

RULES  
OF THE  
STUDENT BAR ASSOCIATION  
SUPREME COURT  
THE GEORGE WASHINGTON  
UNIVERSITY  
LAW SCHOOL

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## **Part I. General Rules of the Student Bar Association (SBA) Supreme Court**

### **PROCEDURE**

- I. The following are the procedures that must be adhered to by individuals or groups presenting grievances before the Student Bar Association (SBA) Supreme Court of The George Washington University Law School.

### **COMPLAINTS**

- I. An individual or group with a grievance to be presented before the Court must file a complaint with the Chief Judge of the Court.
  - A. Complaint forms can be found on the Student Bar Association website.
  - B. If the plaintiff has any attachments that he or she wishes to send with the complaint, he or she may do so by sending an email to sbajudiciary@law.gwu.edu.
  - C. Complaints must have all of the sections of the form completed and must contain:
    - i. the date the complaint is filed;
    - ii. the relevant charter, constitutional, or bylaw provisions under which the claim arises;
    - iii. a statement of the facts surrounding the claim including the name(s), email address(es), and telephone number(s) of the plaintiff(s) and defendant(s); and
    - iv. the signature of the primary plaintiff or the plaintiff's representative if the complaint was prepared by someone else on the plaintiff's behalf.
  - D. The Court may summarily dismiss a complaint if it is not fully and properly completed in accordance with these guidelines.
  - E. The Chief Judge will provide all named defendants with a copy of the complaint and associated materials.

### **REVIEW OF COMPLAINTS**

- I. Upon the receipt of a complaint, the Court may take the following actions:
  - A. Dismiss the complaint on the grounds that the complaint is determined to be moot, improper, irrelevant, frivolous, previously decided, or fails to comply with any appropriate governing documents; or
  - B. If the Court does not dismiss the complaint, the Chief Judge may choose to first attempt to resolve the case via the mediation process:
    - i. The Chief Judge may assign a judge of the court to mediate the case.
    - ii. One representative from each party will state his or her case before the judge. The judge will hear both representatives and have a copy of each party's written statements.
    - iii. Shortly after the mediation, the judge will submit copies of the parties' written statements and a short synopsis of the mediation with his or her recommendation to the Chief Judge and all parties.
    - iv. These recommendations are not binding upon the parties until they consent to them, after which the Court is then required to dismiss the case.

- II. If the parties do not agree on the recommendations, the Court can also:
  - A. Conduct a preliminary hearing to further investigate and determine whether the case should be heard before the Court.
    - i. Preliminary hearings generally do not address the particular merits of the complaint. Rather, a preliminary hearing will usually address the issue of the Court's propriety. Such propriety may involve, but is not limited to, issues regarding the Court's jurisdiction, the SBA Constitution or Bylaws, and/or the appropriateness of a complaint.
    - ii. If the Court decides to conduct a preliminary hearing, it will notify all parties and instruct them to appear before the Court on an indicated date for the hearing. If, following the preliminary hearing, the Court decides to hold a full hearing or trial, the full hearing or trial shall be scheduled.
  - B. Proceed with a full hearing if the Court decides the complaint is relevant and proper.

### **ANSWER**

- I. The Court may forward the complaint to the defendant(s) in the case, and ask the defendant(s) to prepare an answer. The information contained in the answer may help the Court decide whether it should dismiss the complaint, order a preliminary hearing, or set the matter for a full hearing.
- II. An answer is a written document that responds, paragraph by paragraph, to every allegation contained in the complaint by either:
  - A. Admitting an allegation;
  - B. Denying an allegation; or
  - C. Declaring that the defendant(s) can neither admit nor deny an allegation due to insufficient knowledge at the time.
- III. If the defendant(s) does not prefer to follow this format, believing it would be easier to simply prepare its own version of the facts, then the defendant(s) may choose to file an answer which addresses all of the allegations contained in the complaint in a narrative format. If the narrative format is chosen, the defendant(s) must be sure to address ALL of the allegations contained in the plaintiff's complaint. Failure to address an allegation shall be deemed an admission of that allegation as if it were fact.
- IV. The answer must be typed and emailed to the Chief Judge, who will distribute it to the court.

### **PRELIMINARY HEARINGS**

- I. If the Court decides to conduct a preliminary hearing, the preliminary hearing will be held and evaluated.
- II. During the preliminary hearing, both the plaintiff(s) and defendant(s) will be given the opportunity to present oral arguments and/or written arguments in the form of a brief. If the Court orders a brief, the brief must comply with the format for briefs as specified below. Even when written arguments are submitted to the Court, the parties should be fully prepared to respond orally to factual, logical, and legal inquiries posed by the Court at the preliminary hearing.

## FULL HEARING

- I. If the Court decides to hear the case after reviewing a complaint, answer, or brief, or after a preliminary hearing, the matter will be set for a full hearing or trial. Parties should be prepared to gather and present evidence in a timely manner. Parties will be informed of any additional procedures to be used in the full hearing or trial by the Court.
- II. At a hearing, the plaintiff(s) will be permitted to make a short opening statement. The defendant(s) will then be allowed to make his or her (their) own opening statement, or, at the defendant's option, reserve its opening statement until after the plaintiff(s) has (have) presented his or her (their) oral arguments. Each party will be informed in advance how long it has for oral argument.
- III. A party should not expect more than 20 minutes to present oral argument on any case in which a written brief has been submitted. The Chief Judge can grant additional time upon request. All parties should be prepared for the judges to interrupt them in the course of their arguments with factual, logical, or legal inquiries to which the parties will be expected to fully respond.

