\section*{Article 10. Judicial Branch}

\section*{Section 10-1: General Provisions}

A. Composition
1. The ASMSU Judicial Council shall be comprised of five Justices, from whom a Chief Justice shall be appointed;
2. The ASMSU Legal Services Intern shall serve as the Clerk and Recorder;
3. The ASMSU Legal Services Attorney shall serve as a non-voting, ex-officio member; and,
4. The MSU Dean of Students or designee shall serve as a non-voting, ex-officio member;

B. Qualifications
1. All Judicial Council positions shall be filled by ASMSU members as defined in the ASMSU Constitution.

C. Appointment
1. An appointment committee for each Justice position shall consist of:
   i. One Senator designated by the Senate Speaker;
   ii. The ASMSU President; and,
   iii. One Justice designated by the Chief Justice.
2. The appointment committee shall recommend applicants to the President for nomination;
3. In good faith, the President should diversify the composition of the Judicial Council to properly reflect the student body;
4. Justices shall be appointed following nomination by the President and confirmation by majority vote of the Senate;
5. Immediately following appointment, Justices shall be installed by the President and assume full duties; and,
6. The following rules apply to recess appointments:
i. When the Senate is out of session the President shall appoint Interim Justices in the cases of vacancies;

ii. The appointment of Interim Justices and all associated acts must be confirmed or denied by the Senate once reconvened.

D. Vacancy

1. If a Justice seat becomes vacated, the seat shall be filled by these rules:
   i. The open position shall be well advertised for a period of 10 class days;
   ii. Applicants shall submit a completed Judicial Council appointment application;
   iii. Consideration of the applicants shall occur after the expiration of the advertising period by the President; and,
   iv. The advertising period may be prolonged by majority vote of the Administrative Council.

E. Term

1. Once appointed, Justices shall retain their position as long as they are an eligible ASMSU member, or until resignation; and,

2. A Justice cannot seek election to another ASMSU office so long as they are a member of the Judicial Council.

Section 10-2: Justices

A. Duties

Justices shall:

1. Fulfill all duties defined in the ASMSU Constitution;

2. Hold two office hours per week during business hours at the ASMSU Office, to be available to work on Judicial business;

3. Attend all Judicial Council meetings. All absences, late arrivals, early departures, and reasons for them, shall be reported to the Chief Justice. The Judicial Council reserves the right to appeal decisions of the Chief Justice. Three unexcused absences shall result in automatic removal; and,

4. Serve on appeals boards as needed; and,

5. Attend a mandatory orientation session and retreats.

Section 10-3: Chief Justice

A. Term

1. The Chief Justice shall serve a one year term coinciding with the academic year; and,

2. There is no limit to the number of terms a Justice may serve as Chief Justice.

B. Duties

The Chief Justice shall:

1. Fulfill all duties defined in the ASMSU Constitution;

2. Establish the agenda for each Judicial Council meeting;

3. Convene and chair all meetings of the Judicial Council, keeping fairness, maintaining order, and enforcing decorum;
4. Hold five regular office hours per week during business hours at the ASMSU Office, to be available to work on Judicial business;
5. Appoint Justices to MSU appeals boards as needed;
6. In confidentiality, ensure all ASMSU officials are in compliance with eligibility requirements;
7. Serve as a non-voting member of the Administrative Council;
8. Issue or delegate a Judicial Ruling Report when determined necessary; and,
9. Deliver a summary of the Judicial Ruling Report at the next scheduled Senate meeting.

Section 10-4: Judicial Council Rules
These rules shall apply only to the Judicial Council.

A. Authority
1. Constitutional Audit
   The Judicial Council shall
   i. Interpret and review the ASMSU Constitution and Bylaws;
   ii. Ensure that submitted bills and existing Bylaws do not conflict with the ASMSU Constitution;
   iii. Continually review and update grammar and syntax in the ASMSU Constitution and Bylaws; and,
   iv. Review all submitted bills and referendums for inconsistencies with the ASMSU Constitution prior to the second reading by the Senate.

2. Elections
   The Judicial Council shall
   i. Interpret and review the Elections Policies & Procedures Manual when necessary;
   ii. Enforce the elections in accordance with the Elections Policies & Procedures Manual;
   iii. The Elections Director shall sit as a non-voting, ex-officio member during elections hearings; and,
   iv. Have the authority to sanction and disqualify candidates for elections violations.

3. Student Personnel Appeals
   i. Any ASMSU member may appeal a hire/termination of student personnel to the Judicial Council on the basis of a direct violation of the ASMSU Constitution or Bylaws;
   ii. All appeals must be submitted to the Chief Justice within two weeks of the student hire/termination. The appeal must state how the hire/termination violated the ASMSU Constitution or Bylaws;
   iii. The Judicial Council reserves the right to make final decisions of appeal regarding student hire/termination on the basis of a direct violation of the ASMSU Constitution or Bylaws;
   iv. Appeal forms shall be made readily available by the ASMSU Office.

4. Resolution Appeals
   i. Any ASMSU member may appeal a resolution passed by the Senate to the Judicial Council on the basis of a direct violation of the ASMSU Constitution or Bylaws, with a petition bearing the signatures of one percent of the total ASMSU membership;
ii. The appeal must state how the resolution is a direct violation of the ASMSU Constitution or Bylaws; and,

iii. The Judicial Council reserves the right to make final decisions of appeal regarding resolutions on the basis of a direct violation of the ASMSU Constitution or Bylaws;

iv. Appeal forms shall be made readily available by the ASMSU Office.

B. Session
1. The Judicial Council shall be in session beginning from the first meeting of the Senate in the fall semester until the last meeting of the Senate in the spring semester;
2. The first meeting shall occur no later than the second full week of the fall semester; and,
3. The Judicial Council shall not meet during public holidays, the last week of classes, or finals week, except in the case of special meetings.

C. General Meetings
1. The Judicial Council shall convene bi-weekly during the academic year;
2. The Judicial Council meetings shall be open to the public in accordance with MCA 2-3-203, with the exception of deliberation;
3. Deliberation of the Judicial Council shall be considered as Executive Session;
4. The latest edition of *Roberts Rules of Order, Newly Revised* shall govern meetings of the Judicial Council in all cases to which it is applicable and does not conflict with the authorities stated in the ASMSU Constitution or Bylaws; and,
5. A quorum of the Judicial Council shall be a majority of the total Judicial Council voting membership. In the absence of a quorum, the Judicial Council shall not vote.

D. Special Meetings
1. The Chief Justice may call a special meeting of the Judicial Council by informing all members 24 hours in advance; and,
2. A petition bearing the signatures of a majority of Justices and one ex-officio member, 24 hours in advance, shall satisfy the requirements for a special meeting.

E. Voting
1. The voting membership of the Judicial Council shall include four Justices and the Chief Justice. They shall vote according to seniority with the Chief Justice always the most senior;
2. All rulings of the Judicial Council shall require a majority of the present members;
3. Justices shall vote affirmative or negative. An abstention vote is permissible only in cases of a direct personal conflict of interest; and,
4. The Clerk and Recorder shall conduct all votes by roll call.
5. In the instance of a tie vote no action shall be taken by the judicial council.

F. Judicial Ruling Report
1. A Judicial Ruling Report must be issued on all external rulings of the Judicial Council;
2. The Chief Justice shall write or designate who writes the Judicial Ruling Report which shall include debriefings from both the majority and dissenting opinions;
3. The Judicial Ruling Report shall act as a precedent until changed by means of a Bill or Referendum; and,
4. The Judicial Ruling Report must be easily accessible by Officials to ensure swift and proper procedure.