

**THE CONSTITUTION**  
**OF THE**  
**STUDENT BAR ASSOCIATION,**  
**THE FRANKLIN THOMAS BACKUS SCHOOL OF LAW,**  
**CASE WESTERN RESERVE UNIVERSITY**

**PREAMBLE**

**In the democratic tradition, We, the Students of the Case Western Reserve University School of Law, in order to secure and promote the free exchange of ideas, inclusiveness, due process, and professional responsibility, and to ensure each and every student's opportunity to participate, do hereby ordain and establish this Constitution for the Student Bar Association.**

**ARTICLE I: THE STUDENT BAR ASSOCIATION SENATE**

- Section 1. The legislative power of the Student Bar Association shall be vested in one law student Senate.**
- Section 2. The Senate shall consist of elected Senators and five elected Officers.**
- a. Senators and Officers shall be students currently enrolled in academic programs at Case Western Reserve University School of Law.
  - b. Each academic class shall elect a number of Senators, based upon the population of the academic class, by majority vote to serve at large for their respective class.
    1. An academic class with one hundred and eighty law students or less shall elect six Senators.
    2. An academic class with greater than one hundred and eighty law students, but fewer than two hundred and thirty law students, shall elect seven Senators.
    3. An academic class with two hundred and thirty law students or more shall elect eight Senators.
  - c. Each graduate law program shall elect one Senator by majority vote to serve at large for its respective program.
  - d. The entire law student population shall also elect five Officers by majority vote to serve at large for the entire law student body within the Senate: a President, a Vice-President, an Executive Secretary, a Treasurer, and a Senate Counsel.
  - e. The actual population of each academic class, as it exists on the second Tuesday of September during its first year of law school matriculation and as officially recorded by the university registrar or its successor office, shall determine the precise number of Senators each respective class shall be entitled to elect for the duration of that academic class' tenure at Case Western Reserve University School of Law.
  - f. The number of Senators representing an academic class, once determined, shall not be increased or diminished by subsequent gains or losses in the population of that academic class.
- Section 3. The term of office of each Senator and Officer shall be one year, or until a Senator's or Officer's successor shall take office. All Senators and Officers shall be given an oath of office prior to assuming office.**

- Section 4. The President shall be the Presiding Officer of the Senate, and each Senator and Officer of the Senate shall have one vote, provided that the President shall only vote when the Senate is evenly divided.**
- Section 5. The Senate shall meet regularly, but not less than twice each calendar month during the academic year.**
- Section 6. Provided reasonable prior notice is given, special sessions of the Senate may be called by:**
- a. Direction of the President; or
  - b. The request of two officers; or
  - c. The request of at least six Senators, provided at least one Senator is from each of the three academic classes or a graduate law program.
- Section 7. A simple majority of the Senators and Officers who have been duly elected at any given time shall constitute quorum to legally conduct any and all business.**
- Section 8. The legislative power of the Senate shall be:**
- a. To investigate, act, and conclude any and all agreements relating to any matter which affects and promotes the rights, obligations, services, and overall welfare of the law students at Case Western Reserve University and elements thereof; and
  - b. To establish, fund, and regulate a central Law Student Activities Fund, which shall primarily be funded through the regular collection of a law student activities fee in accordance with the provisions of this Constitution and all other relevant documents;
  - c. To regulate, fund, and provide access to benefits to any and all law student activities and organizations, with such funds originating from the Law Student Activities Fund, and in accordance with the provisions of this Constitution and all other relevant documents;
  - d. To establish, fund, regulate, and approve the budget of the Student Bar Association, which shall be funded from the Law Student Activities Fund, and in accordance with the provisions of this Constitution and all other relevant documents;
  - e. To organize, hold, and certify elections and returns;
  - f. To establish all committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association, both standing and special;
  - g. To elect, by majority vote, the law student Justices of the Honor Court;
  - h. To promulgate, jointly with the governing body of the law school faculty, both a law student code of conduct and procedures necessary for its operation and enforcement;
  - i. To adopt Bylaws to provide for governance in matters not expressed in this Constitution, to the extent that such provisions are not inconsistent with this Constitution; and
  - j. To act in any other way which is necessary and proper to execute the foregoing powers, as well as all other powers vested by this Constitution in the Student Bar Association.
- Section 9. Every act which has been adopted by the Senate shall enter into full force and effect, and no Senator or Officer shall be privileged to exercise a veto of any kind over actions of the Senate.**

