



# **THE CODE OF LAWYERS AND JUDICIAL LAW**

## **(Lawyers Code)**

### **Article 1. General Provisions and Principles of Judicial Law**

#### **1.1 Code of Lawyers and Judicial Law.**

**1.1.1** This Code of Civil and Procedural Law establishes the Principles of Legal Representation and the obligations, rights and duties of all persons working in the legal profession, regardless of their affiliation to Government, the Department of Justice or an Organisation.

#### **1.2. Rules and Principles of the Code of Lawyers and Judicial Law.**

**1.2.1** The Principles and Provisions of this Code are to be upheld by all persons of the State of San Andreas who work for the Department of Justice (DOJ) as a Judge or Lawyer as well as any other Citizen of the State that holds a Lawyers Licence.

- a) In the event of a conflict or a need for clarification between provisions of this Code and any other State Law, or a conflict of provisions within this Code itself, the Attorney General or a Judge shall make an Official Judicial Ruling as to the provisions that apply and the order of primacy of those provisions.

**1.2.2** Any Amendments to this Law by the Government or Judicial Rulings made by a Judge shall not apply retroactively and will only have force of law from the date of first application during a Trial or promulgation or publication as State Law.

#### **1.3 Rules and Principles of Discovery.**

**1.3.1** The Principle of Discovery is a principle in law to ensure that any Legal Proceedings are conducted fairly between all Parties.

- a) A Lawyer must be granted full access to any Case Files and/or evidence against their Client and this request cannot be refused.
  - i) Where a Lawyer has not been granted access to this information, a Lawyer may petition a Judge of the Court in order to gain access to this information.
- b) A Lawyer must be granted reasonable time beforehand to review any Case Files and/or evidence against their Client in order to prepare arguments in their Client's Defence.
  - i) Where a Lawyer has not been granted reasonable time, a Lawyer may petition a Judge of the Court in order to be granted a Court Recess or Adjournment.

**1.3.2** If any additional evidence is to be introduced after the initial Discovery, the Court shall decide whether such evidence is both material to the Case and is admissible to the Court.

- a) In this event all other rules for the Principle of Discovery shall also apply.

#### **1.4 Rules and Principles of Dual Authority.**

**1.4.1** The Principle of Dual Authority is a principle whereby a State Employee acting in their capacity as a Lawyer for a Case File or Court Trial may not invoke other authority granted to them by the State during the Legal Proceedings of that Case File or Court Trial.

**1.4.2** A Judge, acting as a Lawyer, may not sign their own submissions to the Court or the Department of Justice (DOJ).

**1.4.3** Any conflict of duties and authority under this Principle shall be determined by:

- a) The Attorney General, if the legal position can be found in current law.
- b) A Judge on application by the Attorney General, if no clear legal position can be established in current law.

#### **1.5 Rules and Principles of Attorney-Client Privilege.**

**1.5.1** Attorney-Client Privilege is the legal right of every Citizen of the State, without exception, to not be obliged or forced to disclose information relevant to a Case or Investigation to anyone but their contracted or assigned Lawyer.

- a) A Client may renounce their legal right to Attorney-Client Privilege and may disclose information of their own free will.
  - i) Any evidence or testimony given may be used against the Client by Law Enforcement Officers, including a confession.
- b) A Lawyer may not, without the expressed consent of their Client, violate the provisions of Attorney-Client Privilege outside of the information relevant and necessary for a Case, unless such disclosure is covered under the Joint-Defence Privilege.
- c) A Lawyer may not be summoned and questioned as a witness about any information or the circumstances of a Case that became known to him by providing legal assistance to a Client.
  - i) This shall not apply if there is a clear violation of the law by the Lawyer or the Lawyer acts as an accomplice to a crime by their Client.

**1.5.2** A Lawyer has the right to consult with his Client in private and on the condition that such consultation is in keeping with the performance of his lawful duties to his Client and is not done with criminal intent.

- a) Any evidence gained through an unlawful violation of Attorney-Client Privilege by a Law Enforcement Officer or other Party to the Case shall be considered inadmissible as evidence.

#### **1.6 Rules and Principles of the Joint-Defence Privilege.**

**1.6.1** The Joint-Defence Privilege, or Common-Interest Rule is an extension of Attorney-Client Privilege whereby a Party to a Case has the right to disclose privileged information to another Party in order to establish sufficient evidence or common cause for a Case or Investigation.

- a) In order for information to be disclosed or shared with a common-cause party, a Lawyer must first be granted permission by their Client.

**1.6.2** The Client may, of their own volition, share any information or evidence they have with another Party to the Case or Investigation, but may not claim Attorney-Client Privilege for this information following this disclosure.

#### **1.7 Rules and Principles of Recusal.**

**1.7.1** Recusal is a legal principle that ensures the Principles of Justice are upheld without bias or prejudice towards a Suspect or the Accused.

- a) The Attorney General, as the Chief Lawyer and Prosecutor for the State may not be removed using the Principle of Recusal or other means where the legal authority of the Attorney General is required for an Investigation, Case or Trial.

**1.7.2** The following Grounds for Recusal will be upheld, unless that recusal would result in a violation of a Citizen's Right to Justice (such as there being no other Judge or Lawyer available):

- a) **On the Grounds of Conflict of Interest.** A Law Enforcement Officer, Judge or Lawyer, who due to the impossibility of remaining impartial due to a conflict of interest, or for personal

reasons (a case against a family member or marriage partner) may recuse themselves from the case or may be removed from a Case following a Motion of Recusal.

- b) **On the Grounds of Prejudice.** A Law Enforcement Officer, Judge or Lawyer who cannot perform their duties objectively and fairly or according to the Bill of Rights or the Ethics Code may recuse themselves from a case or may be removed from a case following a Motion of Recusal.

**1.7.3** A Lawyer, who is Party to a Case, may petition the Department of Justice (DOJ) and request a Motion of Recusal for a Law Enforcement Officer, Judge or Lawyer from an ongoing Case or Trial.

- a) The Motion of Recusal as well as the Grounds for Recusal, with valid evidence, must be provided to the Department of Justice (DOJ).
- b) The Attorney General or a Judge shall either sustain or overrule the Motion of Recusal, with reasons that shall be stated.

**1.7.4** The Principle of Recusal cannot be used to prevent a case from proceeding, or cause an Undue Delay in Justice, if any citizen's Right to Justice will be unduly harmed as a result.

- a) Any Motions or Objections made according to the Principle of Recusal can be sustained and the Case may be subject to Judicial Review by the Attorney General or a Judge before the Verdict is upheld.

## **1.8 Rules and Principles of Self-Representation.**

**1.8.1** A Lawyer, when Detained or Arrested, may act as their own Defence Attorney against the Charges.

- a) A Lawyer must state their intention to represent themselves instead of requesting a Lawyer as per the Miranda Rights and Procedure for Requesting a Lawyer.
  - i) A Lawyer must show their Lawyers Licence in order to invoke the Right to Self-Representation.

**1.8.2** A Lawyer may act as their own Client and may represent themselves as the Plaintiff or Defendant in a Civil Case and bring a Case File to the Court.

**1.8.3** While acting according to the Principle of Self-Representation, a Lawyer may not use Attorney-Client Privilege to avoid being summoned to provide testimony, statements or evidence.

**1.8.4** A Lawyer, acting according to the Principle of Self-Representation, may request a Judge if there are Grounds for Requesting a Judge as per the Code of Civil and Procedural Law (Civil Code).

## **Article 2. Definitions in Law**

### **2.1 Client.**

**2.1.1** A Client is defined as a Citizen of the State who has entered into a Contract for Legal Services with a Lawyer.

**2.1.2** Where a Suspect has been granted their Right to a Lawyer by the State after the Reading of the Miranda Rights, the Suspect and their Lawyer enter into a temporary Client-Lawyer status for Essential Legal Services without the requirement of a Signed Contract.

- a) This Contract only lasts until the conclusion of the Lawyer's lawful duties as a Public Defender.
- b) This Contract does not include the right to any Additional Legal Services or Special Legal Services by a Lawyer acting as Public Defender.
- c) The Suspect may voluntarily and clearly rescind their Right to a Lawyer at any time in the presence of their Lawyer.

### **2.2 Contract for Legal Services.**

**2.2.1** A Contract for Legal Services is a signed, written agreement between a Lawyer and a Citizen of the State in order for the Lawyer to provide Legal Services to their Client.

