



UTEP STUDENT GOVERNMENT ASSOCIATION

SUPREME COURT PROCEDURES

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ARTICLE 1: GENERAL STATEMENTS

SECTION 1: The Judicial Branch of the Student Government Association of the University of Texas at El Paso was established by the Constitution of the Student Government Association, hereinafter referred to as the Constitution, as a separate and equal branch of the Student Government Association. It consists of the Supreme Court and such inferior Courts as may be established by the Student Government Association Senate.

SECTION 2: The Supreme Court is to consist of an odd number of Justices determined by the UTEP SGA Constitution and/or the UTEP SGA Senate. Under the Constitution, the Justices shall be appointed by the Student Application Review Committee and/or the President and approved by the Senate from the students who submit applications. Length of terms served by the Justices and methods of removing Justices are specified in the Constitution and/or SGA Bylaws.

SECTION 3: The Constitution empowers the Supreme Court to hear, interpret, and decide a variety of matters based on original and appellate jurisdiction. In matters where the Supreme Court has jurisdiction to determine a matter, the Court's decisions, opinions, and orders are the final authority on the matter. The Court exercises appellate jurisdiction only when reviewing decisions issued by a separate entity of the Student Government Association or a separate University-recognized authority. In such cases, a party may appeal that external decision to the Supreme Court for review. When the original decision is issued by the Supreme Court itself, the matter is not subject to appeal. Because the Supreme Court functions as the sole judicial body—serving the roles of trial, appellate, and Supreme Court—no higher tribunal exists to hear an appeal. Accordingly, decisions of the Supreme Court may only be revisited through a Motion to Reconsider or a Motion to Reopen, which allows the Court to review its own ruling under limited, procedurally defined circumstances. Only the Court may refer a case to the UTEP SGA Senior Coordinator and/or the UTEP SGA Advisor and/or Dean of Students.

SECTION 4: All procedures of the Supreme Court shall conform to and be consistent with sound judicial procedure and ensure that all fundamental rights are guaranteed to every student at The University of Texas at El Paso.

SECTION 5: All meetings of the Supreme Court are subject to the quorum requirements; if a quorum is not met for any hearing or meeting, no official business may be conducted. Quorum requirements are specified in the *UTEP SGA Supreme Court Guidelines for Administrative Sessions Decorum*.

ARTICLE 2: JURISDICTION

SECTION 1: The Supreme Court acknowledges that it does not have jurisdiction to adjudicate all cases. Cases that involve students, as individuals or in groups, and SGA-related administrative policies generally fall within the jurisdiction of the Supreme Court. Because jurisdiction is not always clear on the face of a matter, the Supreme Court shall

review all submitted petitions and accompanying materials during an Administrative Session. At this session, the Court will determine whether the matter falls within its constitutional or statutory authority. Following this review, the Court shall decide by simple majority vote whether to accept the case for hearing. Acceptance of a case constitutes a formal determination that the Court has jurisdiction to adjudicate the matter. If the Court declines to hear the case, the petition is dismissed for lack of jurisdiction or failure to meet the requirements for review.

SECTION 2: The Supreme Court retains the authority to determine its own jurisdiction based on the facts of each case. Jurisdiction shall be resolved before any other actions are taken. Once jurisdiction is established, all subsequent decisions, opinions, and orders of the Court shall be binding on all parties.

SECTION 3: Original jurisdiction gives the Supreme Court the right to hear a case immediately when involving matters of the Constitution, Bylaws, and all Legislation enacted by the Senate; regulations within the jurisdiction of the Student Government Association; and any other case referred to the Court by the Senate.

SECTION 4: The Supreme Court also has appellate jurisdiction to hear and resolve appeals from any recognized UTEP entity, as determined by the Supreme Court.

SECTION 5: If the Justices decide by a simple majority vote that the Court has no jurisdiction to determine a matter, the Court may issue an advisory opinion that shall not be binding on the Parties.

ARTICLE 3: DEFINITIONS

SECTION 1: Unless otherwise stated in this governing document, any terms used in the Supreme Court Procedures shall be interpreted according to *Black's Law Dictionary*.

