

BAYLOR UNIVERSITY STUDENT COURT

RULES OF APPELLATE PROCEDURE

WITH FORMS

SEPTEMBER 8, 2020



Printed for the use of
THE BAYLOR UNIVERSITY STUDENT BODY

MEMBERS OF THE STUDENT COURT
AT THE TIME OF ADOPTION

BEN SOBUS, *Chief Justice*

BURKE CRAIGHEAD, *Deputy Chief Justice*

MACY MERRITT, *Associate Justice*

BRIGID NALE, *Associate Justice*

GRACE GILMOUR, *Court Clerk*

KRISHNA KANDURY, *Court Clerk*

FOREWORD

This document contains the Rules of Procedure in any and all matters which come before the Baylor University Student Court under its appellate jurisdiction together with appropriate forms, as amended on SEPTEMBER 8, 2020. The rules and procedures herein have been established pursuant to the Baylor University Student Body Constitution. The rules and procedures herein have been approved by the unanimous vote of all members of Student Court pursuant to Art IV, Sec 3, A of the Baylor University Student Body Constitution. These rules and procedures are established to guide any and all members of the Baylor University Student Body in their interactions with the Student Court. These rules and procedures are subject to change at any time by the unanimous consent of the Student Court's members. All questions regarding these rules and procedures should be directed to the Chief Justice.

For the convenience of the user, several forms have been attached to these rules and procedures. These forms, hereafter "Templates", are examples of the preferred guidelines of the Court. The Templates are examples only, and are not considered binding on any member of the Baylor Student Body. The Court may request alterations or corrections to any document including but not limited to: briefs, responses, petitions, and motions. Any questions regarding this document or its execution should be directed to the Court Clerk.

Ben Sobus /s/

Chief Justice, Baylor University Student Court

SEPTEMBER 8, 2020.

AUTHORITY FOR THE PROMULGATION OF RULES

ARTICLE IV, SECTION 3, BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION

Rules of Procedure; Power to Prescribe

- a) The Baylor University Student Court shall have the power to adopt any procedure, not in conflict with the Baylor University Student Body Constitution, that it deems necessary and proper for the conduct of business.
- b) These Rules shall not alter, abridge, enlarge, or modify any substantive right of a Baylor University student or organization.

Rules of Procedure; Method of Prescribing

- a) Any additions, modifications, corrections, or alterations made to these procedures shall be made with the unanimous consent of all members of the Student Court.
- b) These procedures will be voted upon by the Student Senate in the meeting immediately following their adoption by the Court.

Rules of Procedure; Effective Date

- a) These procedures shall take effect and be considered authoritative within the Judicial Branch, subordinate to the Baylor University Student Body Constitution, at the conclusion of the Student Senate meeting immediately following their adoption by the Court unless the Senate chooses not to ratify them by a two-thirds nay vote.
- b) In the event that a case is before the Court at the time of an alteration to these procedures, the version of these procedures under which the petition was filed shall be considered authoritative in that matter.

TABLE OF CONTENTS

Foreword.....3
 Authority for the Promulgation of Rules.....4

RULES

TITLE I. APPLICABILITY OF RULES.....6
 Rule 1. Scope of Rules; Definition; Title.....6
 TITLE II. APPELLATE JURISDICTION OF THE COURT.....6
 Rule 2. Jurisdiction of the Court; Discretion of the Court.....6
 TITLE III. FILING AN APPEAL WITH THE COURT.....7
 Rule 3. Filing; Petition; Contents of Petition; Response.....7
 TITLE IV. MOTIONS FOR STAY OR INJUNCTION.....8
 Rule 4. Motions for Stay; Motions for Injunction.....8
 TITLE V. GENERAL BRIEFS.....9
 Rule 5. Filing; Purpose; Issues for Oral Argument.....9
 TITLE VI. BRIEFS OF AMICUS CURIAE.....10
 Rule 6. Permission to File; Filing; Content; Format.....10
 TITLE VII. HEARING.....11
 Rule 7. Scheduling a Hearing; Witnesses.....11
 TITLE VIII. ORAL ARGUMENT.....12
 Rule 8. Motion for Oral Argument; Procedure.....12
 TITLE IX. COURT DECORUM.....13
 Rule 9. Dress; Addressing the Court; Parties.....13
 TITLE X. ALTERING PROCEDURE.....14
 Rule 10. Altering Procedure.....14

RULES OF APPELLATE PROCEDURE

TITLE I. APPLICABILITY OF RULES

Rule 1. Scope of Rules; Definition; Title

1) Scope of Rules.

- a) These rules govern the procedure in the Baylor University Student Court in matters of appellate jurisdiction.
- b) Any and all members of the Baylor University Student Body must abide by these procedures in matters of appellate jurisdiction.

2) Definitions.