**2.2.2** In order for a Contract for Legal Services to be held as valid under the law:

- a) The Contract must be Signed by all Parties to the Contract.

- b) The Contract must be Signed with the full understanding of the Terms and Conditions of the Contract.
- c) The Contract must be Signed voluntarily by all Parties to the Contract.
- d) The Contract must comply with all Laws of the State.

**2.2.3** A Contract for Legal Services between a Lawyer and their Client must be signed in the direct presence of both the Lawyer and their Client.

- a) Remote Contract Agreements (such as through a phone call or phone messages) or verbal agreements cannot be upheld as valid in law.
- b) The Proof of Signature of the Contract must be recorded and presented on request by a Law Enforcement Officer, Judge or Lawyer.

**2.2.4** A Contract for Legal Services between a Lawyer and their Client(s) is not subject to Attorney-Client Privilege and the Terms of the Contract, must be provided together with the Proof of Signature at the request of the Attorney General or a Judge.

**2.2.5** A Contract for Legal Services between a Lawyer and their Client(s) has legal force from the time of the signing of the Contract until the completion of all the obligations of the Parties to the Contract.

## **2.3 Lawyers Fees and Compensation.**

**2.3.1** A Lawyer has the right to set their own fees for Legal Services with their Client(s) unless those Legal Services must be offered free of charge (*pro bono*) to a Citizen of the State or their State Organisation.

- a) Only a Private Lawyer has a right to charge for Essential Legal Services.
- b) All Fees and Compensation must be clear and agreed to before signing of the Contract by the Client.
- c) A Lawyer is not considered as an entrepreneur nor an owner of a business and is exempt from taxation on any fees paid to them during the course of the performance of their duties to a Client.

**2.3.2** In the event a Lawyer fails to uphold the Terms of the Contract, or is otherwise in Breach of the Contract, the Client is entitled to full remuneration for any obligations that have not been upheld by the Lawyer.

**2.3.3** In the event a Client fails to uphold their obligations to the Lawyer, or fails to pay the Lawyer for any Legal Services, the Lawyer may refuse to uphold the Terms of the Contract until any outstanding terms have been upheld and/or Fees have been paid.

## **2.4 Essential Legal Services.**

**2.4.1** Essential Legal Services include all Legal Services detailed below.

- a) Consulting and provision of legal advice during Detention or Arrest of their Client.
- b) Evaluation of evidence presented by Law Enforcement Officers against their Client during Detention and/or Arrest.
- c) Upholding of their Client's Rights during a Detention and/or Arrest.

**2.4.2** Where not expressly indicated above, any Legal Services that are not considered Essential Legal Services are considered Additional Legal Services or Special Legal Services.

## **2.5 Additional Legal Services.**

**2.5.1** Additional Legal Services include all services by a Lawyer not considered Essential Legal Services or specifically listed as Special Legal Services. These include, but are not limited to:

- d) Consulting and provision of legal advice outside of Detention and/or Arrest.
- e) Drafting of a Case File and other Legal Documentation (including Claims, Appeals and Submissions to the Court).
- f) Filing Legal Documents with the Court and/or the Department of Justice (DOJ).

## **2.6 Special Legal Services.**

**2.6.1** Special Legal Services are regulated services that require either authorisation or prior training in order to perform as a Lawyer. Special Legal Services include:

- a) Representation of a Client and the presentation of evidence, arguments and submissions on behalf of their Client during a Pre-Trial Hearing or Court Trial.
- b) Applications for Parole Proceeding and offering of Bail to a Prisoner.

**2.6.2** A Lawyer must receive formal training and certification in order to perform Special Legal Services on behalf of a Client.

**2.6.3** All filing of Submissions and Legal Documentation for Special Legal Services must be completed and sent to the Department of Justice (DOJ) before any Special Legal Services may be given to a Client.

- a) Any failure to follow this requirement may result in invalidation of the Lawyers Licence and Blacklisting of the Lawyer.

## **Article 3. Lawyers**

### **3.1 Lawyer.**

**3.1.1** A Lawyer is defined as a Citizen of the State or State Employee who:

- a) Passed the Lawyers Bar Examination as conducted by the Attorney General or a Judge.
- b) Has been entered into the Registry of Licensed Lawyers of the State.
- c) Holds a valid and legally obtained Lawyers Licence.

**3.1.2** A Lawyer is required to hold a Lawyers Licence in order to perform their duties as a Lawyer, and must comply with the Lawyers Code and any additional rules and regulations as determined by the Department of Justice (DOJ).

- a) If a Lawyers Licence has expired, or is otherwise invalid, the Lawyer may not provide any Legal Services to a Client until the Licence has been renewed.

**3.1.3** A Lawyer has privileged access to information regarding an Investigation, Parties to the Investigation and/or Pre-Trial Proceedings and Case Files, therefore is criminally responsible for an unlawful disclosure of any of this information.

### **3.2 State Lawyer.**

**3.2.1** State Lawyers include all Lawyers employed by the Department of Justice (DOJ) within the State of San Andreas.

**3.2.2** A State Lawyer is contracted to the State and may act as an Attorney and provide all forms of Legal Services on behalf of the State, the Government and to any Citizens of the State.

- a) A State Lawyer may not charge any fee for any actions taken as a Lawyer directly on behalf of the Government or the State.
  - i) Where compensation for time and work on a Case File or for Court Trial is required such considerations will be undertaken by the Attorney General.
- a) A State Lawyer is not required to contract for Essential Legal Services and may not charge for these services as these are offered free of Charge to Citizens of the State as a Public Defender.
- b) A State Lawyer must contract and may charge for Additional Legal Services with Citizens of the State.
- c) A State Lawyer must contract and may charge for Special Legal Services with Citizens of the State.

### **3.3 Government Lawyer.**

**3.3.1** Government Lawyers include all Lawyers employed by the Government (GOV) and/or a Department of Government with the exception of Lawyers working within the Department of Justice (DOJ).

**3.3.2** A Government Lawyer is contracted to the Government and may act as an Attorney and provide all forms of Legal Services on behalf of their Employer and their Organisation.

- b) A Government Lawyer may not charge any fee for any actions taken as a Lawyer directly on behalf of their Organisation.

- i) Where compensation for time and work on a Case File or for Court Trial is required such considerations will be undertaken by the Attorney General.
  - d) A Government Lawyer is not required to Contract for Essential Legal Services and may not charge for these services as a Public Defender.
  - e) A Government Lawyer must Contract and may charge for Additional Legal Services with Citizens of the State.
  - f) A Government Lawyer must Contract and may charge for Special Legal Services with Citizens of the State.
- 3.3.3** To avoid a conflict of authority and judicial interference, A Government Lawyer is not part of the Department of Justice (DOJ) and may not use any authority reserved for the Department of Justice (DOJ) within the law.

### **3.4 Organisation Lawyer.**

**3.4.1** Organisation Lawyers include all Lawyers employed by an Organisation within the State of San Andreas. This includes all Lawyers working for:

- a) Lawyers in the Employment of State Organisations such as EMS/FIB/LSPD/NG/SAHP
- b) Lawyers in the Employment of Private Organisations such as Life Invader (LI).

**3.4.2** An Organisation Lawyer is contracted to that Organisation and may act as an Attorney and provide all forms of Legal Services on behalf of their Employer and their Organisation.

- a) An Organisation Lawyer may not charge any fee for any actions taken as a Lawyer directly on behalf of their Organisation.
  - i) Where compensation for time and work on a Case File for Court Trial is required such considerations will be undertaken by the Attorney General.
- b) An Organisation Lawyer is not required to Contract for Essential Legal Services and may not charge for these services as these are offered free of Charge to Employees of their Organisation.
- c) An Organisation Lawyer must Contract for Additional Legal Services or Special Legal Services only with Employees of their Organisation and may charge a fee for those services.

### **3.5 Private Lawyer.**

**3.5.1** Private Lawyers include all Licensed Lawyers who have registered as a Private Lawyer in the State of San Andreas and who are not:

- a) State Lawyers in the Employment of the Department of Justice (DOJ)
- b) Government Lawyers in the Employment of the Government (GOV)
- c) Organisation Lawyers in the Employment of State Organisations (EMS/FIB/LSPD/NG/SAHP) or Private Organisations such as Life Invader (LI).

**3.5.2** A Private Lawyer may not undertake any Contract or provide any Legal Services directly on behalf of a State Organisation but may do so on behalf of an Employee of a State Organisation in the Employee's private capacity.

