

# Judiciary Committee Documents

Created by the 2017-2018 Committee



JUDICIARY COMMITTEE  
CALIFORNIA COLLEGE REPUBLICANS

*Contents*

<b>Subpoena template</b>	<b>1</b>
<b>Petition template</b>	<b>2</b>
<b>Rules of Evidence</b>	<b>7</b>
<b>Hearing Procedure</b>	<b>26</b>
<b>Preliminary Hearing Script</b>	<b>30</b>
<b>Trial Procedure Script</b>	<b>32</b>
<b>Trial Handbook</b>	<b>34</b>
<b>Relevance and Character Evidence in Brief</b>	<b>36</b>
<b>Hearsay in Brief</b>	<b>38</b>

SUBPOENA TO APPEAR BEFORE:

CALIFORNIA COLLEGE REPUBLICANS

JUDICIARY COMMITTEE



JUDICIARY COMMITTEE  
CALIFORNIA COLLEGE REPUBLICANS

IN THE MATTER OF:

*name/address of person being subpoenaed:*

\_\_\_\_\_

*name/address/phone number of contact person:*

\_\_\_\_\_

You have been ordered to appear before the California College Republicans Judiciary Committee in order to testify in a hearing for the matter shown above at [INSERT LOCATION] on [INSERT DATE] at [INSERT TIME]. After your arrival, you must remain at the hearing until the Chief Justice dismisses you. Failure to comply with this subpoena may result in your expulsion as per Roberts Rules [RONR (11th ed.), p. 655, ll. 30 - 35].

You are also ordered to bring the following items with you to the hearing:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you wish to know your rights as a witness, please read over the public documents of the Judiciary Committee located on the California College Republicans website: [collegegop.org](http://collegegop.org). You can also obtain more information by contacting the Chief Justice, [CURRENT CHIEF JUSTICE].

Clerk Signature

Date

\_\_\_\_\_

\_\_\_\_\_

Chief Justice Signature

Date

\_\_\_\_\_

\_\_\_\_\_

*Petition template*

# California College Republicans

## Judiciary Committee

---

[Petitioner 1],  
[Petitioner 2],  
[Petitioner 3]

v.

[Respondent 1],  
[Respondent 2],  
[Respondent 3]

---

## **PETITION FOR A HEARING**

Dated: [January 1, 1970]

[This document is a read-only template. Go to File → Make a Copy in order to save an editable version. Replace (or, as appropriate, remove) any text surrounded in square brackets, including this. When completed, please email the board at [kgandall@cacollegegop.com](mailto:kgandall@cacollegegop.com) with a link to your edited version.]

## **ISSUES PRESENTED**

1. [Provide here a brief summary of the questions of law being presented before the Judiciary Committee. None of the issue summaries should take up more than a paragraph.]

2. [Second issue presented]

3. [Third issue presented]

# **TABLE OF AUTHORITIES**

## **GOVERNING DOCUMENTS**

[Provide here a list of any provisions of CCR's governing documents that you cite in your petition.

Sample citations are provided here]

[CCR Constitution, Art. III, 2(e)]

[CCR Constitution, Preamble]

[Bylaws, Art. III A(1)(a)]

[Elections/Credentials Code, Art. X A(1)(i)]

## **LEGISLATION**

[Provide here a list of any legislation that you cite in your petition]

[R52-00, "Synopsis of Legislation" (2017)]

[B51-00, "Synopsis of Bill" (2015)]

## **CASES**

[Provide here a list of cases, whether from the CCR Judiciary Committee or any other court, that you cite in your petition]

Plaintiff v. Defendant (2017)

Plaintiff v. Defendant (2016)

Plaintiff v. Defendant (2015)

# **PETITION FOR A HEARING**

## **Statement of the Case**

[Use this section to describe the facts of the case. What are the facts of the case? How did the issues arise? What is the procedural history of the case (for example, had this same issue previously been litigated before the Judiciary Committee?)]

## **Argument**

[Use this section to argue your case. Explain what precedents or provisions of CCR's governing documents may be relevant here, and why they support your case. You can reference exhibits or documents provided in the Appendix, presuming you have included one.]

## **Prayer for Relief**

[Use this section to specify what form of relief you are requesting. This may be as short as a single sentence stating, for example, that you are requesting an injunction against the defendants.]

## **APPENDIX**

[Any relevant documents, images, exhibits, or other relevant information may be included in this section. If the item cannot be included directly within this petition, it is enough to simply provide a citation.]

California College Republicans Judiciary Committee  
RULES OF EVIDENCE

**Article I. General Provisions**

**RULE 101. Scope; Definitions**

- (a) **Scope.** These rules apply to the proceedings of the Judiciary Committee of the California College Republicans.
- (b) **Definitions.** In these rules,
  - (i) "burden of proof" means the duty of a party to produce evidence to prove a claim against another party;
  - (ii) preponderance of the evidence means that more than 50% of the admissible evidence presented points to a finding;
  - (iii) proceeding includes any action in front of the Judiciary Committee of the California College Republicans;
  - (iv) public office includes a public agency;
  - (v) record includes a memorandum, report, or data compilation;
  - (vi) a rule prescribed by the Supreme Court means a rule adopted by the Supreme Court of the United States under statutory authority;
  - (vii) a sanction includes any action taken by the Judiciary Committee to compel action or affect the standing of a Member of the California College Republicans; and
  - (viii) a reference to any kind of written material or any other medium includes electronically stored information.

**RULE 102. Purpose**

These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

**RULE 103. Ruling on Evidence**

- (a) **Preserving a Claim of Error.** A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and:
  - (i) if the ruling admits evidence, a party, on the record:
    - (1) timely objects or moves to strike; and
    - (2) states the specific ground, unless it was apparent from the context; or
  - (ii) if the ruling excludes evidence, a party informs the court of its substance by an offer of proof, unless the substance was apparent from the context.
- (b) **Not Needing to Renew an Objection or Offer of Proof.** Once the Committee rules definitively on the record—either before or at trial—a party need not renew an objection or offer of proof to preserve a claim of error for appeal.
- (c) **Committees Statement About the Ruling; Directing an Offer of Proof.** The Committee may make any statement about the character or form of the evidence, the objection made, and the ruling. The Committee may direct that an offer of proof be made in question-and-answer form.

(d) *Omitted.*

(e) **Taking Notice of Plain Error.** The Committee may take notice of a plain error affecting a substantial right, even if the claim of error was not properly preserved.

#### **RULE 104. Preliminary Questions**

(a) **In General.** The Committee must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the Committee is not bound by evidence rules, except those on privilege.

(b) **Relevance That Depends on a Fact.** When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The Committee may admit the proposed evidence on the condition that the proof be introduced later.

(c) *Omitted.*

(d) **Cross-Examining a Defendant.** By testifying on a preliminary question, a defendant does not become subject to cross-examination on other issues in the case.

(e) **Evidence Relevant to Weight and Credibility.** This rule does not limit a party's right to introduce before the Committee evidence that is relevant to the weight or credibility of other evidence.

#### **RULE 105. Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes**

If the Committee admits evidence that is admissible against a party or for a purpose—but not against another party or for another purpose—the Committee, on timely request, must restrict the evidence to its proper scope.

#### **RULE 106. Remainder of or Related Writings or Recorded Statements**

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part—or any other writing or recorded statement—that in fairness ought to be considered at the same time.

