

Standing Rules of Order

Student Government Association Superior Court

Table of Contents

Part I. In General

- Rule 1. Purpose and Scope
- Rule 2. Amendment
- Rule 3. Interpretation

Part II. The Court

- Rule 4. Membership
- Rule 5. Resignation
- Rule 6. Election for Chief Justice
- Rule 7. Chief Justice Role in General
- Rule 8. Representation
- Rule 9. Notice and Service
- Rule 10. Minutes and Recordings
- Rule 11. Interviews and Appointments
- Rule 12. Seniority of Justices

Part III. Meeting Procedure

- Rule 13. Meetings in General
- Rule 14. Order of Business
- Rule 15. Quorum and Attendance

Part IV. Cases

- Rule 16. Case Docket
- Rule 17. Filing Requirements
- Rule 18. Certiorari
- Rule 19. Sua Sponte Cases
- Rule 20. Briefing Procedures
- Rule 21. Oral Argument Procedures
- Rule 22. Deliberations
- Rule 23. Opinions
- Rule 24. Publication

Part V. Motions

- Rule 25. Motions to the Court
- Rule 26. Split Decisions on Motions

Part VI. Miscellaneous

- Rule 27. Abstention Forbidden
- Rule 28. Opportunity to Intervene
- Rule 29. Procedure and Evidence
- Rule 30. Standing
- Rule 31. Standards of Review
- Rule 32. Right to Hearing
- Rule 33. Conflict of Laws
- Rule 34. Severability
- Rule 35. Amici Curiae
- Rule 36. Vice Chief Justice
- Rule 37. Trial Procedures

Part VII. Conduct

- Rule 38. Conduct of Justices
- Rule 39. Conduct of Parties
- Rule 40. Recusal
- Rule 41. Sanctions

Part I. In General

Rule 1. Purpose and Scope

These rules shall govern the conduct of the members and officers of the Student Government Association Superior Court (“the Court”) and all parties to cases before the Court. Should any rule contained herein be found to contradict the SGA Constitution, the rule shall be considered null and void.

If there is a topic of contention on which these rules are silent, the Court shall determine the appropriate procedure by majority vote, and the Chief Justice shall codify such determination into these rules.

Rule 2. Amendment

These rules shall be amended and re-adopted by a majority of the Court at the beginning of each academic year and may be amended by the same method at any time throughout the year. Any Justice may propose an amendment to these rules and such amendments shall be placed on the next meeting’s agenda.

Rule 3. Interpretation

The Superior Court shall interpret these rules. If a Justice or a party desires clarification, a request for clarification may be submitted to the Court. If needed, the interpretation can be added to these rules as an amendment.

Any party may request clarification at any time by a submission in writing to the Court.

Part II. The Court

Rule 4. Membership

The Court shall consist of seven Justices. Each Justice shall have one vote on any issue and shall have the right to engage in discussions, debates, and votes on any issue before the Court, whether internal or with regard to a case, unless otherwise provided for in these rules.

Rule 5. Resignation

Each Justice shall report, with as much advance notice as possible, their intent to resign when a resignation is made necessary, such as by a Justice’s expected graduation from the University. Pursuant to the Code Annotated, the appointment process for a new Justice should begin prior to resignation whenever possible, so as to minimize vacancies on the Court. Whenever an unexpected resignation is made, the resignation should be directed to the Chief Justice, who will inform the President, Undergraduate Student Congress Chair, and Graduate Student Senate Chair.

Rule 6. Election for Chief Justice

At the last meeting of each academic year, the Court shall select a Chief Justice to serve for the following year by majority vote. The incumbent Chief Justice will preside over elections except when they are a candidate, in which case the most senior non-candidate Justice will preside over the election.

If multiple Justices are candidates and none receives a majority, the Justice or Justices receiving the fewest votes will be eliminated and a runoff election between the two most vote-getting candidates will be held. The incumbent Chief Justice shall set reasonable deadlines for Justices to declare their candidacy for Chief Justice.

Rule 7. Chief Justice Role in General

The Chief Justice shall preside over all meetings, keep order and direct questions during conference and oral arguments, and shall create and publish agendas for each meeting. The Chief Justice shall be treated by these rules as the most senior member of the Court, but only as the first among equals.