**3.5.3** A Private Lawyer must Contract with a Client for Essential Legal Services, Additional Legal Services and/or Special Legal Services and may do so with any Citizen of the State.

- a) Any Fees and Compensation must be clear and agreed to before signing of the Contract by the Client.

## **Article 4. Lawyers Licence.**

### **4.1 Receiving a Lawyer's Licence and the Bar Examination.**

**4.1.1** In order to receive a Lawyer's Licence a Citizen of the State must apply to the Department of Justice (DOJ) in person or through the Government email and must meet the following requirements:

- a) The Candidate must be at least 8 years old in the City.
- b) The Candidate must not have any Criminal Record.
- c) The Candidate must not have any visible tattoos.
- d) The Candidate must have good verbal and written communication skills in English.

#### 4.1.2 Process for Application and scheduling of the Bar Examination:

- a) The Attorney General or a Judge must conduct an interview with the Candidate.
- b) The Attorney General or a Judge will schedule the examination if they are satisfied with the preparedness and the standards of the Candidate.
- c) The Attorney General or a Judge will conduct the Bar Examination at the scheduled time and according to the standards and conditions of the Bar Examination.

#### 4.1.3 Proof of the Lawyer's Bar Examination must be retained by the Examiner and the Candidate.

- a) Proof of the Bar Examination must be provided on request by the Attorney General or a Judge but the contents of the Bar Examination must not be made public through any means.

#### 4.2 Re-Issue or Renewal of a Lawyer's Licence.

##### 4.2.1 A Lawyer may apply to the Attorney General or a Judge in order to renew their Lawyers Licence.

- a) So long as the Lawyer is on the Registry of Licensed Lawyers, a renewal shall be granted regardless of when the Lawyers Licence expired.
- b) No rewrite of the Bar Examination or other such requirements may be imposed for a re-issue or renewal of a Lawyer's Licence unless there are lawful and reasonable grounds to do so.
- c) In exceptional situations, the Lawyer may apply to the Governor for a renewal if there is no Attorney General and/or Judge appointed within the State or there is otherwise no other authorised official to renew the Lawyers License.

##### 4.2.2 Authorised Officials from Government (GOV) and/or the Department of Justice (DOJ) officials who can issue a renewal of a Lawyer's Licence may not refuse to renew a Lawyers Licence unless:

- a) There are Grounds for Revocation or Invalidation of the Lawyer's Licence.
- b) The Lawyer's Licence has already been invalidated on those Grounds.
- c) The Lawyer's Name cannot be found on the Registry of Licensed Lawyers.
- d) The Lawyer's Licence Number cannot be found on the Registry of Licensed Lawyers.

##### 4.2.3 It is the duty of a Lawyer to ensure that their Lawyers Licence is renewed in good time and the Government (GOV) or the Department of Justice (DOJ) cannot be held liable for a Lawyer failing to do so.

#### 4.3 Revocation or Invalidation of a Lawyer's Licence.

##### 4.3.1 A Lawyers Licence may be immediately revoked by Law Enforcement Officers or the Department of Justice (DOJ) on the following Grounds:

- a) **On the Grounds of a Criminal Conviction.** If the Lawyer is Convicted of a Crime or is otherwise discovered to have a Criminal Conviction, their Lawyer's Licence shall be confiscated by a Law Enforcement Officer or otherwise rendered invalid.
  - i) Any Misdemeanours are not considered Criminal Convictions.
  - ii) Any Traffic Violations are not considered Criminal Convictions.
- b) **On the Grounds of a Change in Licence.** A Lawyer Licence is issued according to the type of Lawyers License. If the Lawyer changes the Type of Lawyers Licence without notifying the Department of Justice (DOJ) according to the required procedure, their Lawyer's Licence shall be confiscated by a Law Enforcement Officer or otherwise rendered invalid.
- c) **On the Grounds of a Change in Name.** A Lawyer Licence is issued according to the Lawyers Name and is unique to the Lawyer. If the Lawyer changes their name without notifying the Department of Justice (DOJ) according to the required procedure, their Lawyer's Licence shall be confiscated by a Law Enforcement Officer or otherwise rendered invalid.
- d) **On the Grounds of an Unlawful Disclosure.** If a Lawyer unlawfully discloses any privileged information regarding Investigations, Case Files and Evidence or information gained through Attorney-Client Privilege to Third Parties without lawful or reasonable cause, their Lawyer's Licence shall be confiscated by a Law Enforcement Officer or otherwise rendered invalid.
- e) **On the Grounds of a Violation of Procedure.** A Lawyer must, wherever possible, comply with the Procedures as set out in the Civil Code and the Lawyers Code as well as any additional procedures and requirements for their actions as Lawyers that have been set out and published by the Department of Justice (DOJ).

- i) Minor infringements without reasonable cause shall result in a Disciplinary Sanction against the Lawyer in the form of a Strike.
- ii) Major infringements without reasonable cause shall result in the Lawyers Licence being rendered invalid.

**4.3.2** If the Lawyers Licence cannot be revoked at the time, the Lawyers Licence shall be rendered invalid and the Lawyer notified of this.

**4.3.3** Any attempt or use of an invalid Lawyers Licence shall result in Blacklisting from holding a Lawyers Licence for a Period of 28-days.

#### **4.4 Changing the Type of a Lawyer's Licence.**

**4.4.1** A Lawyer must apply to the Department of Justice (DOJ) in order to change their type of Lawyers Licence in the event they leave an Organisation or join an Organisation.

- a) A Lawyer must, where possible, apply for the change to the Lawyers Licence before joining or leaving an Organisation.
- b) The Department of Justice (DOJ) shall record the change to the Lawyers Licence on the Lawyer's Registry.

**4.4.2** If a Lawyer formally Transfers between State Organisations according to the legal requirements for a Transfer, the Department of Justice (DOJ) should be notified and their Lawyers Licence shall remain valid and a change to the type of Lawyers Licence is not required.

**4.4.3** If a Lawyer leaves an Organisation due to being Fired or Dismissed from the Organisation though no fault of the Lawyer, their Lawyers Licence shall be considered temporarily invalid.

- a) The Lawyer may, in this situation, apply for a change to their Lawyers Licence without paying for a renewal or change to the Licence Type so long as valid evidence and proof of the unlawful Dismissal are provided.

**4.4.4** In all other circumstances, the Lawyer must surrender their Lawyers Licence and pay the fees for a renewal of their new Lawyers Licence under their new Organisation.

**4.4.5** If this procedure is not followed, the Lawyers Licence shall be considered invalid.

#### **4.5 Changing the Name of a Lawyer's Licence.**

**4.5.1** A Lawyer must apply to the Department of Justice (DOJ) before making any change to their name, regardless of the reasons for doing so.

- a) The Lawyer must surrender their Lawyers Licence and pay the fees for a renewal of their new Lawyer's Licence under their new Name.
- b) The Department of Justice (DOJ) shall record the change to the Lawyers Licence on the Lawyer's Registry.

**4.5.2** If this procedure is not followed, the Lawyers Licence shall be considered invalid.

## **Article 5. Judges and the Court Structure of the State**

### **5.1 Judge of the State.**

**5.1.1** A Judge is defined as an Employee of the Department of Justice (DOJ) who has:

- a) Passed the Lawyers Bar Examination as conducted by the Attorney General or a Judge.
- b) Passed the Judges Certification Examination as conducted by the Attorney General or a Judge.
- c) Has been entered into the Registry of Licensed Lawyers.
- d) Has been entered into the Registry of Certified Judges.
- e) Holds a valid and legally obtained Lawyers Licence.

**5.1.2** A Judge is required to hold a Lawyers Licence, issued by the Department of Justice (DOJ), in order to perform their duties as a Judge, and must comply with the terms and conditions required of a Judge as well as a Lawyer.

- a) A Judge may offer Legal Services as a Lawyer but has no obligation to do so, their first duty is to act and be available to act as a Judge and to perform their duties as a Judge fairly and without bias.



**5.1.3** A Judge must wear the Official Judges Uniform when presiding over a Court Trial or formal Session of the Court in the Capitol Courtroom.

**5.1.4** For Court Trials that may require the presence of additional Judges, more than one Judge may form a Bench of Judges to preside over the Court Trial.

**5.1.5** A Judge must abide by the provisions of the Lawyers Code and any additional rules and regulations for Judges as determined by the Department of Justice (DOJ).