**Section 10.** The Senate may establish the rules of its proceedings, compel the attendance of absent Senators and Officers, and, by a two-thirds vote, expel any Senator or Officer for failure to attend three or more sessions of the Senate without the prior written excuse submitted to the President.

**Section 11.** All sessions of the Senate shall be open to the public, and votes shall not be taken by secret ballot, nor shall proxy votes be permitted, provided that the Senate may utilize a secret ballot when electing the law student Justices of the Honor Court. A recorded roll call vote may be taken on any issue by order of a majority vote of the Senate present.

## **ARTICLE II: THE STUDENT BAR ASSOCIATION OFFICERS**

### **Section 1. The executive power shall be vested in the President of the Student Bar Association. The executive power shall be:**

- a. To support and uphold this Constitution and the Bylaws of the Student Bar Association;
- b. To execute the acts and legislation of the Senate, and enforce the decisions of the Honor Court;
- c. To appoint law students as Chairs of the committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association, both standing and special, by and with the advice and consent of a simple majority of the Senate;
- d. To appoint any law student representation to any other body of the law school, Case Western Reserve University, or the legal profession, by and with the advice and consent of a simple majority of the Senate;
- e. To oversee all committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association, both standing and special, as well as any other appointment made under the Student Bar Association;
- f. To make any other appointment with the advice and consent of a simple majority of the Senate which is not otherwise herein provided for, provided that the Senate may vest certain appointments in the President alone;
- g. To convene an Executive Board, consisting of the President and the four other Officers of the Senate, which may advise and assist the President in areas that the President may direct, and act in areas that the Senate may establish; and
- h. To act in any other area not herein provided that the Senate may establish.

### **Section 2. The Vice-President shall:**

- a. Conduct sessions of the Senate in the absence of the President;
- b. Sit ex-officio, non-voting on all committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association, both standing and special;
- c. Assist the President by serving as the coordinator of the initiatives, programs, and actions of all committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association;
- d. Serve as the coordinator of all public relations for the Student Bar Association;
- e. Assist the President in any and all capacities that the President may require and so direct; and
- f. Act in any other area not herein provided that the Senate may formally establish.

### **Section 3. The Executive Secretary shall:**

- a. Keep and maintain a permanent record of all proceedings of the Senate in the form of minutes, which shall be drafted and presented for approval by the Senate at the subsequent meeting of the Senate;
- b. Officially record the attendance of all Senate sessions, both regular and special;
- c. Maintain the historical record and all reports of the Senate and any other body of the Student Bar Association;
- d. Ensure each Senator and Officer receives written notice of any and all meetings, cancellations, or special sessions as the President may direct;
- e. Provide written notice to the law student population of proposed amendments to this Constitution as required under the provisions of this Constitution; and
- f. Act in any other area not herein provided that the Senate may formally establish.

**Section 4. The Treasurer shall:**

- a. Hold custody of, and be fully accountable for, the central Law Student Activities Fund and the Student Bar Association's own budget in accordance with this Constitution and the structures, regulations, and procedures established by the Senate;
- b. Execute and record all disbursements and receipts in accordance with procedures established by the Senate;
- c. Prepare a financial report for each meeting of the Senate, showing all assets and liabilities to date;
- d. Prepare and present the draft budget of the Student Bar Association and the draft budget for disbursement of the central Law Student Activities Fund to all eligible law student organizations as well as the Student Bar Association;
- e. Allow no disbursement of any Student Bar Association funds unless the appropriate signatures shall appear on such authorization, provided that the Treasurer may permit specific individuals, designated in writing and approved by the Senate, to disburse such funds in lieu of such signatures; and
- f. Act in any other area not herein provided that the Senate may formally establish.