### **Article II. Judicial Notice**

#### **RULE 201. Judicial Notice of Adjudicative Facts**

(a) **Scope.** This rule governs judicial notice of an adjudicative fact only, not a legislative fact.

(b) **Kinds of Facts That May Be Judicially Noticed.** The court may judicially notice a fact that is not subject to reasonable dispute because it:

(i) is generally known within the Committee's territorial jurisdiction; or

(ii) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

(c) **Taking Notice.** The Committee:

(i) may take judicial notice on its own; or

(ii) must take judicial notice if a party requests it and the Committee is supplied with the necessary information.

(d) **Timing.** The Committee may take judicial notice at any stage of the proceeding.

(e) **Opportunity to Be Heard.** On timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed. If the court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard.

(f) *Omitted.*

### **Article III. Presumptions**

#### **RULE 301. Presumptions in Proceedings Generally**

In a proceeding, unless a state or federal statute or these rules provide otherwise, the party against whom a presumption is directed has the burden of producing evidence to rebut the presumption. But this rule does not shift the burden of persuasion, which remains on the party who had it originally.

#### **RULE 302. Applying State law to Presumptions in Civil Cases**

In a proceeding, state law governs the effect of a presumption regarding a claim or defense for which state law supplies the rule of decision.

### **Article IV. Relevance and Its Limits**

#### **RULE 401. Test for Relevant Evidence**

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

#### **RULE 402. General Admissibility of Relevant Evidence**

Relevant evidence is admissible unless any of the following provides otherwise:

- the United States Constitution;
- these rules; or
- other rules prescribed by the Supreme Court.

Irrelevant evidence is not admissible.

#### **RULE 403. Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons**

The Committee may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the Committee, undue delay, wasting time, or needlessly presenting cumulative evidence.

#### **RULE 404. Character Evidence; Crimes or Other Acts**

##### **(a) Character Evidence.**

- (i) **Prohibited Uses.** Evidence of a persons character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.
- (ii) **Exceptions for a Defendant or Victim.** The following exceptions apply:
  - (1) A defendant may offer evidence of the defendants pertinent trait, and if the evidence is admitted, the plaintiff may offer evidence to rebut it;
  - (2) Subject to limitations in Rule 412, a defendant may offer evidence of an alleged victims pertinent trait, and if the evidence is admitted, the plaintiff may:
    - a) offer evidence to rebut it; and
    - b) offer evidence of the defendants same trait.

##### **(iii) Omitted.**

(iv) **Exceptions for a Witness.** Evidence of a witness character may be admitted under Rules 607, 608, and 609.

**(b) Crimes, Wrongs, or Other Acts.**

(i) **Prohibited Uses.** Evidence of a crime, wrong, or other act is not admissible to prove a persons character in order to show that on a particular occasion the person acted in accordance with the character.

(ii) **Permitted Uses; Notice.** This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant, the plaintiff must:

(1) provide reasonable notice of the general nature of any such evidence that the plaintiff intends to offer at trial; and

(2) do so before trial – or during trial if the Committee, for good cause, excuses lack of pretrial notice.

**RULE 405. Methods of Proving Character**

(a) **By Reputation or Opinion.** When evidence of a persons character or character trait is admissible, it may be probed by testimony about the persons reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the Committee may allow an inquiry into relevant specific instances of the persons conduct.

(b) **By Specific Instances of Conduct.** When a persons character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be probed by relevant specific instances of the persons conduct.

**RULE 406. Habit; Routine Practice**

Evidence of a persons habit or an organizations routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The Committee may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

**RULE 407. Subsequent Remedial Measures**

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

- negligence;
- culpable conduct;
- a defect in a product or its design; or
- a need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or—if disputed—proving ownership, control, or the feasibility of precautionary measures.

**RULE 408. Compromise Offers and Negotiations**

(a) **Prohibited Uses.** Evidence of the following is not admissible on behalf of any party either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

(i) furnishing, promising, or offering—or accepting, promising to accept, or offering to accept—a valuable consideration in compromising or attempting to compromise the claim; and

(ii) conduct or a statement made during compromise negotiations about the claim—except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.

(b) **Exceptions.** The Committee may admit this evidence for another purpose, such as proving a witness bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

**RULE 409. Offers to Pay Medical and Similar Expenses**

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

**RULE 410. Omitted.**

**RULE 411. Liability Insurance**

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness bias or prejudice or proving agency, ownership, or control.

**RULE 412. Sex-Offense Cases: The Victims Sexual Behavior or Predisposition**

(a) **Prohibited Uses.** The following evidence is not admissible in a proceeding involving alleged sexual misconduct:

- (i) evidence offered to prove that a victim engaged in other sexual behavior; or
- (ii) evidence offered to prove a victim's sexual predisposition.

(b) **Exceptions.**

(i) *Omitted.*

(ii) In a proceeding, the Committee may admit evidence offered to prove a victim's sexual behavior or sexual predisposition if its probative value substantially outweighs the danger of harm to any victim and of unfair prejudice to any party. The Committee may admit evidence of a victim's reputation only if the victim has placed it in controversy.

(c) **Procedure to Determine Admissibility.**

(i) **Motion.** If a party intends to offer evidence under Rule 412(b), the party must:

- (1) file a motion that specifically describes the evidence and states the purpose for which it is to be offered;
- (2) do so at least 14 days before trial unless the court, for good cause, sets a different time;
- (3) serve the motion on all parties; and
- (4) notify the victim or, when appropriate, the victim's guardian or representative.

(ii) **Hearing.** Before admitting evidence under this rule, the court must conduct an in camera hearing and give the victim and parties a right to attend and be heard. Unless the Committee orders otherwise, the motion, related materials, and the record of the hearing must remain sealed.

(d) **Definition of Victim.** In this rule, victim includes an alleged victim.

**RULE 413. Similar Crimes in Sexual-Assault Cases**

- (a) **Permitted Uses.** In a proceeding in which a defendant is accused of a sexual assault, the Committee may admit evidence that the defendant committed any other sexual assault. The evidence may be considered on any matter to which it is relevant.
- (b) **Disclosure to the Defendant.** If the plaintiff intends to offer this evidence, the plaintiff must disclose it to the defendant, including witnesses statements or a summary of the expected testimony. The plaintiff must do so at least 15 days before trial or at a later time that the court allows for good cause.
- (c) **Effect on Other Rules.** This rule does not limit the admission or consideration of evidence under any other rule.
- (d) **Definition of Sexual Assault.** In this rule and Rule 415, sexual assault means a crime under federal law or under state law (as state is defined in 18 U.S.C. §513) involving:
  - (i) any conduct prohibited by 18 U.S.C. chapter 109A;
  - (ii) contact, without consent, between any part of the defendants body—or an object—and another persons genitals or anus;
  - (iii) contact, without consent, between the defendants genitals or anus and any part of another persons body;
  - (iv) deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person; or
  - (v) an attempt or conspiracy to engage in conduct described in subparagraphs (1)-(4).

**RULE 414.** *Omitted.*

**RULE 415. Similar Acts in Proceedings Involving Sexual Assault or Child Molestation**

- (a) **Permitted Uses.** In a proceeding involving a claim for relief based on a partys alleged sexual assault or child molestation, the Committee may admit evidence that the party committed any other sexual assault or child molestation. The evidence may be considered as provided in Rules 413 and 414.
- (b) **Disclosure to the Opponent.** If a party intends to offer this evidence, the party must disclose it to the party against whom it will be offered, including witnesses statements or a summary of the expected testimony. The party must do so at least 15 days before trial or at a later time that the court allows for good cause.
- (c) **Effect on Other Rules.** This rule does not limit the admission or consideration of evidence under any other rule.