**5.1.6** A Judge is a First Person of the State under the law and has Full Immunity Status as per the provisions for Legal Immunity for First Persons of the State.

## **5.2 Jurisdiction and Limits of the Lower Courts of the State of San Andreas**

**5.2.1** The Lower Courts includes all Courts and Sessions of the Court that do not include a sitting of the Supreme Court.

**5.2.2** The Lower Courts may include include:

- a) Sessions of the Small Claims Court.
- b) Sessions of the District Court.
- c) Sessions of the State Court.
- d) Sessions of the Courts Martial of the National Guard (NG) if a Representative from the Department of Justice (DOJ) is present by request of the National Guard (NG).

**5.2.3** The Lower Courts may preside over Cases and Court Trials that include but are not limited to:

- a) Small Claims Cases
- b) Criminal Law Cases.
- c) Civil Law Cases.
- d) Commercial Law Cases .
- e) Tax Law Cases.
- f) Labor Law Cases.
- g) Traffic Law Cases.

**5.2.4** The Lower Courts have no jurisdiction or authority over:

- a) Criminal Cases where the Defendant has Full Legal Immunity and these matters must be referred to the Attorney General and the Supreme Court.
- b) Cases that exceed the regulated Powers of the Lower Court.
- c) Judicial Rulings which may only be made or ratified by the Attorney General and/or the Supreme Court.

## **5.3 Powers and Rights of the Lower Court.**

**5.3.1** The Lower Court has the following judicial powers:

- a) Issue Legal Documents on application by a Law Enforcement Officer or Lawyer.
- b) Issue Prison terms up to 60 months for a single crime and up to 75 months for 2 or more crimes according to the Code of Criminal and Misdemeanour Law (Criminal Code).
- c) Render Fines according to the Code of Criminal and Misdemeanour Law (Criminal Code)
- d) Render Civil Verdict of up to \$1,000,000 in restitution or damages.
- e) Issue a Warrant of Seizure of Property up to a State Value of \$1,000,000 following a Civil Case.
- f) Hold Persons in Contempt of Court during a Session of the Court.
- g) Order the immediate Arrest for Persons without Legal Immunity Status who commit a crime within the Court.
- h) Order the Revocation of any Licence, or a Permit issued by the State.
- i) Review any disputed Representations by a Lawyer that have been appealed by a Law Enforcement Officer.

## **5.4 The Supreme Court of the State of San Andreas.**

**5.4.1** The Supreme Court is the highest Court of the State and is the Court of Judicial Ruling and Appeal.

**5.4.2** The Supreme Court shall consist of the Attorney General and one or more Judges of the State.

**5.4.3** All Sittings of the Supreme Court shall take place in the Capitol Courtroom and all Presiding Judges of the Supreme Court shall wear the Official Judges Uniform during the formal proceedings.

- a) No Citizen of the State that is not Party to the Proceedings shall be permitted in the Court without prior authorisation of the Attorney General or Presiding Judge(s).

**5.4.3** The Supreme Court may review Verdicts and Case Files from the Lower Courts on Appeal by the Plaintiff or the Defendant if the Grounds of such an Appeal are reasonable under the Principles of Justice and the Law.

## **5.5 Powers and Rights of the Supreme Court.**

**5.5.1** The Supreme Court has the following judicial powers:

- a) The Powers of a Judge of the Lower Courts.
- b) The Authority under law to issue an Order of First Person Investigation (OFPI)
- c) The Authority under law to issue an Order of First Person Immunity Waiver (OFIW).
- d) The Authority under law to issue a Warrant of Arrest for a Citizen with Full Immunity Status (WFPA).
- e) Render Civil Verdicts of any amount in Restitution or Damages.
- f) May issue a Judicial Ruling during (or following) a review of a concluded Case-File or Court Trial and to propose the necessary amendments to the Laws of the State to the Governor and the Attorney General.

## **Article 6. Arbitration, Dispute Resolution and Negotiated Settlements**

### **6.1 Arbitration.**

**6.1.1** An Arbitration is an informal Hearing used to resolve minor disputes in matters of Civil or Labour Law without the Parties to the Dispute resorting to formal legal action.

- a) Arbitration may not be used in Criminal Cases.
- b) Arbitration should establish the legal principles and laws that apply to the dispute and clarify the standing of all Parties to the Dispute in order to reach a mutual understanding or agreement that all Parties will abide by.
- c) An Arbitration itself does not have legal force, however the Parties to the Dispute may sign a legally binding settlement based on the resolution reached during the Arbitration.

**6.1.2** A Lawyer from the Department of Justice (DOJ) may, with approval of the Attorney General or a Judge, conduct an Arbitration.

### **6.2 Grounds for the Termination of a Civil Case During an Arbitration.**

**6.2.1 Total Reconciliation of The Parties.** All Parties to the Dispute agree that the matter should no longer be pursued and that the matter should be closed.

**6.2.2 Partial Reconciliation of The Parties.** Only some of the Parties to the Dispute reconcile. In this event, one or more of the Parties to the Dispute reserve the right to continue with legal proceedings in Court.

- a) The Parties to the Dispute that have not reconciled may continue with legal proceedings or may attempt to reach a separate mutual agreement during the Arbitration.

**6.2.3 Mutual Agreement of The Parties.** Under the provision for mutual agreement, the Parties to the Dispute reach a negotiated settlement.

- a) Once all the terms and obligations of this settlement have been completed by the Parties to the Dispute the matter is to be closed.

## **Article 7 Pre-Trial Procedures and Grounds for Termination of a Case.**

### **7.1 Arraignment.**

**7.1.1** An Arraignment is a Pre-Trial Hearing for Criminal Cases where the Accused will answer to each of the Charges against them and enter a Plea.

**7.1.2** During Sessions of the Court or a Court Trial, an Arraignment is conducted immediately upon the presentation of the Charges by the Prosecution.

### **7.2 Pre-Trial Hearings and Settlements.**

**7.2.1** The Attorney General or a Judge represents the State in Court and holds the right to conduct a Pre-Trial Hearing for a Case with the Plaintiff(s) and/or Defendant(s).

- a) The Lawyer for Defendant(s) named in a Civil Case has the right to petition a Judge to arrange a Pre-Trial Hearing in order to present additional evidence or argue Grounds for Termination of the Case.
- b) The Lawyer for the Accused named in a Criminal Case has the right to petition the Department of Justice to arrange a Pre-Trial Hearing with the Judge in order to present additional evidence or argue Grounds for Termination of the Case.

### **7.3 Grounds for the Termination of a Case During a Pre-Trial Hearing.**

**7.3.1 On Grounds of Corpus Delicti.** On these Grounds, the lack of *corpus delicti*, or body of evidence against the Defendant shall result in the Termination of a Case.

**7.3.2 On Grounds of the Statute of Limitations.** On these grounds, a complaint or a Case File opened after the expiration of the Statute of Limitations must be terminated or dismissed.

- a) The expiration of the Statute of Limitations occurs 48-hours from the moment the crime was committed.
- b) A Case File must be proved to have been Registered before the expiry of the Statute of Limitations according to the provisions for a Case File.

**7.3.3 On Grounds of Double Jeopardy.** On these Grounds, the Defendant has already been acquitted or convicted of the same charges on the same evidence already presented and cannot be tried or prosecuted for those same charges using the same evidence.

**7.3.4 On Grounds of Expired Evidence.** Where the evidence for a Case has expired, that evidence shall no longer be considered valid and may not be used further in a Case.

- a) If a Warrant was issued, the evidence still stands as grounds for the issuing of the Warrant of Arrest (which does not itself expire) and as evidence for an Appeal but not for the issue of any additional documentation after its expiry.

**7.3.5 On Grounds of Invalid or Inadmissible Evidence.** On these grounds, the evidence for the Charges is legally inadmissible and cannot be considered by the Court.

- a) Where the provisions for the gathering of evidence or the investigation have not been followed, the evidence is invalid and considered inadmissible in law.
  - i) This will include any evidence gained during an unlawful Detention and/or Arrest without Probable Cause.
- b) Where any significant evidence presented or included in a Case File is ruled to be invalid or inadmissible to the Court following an Objection to the Evidence, this must result in Termination of a Case on these Grounds if there is no other evidence of the violation of the law.

**7.3.6 On Grounds of Nolle Prosequi (Not Prosecuting).** A Prosecutor and the Law Enforcement Officer(s) who are Party to the Case may, based on the facts as established, decide not to pursue the Case any further.

