

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

The Richardson Rules of Procedure, having been subject to public comment from the Student Bar Association, are hereby promulgated.

The Rules of Procedure shall become effective immediately and shall govern all actions before the Judiciary of the Law School Government of the William S. Richardson School of Law.

/s/ Philip L. Tumbaga

/s/ Stephanie W. Batzer

/s/ Michael D. Dunford

/s/ Thomas J. Michener

Justices
LSG Judiciary

November 22, 2014

Richardson Rules of Procedure

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Rule 1. Scope and Purpose

These rules govern the procedure in all actions, proceedings, and appeals to the en banc panel in the Judiciary of the Student Bar Association of the William S. Richardson School of Law. The rules should be construed and administered to secure the just, speedy, and efficient determination of every action and proceeding.

Comments:

Care should be taken by all of those involved in the process, including the Justices, that everyone's time is not spent frivolously. Everyone should be mindful that every action commenced will require much time spent by whoever has to respond. To that end, it is strongly suggested that other collegial, and perhaps less formal, avenues of resolution be exhausted before pursuing an action in the Judiciary.

Apart from providing responsive and efficient government, the Law School Government is an organization that provides opportunities for future professionals to hone their skills and the Judiciary is no different. A goal of those who participate should be to apply the skills learned in class while maintaining an atmosphere of cordiality necessary for practice in our community.

Many of these Rules are patterned on the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, and other federal laws. Interpretation of similar laws may be instructive.

As used in these Rules, "Judiciary" means the Judiciary as a branch of the LSG, the en banc panel, or a Magistrate Justice.

The authority for these rules is derived from the SBA Constitution.

Rule 2. Adoption and Alterations to these Rules

The adoption or alterations or additions to these Rules must be approved by the Judiciary before promulgation.

Rule 3. Types of Actions

- (a) Section 5.3.1 of the SBA Constitution grants the Judiciary jurisdiction over questions arising under the Constitution of the SBA and the by-laws of the LSG. The following types of actions fall under Section 5.3.1:
- (1) A member of the SBA seeking review of an act of a branch of the LSG or a branch's member in their official capacity.
 - (2) A branch of the LSG or a branch's member in their official capacity seeking review of an act of another branch of the LSG or a branch's member in their official capacity.
 - (3) A branch of the LSG or a branch's member in their official capacity seeking review of its own act.
 - (4) A Student Organization or an organization's member in their official capacity seeking review of an act of a branch of the LSG or a branch's member in their official capacity.
 - (5) The Law School Administration seeking review of an act of a branch of the SBA or a branch's member in their official capacity when the Administration will have a role in carrying out the act in question.
- (b) Actions commenced by petitions for redress or grievances may be brought under § 5.3.2 of SBA Constitution, subject to the resources of the Judiciary.

Comments:

“Branch of the LSG” or “branch” as used in this Rule means only the Senate and the Executive Board, not the Judiciary. Corrective measures for the actions of the Judiciary and the Justices are dealt with under these Rules, when on appeal, or otherwise by the SBA Constitution's recall procedures in § 2.4.5.

Under subsection (b), in determining how to allocate its resources, the Judiciary will consider such factors as whether questions presented are best left to the political branches and the availability of alternate methods of resolving the dispute.

Rule 4. Pleadings Allowed

Pleadings. Only these pleadings are allowed:

- (a) A petition;
- (b) An answer to a petition;
- (c) A petition to join an action;
- (d) A petition for reconsideration;
- (e) A petition for an initial decision en banc; and
- (f) Any other pleading the Judiciary requests or orders.

Rule 5. Commencing and Responding to an Action

- (a) An action is commenced by filing a petition with the Judiciary. The petition must:
 - (1) be submitted electronically;
 - (2) name opposing parties and, at the time of filing, be served electronically by the petitioner to opposing parties, if any;
 - (3) contain a short and plain statement of the grounds for the Judiciary's jurisdiction;
 - (4) contain a demand for the relief or information sought, which may include relief in the alternative or different types of relief; and,
 - (5) if the action is brought under Rule 3(a)(1), (2), (4), (5), or Rule 3(b), contain a short and plain statement of the claim showing that the petitioner is entitled to relief.
- (b) Responses. A response by an opposing party must:
 - (1) be submitted electronically to the Judiciary and opposing parties within 14 days of receiving a copy of the petition. The Judiciary may alter the time of the response as justice requires.
 - (2) state in short and plain terms its defenses to each claim asserted against it; and
 - (3) admit or deny the allegations asserted against it by an opposing party.
- (c) Pleading to Be Concise and Direct; Alternative Statements; Inconsistency.
 - (1) In General. Each allegation must be simple, concise, and direct. No technical form is required.
 - (2) Alternative Statements of a Claim or Defense. A party may set out 2 or more statements of a claim or defense alternatively or hypothetically. If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.
 - (3) Inconsistent Claims or Defenses. A party may state as many separate claims or defenses as it has, regardless of consistency.
- (d) Construing Pleadings. Pleadings must be construed so as to do justice.

Comments:

In situations requiring resolution on short notice, the Judiciary will consider whether the petition initiating the action was filed in a timely manner.

