**BILL #9S 2022 Spring SESSION**

**Legislative Action**

Introduced by: Chief Justice A. Borders (A)(E), Attorney General R. Romero-Salas (A)(E), Court Clerk A. Chavez (E), Associate Justice M. Bernier (E), Associate Justice M. Ramirez (E), Associate Justice A. Velasco (E), Judicial Court Manager Y. Hernández (E), Associate Justice A. Minetos (E), Senator E. Macsaveny (E)(S), President Pro Tempore J. Griego (E)(S)

|  |  |
| --- | --- |
| 1st Reading:\_\_\_\_\_\_\_\_ | Referred To: \_\_\_\_\_\_\_\_\_\_\_\_ |
| 2nd Reading:\_\_\_\_\_\_\_ | Committee Action: \_\_\_\_\_\_\_ |
| 3rd Reading: \_\_\_\_\_\_\_\_ | Senate Action: \_\_\_\_\_\_\_\_\_\_ |

**Executive Action**:

⛞ Approved ⛞ Vetoed

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ASUNM President Date

Unsigned by the President on this \_\_\_\_day of \_\_\_\_\_\_\_ 2022. Bill automatically becomes law.

**Legislative Response**:

Veto override vote taken: \_\_\_\_\_\_\_\_\_\_\_ Senate Action: \_\_\_\_\_\_\_\_\_\_\_\_\_

Be it enacted by the Associated Students of the University of New Mexico that the following be amended in ***(Judicial Code)*** of the ASUNM ***(Law Book)***:

**JUDICIAL CODE**

**Article I: ~~Justices~~ Officers of the Judicial Branch**

**Section 1. Composition**

**The Student Court shall comprise of:**

1. **Chief Justice, appointed by the President with the approval of the President Pro Tempore;**
2. **Four (4) Associate Justices, appointed by the President with the approval of the President Pro Tempore;**
3. **Court Clerk, appointed by the Chief Justice;**
4. **Judicial Events Manager, appointed by the Chief Justice.**

~~Section 1. Oath of Office~~

**Section 2. Judicial Oath of Office**

1. No Justice will assume the duties of ~~that~~ **their** office until ~~an~~ **the Judicial** Oath of Office has been administered. ~~The~~ **~~Judicial~~** ~~Oath of Office must be administered within~~ **~~fourteen (~~**~~14~~**~~)~~** ~~days of confirmation by the ASUNM Senate~~ **~~President Pro Tempore~~**~~.~~ During the time between ~~a justice being appointed~~ appointment and the date they are sworn in, the candidate for the position of ~~justice~~ **Justice** must follow the standards of conduct as outlined in Article ~~III~~ **II of the Judicial Code** ~~Conduct~~. Failure to do so may result in disciplinary action as outlined in the Constitution.
2. The Judicial Oath of Office must be administered by the Chief Justice ~~of the Associated Students of the University of New Mexico,~~ and must be witnessed by a representative from each of the following:
3. The Executive Branch;
4. The Legislative Branch.
5. In the case that the Chief Justice is ~~unavailable~~ **unable** to administer the Judicial Oath of Office, **including their own swearing-in,** the President ~~of the Associated Students of the University of New Mexico will~~ **shall** administer the Judicial Oath of Office. In the case that the President ~~of the Associated Students of the University of New Mexico~~ is ~~unavailable~~ **unable** to administer the Judicial Oath of Office, then the Vice President ~~of the Associated Students of the University of New Mexico will~~ **shall** administer the Judicial Oath of Office.
6. The **Judicial** Oath of Office ~~will~~ **shall** be administered with the right hand uplifted and the following words said aloud: “I, (name), do solemnly swear that I will uphold the laws of the Associated Students of the University of New Mexico, the State of New Mexico, and the United States of America; that I will judge fairly and with no previous bias the evidence and proceedings before me, and that I will otherwise fulfill the duties and obligations of the Student Court Justice to the best of my ability.”
7. Upon affirmation of the **Judicial** Oath of Office, an affidavit ~~will~~ **shall** be filed attesting to the authority of the Justice. The Justice may then assume office.