- a) The Prosecution must submit a Motion to the Attorney General or Judge, or state clearly in Court, that Case is to be Terminated on these Grounds.
- b) The Court may consider the Grounds as well as the arguments presented and uphold or deny the Motion.

#### **7.4 Insufficient Grounds for the Termination of a Case.**

**7.4.1 On Grounds of a Plea of Insanity.** Under the Laws of the State there is no insanity clause, or other mental defect, that will prevent prosecution for a crime committed.

- a) A Plea of Insanity may diminish, but not remove, the Defendant's responsibility and thus mitigate part of the sentencing at the discretion of a Judge so long as clear evidence as to the Defendant's mental state is available as evidence prior to having committed the violation of the law.
  - i) If such evidence is available, a Judge may issue an Order of Action, requiring the Defendant to undergo further assessments with Emergency Medical Services (EMS) if such services are available.

**7.4.2 On Grounds of a Mistake in Law.** Within the State of San Andreas, the legal system embraces the idea that ignorance of the law is no excuse for violating that law.

- a) A Suspect that is unaware of the legality of their actions may not use this as Grounds for Termination of a Case File but may use it as a limited Defence against the Charge(s).
- b) A Mistake in Law may be used as Grounds for Commutation only if all three provisions apply:
  - i) If the law is particularly obscure.
  - ii) If the actions taken by the Defendant were reasonable given the circumstances and evidence.
  - iii) If the Suspect cooperates with Law Enforcement Officers and/or the Court.

**7.4.3 On Grounds of a Technicality in Law.** The Principles of both Law and Justice must be applied during a Case and small errors in the procedure or proceedings should not be a point of unnecessary argument.

- a) Minor flaws in a Case File, Procedures or Documentation of the Case cannot be used as Grounds for Termination if those flaws are not significant or material to the Case.
- b) Where required an Objection may be raised by a Lawyer and a Judge shall make a decision as to whether the Technicality in Law is material to the Case.
- c) Where the evidence is valid and the Court determines that the proceedings or procedure are at fault, the Judge shall declare a Mistrial and all issues with the submissions to the Court must be corrected and resubmitted.

### **Article 8. Trial Procedures and Sessions of the Court**

#### **8.1 Court Officials.**

**8.1.1 The Judge of the Court.** The Judge for the Legal Proceedings and/or Court Trial. The Presiding Judge of the Court commands full authority over the proceedings and all orders given by the Judge must be respected and complied with.

**8.1.2 The Clerk of the Court.** The Clerk of the Court (if required) is an appointed member of the Government (GOV) or the Department of Justice (DOJ) who has been appointed to the role of Clerk by the Attorney General or the Presiding Judge.

- a) The Clerk of the Court is responsible for the Court Records and for the documentation of the Trial Proceedings.

**8.1.3 The Bailiff(s) of the Court.** A Bailiff of the Court (if required) is an appointed member of the Government (GOV), Department of Justice (DOJ) or a Law Enforcement Officer (FIB/LSPD/SAHP) who has been appointed to the role of Bailiff by the Presiding Judge or Chief Justice.

- a) It is the duty of the Bailiff(s) to ensure that the Court Trial is conducted in an orderly manner and provide security to the Courtroom and the Parties to the Trial Proceedings.
- b) If present and ordered to by a Judge, a Bailiff shall travel with Law Enforcement Officers to ensure that the Verdict of the Judge is completed.

#### **8.2 The Prosecution.**

**8.2.1** The Prosecution represents the State in a Criminal Trial and will attempt to prove through testimony and evidence that the Defendant committed the crimes of which they are accused.

#### **8.2.2 The Prosecution in a Case or Trial may consist of:**

- a) The Attorney General if acting as the Chief Prosecutor of the State.
- b) Law Enforcement Officers who were Party to the Arrest acting as witnesses and/or presenting evidence for the Charges.
- c) A Lawyer for a State Organisation (FIB/LSPD/SAHP) acting as a Prosecutor.
- d) A Lawyer for the Department of Justice (DOJ) acting as a State Prosecutor.

#### **8.3 The Defence.**

**8.3.1** The Defence represents the Defendant or Accused in a Court Trial and will present arguments against the Charges or Claims through testimony and presentation of Evidence.

- a) The Defence is not required, by the Principle of Innocence and the Principle of the Burden of Proof, to prove that Defendant or Accused is innocent of the crimes but must still prove any Claims they make to the Court.

#### **8.3.2 The Defence in a Case or Trial may consist of:**

- a) The Defendant, also referred to as the Accused.
- b) The Attorney General if acting as the Chief Attorney of the State.
- c) A Lawyer from the Department of Justice (DOJ) acting as a Defence Attorney.
- d) A Lawyer from the State or Private Organisation of the Defendant acting as a Defence Attorney.
- e) A Private Lawyer acting as a Defence Attorney if Contracted by the Defendant.

#### **8.4 Additional Parties to the Trial.**

##### **8.4.1 Additional Parties to the Court Trial may include:**

- a) Witnesses who will present testimony or evidence on behalf of the Prosecution or the Defence.
- b) State Employees or Experts that may provide testimony as to the circumstances of the crime or the Claims as well as additional information required to support any submissions or evidence to the Court.
  - i) This testimony may be provided in Court or may be submitted as part of a written Deposition to the Court in the event that they cannot attend the Court Trial.

#### **8.5 Plea Deals and Cooperation with the Trial Proceedings.**

**8.5.1** The Accused may, based on advice from their Lawyer, voluntarily confess to the violation of the law during the Arraignment and plead Guilty to the Charges against them and enter a Plea Deal with the Court.

**8.5.2** If the Accused has fully cooperated with the Investigation, Law Enforcement Officers and the Court, the Prosecution and the Judge may agree with the Plea Deal.

- a) The Court may impose or negotiate any reasonable and lawful conditions on the Accused as part of a Plea Deal.

**8.5.3** In exchange for their full cooperation, as well as any of the above conditions, the Court may apply the Principle of Commutation to the Accused and reduce the Sentence, Fines and/or Penalties.

#### **8.6 Adjournment or Recess of the Court Trial.**

**8.6.1** The Judge may, at any time in the proceedings, call for a Recess in order to meet with the Prosecution and/or Defence in private.

**8.6.2** The Judge may, if necessary, call for an Adjournment and halt the Proceedings on the following Grounds:

- a) **On Grounds of a Party Absent to Proceedings.** The Judge must halt the Court Trial in the event that a necessary Party to the Trial is absent or must leave the Court through circumstances outside of their control and this prevents the Court Trial from proceeding.
- b) **On Grounds of a Necessary Delay in Proceedings.** The Judge must halt the Court Trial where there is a delay or interruption in the proceedings that prevent the Court Trial from being conducted in an orderly manner.

- c) **On Grounds of a Reschedule of Proceedings.** The Judge may, if necessary and by the consent of all Parties to the Trial, call for the Proceedings to be rescheduled.
  - i) A Reschedule cannot be invoked where it shall result in the expiry of any evidence that is material to the Trial unless it is agreed by all Parties that such evidence shall remain valid until the conclusion of the Trial.

#### **8.7 Declaration or Motion for a Mistrial.**

**8.7.1** Where a Trial has been rendered invalid due to a material error in the proceedings but not the evidence or facts of a Case or Court Trial, a Lawyer for the Prosecution or the Defence may request a Motion for a Mistrial.

- a) A Mistrial is not subject to the provisions for Double Jeopardy and a Trial may be conducted again once any material issues have been resolved.

#### **8.8 Trial In Absentia.**

**8.8.1** Where the Suspect is unable to be present, or has not yet been apprehended, a Court Trial may proceed *in absentia* (without their presence).

**8.8.2** A Trial In Absentia shall follow the procedures for a Court Trial and the Accused shall be regarded as having entered a Plea of Not Guilty on all Charges.

**8.8.3** If the Accused is found Guilty on some, or all Charges, a Warrant for their Arrest shall be issued by the Attorney General or the Presiding Judge.

## **Procedures for a Court Trial**

### **STAGE 1: Declaration.**

1. The Judge shall state the Rules of Conduct and Procedures of the Court and ensure that all Parties to the Trial understand and agree to comply with the Rules of the Court.
2. The Judge shall declare that the Court is In Session and that all Rules of the Court are now in effect.
3. The Judge shall declare that all Testimony and Evidence is given under Oath and that the Accused retains their Right to Remain Silent unless they wish to present testimony in their Defence.

