



**ADRIAN EMPIRE**  
**IMPERIAL ESTATES WRIT #2**  
**CODEX ADJUDICATA**

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## **I. PREFACE**

The Codex Adjudicata is a manual for the conduct of Civil Courts and Courts of Justice in the Adrian Empire.

## **II. DUTIES**

### **A. CHANCELLOR (IMPERIAL)**

1. Civil Duties
  - a. Advise the Imperial Crown in the drafting of Imperial Crown writs.
  - b. Review Imperial Crown writs for conflict with existing Imperial Crown writs and Imperial bylaws.
  - c. Review Chapter codicils and writs for conflict with Imperial law.
  - d. Conduct hearings of writ if a member challenges Imperial Crown or Crown writ.
  - e. Draft model laws for the Imperial Crown, Crowns, and Royal Peers upon request.
2. Parliamentary Duties
  - a. Act as chairman of the Imperial Estates.
  - b. Execute Imperial Estate writs on behalf of the Imperial Estates.
  - c. Assist the Imperial Estates in drafting law.
  - d. Advise the Imperial Estates of potential conflict between the Imperial bylaws and proposed Imperial Estate writs or law.

### **B. CHANCELLOR (CHAPTER)**

1. Civil Duties
  - a. Advise the local Crown in the drafting of local Crown writs.
  - b. Submit Chapter codicils and writs to Imperial Chancery for review and recording.
2. Parliamentary Duties
  - a. Act as chairman of the local Estates.
  - b. Execute local Estate writs on behalf of the local Estates.
  - c. Assist the local Estates in drafting local law.
  - d. Advise the local Estates of potential conflict between the Imperial bylaws and proposed local Estate writs or law.

### **C. MINISTER OF JUSTICE (IMPERIAL)**

1. Draft charges of violation of law on behalf of the Imperial Crown.
2. Act as prosecutor if the Imperial Crown is the complainant.
3. Determine if the Statute of Limitations applies.
4. Organize the Imperial court and assist the Imperial Crown in its conduct if a member other than the Imperial Crown is the complainant.
5. Advise accused members of their rights.
6. Assist Chapters in conducting courts.

### **D. MINISTER OF JUSTICE (CHAPTER)**

1. Draft charges of violation of law on behalf of the local Crown.
2. Act as prosecutor if the local Crown is the complainant.

3. Determine if the Statute of Limitations applies.
4. Organize the local court and assist the local Crown in its conduct if a member other than the local Crown is the complainant.
5. Advise accused members of their rights.

#### **E. MAGISTRATE**

The Crown may appoint himself, the Minister of Justice, or another to serve as Magistrate. The Magistrate shall:

1. Insure that no members of the Court are material witnesses or exhibit improper bias
2. Conduct the Court
3. Rule on all points of law
4. Not vote on the outcome

### **III. CIVIL COURTS**

#### **A. CALLING A CIVIL COURT**

1. A member may call for a civil court to resolve his own qualifications for Knighthood.
2. Any member may call for a civil court to clarify, extrapolate, or expand a ruling of law, unless the Chancellor determines that no significant question of law has been raised.

#### **B. RIGHT OF APPEAL**

1. A determination made by a Civil Court may be appealed by:
  - a. Any member who would be directly affected by the ruling
  - b. The Crown
2. The chain of appeal shall be as follows:
  - a. Local Civil Court
  - b. Imperial Civil Court
  - c. Imperial Estates

An appeal is filed by in writing to the Imperial Chancellor, who shall determine if a significant question of law exists. (The Imperial Chancellors determination may be appealed in writing to the Imperial Crown.) If there is a significant question of law, the Imperial Crown shall convene an Imperial Civil court.

An appeal of an Imperial Civil Court ruling is made in writing to the Imperial Crown, who shall direct the Imperial Chancellor to place the item on the agenda for the next-scheduled meeting of the Imperial Estates.

*(Historical Note: Civil Courts were called "Article XVI" courts, after the early bylaw provision that created them.)*

#### **C. RULES FOR CONVENING A CIVIL COURT**

1. The request must be in writing and presented to (The party receiving the petition shall become the Presiding Justice of the court.) either:
  - a. The Crown
  - b. A landed Royal Peer
  - c. The Chancellor or Minister of Justice

2. The request must clearly state the rule of law to be evaluated, and the reason for the evaluation.
3. The Presiding Justice must determine that the petition represents a legitimate point of ambiguity, and is not an attempt to interfere with the Royal right to create Crown Writ. The Presiding Justice may consider, among other things, whether or not the dispute involves a clear or ambiguous by-law provision, his own knowledge of Case Law and custom, as well as his own common sense. If the Presiding Justice rules the petition invalid, the complaining party may appeal to a single higher authority. Only one such appeal may be made.
4. The Presiding Justice must determine if he will hold an emergency court or a full court. An emergency court may be convened on the spot, but its ruling affects only the event in which the court occurs. A full court may create law, as in a Writ, until the next meeting of the Estates.
5. A full court is held not less than 30 days from the date of the petition. As indicated the ruling of the Court becomes Law until accepted or rejected by the Estates. The rulings of an Emergency Court are effective only during the event in which they are held.