The Chief Justice shall take care to follow and to enforce these rules to the best of their ability, and shall inform any Justice, or the entire Court, when necessary, about conflicts of interest which may arise or any ethical or procedural violation of these rules. Conduct issues arising under these Standing Rules should be referred by the Chief Justice to the Court, and, when appropriate, by the Court to the Undergraduate Student Congress.

The Chief Justice shall be responsible for handling the notice and service of all documents to all parties in each case using the Court's email account. When briefs, motions, or oral arguments are required in a pending case, the Chief Justice may set reasonable deadlines for the submission of such briefs, motions, or oral arguments, and may adjust these deadlines at the request of one or more parties.

The Chief Justice shall make interim decisions regarding procedure whenever it might be inconvenient or unduly burdensome for the Court to meet to consider each issue. The Court may ratify or overrule these decisions at any time, including on a motion by any affected party.

Rule 8. Representation

The Chief Justice or their designee shall represent the Court to other bodies of the SGA as well as to the public for general communication purposes. The Chief Justice shall maintain the Court's email account and shall keep the Court's webpage up to date, to include past cases, meeting dates and agendas, and a list of Justices, as well as other relevant information and resources appertaining to the Court. The Chief Justice shall also, from time to time, present information about the Court and the judicial branch as a whole to other SGA bodies as well as the student body, to promote awareness and transparency regarding the Court's operation.

Rule 9. Notice and Service

The Chief Justice shall be responsible for handling the notice and service of all documents to all parties in each case using the Court's email account. When briefs, motions, or oral arguments are required in a pending case, the Chief Justice may set reasonable deadlines for the submission of such briefs, motions, or oral arguments, and may adjust these deadlines at the request of one or more parties.

Rule 10. Minutes and Recordings

The Chief Justice shall take the minutes or shall appoint someone for that purpose and shall present such minutes for approval at the following meeting if they are to be published as official. Minutes should never include discussions in conference, but all formal votes ought to be recorded and made clear when opinions or orders are released. Audio recordings of oral arguments may also be taken and/or published at the Chief Justice's discretion.

Informal discussions, potentially including rulings on minor motions or procedural matters, do not require formal vote tallies.

Rule 11. Interviews and Appointments

The Chief Justice, or their designee, will represent the Court in all matters pertaining to interviews and appointments, including the interview panel for Justices.

Rule 12. Seniority of Justices

In the exercise of all judicial functions, Justices shall be treated as equals. For administrative purposes, including the ordering of names on judgments, orders, decisions, votes, and opinions of the Court, Justices shall take precedence according to the date on which they were confirmed as a Justice, with ties being broken by the alphabetical order of the Justices' last names. The Chief Justice will be listed first for all of these purposes.

Part III. Meeting Procedure

Rule 13. Meetings In General

- a. **Time and Place.** Meetings of the Court shall take place at least monthly. Regular meeting dates shall be determined by the Court at the beginning of each semester and such dates shall be published in advance to the extent possible.
- b. **Open Meetings.** Meetings where no formal voting is expected may be conducted virtually, but all meetings involving formal voting on final opinions shall take place in person. All meetings will be open to the public and published well in advance, with the exception of deliberations in executive session.
- c. **Voting on Opinions.** Any formal meeting shall have an agenda including any matter to be voted on. All votes taken in meetings shall be verbal or written and will be included as part of the record for a given case. Votes on an opinion shall be taken section-by-section unless a Justice wishes to express their votes fully in favor or fully against an opinion.
- d. **Synchronous and Asynchronous Voting.** Voting on certain items as specified in this rule may take place outside of formal meetings (such as by email), and votes of this sort shall be taken in writing only and will be recorded as part of the record. The following items shall be eligible for asynchronous voting:
 - i. Certification of Election Results
 - ii. Final (but not initial) approval of opinions to be released by the Court
 - iii. Decisions to add a case to the docket (by writ of certiorari or otherwise)

Rule 14. Order of Business

The following items should be standard on agendas created by the Chief Justice:

- a. **Call to Order:** The Chief Justice shall state the current time, call the Justices to Order, and ascertain the presence of a quorum. If appropriate, the Chief Justice will also list any pending cases or items for consideration at this time.
- b. **Pending Cases:** During this time, all oral arguments shall be heard.
- c. **Deliberations:** Justices shall, in a closed session, discuss pending cases and shall make clear their positions after oral arguments have been concluded. The Chief Justice or otherwise the senior Justice in the majority shall determine who will write the majority opinion.
- d. **Old Business:** Old Business shall comprise discussion and voting on matters raised at previous meetings, not to include pending cases.
- e. **New Business:** The Chief Justice will open the floor for Justices to raise concerns, move to hear cases *sua sponte*, grant certiorari (including before a lower court has issued a judgment), alter these Standing Rules, or exercise any other power granted to the Court. Any item brought up during this time, which the Court deems worthy of discussion, shall be added to the agenda for the next meeting unless the Court deems the item's consideration a matter of urgency.
- f. **General Discussion:** Any items for discussion outside of the scope of the rest of the agenda should be brought up by any Justice.

- g. **Adjournment:** After discussion has ceased or the time allotted for a meeting has elapsed, the Chief Justice shall state the time and declare adjournment.

Rule 15. Quorum and Attendance

The Court shall not conduct any business requiring synchronous voting without at least four Justices present.

The Chief Justice shall note, and shall attempt to remedy, repeated absences by any Justice.

A Justice's prolonged failure to answer communications may be considered a resignation if they either:

- a) Fail to attend a majority of the Court's meetings in a given semester without notice for the absences
- b) Fail to attend a majority of the Court's meetings over the course of an academic year

Part IV. Cases

Rule 16. Case Docket

The Court shall, on an ongoing basis, accept filing for cases under the Court's jurisdiction. Upon receipt of a filing, the Chief Justice shall assign the case a docket number and shall forward all information pertaining to the case to the other Justices and will open the floor (in a meeting) or an email chain (outside of a meeting) for discussion on hearing the case.

Docket numbers shall be formatted as follows: SC [year]-[case number]. As an example, the first case filed in calendar year 2025 was numbered SC 2025-001. Each brief, motion, and order in a given case shall also bear that case's docket number.

Rule 17. Filing Requirements

The Chief Justice shall assign each case a docket number as soon as they are made aware of the case through a filing containing: (1) the party or parties bringing the case, (2) the party or parties against which the case is brought, if applicable, (3) the court's jurisdiction over the case, (4) the subject of the dispute, (5) a statement of the facts of the case, and (6) the remedy desired.

Rule 18. Certiorari

The consideration of whether to grant certiorari should be limited to whether the Court should dismiss the petition for being moot, improper, irrelevant, frivolous, or otherwise failing to comply with these rules. The votes of three Justices shall be required to grant certiorari in a case, and such votes shall be gathered within three days of the Chief Justice's forwarding the case to the Court. Any time certiorari is denied for any case, the reasons for the denial should be briefly stated in a written judicial order and made public.

Upon the granting of certiorari, the Chief Justice shall determine a hearing date which can be attended by parties or their representatives as well as a quorum of Justices, and such hearing date shall be made public via an order. The Chief Justice, or the Court as a whole, has the authority to modify deadlines according to the needs and requests of parties or Justices.

The Court also reserves the absolute authority to grant certiorari before judgment to an inferior court or to the General Counsel, which shall preclude the same from further consideration of the case unless and until the case is remanded.

Rule 19. Sua Sponte Cases

Any Justice may, during an ordinary meeting, raise a constitutional question for the Court to review *sua sponte*. If at least two additional Justices agree, the Court will exercise its discretion to do any of the following, with the understanding that a final opinion must be issued by the Court no matter which option is selected:

- a. Issue an order calling for an Opinion of the General Counsel, and such Opinion shall subsequently be discussed and either agreed to, reversed, reversed in part, or remanded with instructions. If the Court agrees to a General Counsel opinion obtained in this way, the Court must release an opinion to that effect, including the full text of the General Counsel's opinion as well as commentary on the opinion. If the Court does not agree, it must explain the decision to do so.
- b. Call for immediate written or oral arguments, or both, from potentially interested individuals, SGA entities, Registered Student Organizations, or amici. The Court may appoint amici curiae to brief and argue a case as necessary. (See Rule 35).
- c. Issue an order or opinion immediately. This should be done only in cases of the utmost urgency, or for preliminary orders.
 - a. In a preliminary order where the case is expected to proceed after the order issues, the Court should refrain from excessive commentary on the merits to avoid any "binding effect" that such commentary may have on the Court's further consideration of the case.