### **STAGE 2: Presentation of Charges.**

1. The Prosecution shall state the Name (and if required the State Organisation) of the Accused and all Charges against the Accused.
2. Where clarification is needed, the Judge shall request or make such clarifications as to the Penal Codes and Definitions of those Penal Codes that have been stated.

### **STAGE 3: Arraignment.**

1. The Judge will read each of the Charges to the Accused.
2. After each Charge the Judge must ask the Accused to enter a Plea of Guilty or Not Guilty.
3. The Defendant must state clearly whether they plead Guilty or Not Guilty on each Charge.
  - i) Where the Defendant does not enter a Plea, it shall be taken to be a Plea of Not Guilty.
4. If the Accused pleads Guilty to all Charges, the Court proceedings are terminated and the Accused may be immediately Arrested and Processed on the Charges.
5. If the Accused pleads Guilty to some Charges, the Court will note their Plea and no evidence of that Charge will be required to be presented.
  - i) The Charges may still be dropped if there is clear evidence of a Major Violation of Procedure during the Detention and/or Arrest.
6. If the Accused pleads Not Guilty to some Charges then the Trial Stage for those Charges will follow.

**STAGE 5: Representation by the Prosecution:**

1. The Prosecution will make their opening statements and present their Case to the Judge, including:
  - a) Any and all valid evidence for the Charges as presented to the Court.
  - b) Arguments in Law that have been identified
  - c) Citations of the relevant law for the Judge's considerations

**STAGE 6: Representation by the Defence.**

1. The Defence will make their opening statements and present their Case to the Judge, including:
  - a) Any and all evidence for their Client's Defence.
  - b) Any Objections to the evidence presented by the Prosecution.
  - c) Any Arguments in Law against the Arguments submitted by the Prosecution.
  - d) Citations of the relevant law for the Judge's considerations.

**STAGE 7. Closing Arguments.**

1. The Prosecution will then be called upon by the Judge to make their closing arguments, statements and any rebuttal of the evidence and arguments presented by the Defence.
2. The Defense will then be called upon by the Judge to make their closing arguments, statements and any rebuttal of the evidence and arguments presented by the Prosecution.

**STAGE 8. Deliberation.**

1. The Judge shall then consider the arguments, testimony and evidence presented to the Court and shall reach a decision as to each of the Charges.
2. The Judge may during their Deliberations, call for a Recess in order to meet with the Prosecution and/or Defence in private.

**STAGE 9. Verdict.**

1. The Judge shall, based on their Deliberations, read the Verdict on each Charge.
2. If the Verdict declares the Accused to be Not Guilty of all Charges, they shall be Released at the conclusion of the Court Proceedings.
3. If the Verdict declares the Accused to be Guilty of some, or all Charges, they shall be Arrested for those Charges at the conclusion of the Court Proceedings.
4. The Judge shall then read the duration of Imprisonment, Fines and any additional Penalties according to their Verdict.

## **Article 10. Legal Documentation**

**10.1 Rules and Principles for Legal Documentation.**

**10.1.1** All Legal Documents and submissions to the Court for further action based on a Case File or on the direct presentation of evidence should be completed by the submitting Lawyer.

**10.1.2** All Legal Documents for a Verdict as well as any Orders, Warrants or Judicial Rulings following from this Verdict must be completed by the Judge.

**10.2 Case File (CF).**

**10.2.1** A Case File is a Legal Document, in the format required by the Department of Justice (DOJ), and submitted to the Attorney General or a Judge of the Court for evaluation and further action including, but not limited to the issuing of Warrants, Orders or Subpoenas.

**10.2.2** A Case File must be opened and Registered within 48-hours of the time of the violation of the law, or the violation of a Citizen's Rights, as per the Statute of Limitations.

- a) In order for a Case File to be considered open and valid, the Case File Number must be registered with either:
  - i) The Attorney General.

- ii) A Judge of the State.
- iii) On the Lawyers Personal Records with the Department of Justice (DOJ).
- b) The Proof of Registration must be posted on the Department of Justice (DOJ) Records and included within the Case File.
- c) Under the Burden of Proof, sufficient evidence must be provided which, *prima facie*, must justify the opening of the Case File and any petition to the Court for further Legal Documentation to be issued.

**10.2.3** A Case File may be amended based on further evidence gained through investigation or the submission of evidence following a Subpoena.

- a) Further actions or documentation based on this additional evidence may also be granted.
- b) Any amended Case File must note what has been amended after initial submission.
- c) Once a Case File is finalised and submitted to the Court it must be signed by the submitting Lawyer and a Judge.
  - i) No further amendments may be made following this Final Submission to the Court.

### **10.3 Case File for a Raid Warrant (RW).**

**10.3.1** A Case File for a Raid Warrant is a special-purpose Case File by a Law Enforcement Agency (FIB/LSPD/SAHP) in order to grant permission to conduct a Raid on the territory of a Gang or the known residence of a Family.

**10.3.2** The Case File for a Raid Warrant may only be approved and signed by the following State Officials on application to the Government:

- a) The Governor.
- b) The Deputy Governor(s).
- c) The Attorney General.

**10.3.3** In the absence of a working Government, the approval of the above State Officials cannot be granted and the Raid Warrant may instead be signed by the Director of the Federal Investigation Bureau (FIB).

**10.3.4** A Case File for a Raid Warrant must be submitted for further authorisation and approval before the Raid may be conducted.

### **10.4 Order of Action (OA).**

**10.4.1** A Order of Action is issued by the Court on the evidence presented in a Case File and mandates a course of action(s) that must be undertaken by the Party or Parties named therein.

- a) These actions must be lawful and must not incur any unnecessary or unlawful financial loss to a Party to the Order unless the Order is granted to address a previous loss to one or more of the Parties to the Order.

**10.4.2** The Order shall be signed by the submitting Lawyer and the Attorney General or a Judge and shall contain:

- a) The Citizen(s) that are Party to the Order.
- b) The Action that is to be required to be undertaken by the Party to the Order.
- c) It shall command that the Defendant be Arrested if found in Breach of the Order.

### **10.5 Order of Cease and Desist (OCD).**

**10.5.1** A Order of Cease and Desist is issued by the Court on the evidence presented in a Case File and the reasonable assumption that a violation (or continued violation) of the Rights of a Citizen of the State may occur or may continue to occur.

**10.5.2** The Order shall be signed by the submitting Lawyer and the Attorney General or a Judge and shall contain:

- a) The Citizen(s) that are Party to the Order.
- b) The action that is to be prohibited or restrained.
- c) It shall command that the Defendant be Arrested if found in Breach of the Order.



### **10.6 Order of Restraint (Restraining Order)(OR)**

**10.6.1** A Order of Restraint is issued by the Court on the evidence presented in a Case File and/or as a punitive measure or in addition to a criminal conviction where the target of the Order is prohibited from contacting via phone, meeting with or being in the proximity of the Party named within the Order.

**10.6.2** The Order shall be signed by the submitting Lawyer and the Attorney General or a Judge and shall contain:

- a) The Citizen(s) that are Party to the Order.
- b) It shall describe the prohibited actions by the Offending Party.
- c) It shall indicate the punitive measures that shall be taken if found in violation of the Order.
- d) It may command that the offending party be arrested if they are found in violation of the Order.

**10.6.3** A Order of Restraint cannot be upheld, or have force of law if the Plaintiff willingly makes contact with, or voluntarily approaches, the Offending Party.

### **10.7 Order of Temporary Legal Immunity (OTLI).**

**10.7.1** A Order of Legal Immunity is issued by the Attorney General or a Judge of the Court on application by the Governor, for a Citizen to temporarily be granted the status of either Legal Immunity or Partial Legal Immunity.

**10.7.2** The Order shall be signed by the Governor and the Attorney General or a Judge and shall contain:

- a) It shall contain the Passport and Name of the Citizen that is covered by the Legal Immunity,
- b) It shall contain the form of Legal Immunity
- c) It shall contain the Date and Time of when the Order comes into effect.
- d) It shall contain the duration of the Legal Immunity.

**10.7.3** Restrictions to the issue of an Order of Temporary Legal Immunity:

- a) An Order of Legal Immunity cannot be issued on an Citizen of the State who is currently under criminal investigation, has a criminal record, or any pending Warrants of Arrest or any Wanted Status.
- b) An Order of Legal Immunity shall only be valid for a set duration from the time of issue to a maximum of 7-days.
- c) An Order of Legal Immunity once issued for an individual, cannot be re-issued or otherwise extended without a further application and approval from the Attorney General or a Judge.