## BRIEFS

- I. During the course of litigation, both the plaintiff(s) and defendant(s) may be given the opportunity to present written arguments to the Court in the form of a brief. A brief is a written document that a party or intervener prepares to persuade the Court to adopt its position in a case or on a particular issue in a case.
- II. Briefs may be ordered by the Court to help it prepare for preliminary hearings, full hearings, and/or trials.
- III. The Court may order parties to prepare briefs under the appropriate circumstances when the Court feels written arguments will assist it in coming to a decision on any matter pertaining to a case.
- IV. Briefs may also be submitted when the person preparing the brief feels it would assist the Court in reaching a decision.
- V. Briefs must be typed, double-spaced, stapled or otherwise bound, and conform to the format specified below:
  - A. The brief must have a title page as its cover which:
    - i. Clearly identifies the case by referring to the parties' names and the case number; and
    - ii. Clearly identifies which party has prepared the brief if prepared by a party, or otherwise identifies the person(s) who prepared an *amicus curiae* brief on behalf of a non-party; and
    - iii. Specifies the date on which the party submitted the brief; and
    - iv. Specifies the name(s), email address(es), and phone number(s) of the person(s) who prepared the brief on behalf of a party.

- B. The brief must cite any appropriate sections of the SBA Charter, Constitution, or Bylaws, any applicable case precedent, or other provisions upon which the party relies in making his or her argument(s) in the case.
- C. The brief may contain any documents or affidavits the party feels is necessary. The Court will only accept documents, affidavits, or other material filed prior to a hearing, unless the judges, by a unanimous vote, decide otherwise.
- D. The brief must contain a short summary of all of the facts upon which the party relies.
- E. The brief must contain an argument section that fully addresses all of the arguments pertaining to the merits of the case.
- F. The brief must end with a conclusion section, which summaries the relief the author(s) of the brief believe to be appropriate in the case.
- G. The brief must be signed by the party or representative of the party submitting the brief or the person(s) authoring the brief if it is *amicus curiae*.

### **SCHEDULING**

- I. This Court shall select the time, date, and location for preliminary and full hearings and trials. While the Court will strive to take into consideration any compelling time constraints or religious holiday restrictions of the parties in a suit, the Court expects that the parties, or their representatives, will be available at the time and date for which the hearing is ultimately scheduled. Any conflicts must be brought to the Court's attention prior to the setting of the hearing or trial date.

### **RENEWAL**

- I. The Rules of the SBA Court should be reviewed once per academic year and agreed upon by a majority vote of the Court.
- II. The Rules may be reviewed as often as the Court deems necessary.
- III. Once agreed upon, the Chief Judge must submit the Rules of the SBA Court to the acting SBA President.

## **Part II. Rules of the Student Bar Association (SBA) Supreme Court Relating to Interaction with the SBA Senate**

### **OVERVIEW**

- I. The following are procedures offered to the Student Bar Association (SBA) Senate of The George Washington University Law School to facilitate communication between it and the Judiciary and further serve the student body.

### **ADVISORY OPINIONS**

- I. Definition
  - A. An advisory opinion is the Judiciary's nonbinding interpretation of the law on a matter submitted for that purpose.
- II. Conditions
  - A. Pursuant to the SBA Constitution:
    - i. (Clause 5) The Supreme Court shall have the power to issue advisory opinions on any matter certified to it by a vote of no less than one-fourth of the members of the Senate, but such power shall not be construed to diminish the power of the Judiciary to review the constitutionality of legislation pursuant to the second clause of this section.
- III. Facts
  - A. The Court may request additional information to aid in forming advisory opinions.
  - B. To increase the probability of the Court exercising its power to issue an advisory opinion, the Senate may wish to:
    - i. Endeavor to ask questions in which the issues are clear and circumstances surrounding those issues are sufficiently explained
    - ii. Be prepared to issue a memorandum of the issues or briefing on the issues related to the question.

### **COMMUNICATION**

- I. The person holding the office of the Executive Vice President shall communicate any issues or actions that the Senate wishes to submit to the Judiciary.
- II. The Judiciary shall send any requests for further information and any other communications meant for the Senate to the person holding the office of the Executive Vice President.

## TIMEFRAME

- I. Status of a Question Submitted to the Judiciary
  - A. **Pending Stage** – The SBA Supreme Court will review the request and decide within two weeks whether to consider the issue. During this period of time, the Chief Justice or Chief Justice *Pro Tempore* will inform the Executive Vice President by email whether or not the Judiciary wishes to consider the issue.
  - B. **Consideration Stage** – If the SBA Supreme Court chooses to consider the issue, the justices will meet within two weeks to discuss next steps. Once the consideration stage begins, the Court may ask additional information of the Senate. This may include asking for an elaboration of facts and/or a hypothetical to clarify the issue. The Court will meet every other week until a decision is made.
  - C. **Drafting Stage** – Once a decision is made, the Chief Justice or Chief Justice *Pro Tempore* will assign a justice to write the opinion, and the issue will enter the drafting stage. The Court will continue to meet every other week until a draft has been approved by a majority of the Court.
  - D. All timeframes are suspended over school breaks and during finals.
- II. This timeframe will serve as the standard unless otherwise noted by judges on the Supreme Court, irrespective of any Senate Bylaw.

## DISCRETION

- I. The Supreme Court has the sole discretion to alter the timeframe of any step in the process, as necessary.
- II. The Supreme Court has the sole discretion to move between stages of the timeframe outlined above; including going back to an earlier stage or even deciding against issuing an opinion.