SECTION 2: Quorum and Majority - A simple majority of the total number of seats on the Supreme Court constitutes a quorum. For a five-member Court, quorum is met when at least three Justices are present. Once quorum is established, all actions of the Court are decided by a simple majority of the Justices present and voting. For example, if three Justices are present, two affirmative votes constitute a majority and are sufficient to adopt a motion, order, or decision.

- A. These definitions restate and clarify standards already established in the Supreme Court Administrative Session Guidelines, the Constitution, and the Bylaws. They are included here for ease of reference and to ensure consistent understanding of quorum, voting thresholds, and procedural requirements."

ARTICLE 4: QUALIFICATIONS TO BE A JUSTICE OF THE COURT

SECTION 1: To qualify, a Justice must:

- A. Be enrolled in at least 12 credit hours (undergrad), completing ≥ 9 per term, or enrolled in 9 (grad), completing ≥ 6 per term;

- B. Not be on academic probation;
- C. Maintain a minimum GPA of 2.50;
- D. Become formally appointed by the Student Application Review Committee and/or the President and be confirmed by the Senate.
- E. Once seated, the Justice must maintain a 2.50 GPA for two (2) semesters, including the semester of appointment.

SECTION 2: The SGA Senate has the sole power to impeach and convict a Justice for intentional violations of these Procedures, excessive absences, or conduct that adversely affects the Court's reputation. Impeachment trials shall be presided over by the Supreme Court Chief Justice. If the alleged Respondent of an impeachment is a Judicial Branch member, the Vice-President of Internal Affairs presides over that hearing. Conviction requires a two-thirds roll-call vote of the Senate.

ARTICLE 5: CHIEF JUSTICE RESPONSIBILITIES

SECTION 1: The Chief Justice shall serve as the leader of the Supreme Court, presiding over all its operations, guiding deliberations, and ensuring that the Court fulfills its responsibilities with fairness and transparency. The duties of a Supreme Court Justice shall include: To be well versed on the Student Government Association Constitution, Bylaws, Court Procedures, Rules and Regulations of the U.T. System, and any other document that is of importance to the Court.

SECTION 2: The Chief Justice shall advise the Attorney General, the Senior Coordinator, the SGA Advisor, the Executive Officers, and the leaders of the Senate on major decisions or updates as deemed necessary to ensure transparency, coordination, and the effective administration of Student Government Association affairs. The Chief Justice shall be responsible for communicating Court decisions, updates, and procedural changes to the Student Government Association and the student body in a timely and transparent manner.

SECTION 3: The Chief Justice shall be responsible for maintaining all official records of the Supreme Court, including but not limited to agendas, minutes, governing documents of the Court, election-related documents when acting as an election commissioner, decisions and verdicts, written opinions, and the official Supreme Court email account. The Chief Justice shall ensure that such records are accurate, organized, and accessible to authorized parties as required.

SECTION 4: The Chief Justice shall serve as a voting member in all decisions of the Supreme Court, exercising one vote equal to that of the Associate Judges.

SECTION 5: The Chief Justice may assign responsibilities to the Court and Associate Judges as necessary and may also delegate duties to other secretaries and/or entities when appropriate to ensure the effective administration of the Court.

SECTION 6: The Chief Justice may be assigned tasks and/or advised by the Executive Officers, the Senate, the Senior Coordinator, the SGA Advisor, and/or the Dean of Students. The Supreme Court may expand on these responsibilities as deemed necessary. As always, the Chief Justice is to abide by the responsibilities and duties outlined in the SGA Constitution, Bylaws, and relevant governing documents.

SECTION 7: The Chief Justice shall oversee the orientation and training of Associate Judges and other Court officers to ensure familiarity with governing documents, procedures, and responsibilities.

SECTION 8: In the absence of the Chief Justice, the Chief Justice *Pro Tempore* shall assume the above-listed responsibilities without delay.

ARTICLE 6: ASSOCIATE JUSTICE RESPONSIBILITIES

SECTION 1: Associate Justices shall serve as members of the Supreme Court, participating fully in deliberations and ensuring that the Court fulfills its responsibilities with fairness and transparency.