**Section 5. The Senate Counsel shall:**

- a. Oversee elections held in the name of the Student Bar Association in accordance with structures, regulations, and procedures of this Constitution and others so adopted by the Senate;
- b. Interpret, in an advisory capacity only, this Constitution, Bylaws, and other relevant documents for the benefit of the Senate;
- c. Serve as the Law School Counsel for all purposes required under the law student code of conduct;
- d. Represent the Student Bar Association before the Honor Court for any other necessary and appropriate purpose; and
- e. Act in any other area not herein provided that the Senate may formally establish.

## **ARTICLE III: THE HONOR COURT**

- Section 1.** The judicial power of the Student Bar Association shall be vested in one law school Honor Court, consisting of three law student Justices, elected by the Senate, and three law faculty Justices. The Court shall select its own Chief Justice, who shall be a law student.
- a. To ensure the independent role it exercises within the constitutional system of the Student Bar Association, a law student Justice shall not hold any other elected office within the Student Bar Association, nor shall he or she have received disciplinary sanctions while a law student prior to his or her election to the Honor Court.
  - b. The Senate shall accept open nominations for the law student Justices from any Senator or Officer during a session of the Senate held not later than the third week of September.
  - c. The three nominations for law student Justice attaining the highest number of votes cast, by secret ballot, within the Senate shall be elected to the Honor Court.
  - d. In the event of a tie vote for a law student Justice of the Honor Court, a second secret ballot election shall determine the outcome. The individual with the highest number of votes cast within the Senate in this second election shall be elected to the Honor Court.
  - e. All law student Justices of the Honor Court shall be given an oath of office prior to assuming office.
- Section 2.** The Honor Court shall have original and exclusive jurisdiction in all cases in which a law student is charged with a violation of the Model Code of Professional Responsibility, the University code of conduct, and/or the law school code of conduct, with such exceptions as the Senate and the governing body of the law school faculty may jointly establish.
- Section 3.** The law student Justices of the Honor Court, as a special division of the Honor Court, shall also have original and exclusive jurisdiction over cases and controversies brought before the Honor Court which require interpretation of this Constitution and questions arising under it. Such actions before the Honor Court shall be of right, and the Honor Court's decisions shall be final and binding on the Student Bar Association and all elements thereof.
- Section 4.** The Honor Court shall have the power to determine the rules of its proceedings. However, in exercising its disciplinary power, the Honor Court shall be bound by the rules of procedure and substantive disciplinary standards contained in the law student code of conduct, as appearing in the current official law school student handbook or its successor document, as well as by the general standards of justice and fairness that exist within the self-discipline of members of the legal profession.

## **ARTICLE IV: THE BUDGET**

- Section 1.** The Senate may appropriate funds to all eligible law student organizations requesting access to funds from the central Law Student Activities Fund through a budgeting process conducted in accordance with this Constitution and procedures adopted by the Senate.
- a. When budgeting all law student organizations, the Senate shall also take up the draft budget of the Student Bar Association as prepared and presented by the Treasurer of the Student Bar Association.
  - b. The budget of the Student Bar Association shall include the budgets of all committees, councils, commissions, boards, task forces, and agencies of the Student Bar Association, with such exceptions as the Senate may establish.
  - c. The budget of the Student Bar Association and any law student organization shall be adopted by a simple majority of the Senate.
- Section 2.** Funds that are not allocated at the time budgets are formally adopted by the Senate, shall only be disbursed from the central Law Student Activities Fund with a simple majority vote of the Senate.

