

STUDENT BAR ASSOCIATION CONSTITUTION

University of Miami School of Law

Last Updated on September 9, 2019

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PREAMBLE

We, the students of the University of Miami School of Law, hereby associate ourselves in forming a student body government to increase the educational values of student life; strengthen the unity of purpose among students; serve as a forum for varying student viewpoints; promote the continued improvement of intra-school relations; provide a clear channel of communication among the students, faculty, administration, and alumni; facilitate the understanding and development of policies for the school with regard to student affairs; and to improve the relations between the law school and the surrounding community. Therefore, we establish this Constitution of the Student Bar Association.

ARTICLE I: NAME

The name of this organization shall be the Student Bar Association of the University of Miami School of Law (SBA).

ARTICLE II: MEMBERSHIP

The Student Bar Association shall be comprised of all students of the University of Miami School of Law.

ARTICLE III: EXECUTIVE BRANCH

Section 1. Composition

The executive branch shall be comprised of the following: President, Vice President, Treasurer, Secretary, ABA School Representative, and Historian.

Section 2: Duties and Powers

A. The President shall:

1. Serve as the chief executive officer of the SBA.
2. Enforce the Constitution and Bylaws of the SBA.
3. Serve as the official spokesperson and representative of the SBA.
4. Approve, in conjunction with the Treasurer, all requisitions and disbursements that have been duly authorized in the budget.
5. Have the power to veto any Resolution, Bill, or Act of the Senate.
6. Call special sessions of the Senate when emergency action is necessary providing that reasonable efforts are made to give all Senators at least 24 hours' notice.

7. Nominate, subject to confirmation by 2/3 vote of the Senate, a Chief Justice to the Supreme Court of the Student Bar Association when a vacancy occurs.
8. Nominate, subject to confirmation by 2/3 vote of the Senate, Associate Justices to the Supreme Court of the Student Bar Association, when vacancies occur.
9. Nominate, subject to confirmation by 2/3 vote of the Senate, student representation on all faculty committees.
10. Serve as a voting member on the Law Activity Fee Allocation Committee or appoint a designated member of the Executive Board to serve as such member.
11. Have the power to issue executive orders on all matters not before the Senate, on an emergency basis.
12. Have the power to delegate to the Vice President any power granted to him/her pursuant to this Constitution.
13. Work in conjunction with the administration in order to convene a committee that will select a graduation speaker.
14. Carry out those duties not addressed.

B. The Vice President shall:

1. Assume the duties of the President in the event that the President is unable to perform his/her duties.
2. Carry out any duties delegated to him/her by the President.
3. Oversee all SBA Committees as defined in the Bylaws.
4. Serve as a member of the Cabinet if formed.
5. Carry out those duties not addressed in this section that are outlined elsewhere in the Constitution and/or Bylaws.

C. The Treasurer shall:

1. Manage all SBA funds.
2. Form an Appropriations Committee to recommend a budget to the executive board for approval and Senate ratification.
3. Have the power to allocate funds upon ratification of the budget.
4. Approve, in conjunction with the President, all requisitions and disbursements that have been duly authorized in the budget.

5. Document all financial transactions, which shall be open for SBA inspection and available on the designated SBA website.
6. Give a detailed report of the finances at the last Senate meeting of each semester, or upon request within reasonable time.
7. Provide a budget proposal for the following semester no later than one month before the last senate meeting of each semester.
8. Provide a current, updated budget on the designated SBA website.
9. Serve as a voting member of the Law Activity Fee Allocation Committee
10. Carry out those duties not addressed in this section that are outlined elsewhere in the Constitution and/or Bylaws.

D. The Secretary shall:

1. Maintain records of all legislative action and minutes of the Senate meetings.
2. Take minutes and maintain records of all actions of the Executive Board.
3. Serve as Inter-Club Council (ICC) Chairperson and perform duties as enumerated by the Bylaws of the ICC.
4. Coordinate the distribution of SBA information and organize the announcement of upcoming events to the Law School community.
5. Coordinate all organizational meetings and events.
6. Carry out those duties not addressed in this section that are outlined elsewhere in the Constitution and/or Bylaws.

E. The ABA School Representative shall:

1. Promote ABA membership and programs.
2. Represent the school at ABA meetings.
3. Represent the school at the ABA Annual Conference.
4. Implement ABA public interest programs.
5. Serve as Chair of the University of Miami ABA Chapter.
6. Have voting rights on the Executive Board equal to other Executive Officers.