SECTION 2: Associate Justices shall advise the Chief Justice, the Attorney General, the Senior Coordinator, the SGA Advisor, the Executive Officers, and the leaders of the Senate on matters as requested or deemed necessary to promote transparency, coordination, and the effective administration of Student Government Association affairs.

SECTION 3: Associate Justices shall assist in maintaining official records of the Supreme Court, including agendas, minutes, governing documents, election-related documents, decisions and verdicts, written opinions, and other materials as directed by the Chief Justice.

SECTION 4: Associate Justices shall serve as voting members in all decisions of the Supreme Court, each exercising one vote equal to that of the Chief Justice.

SECTION 5: Associate Justices shall perform responsibilities assigned by the Chief Justice, and may also assist secretaries and/or other entities when appropriate to ensure the effective administration of the Court.

SECTION 6: Associate Justices may be assigned tasks and/or advised by the Executive Officers, the Senate, the Senior Coordinator, the SGA Advisor, and/or the Dean of Students, consistent with the responsibilities of the Court. As always, Associate Justices are to abide by the responsibilities and duties outlined in the SGA Constitution, Bylaws, and relevant governing documents.

SECTION 7: Associate Justices shall participate in orientation and training overseen by the Chief Justice to ensure familiarity with governing documents, procedures, and responsibilities.

ARTICLE 7: ATTORNEY GENERAL RESPONSIBILITIES

SECTION 1: The Attorney General is responsible for ensuring that all members of the Judicial Branch uphold and adhere to the Supreme Court Procedures, the SGA Constitution, and the SGA Bylaws.

SECTION 2: The Attorney General shall serve as the legal representative for SGA Judicial Affairs and disputes.

SECTION 3: The Attorney General may serve as prosecutor on behalf of the Student Government Association.

SECTION 4: The Attorney General may serve as an advisor to the Supreme Court during the deliberation of all hearings and proceedings where a ruling or legal interpretation is required so long as the Attorney General is not a member of any party of said case.

A. The Attorney General shall not be present while the Justices cast their final votes/decisions.

SECTION 5: The Attorney General shall maintain open communication and professional collaboration with the Supreme Court Justices and all members of the Judicial Branch to ensure efficiency and integrity of the Judicial System.

SECTION 6: The Attorney General shall possess the authority to initiate the removal process for any member of the Judicial Branch who fails to fulfill their prescribed duties. This process shall commence by the Attorney General formally notifying the parties required by the UTEP SGA Constitution and Bylaws and the process shall reflect the procedures outlined in the same governing documents.

SECTION 7: The Attorney General shall have the authority to sit in on all interviews conducted for the appointment of new Supreme Court Justices and other members of the Judicial Branch, serving as an advisor to the interview panel to ensure compliance with constitutional, procedural, and ethical requirements.

SECTION 8: These are the Attorney General's duties and responsibilities as they relate to the Supreme Court and its procedures. For information on SGA-wide duties and responsibilities of the Attorney General, consult the SGA Constitution and Bylaws.

ARTICLE 8: BRINGING A CASE BEFORE THE COURT

SECTION 1: A case may be brought before the Court by petition of a party or by referral from the Senate of the Student Government Association or office of the University.

SECTION 2: Any party may petition the Supreme Court for a hearing except:

A. If such a petition creates a double jeopardy (i.e. conflict for a party whose case has

been previously ruled on by the Court and a final decision has been made).

- B. When the petitioner is neither a student, a recognized student group, nor an authorized University representative. In that case, the case shall be heard only if the Respondent is a student or student group and student interests are a major component of the case.
- C. In a case brought to the Supreme Court involving a University employee.