## **ARTICLE V: REMOVAL FROM OFFICE**

- Section 1. Any Officer, Senator, or law student Justice of the Honor Court shall be removed from office for:**
- a. Purposely and/or knowingly violating this Constitution; and/or
  - b. Purposely and/or knowingly violating the Bylaws; and/or
  - c. Violations of the Model Code of Professional Responsibility, the University code of conduct, and/or the law school code of conduct, but only if substantiated by the receipt of disciplinary sanctions; and/or
  - d. Other just causes that may be established by the Senate in the Bylaws of the Student Bar Association.
- Section 2. No Officer, Senator, or law student Justice of the Honor Court shall be removed from office for recklessly or negligently violating the Constitution or the Bylaws, nor shall any Officer, Senator, or law student Justice of the Honor Court be removed for de minimis violations of any of the causes contained in Section 1 of this article.**
- Section 3. Whenever evidence exists that an Officer, Senate, or law student Justice of the Honor Court may have committed a removable offense specified in Section 1 of this article, the Senate Counsel shall refer the matter to the law student Justices of the Honor Court for investigation, provided that if a law student Justice of the Honor Court is the subject of the investigation, he or she shall recuse himself or herself from such investigation.**
- a. The Honor Court shall, independently of any other Student Bar Association elected or appointed official, investigate the facts and circumstances surrounding the removable offense allegedly committed by the Officer, Senator, or law student Justice of the Honor Court, and deliver a written investigation report to the Senate Counsel not later than seven days after commencing its investigation.
  - b. The Senate Counsel shall present the report of the Honor Court to the Senate.
    1. If the Honor Court reports to the Senate that substantial evidence exists that the individual has committed an offense that warrants removal, and is not de minimis, the Senate shall be bound to proceed with the impeachment and removal procedures further specified in this article.
    2. If the Honor Court reports to the Senate that substantial evidence exists that the individual has not committed a removable offense, or that the offense is de minimis, the matter shall be dismissed by the Senate, and the Senate shall not proceed with the impeachment and removal procedures further specified in this article unless three-quarters of the Senate shall vote to find that the Honor Court's report is against the manifest weight of the evidence.

- Section 4. If the Honor Court reports to the Senate that substantial evidence exists that an Officer, Senator, or law student Justice of the Honor Court has committed a removable offense for causes specified in Section 1 of this article, then the Senate as proceed with the procedures contained in this section.**
- a. The Chief Justice of the Honor Court shall preside over the Senate in all cases of impeachment, provided that the President of the Student Bar Association shall continue to preside over the Senate if a law student Justice of the Honor Court is the subject of impeachment and removal procedures. The President shall continue to have no vote within the Senate during such impeachment and removal procedures.
  - b. An Officer shall be impeached by a two-thirds majority vote of the Senate's total membership. The Officer shall then be removed from office by majority vote of the law school student body, provided that at least one-half of the total law school student population has voted in such recall election.
  - c. A Senator shall be impeached by a two-thirds majority vote of the Senate's total membership. The Senator shall then be removed from office by majority vote of the Senator's academic class or graduate law program, provided that at least one-half of the total academic class or graduate law program has voted in such recall election.
  - d. A law student Justice of the Honor Court shall be impeached by a majority vote of the Senate's total membership. The law student Justice of the Honor Court shall then be removed from office by a two-thirds majority vote of the Senate's total membership, during a session of the Senate conducted after the session in which the individual was impeached.

**Section 5. Any appointed official under this Constitution may be removed for just cause in writing by the President of the Student Bar Association. Such writing shall be delivered to the individual being removed, citing the President's reasons for such removal. This writing shall also be delivered to the Senate at the same time such writing is delivered to the individual being removed. However, a two-thirds majority vote of the Senate may reinstate the removed official for the remainder of the official's designated term, or until his or her successor is designated.**

## ARTICLE VI: VACANCIES

- Section 1.** In the event of the resignation, removal, death, or other permanent inability of the President to discharge the powers and duties of his or her office, the Vice-President shall become President for the remainder of the term, or until his or her successor shall take office.
- Section 2.** In the event of the resignation, removal, death, or other permanent inability of any other Officer, Senator, or law student Justice of the Honor Court, to discharge the powers and duties of his or her office, the President of the Student Bar Association shall direct the holding of a special election appropriate to fill such vacancy. Such special election shall take place not more than fourteen calendar days after such vacancy occurs, University holidays, recesses, and final examinations periods excluded. Such successor will discharge the duties of the office for the remainder of the term, or until his or her successor shall take office.
- Section 3.** The Senate shall have the power to fill other vacancies not otherwise specified in this Constitution by appropriate legislation.