- a) In these rules, “student” shall be understood as a placeholder for “any member of the Baylor University Student Body”.
- b) In these rules, “Constitution” shall be understood to mean “The Baylor University Student Body Constitution.”
- c) In these rules, “Court” shall be understood to mean “The Baylor University Student Court.”
- d) A student or organization who files a writ of certiorari will herein be referred to as a “Petitioner.”
- e) The student or organization who prevailed in the decision being appealed or, in the case of a non-adversarial proceeding, the body that issued the judgment now being appealed will herein be referred to as a “Respondent.”
- f) “Class days” shall be understood to mean any operating day in which classes are being held beginning at 8:00am and concluding at 5:00pm Central Standard Time. Any deadline contained herein which is listed as a “class day” shall be understood to mean before 5:00pm on the respective day.

- 3) Title. These rules are to be known as the Baylor University Student Court Rules of Appellate Procedure.
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TITLE II. APPELLATE JURISDICTION OF THE COURT

Rule 2. Jurisdiction of the Court; Discretion of the Court

a) Jurisdiction of the Court.

- 1) Appellate claims may only be considered by the Court if the issue is presented in a lower organization with sufficient jurisdiction. A list of organizations recognized as subject to the Court's appellate jurisdiction may be found in Article IV, Sec. 5, Par. 3, Clause A of the Baylor University Student Body Constitution.
- 2) The Court shall not hear an appellate case in which one of the organizations in the clause referenced above has not issued a decision or ruling regarding the issue for appeal.

b) Discretion of the Court.

- 1) The following shall be considered at the discretion of the Court:
 - i. What constitutes a decision of an organization referenced in Article IV, Sec. 5, Par. 2, Clause A of the Baylor University Student Body Constitution.
 - ii. What constitutes a ruling of an organization referenced in Article IV, Sec. 5, Par. 3, Clause A of the Baylor University Student Body Constitution.
 - iii. To accept or deny any appeals filed as a result of an issue arising in one of the organizations referenced in Article IV, Sec. 5, Par. 3, Clause A of the Baylor University Student Body Constitution

TITLE III. FILING AN APPEAL WITH THE COURT

Rule 3. Filing; Petition; Contents of Petition; Response; Granting a Petition

a) Filing.

- 1) Petitioners must file their Petition for a Writ of Certiorari with the Clerk of the Court.
- 2) Immediately upon receipt of a Petition, the Clerk of the Court shall send notice to the Chief Justice, the Petitioner, and the Respondent confirming that the Petition was received.
- 3) The Petition must contain the information illustrated in Template 1, which has been attached to this document.
- 4) The Court shall determine whether to grant or deny review within five school days of the Confirmation of Receipt from the Clerk of the Court.

b) Petition.

- 1) Petitioners should title their petition “Petition for Writ of Certiorari to the [Lower Judicial Body]” and refer to the document as “Petition” throughout.
- 2) A “Petition” before the Court shall be considered equivalent to a “Complaint” pursuant to Article IV, Sec. 6, Par. 1, Clause A of the Baylor University Student Body Constitution.
- 3) The Petition should be composed in accordance with the guidelines illustrated by Template 1.

c) Contents of Petition.

- 1) A Petition must include the following:
 - i) The facts necessary for the Court to understand the question(s) raised in the appeal.
 - ii) The question(s) raised in the appeal.
 - iii) The relief sought by the Petitioner.
 - iv) The reason(s) why the Court should grant review.
- 2) The purpose of a Petition is to convince the Court that an issue for appeal has enough merit and/or importance to be granted review.

d) Response.

- 1) The Court may request a Response from a named Respondent following the Confirmation of Receipt from the Clerk of the Court.
- 2) A request for a Response must be approved by the majority of Justices in quorum.
- 3) The purpose of a Response is to convince the Court that an issue for appeal does not have enough merit and/or importance to be granted review.
- 4) The Court may only directly seek such a response from the named Respondent in an appeal.
- 5) However, any individual or organization is permitted with the permission of the Chief Justice to file an Amicus Curiae Brief arguing for or against the granting of a Writ of Certiorari. All Amicus Briefs in support of or against granting a Petition should conform with Rule 6(b)(3) and Rule 6(c).
- 6) If a Response is requested, the Petitioner shall be notified, and the Petition shall be sent to the Respondent.
- 7) A Response should be composed in accordance with the guidelines illustrated by Template 2.

e) Granting a Petition.

- 1) A Petition for a Writ of Certiorari shall be granted when three Justices vote to grant the Petition.
- 2) The rejection of a Petition does not constitute any expression of views on the merits of the case by the Court.
- 3) A Justice may author an opinion dissenting from or concurring with the denial of a Petition, but no Justice will issue any type of opinion regarding the Petition if it is granted.
- 4) In the case that a Petition presents more than one question for review, the Justices shall vote on each question presented individually and may choose to grant review of only some of the questions presented.
- 5) The Court may modify or add a question granted for review by a majority vote.