SECTION 3: The party who wishes to bring the case must begin by filing a petition. Petition forms shall be available at the UTEP SGA Office and other locations designated by the Chief Justice of the Supreme Court. An online version of the Petition shall also be made available on the UTEP SGA website for downloading. The Petition must be completed in its entirety; otherwise, it may be rejected. After completing the petition, the petitioner must submit the petition to the Court via email at sgasupremecourt@utep.edu, unless otherwise allowed or indicated by the Court. **All parties must be included in all filings, submissions, and related communications.**

SECTION 4: All petitions submitted to the Supreme Court email inbox shall be reviewed for completeness exclusively by the Judicial Assistant. In the absence of a Judicial Assistant, the Senior Coordinator shall perform this review. No Justice shall conduct, participate in, or interfere with the preliminary review of any petition. Upon determining that a petition is complete and properly submitted, the Judicial Assistant or Senior Coordinator shall sign and date the petition to certify its completeness. The Judicial Assistant or Senior Coordinator shall then issue an official Filing Acceptance by replying-all to the original submission email, attaching the signed petition, and stating that the filing has been accepted. Filing Acceptance signifies only that the petition has been properly filed and cleared for Administrative Session review; it does not constitute a determination of jurisdiction or a decision to grant review. Justices shall take no action on any petition until the Filing Acceptance has been issued.

SECTION 5: After a petition has received Filing Acceptance from the Judicial Assistant or Senior Coordinator, the Supreme Court shall consider the petition at its next regularly scheduled weekly Administrative Session. At this session, the Court shall determine whether it has jurisdiction pursuant to Article 2, Section 5. Following this determination, the Court shall vote by simple majority to grant or deny review.

- A. If the Court grants review, the Court shall issue a Notice of Granted Review to all parties within thirty-six (36) hours. The Notice shall include the briefing schedule and any additional procedural directives.
- B. If the Court declines to hear the case, the Court shall issue a Notice of Denial of Review within thirty-six (36) hours, stating that the petition has been dismissed for lack of jurisdiction or failure to meet the requirements for review.

SECTION 6: Upon receipt of the Notice of Granted Review, both the Petitioner and Respondent shall file written briefs within seven (7) calendar days. Briefs shall be submitted electronically to the Supreme Court email, and **all parties must be included in all filings, submissions, and related communications.** Because all parties have access to the filed petition, no party may introduce new

claims, substantially different arguments, or materially expanded requests for relief in their brief that were not reasonably contained within the petition or the record as filed. Both briefs are required submissions. Untimely briefs shall not be considered unless the Court grants leave for late filing upon a showing of good cause.

- A. If an SGA Prosecutor or Public Defender is appointed to said case, they shall be responsible for drafting said briefs on behalf of their respective party.

SECTION 7: The SGA Senate may refer a matter before the Supreme Court by passing a resolution under standard Senate procedures that expressly refers the matter to the Supreme Court.

ARTICLE 9: EMERGENCY HEARING

SECTION 1: Upon receiving the petition in the manner prescribed by Article 8 and after the Court has issued its Notice of Granted Emergency Review, the Chief Justice shall promptly:

- A. Appoint an odd-numbered panel of Justices to preside over the preliminary hearing, consisting of one Presiding Justice and an appropriate number of Associate Justices. The panel shall include no fewer than three Justices.
- B. Consult with the panel and all parties involved to schedule the hearing, preferably within 48 hours; if not feasible, schedule as soon as reasonably possible.
- C. Notify all parties, including the SGA Senior Coordinator and Advisor, of the hearing details and provide a brief description of the subject matter.
- D. **DUE TO THE CASE'S EXPEDITED PROCESS, THE PETITIONER AND RESPONDENT WAIVE THEIR RIGHT TO THE FILING OF A BRIEF;** the Court shall conduct its review with the filed Petition alone.

SECTION 2: Each of the parties at the hearing shall have the following responsibilities:

- A. The Judicial Assistant, if any, shall be responsible for keeping an accurate record of the proceedings and other duties as the Chief Justice might deem necessary and reasonable. If not available, an audio record shall be taken.
- B. The Chief Justice shall be responsible for stating the purpose and procedure of the hearing for the record and for all present, hearing all evidence and arguments, ruling on procedural questions, issuing temporary orders necessary to prevent prejudice from delay, determining additional entities/individuals to be notified if the case proceeds, and voting on all issues presented.
- C. The Associate Justices shall be responsible for hearing all evidence and arguments, advising the Chief Justice as requested, voting on all issues presented, and performing other reasonable duties as directed.