7. Carry out those duties not addressed in this section that are outlined elsewhere in the Constitution and/or Bylaws.

F. The Historian shall:

1. Keep and maintain all records dealing with the recent and past history of the Student Bar Association.
2. Shall maintain a database which shall have the names, addresses, phone numbers, and e-mail addresses of all current and former Executive Board members, Speakers, Senators, Justices, and all SBA Support Staff.
3. Shall conduct research on any official SBA historical issue and prepare a written report to the Senate, every semester, regarding the events of the SBA for the previous semester.
4. Shall photograph, or otherwise document all SBA events for the purpose of maintaining an active social media presence on all relevant social media accounts.
5. Shall be responsible for designing, maintaining and purchasing all SBA awards, plaques and medals. He/she shall exercise control over a budget, which the Senate shall appropriate, taking photographs of SBA Events, updating the SBA website, and designing SBA Awards.

Section 3. Executive Board

A. Membership

The members of the Executive Board shall be the President, as chair, Vice-President, Treasurer, Secretary, ABA School Representative, and the Historian. All members of the Executive Board shall be elected upon receipt of a majority of votes cast in a general election of the SBA.

B. General Powers and Duties.

The Executive Board shall:

1. Approve a budget as recommended by the Treasurer for Senate consideration.
2. Recommend legislation to the Senate.
3. Upon a unanimous vote of the executive board, have the power to allocate funds on an emergency basis.
 - a. Such actions must be reported in writing to the full Senate at the next regularly scheduled meeting.
 - b. Such allocations cannot exceed the amount stipulated by SBA statute.
4. Have the power to form Executive Committees as defined in the Bylaws.

5. Carry out those duties not addressed in this section that are outlined elsewhere in the Constitution and/or Bylaws.

ARTICLE IV: LEGISLATURE

Section 1. Senate

The supreme legislative power of the Student Bar Association shall be vested in the Senate.

Section 2: Composition

The composition of the Senate shall be as follows: Six 3L Senators, Six 2L Senators, Six 1L Senators, Two Post-JD Senators, and One Transfer-student Senator. Senators shall be elected by their respective classes; Transfer Senator shall be elected by the 2L and 3L transfer-student population.

Section 3. Powers and Responsibilities of the Senate

A. The Senate shall have the power, within the framework of other University policy, to:

1. Propose referenda.
2. Introduce and enact legislation.
3. Establish procedures for the execution of its business.
4. Enact Bylaws by majority vote on any matter providing such Bylaws are consistent with this Constitution. Motions to amend or create Bylaws shall be automatically postponed for action (including modification) until the following Senate meeting. Bylaws that are not in conflict with this Constitution shall be binding.
5. Establish Senate Committees.
6. Require reports from all executive agencies and executive office holders.
7. Override a veto of the SBA President by a two-thirds majority.
8. Take constitutionally authorized actions necessary and proper, and make recommendations, to promote the general welfare of the law school student body concerning any facet of student life at the University.
9. Take any action enumerated elsewhere in this Constitution or Bylaws.

B. The Senate shall have the following duties:

1. Appropriate funds to, and/or review expenditures of, the Student Bar Association executive, legislative and judicial branches and their agents.
2. Appoint a Treasurer Liaison in accordance with Article XIII.

3. Establish procedures and regulations governing SBA elections.

4. Solely try all proceedings of Impeachment.

C. Each Senator shall be required to:

1. Represent to the best of his/her ability the views of his/her constituents.

2. Serve on at least one SBA Committee and perform such other duties as enumerated in the Bylaws.

Section 4. Officers of the Senate

A. Speaker of the Senate

1. The Senate shall be chaired by a Senator, selected by the Senate from its body, who shall serve as chair for a term of up to one year.

2. The Speaker of the SBA Senate shall:

a. Preside over Senate meetings.

b. Have all the rights of the floor and of membership.

c. Vote last or abstain on Senate business.

d. Have final authority in the Senate on procedure.

e. Appoint standing and/or ad hoc committees of the Senate as the President Pro-Tempore or the Senate may deem necessary for the functioning of the Senate, subject to the Bylaws.

f. Have the authority to appoint or remove a Senate Parliamentarian, Senate Clerk, and/or any other persons necessary for the functioning of the Senate.

g. Be the administrative head of the Senate and its appointed personnel.

h. Have the power to call for a special meeting of the SBA Senate. The Speaker may only invoke his/her power to call a special meeting if the subject of the meeting deals with passage of the annual SBA Budget; impeachment/censure or sanctioning of any SBA officer, declaring an SBA official's seat vacant, where the SBA President or Executive Board has transferred governing power to the SBA Vice-President, or any other emergency as need.