TITLE IV. MOTIONS FOR STAY OR INJUNCTION

Rule 4. Motions for Stay; Motions for Injunction

a) Motions for Stay.

- 1) A Motion for Stay shall be considered an urgent matter before the Court.
- 2) The purpose of a Motion for Stay is to postpone proceedings in a matter before the Court.
- 3) Parties should submit a Motion for Stay at least 24 hours prior to the next hearing scheduled by the Court.
- 4) A Motion for Stay should include a period of time for which the movant desires procedures to be postponed, the reason for the motion, and at least one detrimental effect to themselves or their case if proceedings continue without postponement.
- 5) All Motions for Stay are left to the discretion of the Court to grant or deny by the majority vote of the Justices in quorum.
- 6) A Motion for Stay should be composed in accordance with the guidelines illustrated by Template 3.

b) Motions for Injunction.

- 1) A Motion for Injunction shall be considered an urgent matter before the Court.
- 2) The purpose of a Motion for Injunction is to demand that a certain party be made to take a certain action, or that a certain party be prohibited from taking a certain action.
- 3) Parties should submit a Motion for Injunction at least 24 hours prior to the next hearing scheduled by the Court.

- 4) A Motion for Injunction should include the reason for the motion, the reason why the Court should require or prevent an action prior to the conclusion of the issue, and at least one detrimental effect of the Court's refusal to do so.
- 5) All Motions for Injunction are left to the discretion of the Court to grant or deny by the majority vote of the Justices in quorum.
- 6) If granted, all Motions for Injunction are considered temporary and shall expire immediately upon the issuance of a decision of the Court in the matter for appeal.
- 7) All Motions for Injunction should be composed in accordance with the guidelines illustrated by Template 4.

TITLE V. GENERAL BRIEFS

Rule 5. Filing; Purpose; Issues for Oral Argument

a) Filing.

- 1) Both parties should submit a Brief after the Court has decided to grant review and before the deadline for submission set by the Court.
- 2) Parties should submit their Brief to the Clerk of the Court. If a Party wishes to submit their Brief in hard-copy format only, they are encouraged to print enough copies for all the Justices of the Court, both Clerks of the Court, and their Opposing Advocate.
- 3) A Brief should be constructed in accordance with the guidelines illustrated by Template 5.

b) Purpose.

- 1) The purpose of a Brief is to make any and all foreseeable arguments that the party submitting the Brief wishes the Court to consider in making its judgement.
- 2) The submission of a brief is not required in order for an Appeal to be decided. This being said, all parties are strongly encouraged to submit Briefs as the Court rules on arguments presented therein. Oral Argument is a chance for the Court to question advocates on specific points and for advocates to elaborate on or clarify their argument; it should not be relied upon for the presentation of a case.
- 3) Parties should regard their Briefs as the most important aspect of their Appeal or Response.
- 4) Arguments in Briefs should be limited to the questions granted review.

c) Issues for Oral Argument.

- 1) After receiving the Briefs of both parties, excepting any party which elects not to submit a Brief, the Court may decide by majority vote of the Justices in quorum to allow Oral Argument only on specific arguments made in the Briefs.
- 2) The Court may, by majority vote of the Justices in quorum, elect to deny Oral Argument entirely, ruling only upon the issues and arguments as presented in the Briefs. However, if both parties submit a Motion for Oral Argument then the Court must allow it.

TITLE VI. BRIEFS OF AMICUS CURIAE

Rule 6. Permission to File; Filing; Content; Format

a) Permission to File.

- 1) Any of the following members of Baylor University Student Government may file an Amicus Curiae Brief regarding a case which has been granted review by the Court without first receiving the consent of the parties or the invitation of the Court:
 - i. Current Student Body President;
 - ii. Current Internal Vice President;
 - iii. Current External Vice President;
 - iv. Current Attorney General;
 - v. A current Class Officer in the event that a member of their class is one of the named parties.
- 2) Any member of the Baylor University Student Body or organization not listed above is permitted to submit an Amicus Brief only at the permission of the Court or the consent of both named parties.
- 3) An Amicus Brief which is submitted by a student who does not meet either of the prerequisites established in Rule 6(a)(1) and Rule 6(a)(2) will not be considered by the Court.

b) Filing.

- 1) An Amicus Brief should be filed after the deadline for the submission of Party Briefs and at least 24 hours prior to the first scheduled hearing on the appeal.
- 2) An Amicus Brief should be submitted to the Clerk of the Court in either electronic or hard-copy format.

3) A Motion for Leave to File should be submitted with every Amicus Brief and should contain:

- i. The movant's interest in submitting the Amicus Brief;
- ii. The reason why an Amicus Brief would be beneficial and why the matters asserted in the Amicus Brief are relevant to the case.

c) Content.