SECTION 4: At the appointed place and time, the emergency hearing shall proceed as

follows:

- A. Upon determining relevant information about all interested parties and that all are present, the Judicial Assistant shall begin recording the proceedings.
- B. The Chief Justice will announce that all parties are present and that the hearing is thereby convened, announce the names of the Justices and the Judicial Assistant, the name of the organization(s), if any, that is represented at the hearing, the name of the party, parties or entity that has brought the matter before the Court, and the names and affiliations of any other individuals which they might deem to be appropriate for the record.
- C. The Chief Justice will inform all interested parties of their rights and responsibilities as listed in the Petition for Hearing.
- D. If any preliminary matters need attention, the Chief Justice shall address them prior to the commencement of the hearing.
- E. Each of the parties shall be responsible for ensuring that evidence and arguments to be used during the hearing are available and are presented in a timely manner within the framework of the hearing. Failure of either party to arrive prepared at the Court may result in an adverse finding by the Court. Parties are only limited to presenting evidence stipulated in their filed/accepted Petition for Hearing. No introduction of new evidence will be granted for emergency hearings.
- F. Each of the parties shall be responsible for the selection of one individual to make a presentation of the case for its side and ensure that the presentation made by the selected individual follows the prescribed hearing procedure. No verbal testimony or formal summons will be granted for emergency hearings.
- G. The Chief Justice will direct the petitioning party to present their case.
- H. After the petitioning party presents its case, the Chief Justice may, at their discretion, recognize any other party desiring to speak for or against the issue. Also, at their time, any Justice may question the petitioning party or any other party who has spoken to any problem.
- I. When all arguments have been made, the Chief Justice may issue any temporary orders deemed necessary to preserve fairness or procedural integrity, deliver a Summary Judgment ruling, if appropriate under the circumstances, issue any required notifications or updates to involved parties, and/or adjourn the hearing, unless the matter warrants immediate continuation.

SECTION 5: After a period of time to be determined by the Presiding Justice, but preferably immediately following the proceeding, , the Presiding Justice will enter deliberation with the other Justices assigned to the case. . Only the sitting Justices may be present unless the Court authorizes otherwise. The Presiding Justice shall be responsible for establishing any procedure or routine to be used in deliberation.

SECTION 6: Upon the conclusion of deliberations, the Court shall proceed to final voting. All voting sessions are closed to individuals who are not sitting Justices. Each Justice shall be allotted one (1) minute to offer any final remarks. Immediately upon the

expiration of the allotted time, the Justice shall cast their vote. The sequence shall proceed in numerical order of seniority or designation:

- **Justice 1:** One minute for final remarks, followed by vote.
- **Justice 2:** One minute for final remarks, followed by vote.
- **Justice 3:** One minute for final remarks, followed by vote.
- *And so forth until all Justices have voted.*

No additional discussion shall be permitted once the voting sequence has commenced.

SECTION 6: Only the appointed hearing Justices may vote on any issue, but they may consult their fellow Justices for advice.

SECTION 7: Following the Court's vote, the Presiding Justice shall prepare a written Notice of Judgement and forward it to all affiliated parties. The Notice of Judgement shall be recorded in the Book of Judicial Decisions. Opinions shall be delivered to all parties as specified in Article 15.

SECTION 8: Parties may file the appropriate motions within a reasonable time in accordance with the filing procedures listed in these procedures.

ARTICLE 10: FULL HEARING

SECTION 1: The purpose of a full hearing is to provide a complete and formal review of the case, during which the Supreme Court receives all arguments, examines admissible evidence, rules on procedural questions, deliberates on the facts and governing documents, and issues a final decision, verdict, or opinion under the appropriate category. The sections outlined under *Article 9* that are applicable shall be followed in the conduct of a Full Hearing.

SECTION 2: All parties shall be responsible for providing a full list of witnesses and exhibits that they will bring forth during trial no later than seven (7) calendar days before trial to the Supreme Court. The Supreme Court reserves the right to summon any SGA student to testify in a case. The Supreme Court also reserves the right to deny any witness or exhibit produced by any party. See Article 13 for more details.

