

this order. However, proof that this Court lacks jurisdiction for mootness is not an issue that Bilbao can readily amend.

Under III S.G.C. § 401 (2008) and the Student Constitution, this Court is limited to rendering decisions in live controversies and lacks jurisdiction in cases where there is no live controversy. In deciding whether a live controversy exists, this Court considers whether its decision will have a meaningful effect upon the interests of the parties.

In the instant case, Bilbao was disqualified after placing his defeat at the polls. His status as a disqualified candidate has not had a meaningful impact on his rights, privileges, and interests under the Student Code. Although Bilbao's counsel argues that Bilbao has suffered a reputational harm, public praise or criticism for one's actions are an inherent part of serving in the Student Government on this campus.¹ This Court is unwilling to recognize a reputational interest under the Student Code. Accordingly, we must grant the defendants' motion to dismiss for lack of jurisdiction.

In issuing this order, we note that in the event that Bilbao's disqualification would cause him a cognizable harm, such as a decision to bar him from a Student Government position because of the disqualification, this Court would have jurisdiction to hear a new complaint on the merits of the Board's action in rendering the disqualification decision.

III. ORDER

1. Defendants' motion to dismiss is granted.
2. Bilbao may file a new complaint challenging 08-BE-29 and or 08-BE-30 by noon on Friday, February 27, 2009.
3. Should Bilbao file a new complaint, defendants must file an answer to the complaint by noon on Monday, March 2, 2009.

For the foregoing reasons, the defendant's motion to dismiss is GRANTED.

Done this 26th day of February, 2009, at 1:30 a.m.

/s/Emma J. Hodson
Emma J. Hodson, C.J.
for the Court

¹ When asked how the Court could limit a reputational harm, Bilbao's counsel argued that we should look to whether the person raising the harm had his rights the process guaranteed by the Student Code violated. III S.G.C. § 104(D) defines jurisdiction as "the legal power of the court to hear and decide an action." Logically, this Court would first need to decide whether it had jurisdiction over a case before it decided the legal matter. To do otherwise, would mean that the court's decision was invalid as it lacked the legal power to make the decision. Thus, Counsel's argument puts the cart before the horse. The Court cannot decide the legal question of whether one's right to process under the Code if it has decided that it lacks jurisdiction to hear a case.