

**THE JUDICIARY OF THE STUDENT BAR ASSOCIATION
OF THE WILLIAM S. RICHARDSON SCHOOL OF LAW**

IT IS ORDERED that the Judiciary Policies, having been subject to public comment from the Student Bar Association, are HEREBY PROMULGATED. The Judiciary Policies are published in full below.

The Policies shall become effective immediately.

/s/ Thomas J. Michener
Chief Justice

/s/ Andy L. Kiyuna
Justice

/s/ Dwane I. Tegman
Justice

/s/ Benjamin J. Krebs
Justice

September 6, 2016

Judiciary Policies

Cite as JP § ____ (2016).

1. Definitions

As used in the Policies, unless otherwise indicated:

“PDF” means portable document format.

2. Judiciary Policies

- 2-1. These shall be the policies of the Judiciary of the Student Bar Association of the William S. Richardson School of Law. The Policies shall guide the Judiciary in carrying out its duties.
- 2-2. The adoption of or alterations or additions to the Policies must be subject to comment by the SBA and approved by the Judiciary before promulgation via order.

3. The Chief Justice

- 3-1. Selection; Vacancies.
 - (a) Selection. The Judiciary shall select from among its members, a Justice to serve as Chief Justice. The Judiciary may select a Chief Justice at any time. The term of Chief Justice shall be concurrent with that Justice’s term. Upon expiration of the Chief Justice’s term, the Judiciary shall select a Justice to be Chief Justice or retain the Chief Justice, if he or she has been reconfirmed by the Senate.
 - (b) Vacancy and disability. Whenever the Chief Justice is unable to perform the duties of his or her office or the office is vacant, his or her powers and duties shall devolve upon the most senior Justice who is able to act, until such disability is removed or another Chief Justice is selected under Subsection (a).

Comments:

The position of Chief Justice is only mentioned in Section 2.4.5.1 of the SBA Constitution. While Section 2.4.5.1 is in the article governing membership and not the article governing the Judiciary, this is similar to the U.S. Constitution. In the U.S. Constitution, the position of Chief Justice is only mentioned in Section 3 of Article I and not in Article III.

Section 3-1(b) is based on 28 U.S.C. § 3 (2012).

3-2. Duties and powers.

- (a) The Chief Justice shall have the authority to administer the Judiciary in order for the Judiciary to carry out all of its responsibilities in a timely and effective manner.
- (b) The Chief Justice shall have the authority to represent the Judiciary to the SBA, the other branches of the LSG, and the Administration.
- (c) The Chief Justice shall be the only member of the Judiciary who may accept and sign the Treasurer and Secretary's written consent to the Vice-President assuming the President's responsibilities under Section 4.3 of the SBA Constitution.
- (d) Report on the LSG. With the input and approval of the Judiciary, the Chief Justice may issue a report on the state of the LSG to the other branches and the SBA. Reports may contain whatever the Judiciary deems proper, including possible legislation. Reports shall be posted to the LSG Document Depository. Reports shall be numbered as follows: [year issued]-[chronological number of Report]. The chronological number resets to 1 at the beginning of each calendar year. Example: Judiciary Report 2017-1.

4. Opinions and cases

4-1. Assignment of case numbers. All cases must be numbered as follows: Case no. [year commenced]-[chronological number of case]. The chronological number resets to 1 at the beginning of each calendar year. Example: Case no. 2016-1.

4-2. Precedential and Nonprecedential Opinions.

- (a) The Judiciary may designate opinions as nonprecedential. Opinions that are not designated nonprecedential when issued are precedential.
- (b) The en banc panel may order an opinion of the Magistrate Justice below to be changed to a nonprecedential opinion.

Comments:

Subsection (b) applies only when the en banc panel is deciding a case on appeal and determines that an opinion issued by the Magistrate Justice in the same case should no longer be precedential, the equivalent of depublishing it.

4-3. Citation.

- (a) Opinion and order citation: *Name* [Year issued in brackets] WSRSL [chronological number of opinion or order]. The chronological number resets to 1 at the beginning of each calendar year. Example: *In re Student Lounge* [2017] WSRSL 1.
- (b) Information such as "en banc," "two-justice panel," and "Magis. Ct." should be noted in parentheses.

5. Dockets

5-1. Posting of filings.

- (a) All filings will be posted to the Document Depository as soon as is practicable after filed with the Judiciary. Phone numbers, physical addresses, and other similar information will be redacted before posting, but email addresses will not be redacted
- (b) Filings shall be numbered in the order received by the Judiciary. If any filing is stricken, the document shall be removed from the Document Depository, but its name and number shall be preserved.

6. Document Depository

6-1. Document Depository. The Judiciary shall maintain an electronic, web-accessible depository for the purpose of preserving SBA documents. The URL for the Document Depository is <http://lsgdocumentdepository.weebly.com/>.

6-2. Documents Retained.

- (a) The following are official SBA documents and shall be preserved in perpetuity:
 - (1) The SBA Constitution;
 - (2) All By-laws and Resolutions passed by the Senate;
 - (3) Executive Orders and Richardson Administrative Rules;
 - (4) Draft and finalized budgets;
 - (5) Opinions, rules, policies, and reports of the Judiciary; and
 - (6) Minutes of
 - (A) Senate meetings;
 - (B) Executive Board meetings;
 - (C) Finance Committee meetings;
 - (D) Student Activity Committee meetings; and
 - (E) Any other SBA meetings for which minutes are recorded.
- (b) All other SBA documents are unofficial documents and may be preserved.

Comments:

“All By-laws and Resolutions passed by the Senate” means all By-laws and Resolutions passed by the Senate whether or not they are signed or vetoed by the President, and those vetoed and then passed again by the Senate with a 2/3 vote to override the veto. By-laws preserved in the Document Depository should be labelled accordingly.

6-3. Final documents. Only final, approved documents of the SBA will be accepted by the Judiciary, in PDF form, for preservation in the Document Depository. Documents shall be posted within 7 days of receipt by the Judiciary or within a reasonable time.

6-4. Format. Documents preserved in the Document Depository shall be in PDF form only.