
Procedure for Constitutional/Judicial Review

1. Filing the Notice of Appeal

- a. Any University of Alabama student(s) seeking to challenge the constitutionality of a piece of legislation, executive order, or student government process shall convey their intent to the Chief Justice by submitting the appeal through the form on the SGA website (sga.ua.edu). If not confirmed by ten school days, it is the responsibility of the individual(s) to email sga.judicial@ua.edu to confirm submission. The Judicial board will communicate with appellants via the email address provided in the appeal.
- b. The submitted appeal should be no more than six (6) pages in full and should give the Court sufficient situational context to allow the members of the panel to issue an informed opinion at the end of the case.
 - i. What is the relevant background to the situation?
 - ii. What are the constitutional codes provisions, statutes, or student government processes that are being alleged to have been violated, by whom, and how?
 - iii. What evidence exists to support the claim(s)?
 - iv. What action(s) are you requesting to be taken?
 - v. Whether the case should be slated for oral arguments or based on the merits
- c. The Chief Justice will review the appeal to determine if the case will be heard (See Section 3.)

2. Selection of the Panel

- a. The Chief Justice and Student Judiciary advisors will select the members of the panel blindly and randomly.
- b. The panel is made up of six Associate Justices, with five alternates who will move onto the panel in the order they were selected, should vacancies occur. The panel members will remain anonymous.
 - i. The Chief Justice shall serve as the chair of the panel of inquiry.
 - ii. The Chief Justice shall vote only in the case of a tie amongst the voting members of the panel.
 - iii. The Counselor to the Chief Justice shall serve on the panel of inquiry as one of the six Associate Justices and may take minutes of the proceedings as they deem appropriate.
- c. Parties may file requests for the recusal of any particular Justice(s). Recusal requests, with appropriate justification, should be sent to sga.judicial@ua.edu, unless otherwise stated during the appeals process due to extenuating circumstances; however, the court will not dismiss a member of the panel simply because a request is made. The decision to recuse lies with the Associate Justice in question.
 - i. Motions of recusal may be no more than two pages. Each party is permitted up to three motions seeking the recusal of a member of the panel. The Chief Justice

may create a deadline for recusal requests. Recusal requests submitted after the deadline will not be considered.

- ii. If there is substantial evidence to warrant the Justice's recusal as determined by the Chief Justice and Student Judiciary Advisors, they will be asked to recuse themselves.
 1. If the Justice does not recuse themselves at this time, the other members of the convening panel will, by a majority vote, elect to remove the justice from the panel.
- iii. Members of the Court may propose a "conflict of interest" vote to remove a particular Justice from the panel during the course of the appeal. The Chief Justice and the Court will address the validity by an internal majority vote of the convening members of the panel.
- iv. If a Justice does not recuse themselves after a majority vote, the Justice will be considered to have failed to recuse themselves, which is an impeachable offense.

3. Initial Pleadings

- a. An appeal may be denied by the Chief Justice if a prior panel has previously upheld the constitutionality of said legislation, executive order, or student government process.
- b. If the written petition is signed by a Senator, member of Executive Council, or a member of the Student Judicial Board, a panel of inquiry must be created.
- c. If the court has jurisdiction, it will determine if the named appellee is the proper individual or group to respond to the challenge
 - i. If the proper appellee is named, the Court will notify the named appellee that the challenge has been filed and will send them all filings and orders related to the case.
 - ii. If an improper appellee is named, the Court will issue an order stating that the appellant has named an improper appellee and directing the appellant to resubmit the pleading with a proper appellee by 5:00 pm on the second academic day after the order is issued.
 1. If the appellant does not re-submit within the prescribed time, the court will dismiss the case without prejudice (meaning the appellant is not prohibited from filing a new case on the subject at a later time).
- d. If the court does not have jurisdiction, it will issue an order dismissing the case with prejudice for lack of jurisdiction (meaning that the appellant is forbidden from filing a case on the matter again).
- e. Once the Court establishes that it has jurisdiction and the proper appellee has been named, the Court will issue an order directing the appellee to submit a pleading that lays out their case.
 - i. The pleading should be no more than six (6) pages in full.
 - ii. The pleading should include stipulated facts that support the appellee's side of the case.
 - iii. The pleading should include a request for the case to be heard through either oral arguments or based on the merits.