#### **D. MEMBERS OF THE COURT**

The presiding justice shall select two members of either the Royal or Great Estates. Any such peer who plans to give testimony to the Court shall be excused. The petitioner shall further have the right of rejection over one selection of the presiding justice. Preference in selection shall be given to (in order of preference):

1. Royal peers
2. Counts royal and countesses royal (formerly earls and comtessas)
3. Landed great peers
4. All other peers.

In the event that an emergency court is to be held, and only two acceptable peers are available, the senior Knight present (and able to serve) may substitute for a great or royal peer. A court shall not be held with less than two such peers. In the event that the presiding justice is not a royal or great peer then the court must contain two such peers.

#### **E. CONDUCT OF THE COURT**

The Court shall be afforded a quiet place to meet and confer. A herald selected by the Presiding Justice, shall act as Bailiff. The Bailiff shall administer an oath of fidelity and good faith to the Court. The Herald shall then compile a list of all members wishing to give testimony. The court shall hear from each such member, and may pose questions to them. The Petitioner shall speak second to last, and the Crown or Noble whose actions are to be effected shall speak last. When all testimony has been heard the court shall meet and confer, and render its decision in writing.

## **IV. COURTS OF JUSTICE**

A Court of Justice may be called as per sections D. and E. of this Article. There are two types of Courts of Justice, although their function is identical, Royal Courts and Courts of Chivalry. A Royal Court is conducted by a Crown. A Knight may elect to be tried by a Court of Chivalry. It is the obligation of the Crown to advise the Knight of this right. The Minister of Justice shall have the obligation to fairly and impartially assist either, or both, parties in preparing their case.

The court is held not less than 30 days from the date of the notice. The ruling of the Court becomes Law until accepted or rejected by the higher authority hearing an appeal.

## A. ROYAL COURT

### 1. Conduct of the Court

The Court shall be afforded a quiet place to meet and confer. A herald selected by the Crown/Ruling Noble shall act as Bailiff. The Bailiff shall administer an oath of fidelity and good faith to the Court. The Bailiff shall then compile a list of all members which a party or their counsel will call to give testimony. The court shall hear from each such member, and may pose questions to them. The Complainant shall speak second to last, and the accused shall speak last. When all testimony has been heard the court shall meet and confer, and render its decision in writing. Either party may appoint another member to represent them.

2. All complaints must be corroborated by prima facie (without rebuttal) evidence (examples: witness statements, emails, announcements, meeting minutes, agendas, and IM printouts). This evidence must prove that the plaintiff has standing in the case and experienced harm. At least three Knights without direct standing in a case can conjoin to represent the Chivalry as a body in a complaint of Conduct Unbecoming.
3. If the complainants who filed a complaint that has been found with merit willfully choose not to participate in the trial, all merit may be dismissed and the defendant found innocent of all wrongdoing, and the complainants may be immediately charged by the Ministry of Justice for harassment of a member and the government.
4. The term "Crown Justice" is applied to those individuals who choose a Royal Court, and choose to plead guilty and waive the right of a trial. The sentence is determined by the Crowns. The Crowns may consult with both plaintiffs and defendants regarding the sentence.

## B. COURTS OF CHIVALRY

Knights are afforded the right to be judged by their peers. A Court of Chivalry is conducted by a Magistrate and three Knights. Commoners may be judged by a Court of Chivalry, at the commoners' request (if granted by the Crown) or the order of the Crown. (*Chancery Note: the Imperial bylaws do not require the Crown to agree to a commoner's request to a Court of Chivalry.*) The Court of Chivalry is an alternate court of justice, and those procedures apply, except as provided here, or in the Bylaws.

### 1. Members of the Court

The accused Knight shall designate one Knight to act as his advocate on the Court. The complainant shall likewise designate one Knight. The advocates shall meet and confer and select a third Knight to act as Arbiter. A vote of any two Knights shall be binding. The Crown or the Minister of Justice shall act as Magistrate. The Magistrate shall insure that none of the Knights on the Court are material witnesses or exhibit a bias for or against a party to the case. The Magistrate shall conduct the Court, and rule on all points of law. The Magistrate shall not vote on the outcome. A vote of any two members of the council shall be binding. If the Court determines the accused is guilty they shall recommend a punishment to the Crown. The Crown shall not reject the recommendation of the Court without just and stated cause.