### **10.8 Subpoena for Court Appearance (SA)**

**10.8.1** A Subpoena for Appearance is issued by the Attorney General or a Judge of the Court on the evidence presented in a Case File and is a legal notice for the Citizen named within the Subpoena to present themselves before the Court.

- a) If the person named within the Subpoena provides good or reasonable cause as to why they cannot comply with the Subpoena before the date and time, a new Subpoena of Appearance shall, at the Courts discretion, be issued.

**10.8.2** The Subpoena shall be signed by the submitting Lawyer and the Attorney General or a Judge and shall contain:

- a) The Citizen(s) that are Party to the Subpoena.
- b) It shall indicate the Date and Time when the Citizen shall appear before the Court.
- e) It shall indicate the reason(s) why the presence of the Citizen is required and any preparation that may be required for their Court Appearance.
- f) It shall indicate that the Citizen has the Right to a Lawyer if it is necessary.
- g) It shall instruct the Citizen that failure to comply without good or reasonable cause shall result in a Warrant of Arrest being issued against the person named on the Charge of Contempt of Court.

### **10.9 Subpoena for Information (SI)**

**10.9.1** A Subpoena for Information is issued by the Judge on the evidence presented in a Case File or preliminary presentation of evidence to the Court and is a legal demand for additional information or evidence when assessing or forming a case file to help establish further facts that have a material bearing on a Case File and/or the Charges therein.

**10.9.2** The Subpoena shall be signed by the submitting Lawyer and the Attorney General or a Judge and shall contain:

- a) The Citizen(s) that are Party to the Subpoena.
- b) It shall contain clear details of the information and/or evidence that is to be provided to the Court.
- c) It shall indicate the Grounds on which the information and/or evidence is to be provided to the Court.

**10.9.3** If the information requested is not available, or cannot reasonably be obtained, then the Court should be informed of this fact, and evidence provided as to the cause for the information not being available.

**10.9.4** If the information cannot reasonably be provided, where such information must, by law, be available upon request (for example a law enforcement officers bodycam or evidence for an arrest), liability and fault shall be determined by the Court and further legal action may be taken.

**10.9.5** Failure to comply with a Subpoena for Information without reasonable cause, shall, at the judges discretion, result in a Warrant of Arrest being issued against the person named on the Charge of Contempt of Court.

### **10.10 Warrant of Arrest (WA).**

**10.10.1** A Warrant of Arrest is issued by the Attorney General or a Judge on the evidence presented in a Case File or directly in Court and is issued against a Suspect who has been found Guilty by the Court on the evidence presented.

**10.10.2** A Direct Warrant of Arrest (DWA) is issued by the Attorney General or a Judge on the evidence presented directly to the Judge by a Law Enforcement Officer in Court without a Case File.

- a) The evidence for the Direct Warrant of Arrest, and the Proof of Validity of that evidence must be included in the Warrant.
- b) In order for a Direct Warrant of Arrest to be issued, the evidence must prove guilt of the Suspect according to the standards of Beyond a Reasonable Doubt.

**10.10.3** The Warrant of Arrest shall be signed by the submitting Law Enforcement Officer or Lawyer and the Attorney General or a Judge and shall contain:

- a) The Name of the Citizen who is Wanted by the State.
- b) It shall command that the Citizen be Arrested.
- c) It shall describe the Charges against the Citizen.
- d) It shall indicate the total prison term, fines and any additional punishments that shall apply (revocation of licences etc).
- e) It shall include the Evidence for the Charges.

**10.10.4** Any Warrant of Arrest will stay active until it is executed by a Law Enforcement Officer.

**10.10.5** A Warrant of Arrest may be executed at any time or place within the State.

- i) Authorisation to enter Fort Zancudo (FZ) to execute a Warrant of Arrest must be granted before the Warrant can be enforced.

### **10.11 Warrant of Search (WS).**

**10.11.1** A Warrant of Search is issued on the evidence presented in a Case File or directly to the Court and is issued against a Suspect where there is clear grounds for further investigation through the Search of the Suspect, their place of residence (House or Apartment) or a vehicle.

**10.11.2** If a Warrant of Search is issued on a Suspect, then that Warrant of their person or property will stay valid for 48-hours or until enforced.

shall be signed by the submitting Law Enforcement Officer or Lawyer and the Attorney General or a Judge and shall contain:

**10.11.3** The Warrant of Arrest shall be signed by the submitting Law Enforcement Officer or Lawyer and the Attorney General or a Judge and shall contain:

- a) The Name of the Suspect
- b) The Property Number to be Searched
- c) It shall include the evidence that justifies the Search.
- d) It shall include the Date and Time when the Warrant is issued and when the Warrant shall expire.

**10.12 Order of Seizure/Confiscation of Property (OCP).**

**10.12.1** A Warrant of Seizure is issued on the evidence presented in a Case File or directly to the Court authorising the attachment or confiscation of Property (businesses, houses, vehicles) in the event that the individual named in the Warrant of Seizure does not comply with an Order to pay a penalty, fines or damages as Ordered by the Court during a Verdict.

**10.12.2** The Warrant shall be signed by the Attorney General or a Judge and shall contain:

- a) The Party to the Order (known as the Defaulter)
- b) On what Grounds the Property is to be Seized.
- c) The Value of Property to be seized.
  - i) The Value of Property is assessed only at the Government Value of the Property and only Property up to the total value is to be Seized.
  - ii) Property that does not have a quantifiable or objective Value (clothing/accessories) cannot be considered for Seizure.

**10.12.3** If the Defaulter is able to settle the debt immediately, then no Seizure of Property shall be required as long as valid evidence of the Settlement can be provided.

## **Article 11. Parole Proceedings and Bail.**

**11.1 Definition of Parole Proceedings and Bail.**

**11.1.1** Parole is the legal process by which a Prisoner may be released early while serving time at the Department of Corrections (DOC).

**11.1.2** Bail, or Bailing Out, is the offering of this early release to a Prisoner by a Lawyer.

- a) All Documentation for Parole and Bail Proceedings must be filed with the Department of Justice (DOJ) Parole Board Records before Bail is offered to a Prisoner.

**11.1.3** If there are any doubts as to the eligibility of the Prisoner for Bail, or the Grounds for Bail, it must be Denied and may not be offered.

**11.1.4** If a Prisoner is released on Bail without the necessary Documentation, or is released on Bail on Grounds where Bail should have been denied, the Department of Justice (DOJ) may investigate the circumstances.

- a) The Burden of Proof that the Parole Proceedings and Bail were lawful, lies with the Lawyer who offered Bail to the Prisoner.

**11.2 Grounds for Immediate Parole Proceedings and Bail.**

**11.2.1** A Judge or Lawyer from the Department of Justice (DOJ) or a Lawyer for a State Organisation may offer Bail to a Prisoner immediately and without time restriction on the following Grounds:

- a) **On Grounds of Unjust Imprisonment.** Bail may be offered to a Prisoner if the Law Enforcement Officer(s) committed a Major Violation during the Detention, Arrest and/or Processing and valid evidence can be provided of this.
- b) **On Grounds of Accidental Imprisonment.** Bail may be offered to a Prisoner if they were accidentally jailed due to circumstances outside of their control and valid reasons (such as training accident) and evidence can be provided of the incident.

**11.2.2** The Lawyer may not charge a fee for the Parole Proceedings on these Grounds.

### **11.3 Grounds for Conditional Parole Proceedings and Bail.**

**11.3.1** A Lawyer may offer Bail to a Prisoner under the following conditions and on the following Grounds for Bail:

- a) **On Grounds of Prisoner Rehabilitation.** Bail may be offered to a Prisoner on the condition that they will comply with the Conditions of Rehabilitation.
  - i) The Prisoner must comply with any Rehabilitation Program requirements that have been set out by the Department of Justice (DOJ).
  - ii) The Lawyer must ensure that the Prisoner has a Clean Criminal Record on the PDA before offering Bail.
- b) **On Grounds of Good Behaviour.** Bail may be offered to a Prisoner who has cooperated with Law Enforcement and Department of Corrections (DOC) Officers during their Arrest and time served in the Prison.
  - i) **For three (3) or fewer prior Prison Terms:** Bail may be offered with less than 45-months remaining on the Prisoner's Sentence.
  - ii) **For four(4) to six (6) prior Prison Terms:** Bail may be offered with less than 30-months remaining on the Prisoner's Sentence.
  - iii) **For more than six (6) prior Prison Terms:** Bail may not under any circumstances be offered to a Prisoner (see Section 11.4).