**Article V. Privileges**

**RULE 501. Privilege in General**

The common law—as interpreted by United States courts in the light of reason and experience—governs a claim of privilege unless any of the following provides otherwise:

- the United States Constitution;
- a federal statute; or
- rules prescribed by the Supreme Court.

But in a proceeding, state law governs privilege regarding a claim or defense or which state law supplies the rule of decision.

**RULE 502. *Omitted.***

**Article VI. Witnesses**

**RULE 601. Competency to Testify in General**

Every person is competent to be a witness unless these rules provide otherwise. But in a proceeding, state law governs the witness competency regarding a claim or defense for which state law supplies the rule of decision.

**RULE 602. Need for Personal Knowledge**

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

**RULE 603. Oath or Affirmation to Testify Truthfully**

Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the witness's conscience.

**RULE 604. *Omitted.***

**RULE 605. Justices Competency as a Witness**

No presiding justice may testify as a witness in a proceeding. A party need not object to preserve the issue.

**RULE 606. *Omitted.***

**RULE 607. Who May Impeach a Witness** Any party, including the party that called the witness, may attack the witness's credibility.

**RULE 608. A Witness Character for Truthfulness or Untruthfulness**

(a) **Reputation or Opinion Evidence.** A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.

(b) **Specific Instances of Conduct.** Except for a criminal conviction under Rule 609, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

- (i) the witness; or
- (ii) another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

**RULE 609. Impeachment by Evidence of a Criminal Conviction**

(a) **In General.** The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:

- (i) for a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:

- (1) must be admitted, subject to Rule 403, in a civil case or in a criminal case in which the witness is not a defendant; and
  - (2) must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant; and
  - (ii) For any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving—or the witness admitting—a dishonest act or false statement.
- (b) **Limit on Using the Evidence After 3 Years.** This subdivision (b) applies if more than 3 years have passed since the witness conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if:
- (i) its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect; and
  - (ii) the proponent gives an adverse party reasonable written notice of the intent to use it so that the party has a fair opportunity to contest its use.
- (c) **Effect of a Pardon, Annulment, or Certificate of Rehabilitation.** Evidence of a conviction is not admissible if:
- (i) the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
  - (ii) the conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.
- (d) *Omitted.*
- (e) **Pendency of an Appeal.** A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

**RULE 610. Religious Beliefs or Opinions**

Evidence of a witness religious beliefs or opinions is not admissible to attack or support the witness credibility.

**RULE 611. Mode and Order of Examining Witnesses and Presenting Evidence**

- (a) **Control by the Committee; Purposes.** The Committee should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:
- (i) make those procedures effective for determining the truth;
  - (ii) avoid wasting time; and
  - (iii) protect witnesses from harassment or undue embarrassment.
- (b) **Scope of Cross-Examination.** Cross-examination should not go beyond the subject matter of the direct examination and matters affecting the witness credibility. The court may allow inquiry into additional matters as if on direct examination.
- (c) **Leading Questions.** Leading questions should not be used on direct examination except as necessary to develop the witness testimony. Ordinarily, the court should allow leading questions:
- (i) on cross-examination; and
  - (ii) when a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

**RULE 612. Writing Used to Refresh a Witness Memory**

- (a) **Scope.** This rule gives an adverse party certain options when a witness uses a writing to refresh memory:
  - (i) while testifying; or
  - (ii) before testifying, if the Committee decides that justice requires the party to have those options.
- (b) **Adverse Partys Options; Deleting Unrelated Matter.** An adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witnesss testimony. If the producing party claims that the writing includes unrelated matter, the court must examine the writing in camera, delete any unrelated portion, and order that the rest be delivered to the adverse party. Any portion deleted over objection must be preserved for the record.
- (c) **Failure to Produce or Deliver the Writing.** If a writing is not produced or is not delivered as ordered, the court may issue any appropriate order.

**RULE 613. Witness Prior Statement.**

- (a) **Showing or Disclosing the Statement During Examination.** When examining a witness about the witnesss prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse partys attorney.
- (b) **Extrinsic Evidence of a Prior Inconsistent Statement.** Extrinsic evidence of a witnesss prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing partys statement under Rule 801(d)(2).

**RULE 614. Committees Calling or Examining a Witness**

- (a) **Calling.** The Committee may call a witness on its own or at a partys request. Each party is entitled to cross-examine the witness.
- (b) **Examining.** The Committee may examine a witness regardless of who calls the witness.
- (c) **Objections.** A party may object to the courts calling or examining a witness either at that time.

**RULE 615. Excluding Witnesses** At a partys request, the Committee must order witnesses excluded so that they cannot hear other witnesses testimony. Or the Committee may do so on its own. But this rule does not authorize excluding:

- (a) a party who is a natural person;
- (b) an officer or employee of a party that is not a natural person, after being designated as the partys representative by its attorney;
- (c) a person whose presence a party shows to be essential to presenting the partys claim or defense; or
- (d) a person authorized by statute to be present.

**Article VII. Opinions and Expert Testimony**

**RULE 701. Opinion Testimony by Lay Witnesses**

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception;
- (b) helpful to clearly understand the witness's testimony or to determining a fact in issue; and
- (c) not based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

**RULE 702. Testimony by Expert Witnesses**

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b) the testimony is based on sufficient facts or data;
- (c) the testimony is the product of reliable principles and methods; and
- (d) the expert has reliably applied the principles and methods to the facts of the case.

**RULE 703. Bases of an Expert's Opinion Testimony** An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

**RULE 704. Opinion on an Ultimate Issue**

- (a) **In General—Not Automatically Objectionable.** An opinion is not objectionable just because it embraces an ultimate issue.
- (b) *Omitted.*

**RULE 705. Disclosing the Facts or Data Underlying an Expert's Opinion**

Unless the court orders otherwise, an expert may state an opinion—and give the reasons for it—without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

**RULE 706. Omitted.**

**Article VIII. Hearsay**

**RULE 801. Definitions That Apply to This Article; Exclusions from Hearsay**

- (a) **Statement.** Statement means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (b) **Declarant.** Declarant means the person who made the statement.
- (c) **Hearsay.** Hearsay means a statement that:
  - (i) the declarant does not make while testifying at the current trial or hearing; and
  - (ii) a party offers in evidence to prove the truth of the matter asserted in the statement.
- (d) **Statements That Are Not Hearsay.** A statement that meets the following conditions is not hearsay:

- (i) **A Declarant-Witness Prior Statement.** The declarant testifies and is subject to cross-examination about a prior statement, and the statement:
  - (1) is inconsistent with the declarants testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
  - (2) is consistent with the declarants testimony and is offered:
    - a) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
    - b) to rehabilitate the declarants credibility as a witness when attacked on another ground; or
  - (3) identifies a person as someone the declarant perceived earlier.
- (ii) **An Opposing Partys Statement.** The statement is offered against an opposing party and:
  - (1) was made by the party in an individual or representative capacity;
  - (2) is one the party manifested that it adopted or believed to be true;
  - (3) was made by a person whom the party authorized to make a statement on the subject;
  - (4) was made by the partys agent or employee on a matter within the scope of that relationship and while it existed; or
  - (5) was made by the partys coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarants authority under (3); the existence or scope of the relationship under (4); or the existence of the conspiracy or participation in it under (5).

