

UJ Court Procedures

Note – Do not refer to the rules on the Union website, they are currently under revision.

Note – Due to the upcoming Jewish Holiday, the UJ listserv will receive all communications and proposed evidence between parties.

Rules of Counsel:

Both Claimant and Respondent have a right to adequate Counsel. If this cannot be obtained by either party, the Union Judiciary may assist in finding such Counsel.

Counsel shall be limited to no more than 3 persons at any time. This legal team will be comprised of one Lead Counsel and up to two (2) members of Associate Counsel.

The Lead Counsel will be the only member of each legal team allowed to speak on behalf of their Party, unless the Party self-appoints as Lead Counsel. These rights will include:

1. Right to present opening and closing statements
2. Right to examine witnesses
3. Right to object and make motions

The Associate Counsel may act only in an advisory capacity to their party.

The Lead Counsel must be a currently enrolled undergraduate student of Brandeis University. Members of the Associate Counsel may be currently or previously enrolled undergraduate student without a Juris Doctor degree.

If Lead Counsel resigns or is found in contempt of court, a replacement may be appointed by the Party, or those rights be assumed by the Party. Associate Counsel may resign, or be found in contempt, but may not be replaced.

All counsel must read our rules regarding “contempt” to be found under “Adjudication”.

Rules of Witnesses & Evidence:

Both Claimant and Respondent must submit all proposed evidence and names of witnesses 48 hours in advance of any hearing to the UJ (uj@lists.brandeis.edu). This information will be forwarded to both parties.

All submissions of proposed witnesses and evidence must contain the issues to which they will testify or attest, and their pertinence to the case. This pertinence must include direct involvement, specific evidentiary claim, relevant expertise, or character assessment. This explanation should be limited to no more than 3 sentences per each witness and piece of evidence. The Union Judiciary reserves the right to deny witness testimony or evidence that they deem irrelevant.

Pre-Trial Discovery: The UJ has no explicit power to elicit documents or testimony. As such, we expect all parties to obtain any evidence or witness useful in developing the case by their own means, while maintaining a reasonable and respectful manor. Any witness or evidence obtained by way of threat or other method of improper coercion may be deemed inadmissible by the UJ.

Reciprocal Discovery: The aforementioned evidence and witness lists submitted to the UJ will be provided to both parties at least 48 hours before trial.

Only evidence or witnesses submitted 48 hours prior to any hearing will be admissible, except for instances of compelling circumstances, as determined by a unanimous decision of the court.

All witnesses must affirm the oath of the court prior to their testimony.

For all evidence of verbal exchange, the speaker of the foresaid exchange must be present at the hearing and presented as a witness. If not, the evidence will be dismissed as hearsay. All emails (as proposed evidence) must be submitted with all other evidence 48 hours in advance, to be verified by the Clerk of the Court. If it is to be admitted, the person who wrote the emails must verify the email and its contents under oath.

The UJ reserves the right to verify witness testimony or evidence when and how it sees fit.

The Union Judiciary reserves the right to request evidence regarding statements in dispute, and other such information up to 24 hours after a trial. Any information collected in such a manner will be forwarded to the opposing party.

Motions:

Pre-trial motions may be considered by the Union Judiciary. The opposing side shall have the right to respond to these motions, but the court asks that these motions be succinct and extremely timely.

Motions may also be heard during the trial, as will objections depending on the content thereof. These must be made by the Lead Counsel.

Structure of Trial

1. Opening Statements (5 minutes each)
 - a. Claimant's Opening Statement
 - b. Respondent's Opening Statement
2. Presentation of Evidence
 - a. Claimant presents case in full. This presentation of argument must be done in the form of sworn witness testimony with or without accompanying evidence.

- b. Respondent presents defense in full. This presentation of argument must be done in the form of sworn witness testimony with or without accompanying evidence.

Each party will have five minutes for cross-examination of each witness, after direct examination. Parties reserve the right to ask the court for re-direct or re-cross of each witness.

3. Closing Statements (10 minutes each)
 - a. Claimant's Closing Statement
 - b. Respondent's Closing Statement

4. Court will adjourn

Adjudication

Any attendee of a hearing of the Union Judiciary may be found in contempt of the court. Contempt is considered to be an act that substantially disrupts the normal process of a court hearing.

If found in contempt:

- Any attendee may be removed from the room of the hearing.
- Any member of Counsel for either Party may lose their rights as such.

In adjudicating this case, we will adhere to both common sense standards, and legal reasoning. The constitutions of the Brandeis Undergraduate Student Union, and any subsidiaries thereof, will be the foundation for our interpretation of the law.

The respondent shall be considered innocent until proven guilty. The burden of proof is on the claimant to substantiate their case.

Decision

After an initial round of deliberation by the Justices of the Union Judiciary, the Chief Justice shall craft, or appoint a member of the court to craft what he supposes to be a majority consensus decision. This decision will then be voted on by the court, and will carry or fail by majority vote. If the decision fails, additional rounds of deliberations may occur (barring dismissal), and another Justice may be charged with writing a majority decision.

Upon an affirmative majority vote, the decision will be conclusive. Any justice can submit a concurring or dissenting opinion to the Chief Justice, to be included with the majority decision upon submission and public disclosure.

Conclusion

The court expects all participating parties to be professional and courteous at all times.

The Union Judiciary reserves the right to change these procedures at any time.

Please familiarize yourselves with Article IV (on the Union Judiciary) of the Brandeis Student Union Constitution for knowledge of additional guidelines.

The Union Judiciary shall render a decision within 5 academic days of the trial.

If you have any other questions or would like to submit witnesses or evidence, please contact the Court at UJ@lists.brandeis.edu.

Judicially yours,

The Brandeis Undergraduate Student Union Judiciary

“Justice Never Sleeps”