1) An Amicus Brief should contain:

- i. The identity of the Amicus Curiae and authority to file.
- ii. A table of contents.
- iii. A table of any cases establishing precedent, Constitution clauses, or other authorities used in the Amicus Brief with references to the page(s) on which each is used.
- iv. A concise statement of the Amicus Curiae's interest in the case.
- v. Unless the Amicus Curiae is one of the individuals designated in Rule 6(a)(1), a statement that indicates:
 - A) Whether a party or party's advocate authored the Amicus Brief in whole or in part.
 - B) Whether a party or party's advocate encouraged the filing of an Amicus Brief in any way and, if so, the details thereof.
 - C) Whether any person besides a party or party's advocate encouraged the filing of an Amicus Brief and, if so, that person's identity and the details thereof.
- vi. The argument of the Amicus Curiae.

d) Format.

- 1) An Amicus Brief should be titled "Brief of an Amicus Curiae" and should be composed in accordance with the guidelines illustrated in Template 6.
- 2) No Amicus Curiae will be permitted to file a Reply Brief.
- 3) No Amicus Curiae will be permitted to participate in Oral Argument without the approval of a majority of Justices in quorum.

TITLE VII. HEARING

Rule 7. Scheduling a Hearing; Witnesses

a) Scheduling a Hearing.

- 1) The Court shall set a date for Hearing and will establish a deadline for the submission of Briefs relative to the date of Hearing.
- 2) The deadline of submissions of Briefs should be no less than 48 hours after the Court grants review and no less than 24 hours prior to Hearing.
- 3) The provision of Rule 7(a)(2) shall not apply in cases of an appeal arising from a decision of the Electoral Commission regarding Student Elections.
- 4) The Court regards appeals involving Student Elections as judicial emergencies and will act as expeditiously as possible in such matters.
- 5) Any pending case before the Court which does not involve Student Elections will be considered postponed in the event that an appeal regarding Student Elections is filed. The former shall be postponed until the Court has issued a decision or denial of review in the latter.

b) Witnesses.

- 1) No party will be permitted to call a witness in a case brought under the Court's Appellate Jurisdiction.
- 2) The Court may call a witness if a majority of the Justices in quorum agree that the presence and testimony of that witness is necessary to resolve a discrepancy in the facts presented by the parties' Briefs.

TITLE VIII. ORAL ARGUMENT

Rule 8. Motion for Oral Argument; Procedure

a) Motion for Oral Argument

- 1) Either party may file a Motion for Oral Argument up to 48 hours after the Court decides to grant review in an appeal.
- 2) The Motion for Oral Argument should be filed with the Clerk of the Court in either electronic or hard-copy format.
- 3) Motion for Oral Argument should be constructed in accordance with the guidelines illustrated by Template 7.
- 4) If both parties in an appeal submit a Motion for Oral Argument, the Court must hear argument in the appeal.
- 5) The Court may require Oral Argument even in the absence of a Motion for Oral Argument.

b) Procedure.

- 1) Oral Argument shall consist of the statements of both parties and any witnesses or Amicus Curiae which the Court has authorized to participate.
- 2) The statements of any witnesses or Amicus Curiae the Court has authorized shall be given prior to the parties' statements.
- 3) Parties shall be given at least 30 minutes in which to present their statement.
 - i. The Petitioner will deliver an initial statement and they may reserve any remaining time for rebuttal.
 - ii. The Respondent will give the entirety of their statement immediately following the Petitioner's statement.
 - iii. The Petitioner will deliver a rebuttal immediately following the statement of the Respondent.
- 4) Either party may request and be given more time by the majority vote of the Justices in quorum. Both parties shall be given the same amount of time in which to present their arguments.
- 5) Either party may make a Motion for Recess if necessary.
 - i. Motions for Recess should be made in the following form: "Mr./Madame Chief Justice, at this time the [movant] requests a brief recess before the next phase of argument."
 - ii. Motions for Recess will generally be denied unless the movant can show a special cause for a recess or one or more of the Justices persuades the Chief Justice to grant the motion.
 - iii. Motions for Recess are at the Chief Justice's discretion to grant or deny.
- 6) Justices may ask questions of advocate at any point during oral argument. The time taken to answer such questions is considered part of argument and the advocate will not be provided with additional time on the basis of questioning from the Court.
- 7) Parties should prepare to both present their arguments and answer the questions of the Court.
- 8) Oral argument should be limited to the arguments presented in the Briefs, and advocates should not stray outside of the questions granted for review.
- 9) If a party substantially changes their position in their Brief or Oral Argument from what was initially addressed in the Petition or attempts to make arguments outside of the scope of the questions granted for review, the Court may, by a majority vote that includes at least one Justice who originally voted to grant the Writ of Certiorari, dismiss the case as improvidently granted. In such a case, the decision being appealed is upheld, but the dismissal of the case expresses no views on the merits of the case, and does not set a precedent.

