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Student Court Guide: The Student's Handbook to Court Procedure

ASUNM

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Student Court Guide:

*The Student's Handbook
to Court Procedure*

Christopher Lanphere
ASUNM Chief Justice

Chapter I

The ASUNM Student Court System

Article IV of the Associated Students of the University of New Mexico (ASUNM) Constitution states that the judicial power of the ASUNM Government, with the exception of impeachment is vested in the Student Court. The Student Court has original jurisdiction in all cases arising under the ASUNM Constitution, the laws and by-laws of the ASUNM Government, ASUNM Government money allocations and the regulations and actions of the various bodies and committees of the ASUNM Government with the exception of those judicial powers of the Student Conduct Committee and the Senate.

The Court is composed of a Chief Justice and four Associate Justices all undergraduates currently attending the University of New Mexico. Each justice is appointed by the ASUNM President and confirmed by the Senate.

Appeals Level

Cases tried in the Student Court can be appealed to the Student Conduct Committee. Further appeals are taken to the President of UNM or the Board of Regents.

******NOTE: This Guide is For ASUNM Student Court ONLY******

Chapter III

Pre-filing Considerations

All students filing complaints must inform the Court of the damages they incurred in an event. Taking a case to court should be the last alternative to solving a problem. Everything possible should be done to settle the matter outside of court. Several items to think about when taking your case to court:

- 1) Is my complaint a valid complaint? Before taking your case to court, be sure that the complaint is researched by using sources such as the ASUNM lawbook.
- 2) Can I have someone represent me? In the ASUNM Student Court, parties have the right to an advisor who may be, but is not required to be an attorney. However, the parties are responsible for presenting their case in their entirety. Advisors are, therefore, not permitted to speak or participate directly in any hearing. The ASUNM Attorney General is the official representative when ASUNM is being sued or is suing.
- 3) Can the other side have a claim against me? It is important to understand that you are suing another party and they can in turn make a counterclaim against you. It is good to think about this when filing your complaint. Remember, if someone has a counterclaim against you, you may do more harm to yourself than good by going to court.
- 4) Is taking a case to Court worth the results? Decisions in court are based on public good and law. Depending on how you present your case can determine how the court will side. Never assume that the Court will agree with you because you are making a complaint. Even though your complaint may be valid, it may not be what is best for public good.

Hearing Postponements: Plaintiffs and defendants may ask the court for postponement of a hearing date because of conflicts with their schedules. The Chief Justice has the authority to grant or deny requests for postponement. To change a court date, simply contact the ASUNM court at 277-2336 as soon as possible.

Witnesses: To assure a witness' appearance at the hearing, you should fill out and serve a subpoena. A subpoena commands a named individual to appear and give testimony at a given time and place. It may also demand a party to bring books, papers, documents, or other evidence in their possession that is vital to the case. Subpoenas may be requested from the ASUNM Court. They are served the same way as the complaint. The party requesting someone to be subpoenaed must have good cause that will help the case.

Student Judicial Court
Associated Students of
the University of New Mexico

vs.

NOTICE OF SUMMARY OF COMPLAINT

On the _____ day of _____, _____, the
above named Defendant _____, at the address
or organization of: _____

Phone Number: (_____) _____.

Summary of Complaint:

Chapter V

The Answer

Once the Complaint is received, the Court will supply the defendant with an Answer form. The Defendant has three (3) business days from the date of delivery to reply to the charges contained in the complaint. If the Court determines that the Answer form is inaccurate or incomplete, it will be returned to the Defendant who will have two (2) business days in which to amend the Answer form and resubmit it to the Court. The following steps will help you complete your Answer form.

- Step 1: *Plaintiff/Defendant.* Fill in the appropriate names just as they appear on the Complaint form.
- Step 2: *Cause Number.* Use the number on the Complaint form and use the exact same number.
- Step 3: Fill in your name as defendant in the lines provided. Provide the Plaintiff's name on the second line.
- Step 4: "Response to Complaint." In the space provided please neatly print or type the alleged incident and your defense.
- Step 5: "Summary of Evidence." In the space provided please give a summary of the evidence you have to support your defense. YOU ARE NOT required to disclose your evidence as the defendant.
- Step 6: "List of Witnesses." You must disclose your witnesses with names, addresses and if possible phone numbers. If you like, you may have a subpoena issued to the witnesses.
- Step 7: Sign your Answer. Properly fill out the date the Answer form is being signed. An unsigned Answer will be rejected by the court and a judgment may be decided in the favor of the Plaintiff.
- Step 8: Five copies plus the original and one copy for yourself must be submitted to the Court within the ten (10) day period.