3. Speaker of the Senate Election

a. Following the annual Spring election, at the first meeting of the new Senate, the Senate shall elect a Speaker by written ballot with a simple majority of the whole Senate required to elect.

- b. Should the Senate fail to elect a Speaker, the Dean of the SBA Senate (the Senator with the most seniority by time of election, as defined in the SBA Statutory Bylaws) shall serve as Speaker until such time when a Speaker or a Vice-Speaker can be elected.
 - c. In the event of a vacancy, the Vice-Speaker shall assume the duties and powers of the Chair and a new Chair shall be elected at the next Senate meeting.
- B. Vice-Speaker of the Senate
 - 1. There shall be a Vice-Speaker of the Senate, selected by the Senate from its body, who shall serve for a term of up to one year.
 - 2. The Vice-Speaker shall preside in the Speaker's absence.
 - 3. The Vice-Speaker shall retain Senate membership and all rights thereof.
 - 4. Vice-Speaker Election
 - a. Following the election of the Speaker of the Senate, the newly-elected Speaker shall appoint a fellow Senator as Vice-Speaker.
 - b. In the event of a vacancy, the Speaker shall appoint a new Vice-Speaker at the next Senate meeting.

Section 5. Meetings

- A. The senate shall hold meetings at least once every two weeks at a designated time and place during the Fall and Spring terms.
- B. Once set for a given academic year, meeting dates and times may not be changed for any meeting without concurrence of three-fourths of those members present and voting.
- C. The meeting schedule shall be voted upon by a 3/4 majority of the Executive Board and Senators and shall be released no later than one month before the start of the Spring or Fall Semester.
- D. On petition of a majority of the Senators, a special meeting will be called, giving the time, date, and agenda of the special meeting in the call, providing that reasonable efforts are made to give all Senators at least 24-hours' notice.

Section 6. Senate Procedures

- A. The Senate shall make public its proceedings and records that will be available for public review during business hours.
- B. Quorum - A majority of the voting Senate seats installed shall constitute a quorum to do business.
- C. Senators and Executive Officers may propose original main motions and accept friendly

amendments in accordance with Senate rules and procedures. Only SBA Senators may vote in the SBA Senate, second a motion, and propose incidental main motions and secondary motions (subsidiary, privileged, and incidental). All SBA members and members of the Law School Faculty and Administration shall have the right to attend SBA Senate meetings and the right to be recognized to speak.

ARTICLE V: JUDICIARY

Section 1. Supreme Court

The supreme judicial power of the Student Bar Association shall be vested in a Supreme Court, consisting of one (1) Chief Justice and two (2) Associate Justices.

Section 2. Jurisdiction

The authority of the Supreme Court shall extend only to jurisdiction over student challenges to this Constitution, the SBA Bylaws, ICC Bylaws, and official actions of elected and appointed SBA Officers. The Supreme Court shall not hear any cases involving any issues not directly related to student challenges to the aforementioned Constitution and bylaws.

Section 3. Qualifications of Members of the Supreme Court

- A. The Chief Justice of the Supreme Court shall be appointed by the President of the Student Bar Association upon approval by a two-thirds (2/3) majority of the SBA Senate.
- B. Associate Justices of the Supreme Court shall be appointed by the President of the Student Bar Association upon approval by a two-thirds (2/3) majority of the SBA Senate.
- C. A member of the Supreme Court must be classified as a student enrolled in a degree program at the time of his/her appointment and during his/her entire term of office.
- D. A member of the Supreme Court must not be on academic/disciplinary probation at the time of his/her appointment nor at any time during his/her term of office.
- E. A member of the Supreme Court may not serve on the Court and simultaneously as a member of the SBA Executive Board, SBA Senate, or the Student Honor Council.

Section 4. Powers and Duties of the Supreme Court

- A. Any member of the Student Bar Association may file an action with the Supreme Court. Such action shall be limited to claims of violations of the SBA Constitution, SBA Bylaws, SBA Acts and/or SBA Rules. Although it is presumed that petitions filed with the Court deserve a hearing, the majority of sitting justices may sua sponte deny certiorari and effectively dismiss complaints that are without merit.
- B. The Supreme Court may only grant final relief to the petitioner by invalidating the action/decision and remanding it for action (or non-action) consistent with the Constitution and relevant Bylaws, Acts, or Rules. In the interest of justice and fairness, the Court may issue an injunction binding on the SBA until a final decision is reached. Actions of the

SBA bodies and officials shall be presumed valid unless the Court decides that such actions are a literal violation of the SBA Constitution, Bylaws, Acts, Rules, and the ICC Bylaws.