TITLE IX. COURT DECORUM

Rule 9. Dress; Addressing the Court; Parties

a) Dress.

- 1) Students who will be participating in Oral Argument are strongly encouraged to dress in Formal or Business Formal attire.
- 2) Guests are encouraged to wear Business Formal or Business Casual attire.

b) Addressing the Court.

- 1) Students before the Court are encouraged to address the Court and its members formally. The most common ways of doing so are as follows:
 - i. “the Court” or “Your Honors” when addressing the Justices collectively.
 - ii. ii. “Mr./Madame Chief Justice” or “Your Honor” when addressing the Chief Justice.
 - iii. iii. “Justice [surname]” or “Your Honor” when addressing an individual Justice.
 - iv. “Mister/Madame Clerk of the Court” when addressing either of the Clerks.
- 2) Students are strongly encouraged to stand when addressing the Court or any of its members.
- 3) Parties should begin each of their statements in Oral Argument by saying “Mr./Madame Chief Justice, and may it please the Court.”

c) Parties.

- 1) Parties may not address one another directly during a Hearing. If an advocate wishes to address the other party during his or her argument, the advocate should address them as “opposing counsel” or “my friend on the other side” and should do so indirectly, as in, “My friend on the other side has argued that the lower court decision is wrong, but it is actually correct.”
- 2) Any substantial breach of civility and decorum may result in the student’s being remanded to Judicial Affairs. Substantial breaches of civility and decorum include, but are not limited to:
 - i. The use of profanity.
 - ii. Racial, sexual, or gender-based slurs.
 - iii. iii. Physical altercations.

TITLE X. ALTERING PROCEDURE

Rule 10. Altering Procedure

- a) Altering Procedure. The Court may temporarily suspend the procedures found in this document as necessary to maintain the efficient application of its duties.

BAYLOR UNIVERSITY STUDENT COURT

FORMS AND TEMPLATES

LIST OF INCLUDED FORMS*

TEMPLATE 1. PETITION FOR WRIT OF CERTIORARI

TEMPLATE 2. RESPONSE TO WRIT OF CERTIORARI

TEMPLATE 3. MOTION FOR STAY

TEMPLATE 4. MOTION FOR INJUNCTION

TEMPLATE 5. PARTY BRIEF

TEMPLATE 6. AMICUS CURIAE BRIEF

TEMPLATE 7. MOTION FOR ORAL ARGUMENT

*All arguments contained in these Templates are simplified versions and should not be considered as accepted legal arguments before the Court; they are to illustrate format only. Similarly, any and all cases cited herein are fictitious and do not constitute legitimate precedent of the Student Court.

TEMPLATE 1

IN THE
Baylor University Student Court

ELIZABETH DOE,

Petitioner

v.

BAYLOR UNIVERSITY ELECTORAL COMMISSION,

Respondent

Petition for Writ of Certiorari

to the

Baylor University Electoral Commission

PETITION FOR REVIEW

Elizabeth Doe

555-830-9634

Daniel Kaffee

555-602-1758

Advocate for Petitioner

TEMPLATE 1

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....(PAGE #) QUESTIONS
PRESENTED.....(PAGE #)
RELEVANT FACTS.....(PAGE #)
PRIOR DECISION.....(PAGE #)
RELIEF SOUGHT.....(PAGE #)
ARGUMENT FOR REVIEW.....(PAGE #)

TABLE OF AUTHORITIES

COURT PRECEDENT

SMITH v. ELECTORAL COMMISSION (2001)

The Student Court reversed the decision of the Electoral Commission by establishing that the mistake made by the petitioner was “an error, but a harmless error”.

GELLER v ELECTORAL COMMISSION (2013)

The Student Court established that an Election’s completion does not prohibit a party with standing from challenging the results of that Election.

BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION

Article IV, Section 5, Paragraph 3, Clause A

Article IV, Section 7, Paragraph 3

BAYLOR UNIVERSITY ELECTORAL CODE

Provision 1.5.6 Provision

2.2.4

TEMPLATE 1

QUESTIONS PRESENTED

I.

Did the Electoral Commission err in its refusal to accept Ms. Doe's Candidate Application?

II.

What establishes a "commonly known" nickname pursuant to Provision 2.2.4 of the Electoral Code?

RELEVANT FACTS

Elizabeth Doe was a freshman at Baylor University in September 2015. Ms. Doe submitted a Candidate Application for the Freshman Senatorial Elections. The name listed on the Application was "Lisa Doe". Many of Ms. Doe's friends and acquaintances knew her by the name "Lisa". All other portions of the Candidate Application were filled appropriately.