**11.3.2** All Documentation for Bail must be filed with the Department of Justice (DOJ) Records before Bail is offered to a Prisoner on these Grounds.

- a) A Private Lawyer must liaise with Law Enforcement Officers or the Department of Justice (DOJ) or Department of Corrections (DOC) to obtain the necessary evidence before Bail is offered.

### **11.4 Grounds for Denying Parole Proceedings and Bail:**

**11.4.1** A Lawyer may not under any circumstances offer Bail to a prisoner if any one or more of the following conditions apply:

- a) **On Grounds of a Habitual Criminal.** Bail may not be offered under any circumstances if the Prisoner has more than six(6) prior Prison Terms.
- b) **On Grounds of Capital Offender.** Bail may not be offered if the Charges include a Penal Code that expressly denies the Right to Bail unless there are Grounds for Immediate Bail.
- c) **On Grounds of a Court Verdict.** Bail may not be offered under any circumstances if the Prisoner was sentenced by a Judge and the Verdict denies the Right to Bail.
- d) **On Grounds of a Correctional Violation.** Bail may not be offered to a Prisoner who has been sent to the Isolation Unit of the Department of Corrections (DOC) for violations while in Prison.

**11.4.2** A Lawyer who offers Bail for any of the above shall, following an investigation, have their Lawyers Licence revoked or rendered invalid and be Blacklisted from holding a Lawyers Licence.

## Credit and Copyright

This work, and the others in this series of legislative enhancement are produced and promulgated in the interests of justice and the promotion of the legal rights of all citizens of the State of San Andreas.

All Articles of this Code of Lawyers and Judicial Law first reviewed and amended by Poppy Lasombra, Attorney General of the State of San Andreas with assistance and advice from the Honourable Justices of the State, Fred Fredrickson and David Winters, with work completed in the 1st Month of 2023.

Originally derived from work laid out by the Whitewind Law Office, Lane Stevens, and Ni Bjeebies from another city with a great history.

### Signed into Legislation By

*Poppy Lasombra*

Attorney General of the State of San Andreas

*David Winters*

Supreme Court Judge of the State of San Andreas

*Masta Killa*

Governor of the State of San Andreas

# Version History and Changes

## First Edition. Published on the 31st of January 2023.

First Edition formally changed the Lawyers Code to the Code of Lawyers and Judicial Law (Lawyers Code). Changes to the format to match updated State Law. All identified gaps in the legal system were addressed where possible as part of this major update.

**29/11/2022 Article 1.1 and Article 1.2** Standard requirements and preamble for all Codes of Law and their purpose added. Clarification as to the authority of the Supreme Court to make Judicial Rulings to clarify the law further where needed.

**21/12/2022 Article 1.3** Added the Principle of Discovery to the Lawyers Code. This must be followed ((RoS 2.5)) but was not formalised in Law leading to one-sided Cases and no setup for Court Trials.

**21/12/2022 Article 1.4** Added the Principle of Dual Authority to prevent abuse of Leadership and Judicial powers within the legal system. This only applies to Signing of Documents and Court Trials

**14/08/2022 Article 1.7** Added the Principle of Recusal to the Lawyers Code. This was being used as customary law by the DOJ but needed to be formally clarified in law as it was being misused and misunderstood.

**22/12/2022 Article 1.8** Added the Principle of Self-Representation as an extension of the Principle of Discovery. A Lawyer can check and argue the evidence against themselves as the Suspect and a Lawyer ((RoS 2.5)).

**21/12/2022 Article 2.** Clarified the Principles and Definitions used in the Lawyers Code where necessary. Including Definitions for Client, Lawyer, Judge and the forms of Legal Services.

**30/01/2023 Article 2.3** Clarified the Compensation Provisions for Lawyers for clarity following the Lawyers and Judges proof-reading of the Code.

**23/12/2022 Article 2.6** Added Special Legal Services to the Law including Trial Law and Bail. It is recommended that Lawyers need training and/or experience to work as Trial Lawyers (Advocates) and this will be done through mock trials.

**20/12/2022 Article 3.3** Added Government Lawyer to Type of Lawyers. The status of Lawyers in Government but not part of DOJ has been an issue previously as they do not have DOJ privileges. This avoids the problem of the Governor holding a Lawyers Licence and having DOJ authority at the same time.

**11/01/2023 Article 5** Court Structure, Rights and Powers of Judges (Article 11 of the Civil Code) moved to the Lawyers Code as it is only for use by Lawyers and Judges. The distinction between the Supreme Court and the Lower Courts is unnecessary in our State and the Supreme Court only needs the participation of the Attorney General and one or more Judges.

**15/01/2023 Article Clarification 5.2.4 c)** The Lower Courts cannot make Judicial Rulings but may submit matters that need a Ruling by the Supreme Court.

**10/01/2022 Article 5.4** Added Provisions for Lawyers Changing Name on Lawyers Licence. This was customary law for the DOJ but needed to be formalised to help keep up the numbers of qualified

Lawyers. Previously it stated changing “personal details” which strictly meant that a lawyer lost their licence if they changed phone numbers. This was unreasonable and invalid.

**10/01/2022 Article 5.5** Added Provisions for Lawyers Changing Type of Lawyers Licence. This was customary law for the DOJ but needed to be formalised to help keep up the numbers of qualified Lawyers.

**11/01/2023 Article 7.** Pre-Trial Hearings and Termination of a Case (Article 8 of the Civil) moved to the Lawyers Code as it is only for use by Lawyers and Judges in Pre-Trial Hearings. Release of a Suspect remains in the Civil Code as part of Procedures for Law Enforcement Officers.

**12/01/2023 Article 7.1** Added Arbitration and Settlement Agreements as a Pre-Trial Proceeding to prevent unnecessary Civil Claims and Labour Law Cases.

**10/01/2023 7.3.4 On Grounds of Expired Evidence.** Clarified the fact that the evidence on a Warrant (which does not expire) also does not expire

**10/01/2023 Article 7.4.3** Added On Grounds of a Technicality in Law to prevent arbitrary reasons for Termination of a Case if the reasons are not important or material.

**12/01/2023 Article 10.0** Legal Documentation (Article 10 of Civil Code) moved to the Lawyers Code as it is generally only for use by Lawyers and Judges. This in addition reduces the length of the Civil Code for future revisions.

**31/01/2023 Article 10.** Legal Documentation further clarified as to requirements in a clearer format. Where additional requirements have been identified these have been added.

**12/01/2023 Article 10.2** Added definitions and provisions for Case Files and Raid Warrant Case Files to the law to clarify who can approve of these documents. This did not exist before.

**Article 10.13 Order of Foreclosure.** Clarifications made to the documentation for the sealing of a business

**10/01/2023 Article 9. Trial Procedures.** Added Full Procedures and Guidelines for Court Trials. No such guidelines existed.

Added Definitions to the Parties to a Trial. No such definitions existed.

Added Plea Deals to Trials and/or Pre-Trial Hearings. No such definitions existed.

**19/01/2023 Article 8.7** Added the provision for Mistrial on the request of SCJ Fred Fredrickson. A Mistrial is

**31/01/2023 Article 8.8** Added the provision for a Trial In Absentia to replace some instances of an application for a Warrant and/or when the Accused cannot attend the Trial.

**21/01/2023 Article 11.** Added full Procedures and Guidelines for Bail. Documentation must be completed and submitted before Bail to prevent abuse of Lawyers Licences. Bail must be strongly regulated as this has caused problems with abuse of Lawyers Licence and there is no other way to control Bail presently.

Added Grounds for Bail and simplified Bail Categories.

Added Grounds for Immediate Bail without limitations.

Added Grounds for Denying Bail.

**19/02/2023 Article 10.13** Order of Foreclosure for Businesses removed as this will be part of the Procedures for the Sealing of a Business.

THIS IS THE EDITORS COPY. ALL COLOURS ARE PRESENT ONLY FOR CLARITY AS TO CHANGES AND AMENDMENTS.

Yellow - Existing Law that has been changed.

Blue - Law that has been enhanced with necessary Clarifications.

Green - New Law that has been identified as necessary through the work of the DOJ