action is taken by the Chief Justice, a Justice may move for a vote. A vote of two-thirds (2/3) of Justices in a meeting with quorum shall be deemed sufficient to remove a JAG.

SECTION VIII. If any Justice shall enter as a candidate for a position within SGA in an election that is governed by the Texas A&M Election Commission, they shall effectively resign their position of Justice at the time of registering to run. If, after losing, the former Justice desires to return to the Court, they must go through the process of nomination by the Student Body President and confirmation by the Student Senate set forth in the constitution.

ARTICLE XVII. JUDICIAL INDEPENDENCE

SECTION I. No member of the Judicial Court may endorse any candidates running in elections under the jurisdiction of the Student Government Association Election Commission.

- a)** Members shall not participate in any campaign activities pertaining to elections under the jurisdiction of the Election Commission.
- b)** The definition of “campaign activities” shall include all definitions outlined in the Election Regulations (V S.G.A.C. §601), in addition to any actions, including those on the internet, that are intended to solicit votes for a candidate.

SECTION II. Members in violation of Section I of ARTICLE XVIII. JUDICIAL INDEPENDENCE may be subject to removal at the discretion of the Chief Justice.

ARTICLE XVIII. THE SEALS OF THE JUDICIAL BRANCH

SECTION I. ***Purpose.*** The seals of the Judicial Branch serve to improve identification and increase awareness of the Judicial Branch image.

SECTION II. ***Eligibility.*** The seals shall only be available for the Judicial Court and any offices therein.

- a)** Offices within the Judicial Court may utilize seals, but are under no obligation to have them.

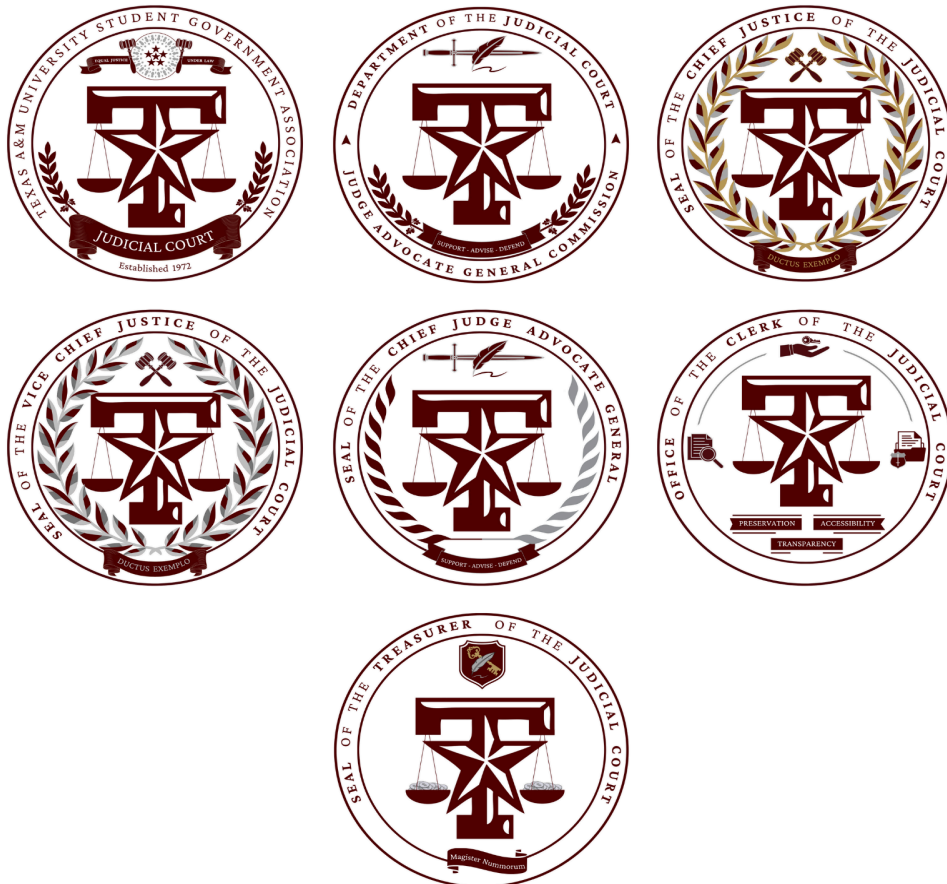
SECTION III. ***Image Continuity.*** To ensure the Judicial Branch maintains a consistent brand image, the following rules for the seals shall apply:

- a)** The seals of the Judicial Court shall only be used to conduct official business related to that seal’s purpose.

- 1) Seals can only be used by the individuals who are affiliated with the seal's entity or hold the seal's respective title of office.
- b) When using the seal to conduct official business, the image of the seal shall be scaled proportionally to avoid image distortion. Additionally, the seals may not be modified or have elements removed from those of the official seals provided within SECTION IV of this article.
- c) The implementation of a new seal or the removal of an existing seal must be approved by two-thirds (2/3) of the Justices of the Judicial Court.
- d) The modification of an existing seal must be approved by two-thirds (2/3) of the Justices of the Judicial Court.

SECTION IV. *The Seals.* The current images of the seals of the Judicial Court are contained within this section and bear the name of their respective entity or office.

- a) This section shall be updated accordingly to reflect the new addition, modification, or removal of a seal.



ARTICLE XIX. JUDICIAL BRANCH BYLAW AMENDMENTS

SECTION I. Amendments to the Judicial Court Bylaws shall be voted on and approved by a two-thirds (2/3) vote of a quorum of Judicial Court.

a) Judge Advocates General may only vote when amendments to the Judicial Court Bylaws concern ARTICLE XV.

SECTION II. A revision date shall be implemented in the Bylaws. No votes shall be necessary to change the revision date directly. The date shall reflect the same date in which the last time the Judicial Court Bylaws were amended.

SECTION III. In order to provide consistent formatting for the Bylaws, the Chief Justice, at their discretion, can change the formatting of the Bylaws at any time.

END OF DOCUMENT