PRIOR DECISION

The decision being appealed is that of the Electoral Commission not to accept Ms. Doe's Candidate Application because "the Application did not include the candidate's legal name or an acceptable nickname". The full decision was received via e-mail from the Electoral Commissioner and was as follows:

"Ms. Doe,

Your concerns regarding the matter of your Application have been addressed and voted on by the Electoral Commission. The Commission stands by its decision to deny the Application. Candidates are required to include their name within their Application. In your case, the Application did not include the candidate's legal name or an acceptable nickname under the Electoral Code.

Best,

Joseph Leland"

RELIEF SOUGHT

The Petitioner in this case desires that the above decision of the Electoral Commission be REVERSED, and that Ms. Doe's Candidate Application form be accepted so that she may continue the candidacy process.

ARGUMENTS FOR REVIEW

The Court can review this matter because the Electoral Commission is a body which is under the Court's appellate authority pursuant to Article IV, Section 5, Paragraph 3, Clause A; therefore, any decision of the Electoral Commission falls under the jurisdiction of the Court to review.

The Court should review this matter because it involves Student Elections. Student Elections are one of the most important student functions on Baylor's campus and they recur on a yearly basis. The result of the facts above is that any precedent set by the Court in this matter is likely to be used and referenced for quite a long period of time.

AND

The Court should review this matter because it involved a clause within the Electoral Code that is quite vague and open to several interpretations. This case is an opportunity for the Court to establish an interpretation of that clause that is likely to be considered authoritative in future Elections.

Respectfully Submitted,

Elizabeth Doe

555-830-9634

Daniel Kaffee

555-602-1758

Advocate for Petitioner

TEMPLATE 2

IN THE
Baylor University Student Court

ELIZABETH DOE,

Petitioner

v.

BAYLOR UNIVERSITY ELECTORAL COMMISSION,

Respondent

On Petition for Writ of Certiorari

to the

Baylor University Electoral Commission

RESPONSE TO PETITION FOR REVIEW

Joseph Leland

555-455-2032

Electoral Commissioner

Jack Dawson

555-773-3347

Advocate for Respondent

TABLE OF CONTENTS

RESPONSE TO:

TABLE OF AUTHORITIES.....	(PAGE #)
QUESTIONS PRESENTED.....	(PAGE #)
RELEVANT FACTS.....	(PAGE #)
PRIOR DECISION.....	(PAGE #)
RELIEF SOUGHT.....	(PAGE #)
ARGUMENT FOR REVIEW.....	(PAGE #)

RESPONSE TO TABLE OF AUTHORITIES

COURT PRECEDENT

SMITH v ELECTORAL COMMISSION (2001)

The Respondent accepts the Petitioner's application of this case.

GELLER v ELECTORAL COMMISSION (2013)

The Respondent challenges the Petitioner's application of this case. The Student Elections in this case have been postponed pending the decision of the Court. While the interpretation of the Petitioner is correct, the case is not applicable.

(addition) *TESS v JACOBS (2016)*

The Court established that the Electoral Code in place at the time the Election process begins is authoritative in hearing, even if the Code has since changed.

BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION

The Respondent acknowledges the referenced clauses of the Constitution and adds none.

BAYLOR UNIVERSITY ELECTORAL CODE

The Respondent acknowledges the referenced clauses of the Code and adds none.

RESPONSE TO QUESTIONS PRESENTED

I.

The Respondent denies any error in refusing to accept the Petitioner's Candidate Form.

II.

The Respondent asserts that a "commonly known" nickname is one which is reasonably inferred from the full name; such as "Drew" from "Andrew".

RESPONSE TO RELEVANT FACTS

The Respondent accepts the summary of relevant facts as presented by the Petitioner, and adds:
The nickname of “Lisa” was not recognized as a nickname for “Elizabeth” by a majority of Electoral Commission. The majority of the Electoral Commission knew Elizabeth Doe prior to the submission of her Candidacy Form and were not aware that she was called “Lisa”

RESPONSE TO PRIOR DECISION

The Respondent recognizes the prior decision as illustrated by the Petitioner.

RESPONSE TO RELIEF SOUGHT

In the event that the Court overturns the prior decision, the Respondent finds the relief sought by the Petitioner: impractical. There are several stages of Candidacy that Ms. Doe has already missed since her application was not accepted. While it would be possible to reinstate these

stages, it would be extremely cumbersome to both the Electoral Commission and the candidates.

RESPONSE TO ARGUMENTS FOR REVIEW

The Respondent does not challenge the fact that the Court can review this matter.

The Respondent challenges the assertion that the Court should review this matter. The Electoral Code and the Constitution both give the Electoral Commission the authority to interpret the Electoral Code; the Court therefore should deny review, and in so doing affirm the interpretation of the Commission in this matter.