**RULE 802. The Rule Against Hearsay**

Hearsay is not admissible unless any of the following provides otherwise:

- a federal statute;
- these rules; or
- other rules prescribed by the Supreme Court.

**RULE 803. Exceptions to the Rule Against Hearsay** The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness:

- (a) **Present Sense Impression.** A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (b) **Excited Utterance.** A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (c) **Then-Existing Mental, Emotional, or Physical Condition.** A statement of the declarants then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarants will.
- (d) **Statement Made for Medical Diagnosis or Treatment.** A statement that:
  - (i) is made for—and is reasonably pertinent to—medical diagnosis or treatment; and
  - (ii) describes medical history; past or present symptoms or sensations; their inception; or their general cause.

- (e) **Recorded Recollection.** A statement that:
- (i) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
  - (ii) was made or adopted by the witness when the matter was fresh in the witness's memory; and
  - (iii) accurately reflects the witness's knowledge.
- If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.
- (f) **Records of a Regularly Conducted Activity.** A record of an act, event, condition, opinion, or diagnosis if:
- (i) the record was made at or near the time by—or from information transmitted by—someone with knowledge;
  - (ii) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
  - (iii) making the record was a regular practice of that activity;
  - (iv) all of these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and
  - (v) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.
- (g) **Absence of a Record of a Regularly Conducted Activity.** Evidence that a matter is not included in a record described in paragraph (f) if:
- (i) the evidence is admitted to prove that the matter did not occur or exist;
  - (ii) a record was regularly kept for a matter of that kind; and
  - (iii) the opponent does not show that the possible source of the information or other circumstances indicate a lack of trustworthiness.
- (h) **Public Records.** A record or statement of a public office if:
- (i) it sets out:
    - (1) the office's activities;
    - (2) a matter observed while under a legal duty to report; or
    - (3) factual findings from a legally authorized investigation; and
  - (ii) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.
- (i) **Public Records of Vital Statistics.** A record of a birth, death, or marriage, if reported to a public office in accordance with a legal duty.
- (j) **Absence of a Public Record.** Testimony—or a certification under Rule 902—that a diligent search failed to disclose a public record or statement if:
- (i) the testimony or certification is admitted to prove that
    - (1) The record or statement does not exist; or
    - (2) a matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind; and
  - (ii) in a criminal case, a prosecutor who intends to offer a certification provides written notice of that intent at least 14 days before trial, and the defendant does not object in writing within 7 days of receiving the notice—unless the court sets a different time for the notice or the objection

- (k) *Omitted.*
- (l) *Omitted.*
- (m) *Omitted.*
- (n) ***Records of Documents That Affect an Interest in Property.*** The record of a document that purports to establish or affect an interest in property if:
  - (i) the record is admitted to prove the content of the original recorded document, along with its signing and its delivery by each person who purports to have signed it;
  - (ii) the record is kept in a public office; and
  - (iii) a statute authorizes recording documents of that kind in that office.
- (o) ***Statements in Documents That Affect an Interest in Property.*** A statement contained in a document that purports to establish or affect an interest in property if the matter stated was relevant to the documents purpose—unless later dealings with the property are inconsistent with the truth of the statement or the purport of the document.
- (p) *Omitted.*
- (q) ***Market Reports and Similar Commercial Publications.*** Market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations.
- (r) *Omitted.*
- (s) ***Reputation Concerning Personal or Family History.*** A reputation among a persons family by blood, adoption, or marriage—or among a persons associates or in the community—concerning the persons birth, adoption, legitimacy, ancestry, marriage, divorce, death, relationship by blood, adoption, or marriage, or similar facts of personal or family history.
- (t) ***Reputation Concerning Character.*** A reputation among a persons associates or in the community concerning the persons character.
- (u) ***Judgment of a Previous Conviction.*** Evidence of a final judgment of conviction if:
  - (i) the judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
  - (ii) the conviction was for a crime punishable by death or by imprisonment for more than a year; and
  - (iii) the evidence is admitted to prove any fact essential to the judgment.
  - (iv) *Omitted.*
- (v) *Omitted.*
- (w) ***[Other Exceptions.]*** [Transferred to Rule 807.]

**RULE 804. Hearsay Exceptions; Declarant Unavailable**

- (a) **Criteria for Being Unavailable.** A declarant is considered to be unavailable as a witness if the defendant:
  - (i) is exempted from testifying about the subject matter of the declarants statement because the court rules that a privilege applies;
  - (ii) refuses to testify about the subject matter despite an order to do so by a presiding Justice;

- (iii) testifies to not remembering the subject matter;
- (iv) cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
- (v) is absent from the trial or hearing and the statements proponent has not been able, by process or other reasonable means, to procure:
  - (1) the declarants attendance, in the case of a hearsay exception under Rule 804(b)(i) or (vi); or
  - (2) the declarants attendance or testimony, in the case of a hearsay exception under Rule 804(b)(ii), (iii), or (iv).

But this subdivision (a) does not apply if the statements proponent procured or wrongfully caused the declarants unavailability as a witness in order to prevent the declarant from attending or testifying.

- (b) The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:
  - (i) **Former Testimony.** Testimony that
    - (1) was given as a witness at trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
    - (2) is now offered against a party who had—or, in a civil case, whose predecessor in interest had—an opportunity and similar motive to develop it by direct, cross-, or redirect examination.
  - (ii) **Omitted.**
  - (iii) **Statement Against Interest.** A statement that:
    - (1) a reasonable person in the declarants position would have made only if the person believed it to be true because, when made, it was so contrary to the declarants proprietary or pecuniary interest or had so great a tendency to invalidate the declarants claim against someone else or to expose the declarant to civil or criminal liability; and
    - (2) **Omitted.**
  - (iv) **Statement of Personal or Family History.** A statement about:
    - (1) the declarants own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
    - (2) another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the persons family that the declarants information is likely to be accurate.
  - (v) **[Other Exceptions.]** [Transferred to Rule 807.]
  - (vi) **Statement Offered Against a Party That Wrongfully Caused the Declarants Unavailability.** A statement offered against a party that wrongfully caused—or acquiesced in wrongfully causing—the declarants unavailability as a witness, and did so intending that result.

#### **RULE 805. Hearsay Within Hearsay**

Hearsay within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

**RULE 806. Attacking and Supporting the Declarants Credibility**

When a hearsay statement—or a statement described in Rule 801(d)(ii)(3), (4), or (5)—has been admitted in evidence, the declarants credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The Committee may admit evidence of the declarants inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

**RULE 807. Residual Exception**

- (a) **In General.** Under the following circumstances, a hearsay statement is not excluded by the rule against hearsay even if the statement is not specifically covered by a hearsay exception in Rule 803 or 804:
  - (i) the statement has equivalent circumstantial guarantees of trustworthiness;
  - (ii) it is offered as evidence of a material fact;
  - (iii) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts; and
  - (iv) admitting it will best serve the purposes of these rules and the interests of justice.
- (b) **Notice.** The statement is admissible only if, before the trial or hearing, the proponent gives an adverse party reasonable notice of the intent to offer the statement and its particulars, including the declarants name and address, so that the party has a fair opportunity to meet it.