### 2. Conduct of the Court

The conduct of the court shall be identical to that of a Royal Court.

**C. COURTS OF JUSTICE vs. MUNDANE LAW**

A Court of Justice shall never convene for violation of a mundane law, ordinance or code unless:

1. The infraction occurred in an Adrian Empire context and affected an Adrian Empire event
2. All mundane procedures relating to the infraction (if any) have been concluded.

If a member is arrested or charged by mundane authorities for a crime that may have occurred in an Adrian Empire context, any member shall have the right to request suspension of the member's participation rights until mundane court procedures are concluded (refer to Bylaws - Article III.A.4.).

**D. COMPLAINTS AND CHARGES**

The Crown, or a member with standing, who wishes to complain of the conduct of another member may file a complaint with the Minister of Justice. If the complaint becomes a set of charges, the Crown shall:

1. Reject the charges if it is self-evident that the charges are without merit, or
2. Convene a Court of Justice, appointing a judge, magistrate, herald, and bailiff

These sections shall in no way diminish the Crowns' authority to delegate or right to act in the place of their ministers.

**E. CALLING A COURT OF JUSTICE**

Courts of Justice may be called for the following reasons:

1. A member is accused of disharmony, which is defined as having committed an act (or caused an act) that so disturbed the harmony, order and enjoyment of the activities of the Adrian Empire as to warrant Crown intervention.
2. A member is accused of treason, which is defined as committing any acts or aiding others in acting in a manner that damages or thwarts the legitimate interests of the Crown or Liege Lord. Participating in a crown civil war by a member who is not in personal fealty to the Crown shall not be construed as treason.
3. A member is accused of violating another's rights and the members themselves cannot resolve the matter.
4. Evidence is presented to the Crown that a member has willfully (or through gross negligence) violated the Imperial bylaws, local codicils, or crown writ.
5. Conduct Unbecoming a Knight, which is defined as willful violation of Lex Adria - Article I.C.
6. A member is accused of:
  - a. Nonfeasance of office which is defined as nonperformance of duties and responsibilities
  - b. Misfeasance of office which is defined as poor performance of duties and responsibilities
  - c. Malfeasance of office which is defined as deliberately bad performance of duties and responsibilities

**F. STATUTE OF LIMITATIONS / TIMELINE**

A complaint must be filed with the Ministry of Justice within 45 days of discovery of the offense. Once a Magistrate has been assigned, the Magistrate shall have no more than 30 days

to evaluate the complaint and determine if they have merit. If merit is found, the Magistrate shall notify the named defendants in writing via Hand Delivery, E-mail, or Mail. Mediation must be attempted within twenty days of notification being delivered. If mediation fails, or is refused by either party, and if the Minister of Justice finds sufficient cause for charges to be filed, the complaint shall become a set of charges no later than 15 days of the mediation (or attempt at same).

## G. JUDICIAL BAN

The purpose of Judicial Ban is to insure that a member accused of an infraction cannot act to destroy evidence, interfere with the judicial process, or attempt to alter the law to their benefit. Because of the severity of a Judicial Ban, it is not automatic upon the filing of complaints or determination that Charges are warranted. In all cases involving seated co-rulers, complaints against each Crown will be considered independently to determine if Judicial Ban is warranted. A complaint filed against one co-ruler does not automatically implicate the remaining co-ruler. If a Magistrate is to be appointed to officiate over complaints against the Imperial Crowns, they will be appointed at the sole discretion of the Imperial Minister of Justice.

### 1. Process

#### a. Imperial Crown

Only the Imperial Estates may place the Imperial Crown under a Judicial Ban. Such a Judicial Ban may only be imposed by:

- i. One third of the Imperial Estates voting at an Imperial Estates Meeting.  
*(Chancery Note: Abstentions are counted.)*
- ii. Petition of one-third of the membership of the Imperial Estates as established at the most recent meeting of the Imperial Estates (from the minutes).
- iii. deleted
- iv. Special Petition by a majority of the Board of Directors currently serving or a majority of the Board of Directors at the time vote is taken at a meeting thereof. In order for the Special Petition of the Board of Directors to be effective, it must also be ratified by 21 members of the Imperial Estates at a convened thereof or by Petition. The ratifying members of the Imperial Estates may include members of the Board of Directors, they may be from any region, and their membership shall have been established at the most-recent meeting of the Imperial Estates. Judicial Ban established by this method shall be of a very limited nature and shall be called “corporate suspension.” The Imperial Crown under corporate suspension shall retain all of Its powers, rights, and duties except those of a corporate nature which are specifically defined as the right to appoint or dismiss the Imperial Steward, the right of management of the corporate treasury, and the right to represent the Empire to other organizations or legal authorities including the right to bind the Empire to any contracts. A Special Petition resulting in corporate suspension of the Imperial Crown shall be reviewed at the next meeting of Imperial Estates and each successive meeting thereof, and may only be continued by majority vote. In addition, all Board Directors who voted for said Special Petition shall have their continued service reviewed by the Imperial Estates at the first meeting during or after the Special Petition is in effect. Any Director who fails to garner a majority of votes in favor of continued service shall be deemed to have resigned and shall be temporarily replaced by election after nomination from the floor of the Imperial Estates. The permanent filling of the vacancy shall be handled in the normal course of business.

