

**Florida A&M University  
Student Government Association  
48<sup>th</sup> Student Senate  
SB19SP-003**

**Author:** Senator Simmons  
**Sponsor:** Senator Moricette and the Judicial & Rules Committee  
**First Reading:** April 22, 2019  
**Second Reading:** April 22, 2019

**Title:** Law School Circuit Court Statutes  
**Legislation:** Senate Bill

**Whereas,** The Florida Agricultural and Mechanical University Student Senate is the Legislative Branch of the Student Government Association and is empowered to pass legislation as it deems necessary to carry out the functions of the Student Government Association, and

**Whereas,** The Florida Agricultural and Mechanical University College of Law has served as an integral part of our university by shaping a new generation of experienced law practitioners, its physical location in Orlando, FL has made it difficult for law school students to have their voices heard adequately within the present student judicial system for the university, and

**Whereas,** Law school students deserve the opportunity to conveniently have their judicial cases heard within the court system and present their cases in person without having to travel to the main campus of FAMU in Tallahassee, FL. The recent creation of the FAMU Law School Circuit Court located in Orlando, staffed by FAMU Law school students will serve to remedy this dilemma, however this body still requires formal guidelines, and

**Whereas,** Clear guidelines are necessary to ensure that this body operates ethically and in accordance with the present FAMU student judicial system. The addition of Chapter 409: Law School Circuit Court to Title V of the FAMU Student Body System of Statutes will solve this problem by providing these guidelines.

**Therefore,** **Be it Enacted, that Chapter 409: Law School Circuit Court is added to Title V of the FAMU Student Body System of Statutes to ensure that the FAMU College of Law Circuit court operates with fairness, efficacy, and efficiency.**

*Proviso Language: This piece of legislation will take effect upon signage by the Student President.*

## **Chapter 409**

### **Law School Circuit Court**

409.1 The FAMU Law School Circuit Court shall serve as the official hearing body for all judicial matters arising at the law school.

409.2 Jurisdiction

With the exception of matters involving University elections, The Law School Circuit Court shall have jurisdiction:

1. Over cases and controversies involving questions of Constitutionality of actions by the students, student governing groups, and student organizations arising at the law school, with reference to this Constitution.
2. Over violations of the System of Student Body Statutes that arise at the law school.
3. Over conflicts between law school students, student groups, or organizations.
4. Over the issuance of all summonses of law school students to appear before the Law School Circuit Court.
5. Over the determination of the quality of penalties for law school students, student groups or student organizations in violation of legislation enacted by the Student Senate under the provisions of this Constitution, except in cases of impeachment.

409.3 Composition

The Law School Circuit Court shall be composed of:

1. Five (5) Judges appointed by the SGA President and approved by a two-thirds (2/3) vote of the Student Senate. The concurrence of the majority present shall be necessary to render a decision, verdict, or interpretation.
2. A Chief Judge appointed by the SGA President from among the five (5) judges and approved by a two-thirds (2/3) vote of the Student Senate. The Chief Judge is responsible for presiding over all sessions and meeting and handling all administrative matters of the court. The Student Bar Association President shall recommend to the President of SGA a law student to become Chief Judge. The SGA President is bound only by custom and tradition to accept the SBA President's recommendation

3. A law school clerk of courts to keep records, which shall be appointed by the Chief Judge and chosen from outside the Student Supreme Court.
4. A bailiff, who shall be responsible for courtroom preparation and the swearing in of witnesses, shall be appointed by the Chief Judge and chosen from outside the Student Supreme Court. He shall serve on a volunteer basis.

409.4 Quorum

For the purposes of a Circuit Court hearing, quorum shall consist of three (3) members.

409.5 Procedural Due Process

Each student referred to the Law School Circuit Court shall be afforded due process, which shall include the following:

- A. the right to be notified, in writing, of the charges against him/her with sufficient time to ensure the opportunity to prepare for a hearing
- B. the right to a prompt hearing before the Court
- C. the right to present evidence on his/her behalf
- D. the right to appear with counsel (Counsel here means any person the student may determine to advise him/her).
- E. the right to appeal all Circuit Court decisions to the Supreme Court

409.6 Sessions

The sessions shall proceed as a modern court session, i.e.:

1. As the judges enter the courtroom, the bailiff commands, "all rise." Individuals in the courtroom shall remain standing until the Chief Judge says, "be seated."
2. The Chief Judge and four Associate Judges sit during sessions and shall render decisions. In the event all of the judges cannot attend or sit during a given trial, at least three Judges must be present in order to attain a quorum. A trial cannot be heard in the absence of a quorum.
3. Decisions rendered shall be determined by a majority vote of the judges.

4. Announcements and decisions shall be made by the Chief Judge. All decisions shall be published in public record with a statement of the case and reason for decisions.
5. A defendant may select his/her own lawyer from the student body or he may plead his own case. It is the counselor's responsibility to be knowledgeable of courtroom practice and procedure.
6. The seats of the five judges are arranged according to length of service on the bench: the Chief Judge in the center, flanked by the Senior Associate Judge on his right, the second-ranking on his left, the third-ranking judge on his right, the fourth-ranking on his left.

409.7

#### Appeals

All appeals of the decisions of the Law School Circuit Court shall be made in writing to the Solicitor General within five (5) working days after the Court has rendered its decision. The Student Supreme Court has the right to grant the appellant a hearing or deny one. If the Supreme Court chooses to hear the appeal, they shall have the power to affirm or reverse the decision of the Circuit Court.

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**For: 23      Opposed: 1      Abstain: 0**

**Pass: X      Fail:**

**Student Senate President**      *Rochard Moricette*      **Date:** 04/23/2019  
Rochard Moricette (Apr 23, 2019)

**Student Body President**      *David H. Jackson III*      **Date:** 4/24/2019  
David H. Jackson III (Apr 24, 2019)









# SB19SP-003 (Law School Circuit Court)

Final Audit Report

2019-04-24

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