**Article IX. Authentication and Identification**

**RULE 901. Authenticating or Identifying Evidence**

- (a) **In General.** To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is.
- (b) **Examples.** The following are examples only—not a complete list—of evidence that satisfies the requirement:
  - (i) ***Testimony of a Witness with Knowledge.*** Testimony that an item is what it is claimed to be.
  - (ii) ***Nonexpert Opinion About Handwriting.*** A nonexperts opinion that handwriting is genuine, based on a familiarity with it that was not acquired for the current litigation.
  - (iii) ***Comparison by an Expert Witness or the Trier of Fact.*** A comparison with an authenticated specimen by an expert witness or the trier of fact.
  - (iv) ***Distinctive Characteristics and the Like.*** The appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.
  - (v) ***Opinion About a Voice.*** An opinion identifying a persons voice—whether heard firsthand or through mechanical or electronic transmission or recording—based on hearing the voice at any time under circumstances that connect it with the alleged speaker.

- (vi) ***Evidence About a Telephone Conversation.*** For a telephone conversation, evidence that a call was made to the number assigned at the time to:
  - (1) a particular person, if circumstances, including self-identification, show that the person answering was the one called; or
  - (2) a particular business, if the call was made to a business and the call related to business reasonably transacted over the telephone.
- (vii) ***Evidence About Public Records.*** Evidence that:
  - (1) a document was recorded or filed in a public office as authorized by law; or
  - (2) a purported public record or statement is from the office where items of this kind are kept.
- (viii) ***Omitted.***
- (ix) ***Evidence About a Process or System.*** Evidence describing a process or system and showing that it produces an accurate result.
- (x) ***Methods Provided by a Statute or Rule.*** Any method of authentication or identification allowed by a federal statute or a rule prescribed by the Supreme Court.

**RULE 902. Evidence That Is Self-Authenticating**

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

- (a) ***Domestic Public Documents That Are Sealed and Signed.*** A document that bears:
  - (i) a seal purporting to be that of the United States; any state, district, commonwealth, territory, or insular possession of the United States; the former Panama Canal Zone; the Trust Territory of the Pacific Islands; a political subdivision of any of these entities; or a department, agency, or officer of any entity named above; and
  - (ii) a signature purporting to be an execution or attestation.
- (b) ***Domestic Public Documents That Are Not Sealed but Are Signed and Certified.*** A document that bears no seal if:
  - (i) it bears the signature of an officer or employee of an entity named in Rule 902(1)(a); and
  - (ii) another public officer who has a seal and official duties within that same entity certifies under seal—or its equivalent—that the signer has the official capacity and that the signature is genuine.
- (c) ***Omitted.***
- (d) ***Certified Copies of Public Records.*** A copy of an official record—or a copy of a document that was recorded or filed in a public office as authorized by law—if the copy is certified as correct by:
  - (i) the custodian or another person authorized to make the certification; or
  - (ii) a certificate that complies with Rule 902(1), (2), or (3), a federal statute, or a rule prescribed by the Supreme Court.
- (e) ***Official Publications.*** A book, pamphlet, or other publication purporting to be issued by a public authority.
- (f) ***Newspapers and Periodicals.*** Printed material purporting to be a newspaper or periodical.

- (g) ***Trade Inscriptions and the Like.*** An inscription, sign, tag, or label purporting to have been affixed in the course of business and indicating origin, ownership, or control.
- (h) ***Acknowledged Documents.*** A document accompanied by a certificate of acknowledgment that is lawfully executed by a notary public or another officer who is authorized to take acknowledgments.
- (i) ***Omitted.***
- (j) ***Presumptions Under a Federal Statute.*** A signature, document, or anything else that a federal statute declares to be presumptively or prima facie genuine or authentic.
- (k) ***Certified Domestic Records of a Regularly Conducted Activity.*** The original or a copy of a domestic record that meets the requirements of Rule 803(6)(a)-(c), as shown by a certification of the custodian or another qualified person that complies with a federal statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record—and must make the record and certification available for inspection—so that the party has a fair opportunity to challenge them.
- (l) ***Omitted.***
- (m) ***Certified Records Generated by an Electronic Process or System.*** A record generated by an electronic process or system that produces an accurate result, as shown by a certification of a qualified person that complies with the certification requirements of Rule 902(k) or (l). The proponent must also meet the notice requirements of Rule 902(k).
- (n) ***Certified Data Copied from an Electronic Device, Storage Medium, or File.*** Data copied from an electronic device, storage medium, or file, if authenticated by a process of digital identification, as shown by a certification of a qualified person that complies with the certification requirements of Rule (902(k) or (l). The proponent also must meet the notice requirements of Rule 902(k).

**RULE 903. Subscribing Witness Testimony**

A subscribing witness testimony is necessary to authenticate a writing only if required by the law of the jurisdiction that governs its validity.

**Article X. Contents of Writings, Recordings, and Photographs**

**RULE 1001. Definitions That Apply to This Article**

In this article:

- (a) A writing consists of letters, words, numbers, or their equivalent set down in any form.
- (b) A recording consists of letters, words, numbers, or their equivalent recorded in any manner.
- (c) A photograph means a photographic image or its equivalent stored in any form.
- (d) An original of a writing or recording means the writing or recording itself or any counterpart intended to have the same effect by the person who executed or issued it. For electronically stored information, original means any printout or other output readable by sight if it accurately reflects the information. An original of a photograph includes the negative or a print from it.

- (e) A duplicate means a counterpart produced by a mechanical, photographic, chemical, electronic, or other equivalent process or technique that accurately reproduces the original.

**RULE 1002. Requirement of the Original**

An original writing, recording, or photograph is required in order to prove its content unless these rules or a federal statute provides otherwise.

**RULE 1003. Admissibility of Duplicates**

A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate.

**RULE 1004. Admissibility of Other Evidence of Content**

An original is not required and other evidence of the content of a writing, recording, or photograph is admissible if:

- (a) all the originals are lost or destroyed, and not by the proponent acting in bad faith;
- (b) an original cannot be obtained by any available judicial process;
- (c) the party against whom the original would be offered had control of the original; was at that time put on notice, by pleadings or otherwise, that the original would be a subject of proof at the trial or hearing; or
- (d) the writing, recording, or photograph is not closely related to a controlling issue.

**RULE 1005. Copies of Public Records to Prove Content**

The proponent may use a copy to prove the content of an official record or of a document that was recorded or filed in a public office as authorized by law if these conditions are met: the record or document is otherwise admissible; and the copy is certified as correct in accordance with Rule 902(4) or is testified to be correct by a witness who has compared it with the original. If no such copy can be obtained by reasonable diligence, then the proponent may use other evidence to prove the content.

**RULE 1006. Summaries to Prove Content**

The proponent may use a summary, chart, or calculation to prove the content of voluminous writings, recordings, or photographs that cannot be conveniently examined in court. The proponent must make the originals or duplicates available for examination or copying, or both, by other parties at a reasonable time and place. And the court may order the proponent to produce them in court.

**RULE 1007. Testimony or Statement of a Party to Prove Content**

The proponent may prove the content of a writing, recording, or photograph by the testimony, deposition, or written statement of the party against whom the evidence is offered. The proponent need not account for the original.

