Supreme Court Rules of Practice & Procedure

1 Petition Requirements

1.1 All petitions must be presented by memorandum and must be submitted to the Chief Justice via email at chiefjustice@sg.ufl.edu; and all other Justices at their emails listed on the SG website. If petitioner fails to communicate their petition to all Justice's, the Court may dismiss the petition with or without prejudice.

1.2 All memorandums submitted must have all of the sections listed below, in order.

1.2.1 **Jurisdiction**. Each petition must contain a section outlining the Court's basis for jurisdiction. This section may be as simple as stating which type of jurisdiction applies to the case. Under the University of Florida Constitution of the Student Body, there are three ways that a petitioner can assert jurisdiction. That is, there are three types of cases that a petitioner can bring before the Court.

1.2.1.1 First, Article V, Section 3(b)(1) states "The Supreme Court shall interpret any provision of the constitution or any law upon written petition of twenty members of the Student Body; or request of the Student Body President." Use this jurisdictional basis if you are asking the Court to tell you what something means.

1.2.1.2 Second, Article V, Section 3(b)(2) states "The Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." Use this jurisdictional basis if you want the Court to tell a Student Government official or officer of a student organization that receives Student Body funds to do something or not do something as required by the Constitution, Student Body statute, or other applicable rule or law. If you are using this jurisdictional basis, you should clearly identify (1) to whom you want the Court to issue an order and (2) what action the order should require that person do or refrain from doing.

1.2.1.3 Third, Article V, Section 3(b)(3) states "The Supreme Court shall hear appeals from tribunals established by law." Use this jurisdictional basis if your case has already been decided and you want to appeal the outcome. If you are using this jurisdictional basis, you should also state any statutes that govern your appeal. For example, section 728.5 of the Student Body Statutes grants a right of appeal to the Supreme Court from final determinations of the Elections Commission and section 728.52 sets out the Supreme Court's standard of review for these cases.

1.2.2 **Table of Authorities**. This should include a citation to all applicable University of Florida regulations or policies and University of Florida Student Government Codes, rules, or previous cases heard by the Court.

1.2.3 **Statement of Facts**. Here, explain what has happened or what the question is that you want the court to answer.

1.2.4 **Discussion**. This section should include the relevant text of all applicable University of Florida regulations or policies and University of Florida Student Government Codes, rules, or previous cases heard by the Court and how you believe the applicable authorities apply to your case. If you want to make legal arguments in support of your position, this would be the place to do it. Not all cases require a Discussion. For example, cases brought under this Court's Article V, Section 3(b)(2) jurisdiction may not require a Discussion section.

1.2.5 **Request for Relief**. The Request for Relief should include a statement of the relief to which the parties assert that they are entitled. In this part, explain what it is that you would like the Court to do for you.

1.2.6 **Signatures of Petitioners**. For Article V, Section 3(b)(1)(A) & Article V, Section (3)(b)(2) jurisdiction, the identities of the students who are presenting the petition to the Court is also necessary. All of the following must be present for a student to be counted as supporting the petition:

1.2.6.1 The handwritten signature of the student in black ink;

1.2.6.2 To the right of the signature, handwritten and in black ink, the date the signature was signed;

1.2.6.3 Below the signature, the typed or printed name of the student; and

1.2.6.4 To the right of the typed or printed name along with their UFID number.

1.2.7 Each petition must include a signed certification on a separate page stating: "I certify that I did not use artificial intelligence to prepare this petition."

1.3 All citations to past cases of this Court must include the name, volume number, page number, page of the language you are citing, and date of the case. E.g., *In re: MERWITZER*, 3 S.C. 39, 39 (February 25, 2020).

1.4 All documents that the petitioner wishes the Court to consider must be attached to the same email as the memorandum.

1.5 Petitions shall not exceed ten (10) pages double spaced and shall be typed in 12-point Times New Roman font.

1.5.1 The page limit shall exclude any attached exhibits, the table of authorities, signature pages and the AI certification.

1.5.2 "Exhibit" means a document, photograph, object, animation, or other device formally introduced as evidence in a legal proceeding.

2 Opposing Parties

2.1 Individuals or organizations wishing to oppose a petition filed with the Court may do so only as set out in this rule.

2.2 For petitions asserting jurisdiction under Article V, Section 3(b)(1) of the Constitution of the Student Body:

2.2.1 Members of the general student body or the Student Body President that wish to oppose a petition must establish jurisdiction and standing by filing a petition with the Court at least 3 school days prior to the scheduled hearing of the petition which they wish to oppose.

2.3 For petitions asserting jurisdiction under Article V, Section 3(b)(2) of the Constitution of the Student Body:

2.3.1 In order to be heard, the official or officer to whom the petition is directed must file a memorandum in opposition to the petition at least three (3) school days prior to the scheduled hearing on the petition. The official or officer may have a representative file the memorandum in opposition and represent the official or officer at the hearing.

2.4 For petitions asserting jurisdiction under Article V, Section 3(b)(3) of the Constitution of the Student Body:

2.4.1 If there was a party or parties in opposition at the lower tribunal, then the same party will be the respondent.

2.4.2 In order to be heard, the respondent must file a memorandum in opposition to the petition at least three (3) school days prior to the scheduled hearing on the petition. The respondent may have a representative file the memorandum in opposition and represent the official or officer at the hearing.