Respectfully Submitted,

Joseph Leland

555-455-2032

Electoral Commissioner

Jack Dawson

555-773-3347

Advocate for Respondent

TEMPLATE 3

BAYLOR UNIVERSITY STUDENT COURT

Elizabeth Doe,)	
)	
<i>Petitioner,</i>)) Motion for Stay
)	
vs.))		
Baylor University Electoral Commission,)		
)	
<i>Respondent</i>		

COMES NOW the Petitioner, Elizabeth Doe, before the Baylor University Student Court and states the following for their reasons behind making this motion for a 24-hour Stay of Proceedings:

Ms. Doe was injured recently and will not be out of the hospital until after the time set for Hearing. She will be well enough to attend the following day.

To deprive the Petitioner’s advocate of Ms. Doe’s presence is to remove the possibility of asking her any factual questions of which her representative is not aware. Further, a negative inference on the character and concern of Ms. Doe is likely to be drawn by the Court and any spectators present as a result of Ms. Doe’s apparent failure to appear.

Respectfully submitted this 30th day of September, 2016.

 Daniel Kaffee /s/

Advocate for the Petitioner

TEMPLATE 4

BAYLOR UNIVERSITY STUDENT COURT

Elizabeth Doe,)
)
Petitioner,) **Motion for Injunction**
)
 vs.))
 Baylor University Electoral Commission,)
)
Respondent

COMES NOW the Petitioner, Elizabeth Doe, before the Baylor University Student Court and states the following for their reasoning behind making this motion to require the Electoral Commission to stop the current Student Elections until this case is concluded:

The relief sought by Ms. Doe is to be placed on the ballot for Student Elections; if elections are allowed to continue and the Court rules with the Petitioner, a new election would have to be held in order for the relief to be adequately given.

While there is no harm in postponing the election until the end of this case, there is substantial inconvenience and hassle involved in allowing elections to continue should the Court eventually rule in favor of the Petitioner.

Respectfully submitted this 30th day of September, 2016.

 Daniel Kaffee /s/

Advocate for the Petitioner

TEMPLATE 5

IN THE
 Baylor University Student Court

ELIZABETH DOE,

Petitioner

v.

BAYLOR UNIVERSITY ELECTORAL COMMISSION,

Respondent

On Writ of Certiorari

to the

Baylor University Electoral Commission

PETITIONER'S BRIEF

Elizabeth Doe

555-830-9634

Daniel Kaffee

555-602-1758

Advocate for Petitioner

TABLE OF CONTENTS

TABLE OF AUTHORITIES.....(PAGE #) QUESTIONS
PRESENTED.....(PAGE #)
RELEVANT FACTS.....(PAGE #)
PRIOR DECISION.....(PAGE #) RELIEF
SOUGHT.....(PAGE #)
ARGUMENTS.....(PAGE #)

TABLE OF AUTHORITIES

COURT PRECEDENT

SMITH v. ELECTORAL COMMISSION (2001)

The Student Court reversed the decision of the Electoral Commission by establishing that the mistake made by the petitioner was “an error, but a harmless error”.

GELLER v ELECTORAL COMMISSION (2013)

The Student Court established that an Election’s completion does not prohibit a party with standing from challenging the results of that Election.

BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION

Article IV, Section 5, Paragraph 3, Clause A

Article IV, Section 7, Paragraph 3

BAYLOR UNIVERSITY ELECTORAL CODE

Provision 1.5.6 Provision

2.2.4

QUESTIONS PRESENTED

I.

Did the Electoral Commission err in its refusal to accept Ms. Doe's Candidate Application?

II.

What establishes a "commonly known" nickname pursuant to Provision 2.2.4 of the Electoral Code?

RELEVANT FACTS

Elizabeth Doe was a freshman at Baylor University in September 2015. Ms. Doe submitted a Candidate Application for the Freshman Senatorial Elections. The name listed on the Application was "Lisa Doe". Many of Ms. Doe's friends and acquaintances knew her by the name "Lisa". All other portions of the Candidate Application were filled appropriately.

PRIOR DECISION

The decision being appealed is that of the Electoral Commission not to accept Ms. Doe's Candidate Application because "the Application did not include the candidate's legal name or an acceptable nickname". The full decision was received via e-mail from the Electoral Commissioner and was as follows:

"Ms. Doe,

Your concerns regarding the matter of your Application have been addressed and voted on by the Electoral Commission. The Commission stands by its decision to deny the Application. Candidates are required to include their name within their Application. In your case, the Application did not include the candidate's legal name or an acceptable nickname under the Electoral Code.

Best,

Joseph Leland"

RELIEF SOUGHT

The Petitioner in this case desires that the above decision of the Electoral Commission be REVERSED, and that Ms. Doe's Candidate Application form be accepted so that she may continue the candidacy process.

ARGUMENTS

The Electoral Commission inappropriately refused to accept Ms. Elizabeth Doe's Candidacy Application form. They incorrectly applied Provision 2.2.4 of the Electoral Code in doing so.

