

# JUDICIARY ACT

## A Bill

Be it enacted by the Senate of the Undergraduate Student Government,

### **Section 1: Short Title**

This bill shall be cited as the “ Judiciary Act.”

### **Section 2: Constraints on the Courts**

#### **A. Jurisdiction**

1. Jurisdiction shall be defined as the court’s authority to hear a case. If the court does not have jurisdiction to hear the case, it cannot proceed any further.
2. The Original Jurisdiction of the Supreme Court shall stem from Article 5, section 4 of the USG Constitution. The Appellate Jurisdiction of the Supreme Court shall be defined as any cases arising from appeals of Judicial Council rulings and other such regulations as the Senate shall make.
3. The Original Jurisdiction of the Judicial Council shall be defined as all matters arising between disputes of clubs/organizations and their respected constitutions, and matters prescribed to the Judicial Council under the Financial Bylaws and Judiciary Bylaws.

#### **B. Justiciability**

1. Justiciability shall be defined as whether the matter at hand is appropriate for court resolution. If the case lacks justiciability, the court cannot proceed any further.
2. *Advisory Opinions*---shall be defined as an opinion issued by a court indicating how it would rule on a question of law should such a question come before it in an actual case. Advisory Opinions are prohibited and the court shall not issue any opinions of hypothetical situations.
3. *Collusive Suits*---shall be defined as cases where both parties seek the same outcome or remedy. Collusive Suites are prohibited and the court shall not proceeded if the matter at hand is determined to be a Collusive Suite. In order for the matter at hand to be appropriate for court resolution, there must be an actual dispute between the two parties.
4. *Mootness*---shall be defined as a controversy that has already been resolved by other means outside of the court. If a matter at hand is determined to be moot,

then the court shall not proceed further. For a case to be appropriate for court resolution, an actual controversy must still exist.

5. *Ripeness*---shall be defined as a legal dispute that has evolved to the point where the issues it presents can be effectively resolved by a court. In order for the court to proceed with the matters at hand, the controversy they present must be deemed as “ripe.” The Court shall not rule in hypothetical cases or in cases that present no controversy at the time the brief was filed.

### **C. Standing**

1. In order for parties to file a case before the Courts, they must be deemed as possessing legal standing. In order for a party to be deemed as having legal standing it must be able to show not only that the statute is invalid but that that he has sustained or is immediately in danger of sustaining some direct injury as the result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally. ( *Frothingham v. Mellon.*) In order for the court to proceed with the case, both parties must have legal standing.

### **Section 3: Enforcement**

Sections 1-3 of this bill shall be law and binding following its enactment.