SECTION 3: At the appointed place and time, the hearing shall proceed as follows:

- A. The Chief Justice shall call the matter and inquire whether the parties are prepared to proceed.
- B. Upon confirmation, the parties may raise preliminary matters, subject to the Chief Justice's discretion, solely to facilitate the orderly conduct of the proceeding.
- C. Opening statements shall be limited to fifteen (15) minutes per party, with the Petitioner presenting first, followed by the Respondent.
- D. The Petitioner shall present their case-in-chief:

- A. Direct examination of each witness shall be limited to ten (10) minutes.
- B. Cross-examination by the Respondent shall be limited to ten (10) minutes.
- C. Redirection examination by the Petitioner shall be limited to five (5) minutes.
- D. Re-cross examination by the Respondent shall be limited to five (5) minutes, confined to the scope of re-direct.
- E. Exhibits may be introduced only by a witness who can attest to their authenticity and relevance, unless both parties stipulate to their admission and the Chief Justice approves.
- E. Upon conclusion of the Petitioner's case, the Respondent shall present their case-in-chief:
 - A. Direct examination of witnesses shall be limited to ten (10) minutes.
 - B. Cross-examination by the Petitioner shall be limited to ten (10) minutes.
 - C. Redirection examination by the Respondent shall be limited to five (5) minutes.
 - D. Re-cross examination by the Petitioner shall be limited to five (5) minutes, confined to the scope of re-direct.
 - E. Exhibits may be introduced only by a witness who can attest to their authenticity and relevance, unless both parties stipulate to their admission and the Chief Justice approves.
 - F. Closing statements shall be limited to fifteen (15) minutes per party, with the Petitioner presenting first, followed by the Respondent.
 - G. The Petitioner may request a rebuttal following the Respondent's closing statement; however, any time used for rebuttal must be taken from the fifteen (15) minutes allotted for closing arguments.
 - H. Following the close of both parties' cases, the Court shall deliberate and issue a final decision, verdict, or opinion under the appropriate category.

ARTICLE 11: DUE PROCESS, NOTIFICATIONS, AND MOTIONS

SECTION 1: A motion is a party's request that the Court take a specific action. Parties may submit written or oral motions to the Court. The Court may rule on the motion based on the moving party's stated reasons without the opposing party's response or further argument. Motions are decided by a simple majority of sitting Justices participating in the matter. An electronic copy of the Motion must be provided to the Court and the opposing party when made. The Court shall rule on the filed motion within 24 hours of its filing and will issue a notification without delay. The Court may also rule on Motions made orally during Court proceedings. Recognized motions include but are not limited to:

- A. **Continuance:** Any party—or any Justice—may move to continue the hearing for good cause, including: substitution of counsel; unavoidable absence of a litigant; insufficient preparation time; lack of a duly summoned necessary witness; absence of the SGA Secretary to record proceedings; or the Respondent's failure to appear when called. A Justice of the Court may make an oral motion for continuance

without having to file as mentioned above.