**RULE 1008. *Omitted***

**Article XI. Miscellaneous Rules**

**RULE 1101. Applicability of the Rules**

- (a) **To Courts and Justices.** These rules apply to proceedings before the Judiciary Committee of the California College Republicans.
- (b) *Omitted.*
- (c) **Rules on Privilege.** The rules on privilege apply to all stages of a case or proceeding.

- (d) **Exceptions.** These rules—except for those on privilege—do not apply to the following:
- (i) The Committee's determination, under Rule 104(a), on a preliminary question of fact governing admissibility;
  - (ii) *Omitted.*
  - (iii) *Omitted.*
- (e) **Other Statutes and Rules.** A federal or state statute or a rule prescribed by the Supreme Court may provide for admitting or excluding evidence independently from these rules.

**RULE 1102. Amendments**

These rules may be amended by a majority vote of the members of the Judiciary Committee of the California College Republicans. A transcript of the previous text will be kept on file for one year.

**RULE 1103. Title**

These rules may be cited as the Judicial Committee Rules of Evidence.

**RULE 1104. Burden of Proof, Defined**

The burden of proof necessary to cause the implementation of any sanction against a Member of the California College Republicans shall be the preponderance of the evidence as defined in Rule 101(b)(ii).

## California College Republicans Judiciary Committee HEARING PROCEDURE

### **RULE 1.** Preliminary Hearing;Arraignment

#### **§1.1** Means of Holding a Preliminary Hearing;Arraignment

**§1.1.1** The Chief Justice may decide to hold the hearing on-line via a video chat or to hold the hearing in person.

**§1.1.2** A preliminary hearing shall only hear evidence, arguments regarding evidence, and citations of the rule

**§1.1.3** All Preliminary Hearings shall be closed to the public unless specified by the Chief Justice

#### **§1.2** Introductions

**§1.2.1** The Chief Justice or acting Chief Justice of the Judiciary Committee will introduce themselves

**§1.2.2** The Chief Justice or acting Chief Justice will state—for the record—the number of justices currently in attendance for the hearing, including themselves

**§1.2.3** Justices in attendance will introduce themselves by full name

**§1.2.4** A member of the committee acting as clerk will indicate themselves as such

**§1.2.5** The acting parliamentarian, if in attendance, will indicate themselves as such

**§1.2.6** A member of the committee will read a summary of the charges

#### **§1.3** Arraignment

**§1.3.1** The Chief Justice will give the defendant the opportunity to plead guilty or not guilty

#### **§1.4** Plaintiff Testimony;Evidence

**§1.4.1** Plaintiff will provide a testimony no longer than 10 minutes

**§1.4.2** Relevant witnesses for the Plaintiff will provide testimonies no longer than three minutes apiece

**§1.4.3** Plaintiff will provide any evidence they wish to submit per the Judiciary Committee's Rules of Evidence.

**§1.4.4** Evidence not submitted during the preliminary hearing will not be accepted as evidence during the formal hearing.

#### **§1.5** Defendant Testimony;Evidence

**§1.5.1** Defendant will provide a testimony no longer than 10 minutes

**§1.5.2** Relevant witnesses for the Defendant will provide testimonies no longer than three minutes apiece

**§1.5.3** Defendant will provide any evidence they wish to submit per the Judiciary Committee's Rules of Evidence.

**§1.5.4** Evidence not submitted during the preliminary hearing will not be accepted as evidence during the formal hearing.

#### **§1.6** Determination of Formal Hearing

- §1.6.1** If at least three (3) Judiciary Committee members determine that the case is within the jurisdiction of the Judiciary Committee, then a Formal Hearing shall be convened with its date, time, and place announced within one (1) day of the Preliminary hearing.
- §1.6.2** If the petitioner does not receive at least 3 members recognizing jurisdiction, the case is passed onto the Chair and or the Executive Committee, depending on the circumstance
- §1.6.3** In setting time and dates for Formal Hearings, the Judiciary Committee shall allow at least five (5) working days, but no more than one (1) academic quarter (as defined by the University of California, Irvine), with the option for extension by a vote of the Judiciary Committee. In matters relating to a pending election, a formal hearing shall be held within 5 days of the Preliminary hearing
- §1.6.4** The petitioner may request the Judiciary Committee subpoena any member of the California College Republicans, and that the subpoenaed member be given good notice and ability to testify
- §1.6.5** The Judiciary Committee may choose to impose injunctions as necessary

**RULE 2. Formal Trial Hearing**

**§2.1 Means of Holding a Formal Trial Hearing; Basic Procedures**

- §2.1.1** The Formal Hearing must be held in person
- §2.1.2** The Formal hearing will only submit as evidence any evidence that both complies with the Judicial Committee's Rules of Evidence and that which was submitted at the prior preliminary hearing
- §2.1.3** Formal Hearings shall be open to all California College Republicans members unless decided otherwise by a majority of the Judiciary Committee members voting affirmatively or negatively prior to the hearing. A vote on this matter can be initiated either by a Judiciary Committee member or at the request of the Respondent.
- §2.1.4** When procedural questions are raised at Formal Hearings or when evidence or testimony is questioned on the grounds of relevancy or admissibility, it shall be ruled upon by the Chief Justice. The Chief Justices decision may be appealed by any other Judiciary Committee member. The Judiciary Committee member shall then move to a closed session to discuss the appeal, whereby by majority decision they may overrule the Chairs decision
- §2.1.5** The right to be a witness and offer testimony before the Judiciary Committee shall not be limited to the members of the California College Republicans
- §2.1.6** All witnesses shall be informed of their obligation to tell the truth prior to presenting testimony before the Judiciary Committee
- §2.1.7** All witnesses shall be presented prior to the final summations of both parties
- §2.1.8** All evidence, witnesses, and other methods of proof must be submitted prior to the Formal Hearing at the Preliminary Hearing except in cases of request by the Chief Justice or the majority of the Judiciary Committee

**§2.2 Introductions**

- §2.2.1** The Chief Justice or acting Chief Justice of the Judiciary Committee will introduce themselves
- §2.2.2** The Chief Justice or acting Chief Justice will state—for the record—the number of justices currently in attendance for the hearing, including themselves

- §2.2.3 Justices in attendance will introduce themselves by full name
- §2.2.4 A member of the committee acting as clerk will indicate themselves as such
- §2.2.5 The acting parliamentarian, if in attendance, will indicate themselves as such
- §2.2.6 A member of the committee will read a summary of the charges

### §2.3 Plaintiff's Statement; Witnesses

- §2.3.1 Plaintiff will provide a statement no longer than 10 minutes; this is encouraged to be a written statement but is not required
- §2.3.2 The plaintiff will present any evidence they have
- §2.3.3 The committee will be given the opportunity to ask questions of the plaintiff pertinent to their testimony and evidence
- §2.3.4 The defendant will be given the opportunity to cross-examine the plaintiff with questions pertinent to their testimony and evidence
- §2.3.5 Witnesses for the plaintiff will each be given the opportunity to provide testimony (3 minutes apiece)
- §2.3.6 The Committee will be given the opportunity to ask questions of each witness after their testimony
- §2.3.7 The defendant will be given the opportunity to ask questions of each witness after the committee has finished

