



Student Government Association of the University of Kentucky (UKSGA) Supreme Court

Judicial Handbook

Section I – GENERAL

Rule 101 – Professionalism

- (a) IN GENERAL - All parties and counsel appearing before the Supreme Court shall conduct themselves in accordance with the highest standards of professionalism.
- (b) REDRESS FOR VIOLATIONS – Actions to address incidents of unprofessional conduct shall be undertaken at the complete discretion of the Chief Justice, or other presiding officer in the absence of the Chief Justice

Rule 102 – Definitions

All words, terms, and phrases used herein reflect the same meaning as defined in the UKSGA Governing Codes, unless otherwise provided. Should a term not be defined in the Governing Codes, they shall be interpreted using their common meaning.

Section II – APPELLATE PROCEDURES

Rule 201 – Briefs

- (a) LENGTH OF BRIEFS – Briefs may be any length, unless the Chief Justice determines otherwise.
- (b) CONTENTS OF BRIEFS – Appellate briefs should contain all legal arguments and evidence which the parties seek to discuss at oral argument.
- (c) MODIFICATION – Once submitted, briefs will not be able to be modified.

Rule 202 – Service of Briefs

- (a) Briefs must be submitted to the Chief Justice or their designee, at least three (3) academic days prior to the scheduled date of oral argument.
- (b) Upon receipt of both briefs, the Chief Justice or their designee shall exchange the briefs with the opposing party at the earliest possible convenience.

Rule 203 – Amicus Briefs

An amicus brief may be submitted by any individual or group and must be submitted at least three (3) academic days prior to oral argument to be considered alongside the case. Such briefs will not be considered for purposes of establishing evidentiary facts related to the claim or appeal before the Court and will be considered only for the purposes of policy implications related to a pending case.

Rule 204 – Counsel

- (a) IN GENERAL – Any party appearing before the Court may retain student counsel to represent them before the UKSGA Supreme Court or General Court.
- (b) QUALIFICATIONS – Any student serving as counsel to a party must:
 - i) Be a student in good standing at the University of Kentucky;

- ii) Not be an active member of UKSGA.
- (c) CONCURRENT REPRESENTATION – A party serving as counsel may only represent a single party before the court. A student election campaign which contains more than one student shall be considered a single party for these purposes. Additionally, a multi-person appellant or appellee shall also be considered a single party for these purposes.
- (d) CONFLICTS OF INTEREST – A person serving as counsel may not do so if the representation is adverse to a party the same counselor has previously represented before the Supreme Court.

Rule 205 – Exhibits and Evidence

- (a) EVIDENCE – The only evidence considered by the Supreme Court in appellate proceedings is that which is contained in the briefs. Unless otherwise provided, this is the full scope of evidence to be considered.
- (b) EXHIBITS – Any exhibit to be discussed must be contained in the briefs submitted. Should a party wish to bring a physical exhibit to the oral argument, they may do so as long as the same exhibit was also included in the submitted briefs.
- (c) WITNESSES – No witnesses shall be permitted to testify during the appellate process.

Rule 206 – Oral Argument

- (a) TIME – Unless otherwise provided, each party before the Court (appellant and appellee) shall have ten (10) minutes to deliver their oral argument.
- (b) STRUCTURE – The appellant will argue first followed by the appellee.
- (c) REBUTTAL – The appellant may reserve up to two (2) minutes of time for rebuttal but is not required to do so. During rebuttal the appellant may not discuss new information, evidence, or arguments and may only respond to, or re-emphasize points previously raised.

Rule 207 – People Permitted in Room During Oral Argument

Each party is permitted to bring their counsel and no greater than two (2) support people into the hearing room at the time of oral argument, unless otherwise provided by the Chief Justice or designee.

Rule 208 – Election Slip Opinions

- (a) DELIBERATIONS – Following oral argument on cases involving an SGA election, the Supreme Court shall convene to consider the totality of all appealed claims. At the conclusion of this meeting, the Chief Justice, or other designee of the Court, shall compile a slip opinion declaring the winner of the election(s).
- (b) ISSUANCE – prior to publishing the slip opinion the Chief Justice or designee shall consult with UK Legal and the UKSGA Advisors to ensure procedural compliance.

Section III – JUDICIAL ETHICS

Rule 301 – Conflict of Interest Defined

- (a) IN GENERAL – A conflict of interest is any situation or circumstance which calls the impartiality of a Justice into question including, but not limited to:
 - (i) Personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts;
 - (ii) Prior work with or on the campaign of any party;
 - (iii) A familial relationship with a party.
- (b) STUDENT ORGANIZATION MEMBERSHIP - Merely being a member of the same student organization as a party or counsel before the Court, such as a fraternity or sorority, DanceBlue, or other student organization is not sufficient alone to create a conflict of interest.
- (c) AFFIRMATIVE DUTY – Justices are under an affirmative duty to report any conflict of interest regarding themselves as soon as it arises.

Rule 302 – Voluntary Recusal

A Justice may recuse themselves from any case before the Supreme Court, either due to a conflict of interest or any other reason. A Justice seeking to recuse shall notify the Chief Justice prior to the beginning of oral argument of the case-in-question.

