

Court Hearing Outline

Varney vs. Staley

3/3/09

1. **Convene Court** – Gavel to Order

- a. The SGA Student Court will now hear the matter of Varney vs. SGA Executive Staley this third day of March 2009. The court has granted the petitioner a hearing on the basis of whether the SGA Executive has the authority under the SGA Constitution or its bylaws to terminate the employment of the Student Senate Executive Assistant. The court refuses to hear any discussion about the reasons for termination of employment.
- b. Throughout this case, the petitioners will be referred to as Mr. Mach or Mr. Varney and the respondent will be referred to as Mr. Staley.
- c. The petitioners and respondent will refer to the justices as Justice Czynski, Justice Dorgu, Justice Haney, Justice Noack, or Justice Schmidt.
- d. The gallery is to remain as silent as possible and the court will not address or be addressed by anyone in the gallery.

2. **Explain process (preliminary motions, who first, who follows, time limits, minutes, etc)**

- a. This proceeding is being recorded and will be transcribed at a later date to produce a hard copy of the minutes of the case.
- b. Preliminary Motions – Each party will be allowed two minutes to either explain each individual motion or respond to each motion.
- c. Once both parties are heard regarding a motion, the court will decide to hold a roll call vote or recess for five minutes to discuss the motion, reconvene, and hold a roll call vote.
- d. The court will then move on to the next motion, if necessary, until all motions are exhausted.
- e. Once the court has finished voting on all of the motions, we will proceed to hear the case, if necessary, and explain the process from that point on.

3. **Varney Motion for Sanctions**

- a. First, the court will hear from Mr. Mach regarding the Varney motion for sanctions. You have two minutes to explain your motion.
- b. Mr. Staley, you have two minutes to respond to this motion.
- c. **Justices ask questions to clarify.**
- d. **Court votes unless justices would like to recess for five minutes to discuss motion prior to vote.** **Ben:** At this time, I will entertain a motion to sanction Mr. Staley and preclude the Respondent from presenting a brief or response to the Court. **Melanie:** I second the motion. **Preye:** I call the question. **Ben:** The question has been called. Is there any objection to calling the question? Seeing none, we will move into a vote by a show of hands. All those in favor... All those against...
- e. Motion passed/failed (5-0-0; 0-5-0; etc.)
- f. If motion passes, move on to section #6. Otherwise, continue on to section #4.

4. **Staley Motion to Dismiss on Grounds of Standing**

- a. Next, the court will hear from Mr. Staley regarding his motion to dismiss on the grounds of standing. You have two minutes to explain your motion.
- b. Mr. Mach, you have two minutes to respond to this motion.
- c. **Justices ask questions to clarify.**
- d. **Court votes unless justices would like to recess for five minutes to discuss motion prior to vote.** **Ben:** At this time, I will entertain a motion to dismiss the case on the grounds of standing. **Tabatha:** I second the motion.

Tony: I call the question. **Ben:** The question has been called. Is there any objection to calling the question? Seeing none, we will move into a vote by a show of hands. All those in favor... All those against...

- e. If motion passes, move on to section #7. Otherwise, continue on to section #5.

5. **Staley Motion to Dismiss on Grounds of Mootness**

- a. Next, the court will hear from Mr. Staley regarding his motion to dismiss on the grounds of mootness. You have two minutes to explain your motion.
- b. Mr. Mach, you have two minutes to respond to this motion.
- c. **Court votes unless justices would like to recess for five minutes to discuss motion prior to vote.** **Ben:** At this time, I will entertain a motion to dismiss the case on the grounds of mootness. **Preye:** I second the motion. **Melanie:** I call the question. **Ben:** The question has been called. Is there any objection to calling the question? Seeing none, we will move into a vote by a show of hands. All those in favor... All those against...
- d. If motion passes, move on to section #7. Otherwise, continue on to section #6.

6. **Explanation of Proceeding**

- a. Moving on to the proceeding, the petitioner will have 15 minutes to present oral arguments, followed by the respondent, who will also have fifteen minutes.
- b. Then, the petitioner will have an additional five minutes for a rebuttal, followed by five minutes for the respondent.
- c. Once this is complete, the Court will have 15 minutes to ask questions of both parties.
- d. The court will keep track of the remaining time for arguments and will warn each party when two minutes remains.
- e. If the petitioner or respondent exceeds his allotted time, I will interrupt and we will proceed with the rest of the hearing.

7. **Proceeding**

- a. Mr. Mach & Mr. Varney, you have 15 minutes to state your case.
- b. Mr. Staley, you have 15 minutes to respond.
- c. Mr. Mach & Mr. Varney, you have five minutes for a rebuttal.
- d. Mr. Staley, you have five minutes for a rebuttal.
- e. The Court will ask questions for the next 15 minutes.
 - i. Why shouldn't the SGA Exec. be able to fire the Senate Executive Assistant?
 - ii. Hypothetically, if the Senate Executive Assistant is wasteful, should the SGA Exec. Have to maintain employment and funding for the position when the Executive is charged with utilizing student funds in a responsible manner?
 - iii. Why do you believe that an individual's power to hire and supervise an employee implies that he or she is the only one able to fire that same employee? For instance, upper level managers in the public and private sectors are able to fire employees that they do not directly hire or supervise.
 - iv. Should the SGA Executive be able to fire justices since he hires and supervises them?
 - v. Mr. Staley, do you believe that you are able to fire any and all paid positions within SGA, including justices? If not, what prevents you from firing justices if you are able to fire the Senate's Executive Assistant?
 - vi. Do you believe that the SGA Vice President is the executive of the Senate? Why or why not?

8. **Adjournment**

- a. Are there any further questions?
- b. Seeing none, this hearing is adjourned.