### §2.4 Defendant's Statement; Witnesses

- §2.4.1 Defendant will provide a statement no longer than 10 minutes; this is encouraged to be a written statement but is not required
- §2.4.2 The defendant will present any evidence they have
- §2.4.3 The committee will be given the opportunity to ask questions of the defendant pertinent to their testimony and evidence
- §2.4.4 The plaintiff will be given the opportunity to cross-examine the defendant with questions pertinent to their testimony and evidence
- §2.4.5 Witnesses for the defendant will each be given the opportunity to provide testimony (3 minutes apiece)
- §2.4.6 The Committee will be given the opportunity to ask questions of each witness after their testimony
- §2.4.7 The defendant will be given the opportunity to ask questions of each witness after the committee has finished

### §2.5 Final Comments

- §2.5.1 Plaintiff will have 5 minutes to make any final comments
- §2.5.2 Defendant will have 5 minutes to make any final comments
- §2.5.3 Committee members will have the opportunity to ask any final questions for either party, as well as all witnesses present
- §2.5.4 the hearing will be closed and deliberation will take place

## **RULE 3. Post-Trial**

### §3.1 Decisions

- §3.1.1 Decisions and judgments reached by the Judiciary Committee shall be announced in a general meeting, with the decision open to the public

**§3.1.2** If the decision is pertinent to the voting delegates of the California College Republicans General Session, the Judiciary Committee shall advise the respondent of their right to appeal

**§3.1.3** the majority decision shall be recorded in writing and made available to the public within one week of the hearing

**§3.1.4** any dissenting opinions may also be recorded in writing and made available if the dissenting judges wish to do so

### **§3.2 Appeals**

**§3.2.1** All Formal Hearings may be appealed to the Executive Committee within 15 days of the official announcement in a general hearing, or being published publicly

**§3.2.2** Appeals should be made to the Executive Committee

**§3.2.3** The Executive Committee may decide to overturn the ruling of the Judiciary Committee by majority vote

**§3.2.4** they case may return to the Committee or result in a final decision by the Executive Committee or Chair of the Judiciary Committee, depending on the circumstance

**California College Republicans Judiciary Committee**  
**PRELIMINARY HEARING PROCEDURE SCRIPT**

**I. Introduction**

- §1.1 This is a preliminary hearing and arraignment held by the California College Republicans Judiciary Committee. The proceedings may be recorded for future reference.
- §1.2 I am the Chair (or acting chair) of the Judiciary Committee for the hearing today, [insert date]. For the record, there are \_ Committee members present. Committee members please state your names for the record.
- §1.3 Special Committee members: Would the Clerk please introduce themselves? Would the acting Parliamentarian please introduce themselves?
- §1.4 All in attendance of this hearing including the members of the committee are expected to act with integrity and civility. This initial hearing is not a place to air personal grievances, and is intended as a brief means to gather the evidence and determine the need for a more formal hearing. There is to be no debating from either party, this is merely an opportunity to plea and provide your own statement regarding the facts.
- §1.5 Committee Member/Chair will now read the summary of the charges.

**II. Arraignment**

- §2.1 Reminder that regardless of plea, we will be noting facts and evidence for the case in order to determine the truth in the event a sanction is deemed necessary.
- §2.2 [Defendant], you have been charged with violating [violations in question], how do you plead?

**III. Statements from Each Party**

- §3.1 We will now hear a statement regarding the case from the person bringing the charges.
- §3.2 The person bringing the charges may present any evidence they have to the committee.
- §3.3 Any Witnesses for the person bringing the charges may briefly make a statement.
- §3.4 We will now hear from the accused a statement regarding the case.
- §3.5 The accused may present any evidence they have to the committee.
- §3.6 Any Witnesses for the accused may briefly make a statement.

**IV. Determination for a Formal Hearing**

- §4.1 The Justices will now vote to determine the necessity of a formal hearing
- §4.2 (if a hearing is determined necessary) The justices have determined this case falls within the committee's jurisdiction and a formal hearing is necessary.
  - §4.2.1 The hearing is scheduled for [scheduled day as per procedures]
  - §4.2.2 only the evidence and witnesses presented today will be accepted during the Formal hearing unless otherwise provisioned by the Chief Justice. You will have the opportunity to cross examine the opposing party as well as face questioning by the justices.

**§4.3** (if a hearing is determined unnecessary) The justices have determined this case does not fall within the committee's jurisdiction and a formal hearing is unnecessary.

**§4.3.1** The verdict will be determined by [Executive Committee or Chief Justice]

**§4.3.2** You will have the opportunity to appeal this ruling as you would with a Formal hearing. This appeal process will be made clear to you by the ruling party.

**§4.4** Thank you for coming, the parties are excused

## California College Republicans Judiciary Committee

### TRIAL PROCEDURE SCRIPT

#### **I. Introduction**

- §1.1 This is a trial held by the California College Republicans Judiciary Committee. The proceedings may be recorded for future reference.
- §1.2 I am the Chair (or acting chair) of the Judiciary Committee for the trial today, [insert date]. For the record, there are \_ Committee members present. Committee members please state your names for the record.
- §1.3 Special Committee members: Would the Clerk please introduce themselves? Would the acting Parliamentarian please introduce themselves?
- §1.4 All in attendance of this hearing including the members of the committee are expected to act with integrity and civility. This trial is not a place to air personal grievances. Please stick to the facts and uphold the reputation of the California College Republicans in all of your actions, regardless of where in this room you sit today. There will be order, and if the order is disrupted, you may be removed after being provided a fair warning.
- §1.5 Committee Member/Chair will now read the summary of the charges.

#### **II. Presentation of Case From Plaintiff**

- §2.1 We will now hear from the person bringing the charges.
- §2.2 The committee may now ask questions of the person/representative bringing the charges.
- §2.3 The accused may now cross-examine the person/representative bringing the charges.
- §2.4 We will now hear from any witnesses for the person bringing the charges with direct knowledge of the facts. (Repeat the subsequent two steps for each witness)
- §2.4.1 the committee may now ask questions of the witness
- §2.4.2 the accused may now cross-examine the witness

#### **III. Statements from Defendant**

- §3.1 We will now hear from the accused.
- §3.2 The committee may now ask questions of the accused.
- §3.3 The person bringing the charges may now cross-examine the accused.
- §3.4 We will now hear from any witnesses for the accused with direct knowledge of the facts. (Repeat the subsequent two steps for each witness)
- §3.4.1 the committee may now ask questions of the witness
- §3.4.2 the person bringing the charges may now cross-examine the witness

#### **IV. Final Comments**

- §4.1 Would the person bringing the charges like to make any further comments?
- §4.2 would the accused like to make any further comments?

**§4.3** Committee members, do you have any further questions for either party?

**§4.4** I will now close the hearing. Decisions and judgments reached by the Judiciary Committee shall be announced in a general meeting, with the decision open to the public. All rulings are decided by a majority vote. The majority decision shall be recorded in writing and made available to the public within one week of the hearing. The decision of this committee may be appealed up to 15 days (after announcement in a general meeting, or being published publicly) to the Executive Committee, which can overturn the ruling of the Judiciary Committee by majority vote. This may lead to the case being brought back to the Committee, or it may simply result in a final decision at the Executive level.

**§4.5** Thank you for coming, the parties are excused

## California College Republicans Judiciary Committee HANDBOOK ON TRIAL PROCEDURES

Because many members of the California College Republicans do not have legal experience through mock trial programs, law-focused internships, or other methods, this short handbook shall serve as a primer on advocacy for members who wish to bring a complaint before the Judiciary Committee. This handbook shall briefly explain how to present an opening statement, conduct a direct- and cross-examination, and present a closing argument. Readers will do well to note that proceedings in front of the Judiciary Committee are modeled after, but do not exactly follow, proceedings in state or federal courts outside of the Judiciary Committee's jurisdiction. Therefore, while these guidelines will equip members to present their cases to the Committee, they do not necessarily equip members to advocate in court.