- B. **Recess:** Either party to a trial may make a motion for a recess. A motion for recess during the case presentation, case rebuttal, or penalty arguments can be made only by the party presenting such. At no time will the Court allow any party to file a motion during the summation of a case. A Justice of the Court, for sufficient cause or out of necessity, may make a motion for a recess at any time during the trial. The motion made by a justice should not interrupt either a case presentation, case rebuttal, case summation, penalty, or penalty arguments. These motions are made orally after the trial has commenced. Sufficient criteria shall include reasons such as fatigue (i.e., because of the length of time in the presentation of a case), the need for additional time to prepare a summation, and the necessity for taking the Justices of the Court to a place where a particular item of evidence is located. Normally, a recess shall be brief, i.e., lasting no more than an hour. If a recess is granted, the Chief Justice must specify the date/time and place for the Court's reconvening. All Justices of the Court, parties concerned, and any witness(es) must be in the courtroom when the recess is over.
- C. **Mistrial:** Either party may move for a mistrial after proceedings begin and before a verdict based on material procedural error or failure to follow Court rules. If granted, no judgment is entered; the case is placed on the docket for a new trial. The Court shall issue written notice of the latest trial's date, time, and place to all parties and witnesses.
- D. **Retrial:** After judgment, either party may request a retrial for sufficient cause. A Justice may seek a retrial only through an appeal petition mechanism. A retrial occurs before the same court that heard the original case; prior verdict and sanctions are set aside. Parties may present the previous case or introduce newly discovered evidence. Requesting/rejecting a retrial does not waive appeal rights. Any petition of appeal must be filed within 48 hours of the denial of retrial or, if granted, within 48 hours of the final judgment.
- E. **Default Judgment:** If the Respondent fails to appear to trial within a timely manner, the Court may enter default judgment for the Petitioner if administratively requested, except in constitutional matters, which require adjudication on the merits.
- F. **Summary Judgement:** Before the presentation of evidence at trial, either party may move for summary judgment. The Court may grant the motion if the materials before it demonstrates, by a preponderance of evidence, that the moving party is entitled to judgment as a matter of law.
- G. **Severance of Issues:** When multiple issues are joined, the Court may sever any issue(s) to avoid confusion or prejudice, or when findings on one issue are a prerequisite to others. Such rulings are interlocutory and not appealable until final judgment. When severable actions are joined, the Court may order separate trials to avoid confusion or prejudice, or where a finding in one action is a prerequisite to another. A finding in a separately tried action constitutes final judgment when rendered.

SECTION 2: In a Punitive procedure, the only permissible verdicts are “Guilty” or “Not Guilty.” Each Justice must be present to cast one vote. Each present Justice must vote. The Chief Justice reconvenes the open session and announces the verdict. The Chief Justice then confers with the SGA Secretary to enter the verdict in the Book of Judicial Decisions, with the date, time, and signatures of the SGA Secretary and the Chief Justice.

SECTION 3: In Civil procedure, verdicts shall be “For the Petitioner” or “For the Respondent.” Each Justice must be present to cast one vote. Each present Justice must vote. The Chief Justice then confers with the SGA Secretary to enter the verdict in the Book of Judicial Decisions, with the date, time, and signatures of the SGA Secretary and the Chief Justice.

ARTICLE 12: PETITION FOR TEMPORARY INJUNCTIONS

SECTION 1: A temporary (preliminary) injunction restrains or compels specific acts during pending proceedings seeking permanent or temporary relief. The Court may temporarily command or prohibit acts where necessary to preserve rights or prevent harm, pending final adjudication.

SECTION 2: All requests for a temporary injunction case are filed accordingly in the Original Petition for Hearing, along with a statement of reason for the request. Said petition shall contain an accurate description of the names of the alleged infraction(s), a concise description of the infraction(s), and the signature(s) of the party(ies) and the specific relief sought.

SECTION 3: Deliberations on injunctions are held at the same time the Court meets to determine whether or not to accept the Original Petition for Hearing. If granted, the Court shall inform all parties to include the SGA Senior Coordinator and ~~for~~ Advisor when contacting parties about emergency hearing matters.

ARTICLE 13: FORMAL SUMMONS

SECTION 1: A formal summons is a process to command a witness to appear and give testimony, commanding them to lay aside all pretense and excuses, and appear before a Court therein named at the time therein mentioned to testify for the party named under a penalty.

SECTION 2: At least seven (7) days prior to the date of the trial, either the Court or the party(ies) to the Court action may present a written summons list to the Supreme Court containing the name(s) of person(s) or external documentation of evidence which will be necessary for the presentation of a case. The Court will deliberate whether to issue a formal summons to the requested names.

SECTION 3: The Court shall possess the power to summon any SGA student witness(es) necessary to expedite completion of its cases. Any SGA student who refuses to comply with a court summons may be held in direct contempt of court. UTEP students and faculty requested to testify will be invited to appear at their own discretion. No formal summons may be issued if not from the Court.