- C. The SBA Senate may create Bylaws concerning Supreme Court procedures that are consistent with this Constitution. The Supreme Court may also develop additional procedures for its operation.

Section 5. Term of office

Each member's term of office shall expire on the last day of the Spring semester.

Section 6. Removal

- A. Any member of the Supreme Court may be removed from office for malfeasance or dereliction of duty. Charges may be brought by any three (3) Senators.
- B. In open session, the SBA Senate shall give equal opportunity to the accused to defend himself/herself as is given to hearing of the accuser(s).
- C. Removal shall require a two-thirds (2/3) vote of the Senate.
- D. Interpretation of this section shall be the sole right of the SBA Senate.

ARTICLE VI: ELECTIONS

Section 1. Procedures

- A. SBA members in good standing are eligible to run for office.
 - 1. No member scheduled to graduate before the expiration of a particular term of office shall be eligible to run for that office.
 - 2. No person shall be allowed to seek more than one office during one election.
- B. No person shall seek or hold dual membership in more than one branch of the SBA and/or the Honor Council.
- C. A "majority" of the votes, for this section, shall be defined as 50% + 1 of the votes cast in a given election.
- D. (1) Executive Board officers shall be elected and be declared winner upon receipt of a majority of votes cast during the Spring election.
(2) In the event that no candidate is declared winner by the method in D(1), the highest vote-getter shall be declared winner if they lead the runner-up by at least 10% of total votes cast in their particular election.
(3) In the event that no winner is chosen by the methods outlined in D(1) or D(2), a runoff shall be held between the two leading vote getters.
- E. The SBA Election Rules Commission shall have no more than 21 calendar days after the general or special election to hold a run-off.

- F. The terms of all Executive Board Members, who are elected in the general SBA Executive Board Elections during the Spring semester, shall run from the first day of April and formally end on the thirty-first day of March of the following year.
- G. The newly elected SBA Executive Board Members Officers shall take the Oath of Office either at the New Student Leader Installation or the next scheduled SBA meeting on or before April 1st.
- H. All 2L and 3L members of the SBA Senate shall be elected in the Spring Semester at the same time as the SBA Executive Board elections. All 1L, Transfer, and LLM members of the SBA Senate shall be elected in the Fall Semester.
- I. Term limits shall be governed as follows:
 - 1. The 1L Senator term shall span from the date the Senator is sworn into office after the conclusion of the Fall elections and end on the date of the first Senate meeting after the conclusion of the Spring elections.
 - 2. The 2L Senator term shall span from the date the Senator is sworn into office after the conclusion of the Spring elections and end on the date of the first Senate meeting after the conclusion of the following year's Spring elections.
 - 3. The 3L Senator term shall span from the date the Senator is sworn into office after the conclusion of the Spring elections and end no later than the last day of the next Spring semester.
 - 4. The LLM Senator(s) term shall span from the date the Senator is sworn into office after the conclusion of the Fall elections and end either on the last day of the Spring semester if the Senator is graduating at the end of that year, or on the date of the first Senate meeting of the next fall semester.
 - 5. The Transfer Senator term shall span from the date the Senator is sworn into office after the conclusion of the Fall elections and end either on the last day of the Spring semester if the Senator is graduating at the end of that year, or on the date of the first Senate meeting of the next fall semester.
- J. Election results, including the number of votes for each candidate, shall be made available in the Alma Jennings Foundation Student Lounge and distributed via email to the student body.
- K. Recorded election results shall be kept for at least thirty days after the close of the polls.
- L. Special elections shall be called according to guidelines contained in the Elections Bylaws of the SBA.

ARTICLE VII: PARLIAMENTARY AUTHORITY

Robert's Rules of Order shall be the parliamentary authority for SBA meetings. The SBA Senate shall select a specific version and edition to be the official Robert's Rule Order publication of the SBA.

ARTICLE VIII: OATH OF OFFICE

- A. All Executive Officers of the SBA shall take the following Oath of Office upon inauguration, which shall be administered by the SBA Supreme Court Chief Justice.

"I do solemnly affirm that I will, to the best of my ability, preserve, defend, and enforce the provisions of the Constitution and Bylaws of the SBA of the University of Miami School of Law. I solemnly affirm that I will exercise utmost care to uphold the good name of our school. I also solemnly affirm that I will diligently, faithfully, and conscientiously perform all my duties as an officer of the SBA of the University of Miami School of Law."