## **ARTICLE VII: ELECTIONS AND RETURNS**

- Section 1. Elections shall be held:**
- a. For all Officers not later than the third week of March in the year preceding the tenure of their offices, on dates that the Senate may establish following consultation with the law student Justices of the Honor Court.
  - b. For all second-year and third-year academic class Senators not later than the first week of April in the year preceding the tenure of their offices, on dates that the Senate may establish following consultation with the law student Justices of the Honor Court.
  - c. For all first-year academic class and graduate law program Senators not later than the final week of September in the year concurrent with the tenure of their offices, on dates that the Senate may establish following consultation with the law student Justices of the Honor Court.
- Section 2. The Senate Counsel, together with the law student Justices of the Honor Court, shall constitute the Election Commission of the Student Bar Association, and shall in this capacity have the sole authority to count election returns.**
- a. Ballot counting shall complete within twelve hours of the final closing of election polls.
  - b. The Election Commission shall draft an election return report, which shall contain the vote totals of each candidate and the total number of ballots cast.
  - c. The Election Commission shall deliver such report within three working days following its tabulation to the Senate for its certification.
- Section 3. The Senate shall meet and certify election returns not later than six working days following the election.**
- Section 4. All Officers and Senators shall be sworn into office immediately following the certification of their election.**
- Section 5. The Senate shall have the power to adopt election regulations and procedures not otherwise specified in this Constitution by appropriate legislation.**

## **ARTICLE VIII: GENERAL PROVISIONS**

- Section 1.** This Constitution, acts of the Senate which shall be made in pursuance thereof, and all formal written agreements made, or which shall be made, by the Senate jointly with the governing body of the law school faculty or the Dean of the law school, shall be the supreme authority of the Student Bar Association.
- Section 2.** The Student Bar Association shall stand and affiliate with Case Western Reserve University, its School of Law, and any and all other organizations as the sole official representative body of the law students of Case Western Reserve University School of Law.
- Section 3.** All law students who are enrolled within academic programs of the Case Western Reserve University School of Law are constituent members of the Student Bar Association ipso facto, and shall be entitled to all the benefits and privileges thereof.
- Section 4.** Participation within the Student Bar Association and throughout the operations and activities of the law student community at Case Western Reserve University School of Law shall not be restricted on the basis of race, color, religion, national or ethnic origin, gender, age, marital, parental, or veteran status; personal appearance, sexual orientation, family responsibilities, matriculation status, political affiliation, disability, source or level of income, or place of residence or business. The Senate shall have the power to enforce the provisions of this section by appropriate legislation.