Rule 20. Briefing Procedures

In each case, the Court shall require briefs from all parties. Parties will attempt to include all of their principal arguments in their briefs. Briefs shall include, at minimum:

- a. The date of filing
- b. The case style and docket number
- c. All sources of law that tend to aid the party's arguments
- d. The application of legal rules to relevant facts

Rule 21. Oral Argument Procedures

Each hearing shall consist of oral arguments by concerned parties as well as questioning by Justices both on the specific case at hand and on hypotheticals. The Chief Justice shall preside and will solicit questions from each Justice in turns by order of seniority and will continue doing so until all Justices have exhausted their questions. The Chief Justice should also allow a Justice to ask reasonable follow-up questions as part of one turn of questioning and may allow Justices to ask questions out of the usual order if the questions are part of an ongoing line of questioning. The Court may establish appropriate time limits for oral arguments, and such time limits will always be equal for all parties, to include both arguments and questions, and may include time for a rebuttal. At the Chief Justice's discretion, parties may be granted extra time for oral arguments, so long as such time is granted equally to all parties.

Rule 22. Deliberation

Deliberation shall always take place in executive session. There will be a final opportunity for general discussion on the case and discussion over the main issues. Following discussion on the case, the Justices will, by voice vote, state their opinions as to the holding in the case. The Chief Justice or most senior Justice from the majority or plurality shall assign the Court's opinion to themselves or another Justice.

Rule 23. Opinions.

The Justice writing the opinion of the Court shall solicit feedback from other Justices, finalize the opinion no later than 5 days after the conclusion of the hearing, and then disseminate the opinion for final approval by the Court. The Chief Justice will allow at least two days for other Justices to submit their concurring or dissenting opinions. Justices will vote remotely, in writing, stating their final decision on which opinion to join.

If a majority of the Court joins an opinion besides that of the Justice assigned to write the opinion of the Court, then the authors of all opinions shall have the opportunity to rephrase or otherwise alter their opinions to reflect their status changes (from dissent to majority opinion, for example).

Rule 24. Publication

When a decision is finalized along with any dissenting or concurring opinions, the Chief Justice shall compile these into one document, make any formatting changes as necessary, and publish the opinion both online and in the Student Government Association offices. The Chief Justice will also forward the opinion to the parties and to the amici curiae, if applicable.

Part V. Motions

Rule 25. Motions to the Court

A party may make a motion to the Court in writing (specifically by email), after the addition of their case to the Court's docket but before the date on which oral arguments are scheduled.

All motions shall contain a plain statement of the motion's legal basis and relief sought.

Opposing parties may respond to a motion within 5 days from the motion's filing, or the Court will rule on the motion immediately. Oral argument on a motion shall not be permitted unless the Court determines oral argument to be absolutely necessary for a ruling.

Rule 26. Split Decisions on Motions

Unlike appeals, where a divided court shall mean that the lower court's decision stands, at times there may be motions where the Court must respond. For example, a motion to enter certain evidence into the record must be resolved one way or the other. In such situations, the Chief Justice will decide the issue in the event of an even split of the Court.

Part VI. Miscellaneous

Rule 27. Abstention Forbidden

Justices may recuse themselves when appropriate but may not otherwise abstain from cases. It is the duty of each Justice to hear and decide all cases before them, except where a conflict or other ethical concern exists.

Rule 28. Opportunity to Intervene

The Court may, when it determines a hearing date for a case, make a public announcement that it will accept amicus briefs for the case, and may offer that other SGA officers or branches in particular may submit their views.

Rule 29. Procedure and Evidence

The Rules of Evidence and the Federal Rules of Civil Procedure will guide the Court in deciding evidentiary and procedural issues.

Rule 30. Standing

Any regularly enrolled student at the University of Oklahoma shall be considered to have standing if “the petitioner’s status within [the SGA] is reasonably related to the subject matter of the claim.” See *Sorenson v. Election Chair*, SC 2007-04. Ordinary standing requirements do not apply.

Rule 31. Standards of Review

When reviewing the decisions of other judicial bodies on appeal, the Court will use the following standards: on questions of fact, the Court will review for clear error; on questions of law, the Court will always use de novo review.