Rule 6. Signing Pleadings, Motions, and Other Papers; Representations to the Judiciary

- (a) Signature. Every pleading, written motion, and other paper must be signed electronically by at least one party. A signature is sufficient if given in the following form:
/s/ [Name]. The paper must state the signer's e-mail address and telephone number. The Judiciary must strike an unsigned paper unless the omission is promptly corrected after being called to the party's attention.
- (b) Representations to the Judiciary. By presenting to the Judiciary a pleading, written motion, or other paper – whether by signing, filing, submitting, or later advocating it – a party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
 - (1) it is not being presented for any improper purpose, such as to harass, cause, or unnecessary delay resolution of the action;
 - (2) the claims, defenses, and other legal contentions are warranted;
 - (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
 - (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Comments:

Papers submitted under this rule should be sent from the email address of the signatory. If the signatory is not acting on their own behalf, the paper should clearly indicate on whose behalf the signatory is acting.

Rule 7. Magistrate Justice

The Magistrate Justice is the Justice in the first instance and shall rule on pleadings and issue decisions on actions. The Magistrate Justice is selected by the Judiciary from amongst its members.

Comments:

If a Magistrate Justice declines to hear an action, he or she may issue an opinion or memorandum disposition or stating the reasons.

Rule 8. En Banc Decisions

The Judiciary may decide on actions properly commenced under these rules en banc. The en banc panel consists of every Justice.

- (a) On appeal. En banc decisions must be issued if:
 - (1) the Judiciary receives from a party a petition for reconsideration of a decision on an action by the Magistrate Justice; and
 - (2) 2 Justices other than the Magistrate Justice presiding over the decision below agree that an en banc decision is proper.
- (b) Initially. En banc decisions must be issued if, after receipt of all the pleadings, 3 Justices agree that an initial en banc decision is proper. A party to an action may motion for or include in its pleadings a petition for an initial decision en banc.

Comments:

If the Judiciary declines to consider an action en banc, either on a petition for an initial decision en banc or on appeal from a Magistrate Justice, it may issue an opinion or a memorandum disposition stating the reasons.

Subsection (b) allows the Judiciary to issue a decision en banc in the first instance, bypassing a decision by the Magistrate Justice. Such an initial decision en banc can be requested by a party if the issues are especially difficult, novel, or important, or it can be initiated by the Judiciary on its own motion.

A denial of an initial decision en banc under subsection (b) does not necessarily stop the action; it continues as normal in front of the Magistrate Justice in the absence of a decision by the en banc panel to the contrary.

Rule 9. Discovery

- (a) The Judiciary may order production of all documents, electronically stored information, and tangible things that the Judiciary believes necessary for the determination of the action.
- (b) Parties may motion the Judiciary to order production of all documents, electronically stored information, and tangible things that the movant believes necessary for the determination of the action. At the time such motions are filed, copies should be electronically served by the movant on other parties.
- (c) In the event a party does not abide by a discovery order, the Judiciary may take whatever steps it deems appropriate, including dismissal of the action.

Rule 10. Additional Parties

- (a) Joinder. On motion of a party, the Judiciary may order or request a non-party to join an action.
- (b) Intervention. On petition of a non-party, the Judiciary may allow the petitioner to join the action.
- (c) On its own motion, the Judiciary may order or request a non-party to join an action.

Comments:

Parties added under this rule must be subject to the Judiciary's jurisdiction and be relevant to the resolution of the action.

Rule 11. Orders

The Judiciary may issue orders as provided by these Rules, or any order, in furtherance of the just and efficient resolution of an action.

Rule 12. Enforcement of the Rules

If, after notice and a reasonable opportunity to respond, the Judiciary determines that any of these Rules have been intentionally violated without good cause, the Judiciary may dismiss the action with or without prejudice, without reaching the merits.

- (a) On motion by a party or by the Judiciary on its own motion, the Judiciary may order a party to show cause why conduct specifically described in the order has not violated a Rule and why the Judiciary should not take appropriate corrective measures.

Comments:

This Rule is only for alleged misconduct and does not limit the Judiciary's ability to otherwise dispense with an action.

This rule is meant to be used only in serious circumstances or after disregard for those involved in the process. Time should not be wasted. It is recognized that a student who actually is inundated with other responsibilities may not be able to respond to the original request, let alone an order to show cause.

Rule 13. Disqualification of a Justice

- (a) A Justice shall disqualify themselves in the following circumstances:
- (1) They have personal knowledge of disputed evidentiary facts concerning the action;
 - (2) They have been a material witness concerning the action;
 - (3) They know that they could be substantially affected by the outcome of the proceeding;
 - (4) They or someone in a close relationship with them:
 - (A) Is a party to the action;
 - (B) Is known by the Justice to have an interest that could be substantially affected by the outcome of the proceeding;
 - (C) Is to the Justice's knowledge likely to be a material witness in the proceeding.
- (b) On Motion by a Party. A party to the action may motion for a Justice to recuse themselves from deciding the action. The decision on a motion for recusal shall be made by the en banc panel. The Justice who is the subject of the motion shall not vote in the decision.

Comments:

Rule 13 is patterned on 28 U.S.C. § 455 (2012).

SUPERSEDED