SECTION 4: Any witness who is summoned shall be notified by an email notice from the Court at least five (5) days prior to the date of the trial, as determined by the postmark date of the notice of the date/time/place for the trial. Their notification shall warn the applicable student(s) that failure to appear before the Court at the designated time may subject the student(s) to disciplinary action by the Court. The SGA Advisor and SGA Senior Coordinator shall be furnished with a list of students to be summoned.

SECTION 5: The summoned witness(es) must be present in the courtroom when the title of the case is read aloud. The summoned witness(es) shall not leave the courtroom without the permission of the Court.

ARTICLE 14: CONTEMPT OF COURT AND PERJURY

SECTION 1: Contempt of court is the punishable act of showing disrespect to the authority or dignity of a court by disobedience, unruliness, etc. Contempt of court will be defined for the Student Government Association Supreme Court as follows:

- A. Not being at the appointed place or time of the trial.
- B. Showing disrespect towards any Justice during their acting capacity.

SECTION 2: Perjury is defined as the willful presentation of erroneous or misleading information to the Court.

SECTION 3: The Court may issue community service ranging from a minimum of ten (10) hours to a maximum as determined by the Court to rectify any of the transgressions.

ARTICLE 15: PUBLISHING VERDICTS

SECTION 1: Upon the conclusion of deliberation, the Chief Justice, or the Presiding Justice if the Chief Justice is not presiding over the case, shall review all opinions and issue (or cause to be issued) the written decision of the Court.

SECTION 2: If the Chief or Presiding Justice is in the majority, the Chief or Presiding Justice may author the majority opinion. If the Chief or Presiding Justice is not in the majority, the Chief or Presiding Justice shall designate a Justice in the majority to author the opinion. Any assigned author may seek assistance from other Justices, the SGA Senior Coordinator or Advisor, and/or the SGA Attorney General.

SECTION 3: The written decision shall state the judgment, summarize holdings, and explain the reasons supporting the Court’s decision.

SECTION 4: Upon completion, the author shall deliver the opinion to members of the Court for proofreading and final typing. After finalization, the Court shall distribute the decision per procedure (SGA Advisor, all Justices, Attorney General, and/or any additional authorized parties) and enter the official verdict in the Book of Judicial Decisions.

SECTION 5: Any Justice in the minority may file a written dissent; the Court shall type and enter it in the Book of Judicial Decisions attached to the Majority Opinions.

ARTICLE 16: VACANCIES AND ADMINISTRATIVE SESSIONS

SECTION 1: Upon a vacancy in the Chief Justice or Pro-Tempore position, the Court shall convene within one (1) week to elect a replacement. The meeting is called by, in order of precedence:

- A. The Chief Justice (if serving);
- B. The Pro-Tempore (if serving);
- C. The Justice with the longest continuous service

SECTION 2: Election Procedures shall be as follows:

- A. The convening Justice chairs and opens nominations.
- B. Any Justice with at least one full non-summer semester of service may be a candidate; if none meet this, any Justice may stand.
- C. Paper ballots are issued; each Justice votes for one announced candidate.
- D. Ballots are sealed and tallied in private.
- E. No discussion occurs during voting or tallying.
- F. A two-thirds vote of all serving Justices fills the vacancy.
- G. An announcement is made on whether any candidate received the required two-thirds vote. If yes, the winner is announced. If no, a brief discussion may occur; then repeat from SECTION 2 (A-F).
- H. If after five (5) ballots no candidate attains two-thirds, the Presiding Justice invites withdrawals and/or new declarations; the process restarts for up to five (5) additional ballots, or until a candidate is elected. If still unresolved, the acting Pro-Tempore shall call a new election within 30 days, proceeding under the same rules above.

SECTION 3: The Court shall meet at least weekly during the Fall and Spring semesters (a minimum of 4 times per month). Summer meetings occur at the Chief Justice’s discretion.

ARTICLE 17: AMENDING THESE PROCEDURES

SECTION 1: These Procedures can be amended at any time by the Court with a simple majority vote. Changes or additions to these procedures must be discussed at an Administrative Session and/or a paper meeting. Issues concerning modifications or additions cannot be passed until the next official meeting.