## **ARTICLE IX: AMENDMENT PROCESS**

- Section 1.** An amendment to this Constitution may be proposed by a two-third majority roll call vote of the total membership of the Senate at a special session called for such purpose. The amendment's specific text shall be posted, or be made known by some other reasonable means, within the law school by the Executive Secretary of the Student Bar Association along with the date, time, and place of such special meeting not less than three days prior to such meeting.
- Section 2.** By written petition signed by no less than one-fourth of the total law student population, the Senate shall accept a call for a proposed amendment from the law student population, provided such petition is certified for validity by the Chief Justice of the Honor Court.
- a. The Chief Justice of the Honor Court shall schedule, in consultation with the President of the Student Bar Association and the organizers of such amendment, a special session of the Senate.
  - b. The amendment's specific text shall be posted, or made known by some other reasonable means, by the Executive Secretary of the Student Bar Association following consultation with the organizers of such amendment, along with the date, time, and place of such special meetings not less than three days prior to such meeting.
  - c. The Senate shall facilitate a public hearing over the proposed amendment in accordance with Student Bar Association procedures.
  - d. Prior to the close of this hearing, the amendment's organizers will finalize the text of the amendment. The final version of the text shall be certified in writing by the Chief Justice of the Honor Court, and transmitted to the Senate. The amendment shall then be deemed formally proposed.
- Section 3.** An amendment proposed by either Sections 1 or 2 of this article shall be ratified individually as a valid part of this Constitution for all intents and purposes upon the affirmative vote of no less than two-thirds majority of the law student population so voting, provided that at least one-half of the law student population shall have voted in such election.
- Section 4.** Each proposed amendment to this Constitution shall appear fully individually on the referendum ballot. Precise notice of each individual proposed amendment, as it shall appear on the referendum ballot, shall be presented to the law student population not less than ten calendar days prior to the referendum.

## ARTICLE X: ADOPTION

- Section 1.** This Constitution shall be submitted to the law student body for its adoption by a two-thirds majority vote of the existing governing body of the Student Bar Association, and shall be adopted upon the affirmative vote of no less than a two-thirds majority of the law student population so voting in general referendum.
- Section 2.** This Constitution shall enter into full force and effect on December 1, 1997, superseding any and all governing documents and instruments existing prior to that date.
- Section 3.** The entrance into force of this Constitution shall not affect the tenure of any elected or appointed official of the Student Bar Association who shall have been elected and/or appointed under the law student governing system existing prior to December 1, 1997, provided that:
- a. The bodies, offices, and titles of office utilized by individuals and bodies elected and/or created under the previous law student governing system shall hereby be automatically converted into the analogous new bodies, offices, and titles of office of this Constitution.
  - b. In order to ensure the Honor Court's expanded and new independent role within the constitutional system of the Student Bar Association, no law student Justice of the Honor Court shall hold any other elected office within the Student Bar Association as of April 1, 1998.
  - c. The graduate law programs shall not elect Senators until the Senate elections held in the spring of 1998.
  - d. Determination of the number of Senators an academic class shall be entitled to elect shall commence on the second Tuesday of September, 1998, provided that the Class of 1998 shall continue to be entitled to six Senators; the Class of 1999 seven Senators, and the Class of 2000 eight Senators for the remainder of each respective class' tenure at Case Western Reserve University School of Law.
  - e. The Senate Counsel shall not exercise the duties contained in Article II, Section 5 (b), (c), and (d) of this Constitution until April 1, 1998. The Senate shall proscribe the discharge of such functions until this date by appropriate legislation.

DONE, at the City of Cleveland, in the State of Ohio, this Thirteenth day of November, 1997.

IN WITNESS WHEREOF, the undersigned Representatives of the Law Students of Case Western Reserve University, have subscribed their names.

OFFICERS

MARQUETA TYSON	STEVEN MECKLER	LISA TYNES
MARY MURPHY	RICHIK SARKAR	

ELECTED REPRESENTATIVES

LIZZ ACEE	ANN FIDEL	TIMOTHY GOODMAN
HEIDE HERRMANN	ANDREW KASTEN	JENNY KIM
FAN-SU KU	WILLIAM McCONICO	KEVIN McDONALD
CHRISTIAN NATIELLO	ALEX PENLEY	ANDY PETROPOULEAS
BRIAN PLESSER	RODNEY PULLIAM	AILEEN SEXTON
JONATHAN SHEIR	RUBY SEKHON	LOUIS TRENTA
RACHAEL URBANSKY	LESLIE WARGO	MARK WOZNICKI

THE CONSTITUTION DRAFTING COMMITTEE

MARK DOUGLAS	TIMOTHY GOODMAN, CHAIR	KRISTIN O'BRIEN MOLLOY
VICTOR PEREZ	MICHAEL TUCCI	CHERYL LEE YOUNG