~~Section 2. Seniority~~

1. ~~Should the Chief Justice resign from the Student Court for any reason or be the subject of impeachment proceedings, the Senior Associate Justice will assume the duties of the Chief Justice until the President appoints a new Chief Justice.~~
2. ~~Seniority of the Justices will be determined by the date of approval of appointments by the Senate.~~

~~Section 3. Court Clerk~~

1. ~~The Chief Justice may, as deemed necessary, retain the services of a Court Clerk.~~
2. ~~The Court Clerk shall assist the Court in clerical matters only, and will not play a role in the Court’s decision–making process.~~

**~~Article II: Duties~~**

~~Section 1. General Duties~~

1. ~~Each Justice will establish and maintain regular office hours. Office hours will be no less than two (2) per week per semester. These hours will be posted in the ASUNM office.~~
2. ~~Each Justice will make known to the Chief Justice their schedule of classes no later than the end of the second week of each semester. Justices will specify at that time under which circumstances, if any, class schedules are to be released.~~
3. ~~The Student Court shall conduct bi–weekly meetings throughout each semester.~~
4. ~~Written opinions will become part of the official Court Record and be published.~~
5. ~~The Justices must meet with the ASUNM Student Court legal advisor~~~~at least twice per semester.~~
6. ~~The Student Court shall conduct one (1) mock trial per semester by the end of the 12th week of the said semester. In preparation for the mock trial the Student Court shall conduct three (3) mandatory training sessions in addition to their prescribed duties.~~

~~Section 2. Chief Justice~~

1. ~~The Chief Justice will maintain office hours. Office hours will be no less than two (2) per week per semester.~~
2. ~~The Chief Justice will preside at all meetings of the Court, or be responsible for assigning a Justice to preside when the Chief Justice cannot attend. The Chief Justice will preside at all judicial sessions of the Court.~~
3. ~~The Chief Justice will publish all rulings and decisions of the Student Court within five days of issuance.~~
4. ~~The Chief Justice will conduct an ethics workshop for the purpose of educating any ASUNM individuals who represent the student body on the ethical behavior expected during a term. The Chief Justice will conduct this workshop during the ASUNM retreat or any other scheduled training.~~
5. ~~The Chief Justice shall serve as a member of the Scholarship Committee.~~

**Section 3. Duties of the Judicial Branch**

1. **General Duties**
2. **The officers of the Student Court shall convene at the request of the Chief Justice;**
3. **The Justices shall meet with the ASUNM Student Court Legal Advisor at least once per semester;**
4. **The Student Court shall conduct one (1) Mock Trial per semester. In preparation for the Mock Trial, the Student Court shall conduct at least one mandatory training session.**
5. **Chief Justice**
6. **The Chief Justice shall maintain office hours. Office hours shall be no less than two (2) per week per semester;**
7. **The Chief Justice shall appoint a Court Clerk and a Judicial Events Manager;**
8. **The Chief Justice shall preside over all meetings of the Student Court;**
9. **The Chief Justice shall preside over all judicial sessions of the Student Court;**
10. **The Chief Justice shall submit all rulings and decisions of the Student Court within two (2) days of issuance to the Court Clerk;**
11. **The Chief Justice shall serve as a member of the Scholarship Committee.**
12. **Associate Justices**
13. **The Associate Justices shall assist the Chief Justice in the execution of their duties at the request of the Chief Justice;**
14. **The Associate Justices shall submit any written opinions to the Court Clerk within two (2) days of issuance.**
15. **Court Clerk**
16. **The Court Clerk shall assist the Student Court in clerical matters only and shall not participate in the Student Court’s decision-making process;**
17. **The Court Clerk shall publish all rulings, decisions, and written opinions of the Student Court within five (5) days of issuance;**
18. **The Court Clerk shall keep a record of judicial sessions, type, and publish the minutes;**
19. **The Court Clerk shall maintain, in chronological order, the official Court Record and all related documentation.**
20. **Judicial Events Manger**
21. **The Judicial Events Manager shall assist the Student Court in managerial matters only and shall not participate in the Student Court’s decision-making process;**
22. **The Judicial Events Manager shall obtain the availability schedules for each of the officers of the Judicial Branch;**
23. **The Judicial Events Manager shall plan and schedule Student Court meetings, trainings, and judicial sessions at the request of the Chief Justice.**