- B. The SBA Senate shall establish, in the SBA General Bylaws, a procedure for administering the Oath of Office for SBA Officers of the Executive Branch, Legislative Branch, and the Judicial Branch.

ARTICLE IX: INITIATIVE & REFERENDUM

Section 1. Initiative

By a petition of 10% of the student body, any action matter not in conflict with this Constitution may be sent to the student body for a vote within ten business days after the petition is validated.

Section 2. Referendum

The Senate may submit matters to the student body for a general vote.

ARTICLE X: AMENDMENTS

Any amendment to this Constitution, or a proposed new Constitution, shall be proposed by either a two-thirds (2/3) vote of the Senate, or by a petition of 5% of the student body, and shall be presented to the entire student body whereupon it shall be adopted with a two-thirds (2/3) vote of those voting, providing at least 25% of SBA members turn out to vote during the specified election. The amendment or proposed new Constitution must be submitted to the SBA in time for publication before the election and made widely available to all prospective voters. Amendments may be presented in a special election, or at the latest, the next regularly scheduled SBA election. This Constitution shall be renumbered and re-lettered where appropriate to provide for the proper sequence of numbers and letters. The SBA President shall be responsible for the maintenance of an updated copy of the Constitution and Bylaws on the designated SBA Website, the Dean of Student's Office, and at the Law Library circulation desk.

ARTICLE XI: BYLAWS

All legislative actions of the SBA in effect prior to the passage of this new Constitution shall remain in full force and effect until such time as they are repealed or expire of their own accord, provided that they do not conflict with the provisions herein. This Constitution is the supreme law of the SBA, and all rules or parts of rules in conflict with this Constitution are hereby repealed.

ARTICLE XII: IMPEACHMENT AND REMOVAL FROM OFFICE

Section 1. Power of Impeachment and Removal

- A. All SBA Executive Board members, Senators, Cabinet members, Election Commission (EC) members, and Supreme Court Justices are subject to impeachment and removal from office.
- B. The power of impeachment shall vest solely in the SBA Senate. The power of Removal shall vest in the SBA Supreme Court, except in cases where a SBA Supreme Court Justice is the subject of impeachment. In such cases, the power of removal of a SBA Supreme Court Justice shall vest in the SBA Senate.
- C. Two-third majority vote of the SBA Senate shall be required in all cases of impeachment.
- D. The Senate shall have the power to establish statutes outlining the procedure for impeachment and removal of all appointed and elected SBA officials for constitutional, statutory, ethical, or rules of procedure violations.

ARTICLE XIII: BALANCED BUDGET & FISCAL ACCOUNTABILITY

- A. The SBA shall maintain a balanced budget. To achieve this mandate, the SBA Senate shall operate in accordance with established financial bylaws. The treasurer shall submit a budget, which the SBA Senate must approve.
- B. The SBA Senate shall establish a Finance Committee whose sole duty shall be to work with the SBA Treasurer and ensure all budget information is available and up to date on the designated SBA website.

Purpose: As mentioned above, the purpose of this is to promote transparency of the budget to the student body and increase efficiency in budget proposals, changes, and allocation of funds.

ARTICLE XIV. VACANCIES OF ELECTED SBA OFFICERS

Section 1. The Creation of Vacancies

- A. A vacancy in the SBA Executive Branch or Legislative Branch shall exist if an SBA official resigns, is removed from office as a result of an impeachment proceeding, or as otherwise declared ineligible to hold office by the UM school of law.
- B. Once a vacancy exists, the Senate shall have an affirmative duty to schedule the election unless:
 - 1. If a vacancy opens up between the beginning of the spring semester and the spring

general elections, it will remain vacant until the general elections;

2. If a seat is not filled as of the general election, no special election will be held unless so requested by a student who is qualified to fill the position, or

C. If there is a vacancy in the Legislative Branch:

1. In the event there is a vacancy in a Senate Class, the vacancy shall be filled by the next-highest vote getter from the last election.
2. If there is more than one vacancy in a Senate Class after the General Elections and there are no additional candidates to select from the previous election, the SBA may nominate candidates to serve as interim senators until the next 1L election.

D. The Speaker of the SBA Senate shall notify, in writing, the Election Commissioner of the vacancy.

ARTICLE XV: RIGHT OF DUE PROCESS

No rights granted under the United States or Florida Constitutions shall be abridged by the SBA Constitution or Bylaws.