Rule 304 – Confidentiality of Deliberations and Meetings

The deliberations and meetings undertaken by the Court shall be handled with the utmost discretion and confidentiality. The contents of deliberations shall not be shared with any person, party, or counsel unless specifically required in order to comply with University rules and regulations.

Rule 305 – Penalties for Violations of Confidentiality or Conflicts of Interest

Penalties for failure to comply with the rule regarding confidentiality, or a failure to self-report a conflict of interest may be dealt with at the discretion of the Chief Justice. If the Chief Justice violates confidentiality or neglects to disclose a conflict of interest, penalties shall be handled by the next most senior Justice.

Rule 306 – Opinion Writing

The Chief Justice shall assign opinion writing at their discretion.

Section IV – PROCEDURES FOR ORIGINAL JURISDICTION

Rule 401 – Original Jurisdiction Defined

- (a) IN GENERAL – The General Court shall exercise original jurisdiction over all matters assigned to it by the UKSGA Constitution and Governing Codes, including but not limited to complaints, enforcement actions, and disputes arising under the authority of the UK Student Government Association.
- (b) APPELLATE REVIEW – Proceedings under this Section are original actions and shall not be treated as appeals.

Rule 402 – Commencement of an Action

- (a) FILING OF COMPLAINT – An action invoking the original jurisdiction of the General Court shall be commenced by the filing of a written complaint with the UKSGA Supreme Court.
- (b) CONTENTS OF COMPLAINT – The complaint shall include:
1. The name, LinkBlue, and contact information of the complainant;
 2. The name and LinkBlue of the respondent(s);
 3. A clear statement of the facts giving rise to the claim;
 4. The specific provisions of the UKSGA Constitution, Governing Codes, or regulations allegedly violated;
 5. The relief requested.

- (c) SUFFICIENCY REVIEW– The Chief Justice may dismiss a complaint that is facially deficient, outside the Court’s jurisdiction, or frivolous, in accordance with governing code 403.3.

Rule 403 – Presiding Judge

- (a) Claims shall be assigned a presiding judge by the Chief Justice after ensuring no conflict of interest exists in accordance with governing code 403.1.
- (b) The presiding judge has sole authority in writing their opinion on a complaint, subject to appeal. The presiding judge shall not consult with the other judges of the General Court when writing their opinion.

Rule 404 – Notice and Service

- (a) NOTICE TO RESPONDENT – Upon acceptance of a complaint, the Chief Justice or designee shall provide notice to all named respondents at the earliest possible convenience.
- (b) METHOD OF SERVICE – Service may be effectuated electronically unless otherwise required.
- (c) TIME TO RESPOND – Unless otherwise provided, respondents shall have five (5) academic days from service to submit a written response.

Rule 405 – Responses

- (a) CONTENTS – A response shall address the allegations raised in the complaint and may include defenses, explanations, and any relevant evidence.
- (b) FAILURE TO RESPOND– Failure to submit a response may be considered by the Court but shall not, standing alone, be dispositive of liability.

Rule 406 – Evidence and Witnesses

- (a) EVIDENCE– The General Court may consider written submissions, exhibits, and other relevant materials submitted by the parties.
- (b) WITNESSES – The Court may, at its discretion, permit witnesses to testify during a General Court proceeding.

Rule 407 – Hearings

- (a) DISCRETIONARY HEARING – The General Court may resolve a matter with or without a hearing. The General Court may resolve a matter without a hearing after receipt of the response if there is no genuine dispute of material fact and one party is entitled to summary judgment.
- (b) NOTICE OF HEARING – If a hearing is held, the parties shall be notified of the date, time, and format in advance.
- (c) CONDUCT OF HEARING – The presiding Judge shall control the proceedings, including the order of presentation and time allotted to each party.

Rule 408 – Counsel

- (a) RIGHT TO COUNSEL – Parties may be represented by student counsel in accordance with Rule 204.
- (b) SELF-REPRESENTATION – Parties may appear pro se.

Rule 409 – Burden and Standard

- (a) BURDEN OF PROOF – The complainant bears the burden of proving the alleged violation.
- (b) STANDARD OF PROOF – Unless otherwise provided by the Governing Codes, the standard of proof shall be a preponderance of the evidence.

Rule 410 – Decisions and Remedies

- (a) DECISION – Following consideration of the record, the presiding judge shall issue a written decision with a reasonable time.
- (b) REMEDIES – The General Court may impose any remedy authorized by the UKSGA Constitution or Governing Codes.

(c) FINALITY – Decisions of the General Court are subject to appeal only as provided by the Governing Codes.

Rule 411 – Confidentiality

Proceedings conducted under the original jurisdiction of the General Court shall be handled with appropriate discretion, consistent with Rule 304.

Section V – AMENDMENTS & ALTERATIONS

Rule 501 – Amendments to the Judicial Handbook

The Supreme Court may meet to consider changes to the Judicial Handbook upon request made by any sitting Justice. Any changes to the Judicial Handbook require a majority of all sitting Justices.¹

¹ Therefore, it requires the affirmative vote of four (4) Justices in a full court to pass any changes to the Judicial Handbook. Even if less than seven Justices are in attendance at the meeting, it will still require four (4) affirmative votes to enact a change.