2.5 Amicus briefs will not be accepted.

2.6 For cases arising under Article V, Section 3(b)(2) or 3(b)(3) of the Constitution of the Student Body, the Court may subpoena the opposing party to appear at the hearing, provided that the opposing party is subject to the Court's subpoena power under Article V, Section 3(c). For such cases, the petitioner must identify in the petition the opposing party or agency to be subpoenaed.

3 Preliminary Hearings

3.1 The Court may hold a public preliminary hearing on all matters submitted to the Court. If the Court determines to hold a preliminary hearing, then the Court will decide whether to hear a case.

3.2 During preliminary hearings, only members of the Court are permitted to speak.

3.3 The Court will decline to hear a case if the petition

3.3.1 does not meet the essential requirements of law;

3.3.1.1 Petitions that do not meet the requirements of Rule 1 of the Supreme Courts Rules of Practice & Procedure do not meet the essential requirements of law.

3.3.2 fails to meet jurisdictional requirements;

3.3.3 fails to properly allege standing, if required:

3.3.3.1 The Court's standing requirements are the three core requirements for standing derived from the U.S. Supreme Court's interpretation of Article III, as stated in *Lujan v. Defenders of Wildlife*: "First, the plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) 'actual or imminent,' not 'conjectural' or 'hypothetical,' Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be 'fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court' Third, it must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" 504 U.S. 555, 560 (1992).

3.3.4 is moot. *See DeFunis v. Odegaard*, 416 U.S. 312 (1974); or

3.3.5 is not ripe for review. *See Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967).

3.4 The Court may, at its sole and absolute discretion, dismiss a case with or without prejudice by email notification to the petitioner, or on preliminary or official hearing.

3.5 The Court may, by email notification to the petitioner, decline to issue an opinion if the question presented by the petition has already been definitively answered by the Court.

4 Oral Argument

4.1 The Court may hear oral argument on all cases it does not decline to hear at a preliminary hearing or by email notification to the petitioner.

4.2 Each petition submitted may be presented by only one current University of Florida student.

4.3 Any petitioner presenting an oral argument to the Court will be provided at least ten (10) minutes to present their argument.

4.3.1 Petitioner may reserve up to three (3) minutes of their allotted time for rebuttal.

4.3.2 In the event their time expires, a speaker may only ask the Court for leave to briefly conclude their argument or answer any questions presented by the Justices.

4.4 The Court will have the discretion to hear opposing arguments.

5 Deliberation

5.1 Commencement and Duration

5.1.1 At the close of oral arguments, the Court will begin deliberation. No time constraints are imposed on deliberations.

5.1.2 Deliberations will take place until a member of the Court moves to vote on a matter. If such a motion is seconded by another member of the Court, the Court will vote on the matter moved upon.

5.1.3 During deliberation, only members of the Court may speak unless a non-member is explicitly given permission by the Court. The Court reserves the right to ask anyone who disrupts deliberations to leave.

5.2 Assignment of Opinion and Adjournment: After a matter has been voted on, the Chief Justice will assign a member of the Court to write and circulate an opinion to all other members of the Court for comment and adjourn the hearing.

5.3 Filing of Opinion: Upon reaching a consensus on the language of an opinion, the Court will file said opinion with the Senate Secretary for publication in the court reporter.

6 Recusals

6.1 In the event that an Associate Justice recuses themselves, the Chief Justice may appoint an eligible student to serve as an Acting Associate Justice for the hearing for which the Associate Justice is recused.

6.2 In the event that the Chief Justice recuses themselves, the Chief Justice shall designate an Associate Justice to serve as the Acting Chief Justice for the case for which the Chief Justice is recused.

6.2.1 The Acting Chief Justice may appoint an eligible student to serve as an Acting Associate Justice for the hearing for which the Chief Justice is recused.

6.3 In the event that all of the Justices recuse themselves, the Chief Justice will appoint an eligible student to serve as the Acting Chief Justice for the hearing for which the Chief Justice and Associate Justices are recused.

6.3.1 The Acting Chief Justice will appoint enough eligible students to meet quorum to serve as Acting Associate Justices for the hearing for which the Chief Justice and Associate Justices are recused.

7 Scheduling & Administrative Matters

7.1 If there is no Chief Justice, the longest serving Justice will act as acting Chief Justice.

7.2 If the Court lacks quorum due to vacancies, no petitions will be heard, and all deadlines will be suspended until such time that it is possible for quorum to be established.

7.3 The Court may recess after two hours of hearing and deliberation, and may reschedule any other matters on the docket for that meeting to another time.

7.4 The Court must confirm receipt of each petition within 14 days after receiving the petition.

7.5 The Court may set additional deadlines at its discretion.

7.6 The Supreme Court may only conduct virtual hearings in the event of a federal, state, or local state of emergency as determined by the University of Florida administration impacting the Supreme Court's ability to meet in person. Virtual meetings must comply with all applicable open meeting and public notice requirements as established by Student Body Law. Virtual meetings will be conducted in a manner consistent with these Rules of Practice & Procedures of the Supreme Court.

7.7 The Court shall observe summer and winter breaks in accordance with the academic calendar of the University of Florida Levin College of Law.

7.7.1 Summer break shall begin on the last day of law classes at 5:00 PM of the spring semester and end at 9:00 AM on the first day of law classes of the following fall semester.

7.7.2 Winter break shall begin on the last day of law classes at 5:00 PM of the fall semester and end at 9:00 AM on the first day of law classes of the following spring semester.

7.7.3 The first day of law classes does not include compressed classes at the College of Law.

The Court hereby adopts the foregoing Rules of Practice & Procedure.