**Section 4. Judicial Line of Succession**

1. **Should the Chief Justice resign from the Student Court or be the subject of impeachment proceedings, the Senior Associate Justice shall assume the duties of the Chief Justice until the President appoints a new Chief Justice.**
2. **The Judicial Line of Succession for Senior Associate Justice shall be as follows:**
3. **The longest-serving Associate Justice;**
4. **The longest-serving member of ASUNM of the Associate Justices, including elected and appointed positions.**
5. **In the event of a tie for Senior Associate Justice, the President shall appoint one of the tied Associate Justices to the position.**

**~~Article III: Conduct~~**

**Article II: Conduct**

Section 1. Integrity

1. All members of the **Student** Court will establish, observe, and maintain high standards of conduct so that the integrity and independence of the judiciary may be preserved.
2. Members of the **Student** Court will respect and comply with the law and will conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
3. Members of the **Student** Court will not allow their family, social or other relationships to influence their judicial conduct or judgment.
4. Members of the **Student** Court will not permit those under their control to convey the impression that they are in a special position to influence the decisions of the **Student** Court.

Section 2. Responsibility

1. Adjudicative:
2. Members of the **Student** Court will be faithful to the law and remain unswayed by partisan interests, public clamor, or fear of criticism.
3. Members of the **Student** Court will maintain order and decorum in proceedings before them.
4. Members of the **Student** Court will be patient, dignified, and courteous to those with whom they deal in an official capacity, and will require similar conduct of those subject to their direction and control.
5. Members of the **Student** Court will accord to every person who is involved in a proceeding, or their counsel, a full right to be heard according to law.
6. Members of the **Student** Court will neither initiate nor consider communications from only one party of a pending or impending proceeding.
7. Each Justice is charged with the duty of carefully reading and analyzing the pertinent submitted material on each case in **which** they participate.
8. Members of the **Student** Court will abstain from public comment about a pending proceeding in the **Student** Court and will require similar abstention on the part of **Student** Court personnel not subject to their direction and control. This does not prohibit Justices from making public statements in the course of their official duties or from explaining for public information the procedures of the **Student** Court.
9. Members of the Court will dispose promptly of the business of the **Student** Court.
10. Administrative:
11. Members of the **Student** Court will require **Student** Court officials and assistants that they observe the standards of confidentiality, fidelity, and diligence that apply to themselves.
12. Each member of the **Student** Court will take or initiate appropriate disciplinary measures against any other member of the **Student** Court for unprofessional conduct of which they become aware.
13. In exercising the power and authority of the **Student** Court, members of the Court will avoid nepotism and favoritism.

Section 3. Disqualification

A Justice is disqualified and will excuse themselves in any proceeding in which:

1. The Justice has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.
2. The Justice or the Justice’s spouse/domestic partner, or a person related to the Justice within the third degree, by blood, marriage, or other relationship to either the Justice or the Justice’s spouse/domestic partner:
3. is a party to the proceeding, or an officer, director, or trustee of a party;
4. is acting as legal counsel in the proceedings;
5. is known by the Justice to have an interest that could substantially affect or be affected by the outcome of the proceeding;
6. is to the knowledge of the Justice likely to be a material witness in the ~~proceeding;~~ **proceeding.**
7. A party to the proceeding is an assistant or employee of the Justice.

Section 4. ~~Non–judicial~~ **Non-Judicial** Activities

1. Members of the **Student** Court may appear at a public hearing before an executive or legislative ~~body,~~ **body** and may consult with an executive or legislative body official, but only on matters concerning the administration of justice.
2. Members of the **Student** Court will not act as arbitrators or mediators except in the performance of judicial duties.
3. Members of the **Student** Court will not accept any gift, bequest, favor, or loan other than ordinary social hospitality, if the source of said gift, bequest, favor, or loan could imply or give the appearance of influencing the decisions of the **Student** Court or otherwise give the appearance of impropriety.