Provision 2.2.4 does not limit applicants to using a nickname which is associated frequently with a given name, as the Respondent alleges. A "commonly known" nickname should be interpreted as a nickname by which a specific individual is designated by his or her peers.

The vast majority of Ms. Doe's friends and acquaintances know her by the first name "Lisa", and it is with this name that they frequently refer to her in conversation. These facts mean that "Lisa" is a "commonly known" nickname pursuant to Provision 2.2.4 of the Electoral Code.

The relief sought by Ms. Doe is appropriate because it restores both Ms. Doe and the Student Elections to the same state in which they would be had the Electoral Commission never erred. Any meetings or deadlines which Ms. Doe has missed since the time that her Application was denied are no fault of hers; as her presence would not have been allowed by the Electoral Commission given their wrongful refusal of her candidacy form.

It is for the reasons above that the Court should reverse the wrongful decision of the Electoral Commission, consider Ms. Doe's Application form as accepted, and allow her to participate in the Student Elections

Respectfully Submitted,

Elizabeth Doe

555-830-9634

Daniel Kaffee

555-602-1758

Advocate for Petitioner

TEMPLATE 6

IN THE
Baylor University Student Court

ELIZABETH DOE,

Petitioner

v.

BAYLOR UNIVERSITY ELECTORAL COMMISSION,

Respondent

On Writ of Certiorari

to the

Baylor University Electoral Commission

BRIEF AMICUS CURIAE

OF THE FORMER ELECTORAL COMMISSIONER

IN FAVOR OF THE RESPONDENT

Taylor West

555-229-5543

Former Electoral Commissioner

TEMPLATE 5

TABLE OF CONTENTS

IDENTITY AND AUTHORITY TO FILE.....(PAGE #) AUTHORITIES
REFERENCED.....(PAGE #)
INTEREST.....(PAGE #)
ENCOURAGEMENT TO FILE.....(PAGE #)
ARGUMENTS.....(PAGE #)

TEMPLATE 5

IDENTITY AND AUTHORITY TO FILE

Acting as Amicus Curiae in writing this Brief:

Taylor West. I held the position of Electoral Commissioner of Baylor University from 2012-2014. I was given the authority to file this Amicus Brief by an explicit invitation from the Court to do so. I recognize that I have no inherent authority to file under the Rules of Appellate Procedure.

TEMPLATE 5

AUTHORITIES REFERENCED

LOGAN v ELECTORAL COMMISSION (2014).....(Page #)

The Court established a “reasonable person” standard in the interpretation of a vague clause within the Baylor University Electoral Code which referenced “emergency finances”.

TEMPLATE 5

INTEREST

Having held the position of Electoral Commissioner in the past, I am familiar with some of the struggles facing the students who now hold that position and will hold it in the future. I understand the difficulty in attempting to interpret and enforce an Electoral Code that is not always clear. As I still have a year at Baylor, I have a vested interest in attempting to ensure that elections are held fairly and correctly each year.

TEMPLATE 5

ENCOURAGEMENT TO FILE

Excepting the expressed invitation of the Court; no student encouraged me to file.

This Brief was not constructed by, or with the aid of, either party.

TEMPLATE 5

ARGUMENTS

In the case of Logan v Electoral Commission (2014), during which I was Electoral Commissioner, the Court established a “reasonable person” standard to the interpretation of all provisions of the Electoral Code. Essentially, the Court set the precedent that, whenever a provision of the Code is unclear, the Commission should attempt to interpret it as a “reasonable person” would.

It seems fairly clear to me that the Electoral Commission in this case was simply trying to apply that same standard to Ms. Doe’s application and the language of a “commonly known” nickname within the Electoral Code.

Working off of the assumption above, the Electoral Commission correctly applied the “reasonable person” standard in this case. It is not reasonable to expect the Electoral Commission to investigate the individual social circle of every candidate who uses a nickname in order to determine whether it is “commonly known”. It is reasonable, on the other hand, to expect the Commission to base their interpretation upon nicknames commonly applied to specific name.

It is for the above reasoning that I urge the Court to find in favor of the Respondent and to affirm the decision of the Electoral Commission.

Respectfully submitted,

Taylor West

555-229-5543

Former Electoral Commissioner

TEMPLATE 5

TEMPLATE 7

BAYLOR UNIVERSITY STUDENT COURT

Elizabeth Doe,)
)
Petitioner,) *Motion for Oral Argument*
)
vs.))
Baylor University Electoral Commission,)
)
Respondent

COMES NOW the Petitioner, Elizabeth Doe, before the Baylor University Student Court and states the following for their reasons behind making this motion for oral argument:

This case involves a complicated interpretation of a particularly vague clause in the Electoral Code. This case will be decided upon the proper application of two conflicting interpretations and therefore it is beneficial to the Court to hear the explanation for those interpretations in person.

Respectfully submitted this 30th day of September, 2016.

 Daniel Kaffee /s/
Advocate for the Petitioner