- iv. The appellee must file the pleading with the Court, following the appropriate process and within the timeline prescribed.

4. Decision on the Merits vs. Oral Argument

- a. Not every case goes to oral arguments. After receiving the appeal and appellee response, the Court will consider the issues brought forth for oral argument and arguments for a ruling on the merits of the case.
 - i. Once the issues for oral arguments/ruling on the merits have been considered, the Court may issue a memorandum that slates the case for oral argument or a ruling on the merits.
 - ii. If the case is slated for oral arguments, the Court will set the date, time, and location for oral argument. The parties should notify the Court of any prior schedule conflicts as early as possible.
 - iii. If the case is slated for a ruling on the merits, the parties no longer have a role in the case. The Court will issue its opinion when the panel has deliberated, voted, and written it.

5. Oral Arguments

- a. If the Court grants oral argument, it will then schedule at least one pre-hearing conference. This conference will afford the Court the opportunity to explain its expectations, prohibitions, and general framework for oral arguments.
 - i. The parties should use this conference to clarify the oral argument procedure and raise any minor issues that need to be addressed before the hearing.
- b. Initial Status Conference
 - i. The Court **may** schedule a status conference. The Court may deviate from this scheduling requirement at its discretion. The Court will notify both parties of the date and time. The parties should notify the Court of any prior scheduling conflict.
 - ii. The Court will order the appellant and appellee to work together to explore settlement options until the status conference.
 - iii. If the parties find they are able to settle, they will prepare a settlement proposal to be reviewed by the Court at the status conference.
 - iv. If the parties are unable to settle, they will inform the Court at the status conference.

C. The parties are permitted no more than fifteen minutes a piece to argue their position. However, they may file or make a motion with the Court requesting that additional time be allowed. The court has sole discretion over whether additional time should be granted and the amount of time that will be granted.

6. Panel Deliberation

- a. The panel will deliberate and come to a consensus on how to rule on the case at hand.
- b. After a decision is reached, an opinion of the Court must be drafted.
- c.

7. Writing the Opinion

- a. The Chief Justice or designee shall write the Opinion of the Court. The Opinion should be finished within three weeks after deliberation.
- b. The Court may use case law from state and federal courts in the United States past Student Judiciary opinions, SGA Senate legislation, University policies and procedures, and common practice as guidance in handing down an Opinion.
- c. Once the opinion is written, it must be distributed to both parties and sent to Advisors and the SGA webmaster to be posted on the SGA website.

8. General Information

- a. It is the party's sole responsibility to ensure they understand the process.
- b. Parties are expected to be communicatory and compliant with the Court as requested. Noncompliance with the Court may lead to case dismissal or judgment without the benefit of a party's participation.
- c. Timeline of the appeal process is up to the discretion of the Chief Justice and may be set based upon the schedule and needs of the Court.
- d. Parties are prohibited from filing motions or filings without probable cause that are excessive, frivolous, and/or meant to cause harm, embarrassment, or annoyance. If filings are reasonably deemed as vexatious, case dismissal or escalated referrals may occur.
- e. If multiple filings are submitted addressing the same incident(s) and defendant(s), the appeals may be combined and deliberated as a single case.
- f. Parties are prohibited from filing motions for summary judgement or dismissal.
- g. Parties are prohibited from contacting members of the panel in any way outside of scheduled conferences and hearings. This includes, but is not limited to, telephone, email, social media, text message, and in-person conversations.
- h. Parties are prohibited from threatening or engaging in defamation of any member of the Student Judiciary.
- i. Parties are prohibited from pressuring any Justice(s) to meet regarding their role or decision in an appeal.
- j. Once an Opinion is issued by the Court, parties are prohibited from further contacting the Court concerning the appeal in question, unless substantive new evidence is being introduced to initiate a new appeal
- k. All communication between the Court and parties should be respectful and in accordance with the Student Code of Conduct.
- l. Extreme and incessant failure of parties to follow the outlined procedure may result in a referral to the Office of Student Conduct, as ~~discerned~~ determined by the Chief Justice and Advisors.