For reference, the structure of each party's case-in-chief may be found in the Judiciary Committee's Trial Procedures and script.

Once the Judiciary Committee convenes to hear a case, the first item on the agenda will be the delivery of the plaintiff's opening statement. The plaintiff in the claim will deliver their case first, and as such will present their opening statement first. Contrary to portrayals in popular culture, opening statements in front of the Judiciary Committee are not to be theatrical in nature, nor are they to argue any point material to the case at hand. An opening statement is simply a presentation of the facts from each party's perspective.

The Committee and or the plaintiff's representative will then question the plaintiff. The plaintiff will have no special duty other than to answer the questions presented to them truthfully and to the best of their knowledge.

The defendant will then have the opportunity to cross-examine the plaintiff. Cross-examinations are best structured using leading (yes or no) questions to draw information from the witness. For example:

Δ: On [insert day and time], [insert relevant event] occurred, correct?

Π: Yes/No.

Of course, cross-examination questions are not limited strictly to questioning a witness about a specific event at a particular time. Cross-examination questions may cover any fact relevant to the claim at hand. While there is no technical authority that prevents open-ended questions on a cross-examination, best practices dictate the use of leading questions.

The Committee and or plaintiff's representative will then question any witnesses brought by the plaintiff. The witnesses will have no special duty other than to answer the questions presented to them truthfully and to the best of their knowledge.

The defendant will then have the opportunity to cross-examine the plaintiff's witnesses, in the same structure as outlined above.

During this time, the plaintiff or plaintiff's representative will also have the opportunity to present any relevant evidence, following the procedures from above.

The process will repeat for the defendant's case-in-chief, beginning with the defendant's opening statement following the same outline as the plaintiffs above.

After the cross-examination of the defendant's final witness, both parties will be given the opportunity to make closing arguments, beginning with the plaintiff. Closing arguments should not be theatrical, but rather present each party's final argument on the claim at hand.

All speaking opportunities will be limited to ten minutes, pursuant to Roberts' Rules of Order, Newly Revised 11th edition.

## California College Republicans Judiciary Committee

### RELEVANCE AND CHARACTER EVIDENCE IN BRIEF

While not as legally complex as hearsay, relevance is just as important. Relevant evidence, and its cousin character evidence, take up much of the Judicial Committee Rules of Evidence, hereinafter referred to as the Rules of Evidence. The purpose of this document is to clarify the Rules of Evidence concerning relevance and character evidence. For reference, the rules concerning relevance and character evidence can be found in Article IV of the Rules of Evidence.

Relevant evidence is defined by the Rules of Evidence to be any evidence that has a tendency to make a fact of consequence in the proceeding more or less probable than it would be without the evidence. The bar to prove that evidence is relevant is rather low one need only be able to prove that the evidence makes some pertinent fact more or less likely to be true. It is essential to note, however, that the fact made more or less likely by the evidence in question must be a material fact, that is, important to the ultimate issue before the court, in order for the evidence to be relevant. For example, suppose that a person is accused of rape and the alleged victim's behavior (Fact A) increases the likelihood that the sexual encounter was in fact consensual (Fact B). A is clearly relevant to B upon a preliminary evaluation of the relationship between the two facts. Now suppose the alleged victim is a minor. Pursuant to the penal code, the consensual nature of a sexual encounter involving a minor has no legal consequence, so Fact A is clearly no longer relevant.

There are cases where clearly relevant evidence may be excluded by the court, the criteria for which are listed in Rule 403.

Character evidence is another interesting evidentiary issue, the rules concerning which are found in Rules 404 and 405. Generally, character evidence can be defined as any evidence being submitted to prove that in a particular instance a person acted in a particular way because of their character as a person. Three factors generally govern the admissibility of character evidence: its purpose, form, and the type of proceeding (criminal or civil). Due to the nature of the Judiciary Committee and its jurisdiction, the third factor can be taken as given the Committee only presides in a civil manner.

Therefore, let us examine the other two general factors that govern the admissibility of character evidence. First, its purpose. The Rules of Evidence state in Rule 404(a)(i) that character evidence is not admissible to prove a specific action in accordance with the character, except in the case of the defendant or victims character pursuant to subparagraph (ii). Character evidence is admissible for non-party witnesses, i.e. not the defendant or victim/plaintiff, only when the character trait is an essential element of the claim at issue. Character evidence is also admissible for purposes of attacking or strengthening a witnesss credibility in the context of impeachment. Second, its form. Rule 405 enumerates the methods by which admissible character evidence can be probed: as a witnesss opinion or evidence of reputation if the character trait is not an essential element of the claim, and by relevant specific instances of conduct if the character trait is essential to the claim, as discussed above.

Character evidence must be distinguished from habit evidence, found in Rule 406, which is generally admissible. Habit evidence is evidence of a person or organizations routine actions that

is submitted to prove that the person or organization acted in accordance with the habit or routine practice on a particular occasion. Using character traits to prove a specific action is generally prohibited, but using habits to prove a specific action is generally allowed.

For any questions on relevance, character evidence, or other evidentiary matters, please contact the Judiciary Committee.

## California College Republicans Judiciary Committee HEARSAY IN BRIEF

Hearsay is perhaps the most complicated evidentiary issue in the legal system, and in the interest of completeness the Judicial Committee Rules of Evidence, hereinafter the Rules of Evidence, concerning hearsay are extensive. The purpose of this document is to clarify the Rules concerning statements of hearsay. For reference, the rules concerning hearsay may be found in Article VIII of the Rules of Evidence.

Hearsay, as defined by the *Wex Legal Dictionary*, is an out of court statement offered to prove the truth of whatever it asserts. For the purposes of the Rules of Evidence, the statement at issue need not only be verbal, but can also be a written statement. In laymans terms, a statement of hearsay is any statement, written or verbal, made out of court and offered in court to prove the truth of the statement itself. The rule against hearsay is rooted in the belief that such testimony is unreliable, and it often is the proponent is under no obligation to be truthful in a statement made out of court. There are exceptions to the rule against hearsay for statements that are considered to be especially reliable, which are outlined in Rule 803. It is important to distinguish a statement that is considered to be hearsay but falls under one of the exceptions in 803 from a statement that is not considered to be hearsay. Out-of-court statements not considered to be hearsay are outlined in Rule 801(d).

A statement of hearsay is not admissible in court if the parties care about the truth of the statement. For example: suppose a person stopped at the scene of an automobile accident. The injured driver of the crashed vehicle stumbled up to them and said "Aliens made me crash!" If the matter at issue in court is whether aliens caused the accident, the drivers statement must be excluded by the rule against hearsay unless it falls under one of the exceptions outlined in Rule 803. However, the statement is admissible to prove, for example, that the driver was capable of speech after the accident. The admissibility of the statement depends on the issue at trial and whether the statement is offered to prove that issue.

It is important to note that just because a statement is not excluded by the rule against hearsay does not mean it is automatically admissible there still may be other reasons to exclude the statement. Returning to the previous example, if the matter at issue in court is not the true cause of the accident, an objection of relevance pursuant to Rule 401 may be welcome.

For any questions on hearsay or other evidentiary matters, please contact the Judiciary Committee.