It is important to note that if the defendant does not file an answer to the plaintiff's complaint, a default judgment may be entered at the request of the plaintiff. A default judgment is given when one party fails to show up for court or fails to present a case. When this happens, who is not in default wins the case by the other's default. Make your answer clear, because both parties must understand or an explanation will be required before it is filed.

Student Judicial Court
Associated Students of
the University of New Mexico

Cause No. _____

VS.

NOTICE OF ANSWER

I the above named Defendant _____ hereby
make a response to the Complaint of _____.

Response to Complaint:

Student Judicial Court
Associated Students of
the University of New Mexico

Cause No. _____

VS.

NOTICE OF COUNTER-CLAIM OF COMPLAINT

On the _____ day of _____, _____, the
above named Plaintiff _____, at the address
or organization of: _____

Phone Number: (____) _____

Substance of Counter-Claim:

Student Judicial Court
Associated Students of
the University of New Mexico

INFORMATION WHEN FILING

- A) ALL INFORMATION MUST BE TYPED OR PRINTED NEATLY.
- B) EACH PARTY MUST SUBMIT ORIGINAL AND FIVE COPIES TO THE COURT.
- C) EACH PARTY HEREBY ACKNOWLEDGES THE COURT'S JURISDICTION AS PER THE ASUNM LAWBOOK, JUDICIAL CODE, ARTICLE V, SECTION 10.
- D) EACH PARTY UNDERSTANDS THAT THE COURT WILL RETURN AN OPINION NO LATER THAN FIVE (5) BUSINESS DAYS AFTER THE HEARING.

Hearing Guidelines

- A. All Hearing proceedings will be audio recorded.
- B. The Court will be allowed to recess at any time, for any reason.

THE JUSTICES CAN AT ANY TIME INTERRUPT
TO ASK QUESTIONS THAT ARE NOT CLEAR.

NOTE: Please look in the ASUNM Lawbook, ASUNM Judicial Procedure for more information.

Glossary

Action: Lawsuit

Admissible Evidence: Evidence that is related to a legal dispute and thus can be introduced at trial.

Answer: The means by which the defendant states (a) his/her defense to the claim stated in the complaint, (b) any counterclaim or set off against the plaintiff. Document filed by the defendant which sets up defenses to the complaint and may include counterclaims against plaintiff.

Appeal: Request made to Student Conduct Committee to review decision made by Student Court.

Cause: Lawsuit

Chambers: refers to the Student Court office

Claim: Any demand for something as one's right. 2. Right to an equitable remedy for a breach of contract or performance.

Clerk: Employee of court who assist the Justices in processing a case

Complainant: Person bringing lawsuit; also called Plaintiff

Complaint: First document filed in a lawsuit; it states facts which the plaintiff relies on as entitling him/her to the requested relief.

Continuance: Postponement of a case to another day

Court: Part of the judicial branch of government which has the duty to resolve and interpret the law.

Cross-Examination: Questioning of any witness by the other side.

Default Judgment: Judgment awarded when the defendant fails to file an answer or appear to court to argue claims made by Plaintiff.

Defendant: One against whom a suit or criminal charge is brought.

Defenses: Reasons given by defendant or interpretation of law

Docket: List of lawsuits set for trial

Docket Number: Identification number given to each lawsuit filed with the court

Evidence: Proof submitted by the parties in support of their claims, defenses, or counterclaims.

Hearing: Formal court session during which judges rule upon the cases which come before them.

Jurisdiction: The authority to interpret and apply the law. 2. The territory under a given authority or control.

Lawsuit: Process through which parties can have a legal dispute decided in court.

Party: Plaintiff or defendant

Plaintiff: The party that institutes a suit in court.

Rest: to indicate that all evidence has been presented by a particular party in a proceeding.

Statute of Limitations: The time limit for bringing an action to the attention of the court.

Subpoena: Is a command to appear at a certain time and place to give testimony upon a certain matter.

Summons: Notice to a defendant that a lawsuit has been started against him/her and that the defendant has ten days to answer complaint.