Rule 32. Right to Hearing

Students possess, under the SGA Constitution, “the right to bring suit within the regular judiciary structure for any violation of right guaranteed by the Constitution”, “the right of judicial due process,” and “freedom to choose the tribunal which shall hear the case.” Pursuant to these rights, this court should refrain from denying certiorari and should hear cases whenever possible.

Rule 33. Conflict of Laws, Severability

This document should be interpreted to comply with all applicable laws. In the event of an unavoidable conflict, the unlawful provision will be considered severable and will be struck from the document.

If a party alleges that a provision of this document is unlawful, the Court may separate that question and hold a separate hearing, or may go into a deliberation to decide the issue immediately.

Rule 34. Split Decisions on Motions

Unlike appeals, where a divided court shall mean that the lower court’s decision stands, at times there may be motions where the Court must respond. For example, a motion to enter certain evidence into the record must be resolved one way or the other. In such situations, the Chief Justice will decide the issue in the event of an even split of the Court.

Rule 35. Amici Curiae

The Court may, as necessary, appoint amici curiae. Upon a vote by the Court to appoint an amicus curiae, the Chief Justice or their designee will solicit OU students or OU Law students, as members of the Student Government Association, who may be interested in arguing the case. To that end, the Chief Justice or their designee may contact professors, making physical or online postings, or may contact classmates or professors to search for potential volunteers. If an amicus curiae is not found, the Court may then allow oral arguments with only one party.

Amici curiae are bound by the same conduct standards as parties are, under Rule 37.

Rule 36. Vice Chief Justice

The Court may elect, by majority vote, a Vice Chief Justice. The Vice Chief Justice shall exercise all the discretion and authority afforded to the Chief Justice and will be responsible for fulfilling the Chief Justice’s duties, in event of the Chief Justice’s absence or temporary inability.

Rule 37. Trial Procedures

In the event that the Court must conduct a trial which includes fact-finding, the Court will meet with all parties involved to set procedures and timelines for each phase of the case, including (but not limited to) discovery, pre-trial hearings and motions, trial procedures, treatment of witnesses, and an expected date for final judgment.

Part VII. Conduct

Rule 38. Conduct of Parties

Parties shall:

- a. conduct themselves in a manner aimed at maintaining civility; uphold basic standards of professionalism; promote judicial efficiency; and amicably resolve their disputes in a fair, just, and conclusive manner.
- b. treat all participants in the litigation process – including (but not limited to) opposing parties, witnesses, and Justices – in a civil, professional, respectful, and courteous manner at all times and in all communications, oral or written.
- c. not encourage or authorize any individual or group within their control to engage in conduct that would be inappropriate under these general principles if the parties themselves were to engage in such conduct.
- d. not make unfounded accusations of impropriety or make ad hominem attacks on other parties and, absent good cause, shall not attribute bad motives or improper conduct to other parties.
- e. agree to reasonable requests for extensions of time and waiver of procedural formalities provided their interests shall not be adversely affected. Parties shall not request extensions of time for the purpose of unjustified delay.
- f. not employ any procedural requirement contained in these Rules for harassment, unjustified delay, or any other improper purpose.
- g. avoid all ex-parte communications with the Court or any member thereof on pending matters unless such communications relate solely to scheduling or other non-substantive matters or are made with the consent of all parties and are disclosed to the Court.

Rule 39. Conduct of Justices

Justices shall abide by all rules set forth by the legislative branch which the Court finds to be Constitutional.

Rule 40. Recusal

Justices shall recuse themselves by notifying the presiding officer immediately upon discovery of their basis for recusal. All recusals, voluntary or ordered, shall be noted in the opinion or order. A Justice may be requested to recuse themselves by any Justice or any party to a case. If a Justice declines to recuse when requested to do so, they may be ordered to do so by a majority of the Justices present and voting.

Rule 41. Sanctions

Parties to a case may be sanctioned by the Court as it sees fit under the powers granted by Title IV of the Code Annotated, or by a formal referral to the Undergraduate Student Congress, though such referral should not come with any recommendation of action.

Justices may be sanctioned by admonition, by forced recusal, or by a formal referral to the Undergraduate Student Congress, though such referral should not come with any recommendation of action.

Additionally, any failure to comply with these Standing Rules may result in dismissal of the case, judgment against the offending party, or such action as is necessary to induce compliance and facilitate resolution on the merits.