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- v. Petition may be in any form sufficient to convey the intent of the petitioners, and evaluation of the Petition shall be conducted liberally in favor of its

validity. Said Petition shall be effective upon its delivery to the Imperial Minister of Justice, the Imperial Chancellor, the Imperial Crown, the Imperial Steward, or when it be published by a medium of general use in the Empire (e.g. a generally-accessible email group, the website, or newsletter), or when presented at a meeting of the Imperial Estates. A Petition, to be effective, must name a Lord/Lady Protector to act in the stead of the Imperial Crown if there be no co-ruler to assume that role. Said Lord/Lady Protector shall serve until replaced by the Imperial Estates or until an Imperial Crown returns to assume Its place. In the case of corporate suspension, the Lord/Lady Protector's powers, rights, and duties are limited to those from which the Imperial Crown is restricted.

- vi. Judicial Ban (including corporate suspension) of the Imperial Crown is subject to the right of immediate justice. Trial shall be conducted by the Imperial Estates using procedures as seem most appropriate to them. If the Imperial Crown under Judicial Ban invokes immediate justice, a meeting of the Imperial Estates shall be immediately convened by the most expeditious means possible (including electronic) to establish a quorum to deal with the issue. If such a meeting is not convened with legally-required notice, any actions taken therein shall be subject to review and ratification at the next properly noticed meeting of the Imperial Estates. The only possible result of conviction of the Imperial Crown is removal (by 2/3 vote) or continued corporate suspension (by majority vote). No other penalties are available, and no appeal is possible. Such other penalties may only be administered after trial and conviction in any appropriate Adrian Court AFTER the defendant is no longer Imperial Crown (either due to removal or due to expiration of the Crown's term).

b. Kingdom Crowns

Kingdom Crowns may only be placed under Judicial Ban (or corporate suspension) as set forth in this section "b." which shall include being so placed in the same manner as Imperial Crowns. The Crown under corporate suspension shall retain all of Its powers, rights, and duties except those of a corporate nature which are specifically defined as the right to appoint or dismiss Its Steward, the right of management of the local corporate treasury, and the right to represent the Chapter to other organizations or legal authorities including the right to bind the Chapter to any contracts. A Special Petition resulting in corporate suspension of the Crown shall be reviewed at the next meeting of Imperial Estates and each successive meeting thereof, and may only be continued by majority vote. In addition, all Board Directors who voted for said Special Petition shall have their continued service reviewed by the Imperial Estates at the first meeting during or after the Special Petition is in effect. Any Director who fails to garner a majority of votes in favor of continued service shall be deemed to have resigned and shall be temporarily replaced by election after nomination from the floor of the Imperial Estates. The permanent filling of the vacancy shall be handled in the normal course of business.

The Kingdom Crown may also be placed under Judicial Ban pursuant to its own Kingdom Codicils or as follows if the following provisions do not conflict with the Kingdom Codicils:

- i. One third of the Estates voting at the time vote is taken at an Estates Meeting.
- ii. Petition of one-third of the membership of the Estates as established at the most- recent meeting of the Estates.

- iii. Petition may be in any form sufficient to convey the intent of the petitioners, and evaluation of the Petition shall be conducted liberally in favor of its validity. Said Petition shall be effective upon its delivery to the Imperial or local Minister of Justice, the Imperial or local Chancellor, the Imperial or local Crown, the Imperial or local Steward, or when it be published by a medium of general use in the Empire or Chapter (e.g. a generally-accessible email group, the website, or newsletter), or when presented at a meeting of the Imperial or local Estates. A Petition originating with the local Estates, to be effective, must name a Lord/Lady Protector to act in the stead of the Kingdom Crown if there be no co-ruler to assume that role. Said Lord/Lady Protector shall serve until replaced by the Estates or until a Crown returns to assume Its place. In the case of corporate suspension, the Lord/Lady Protector's powers, rights, and duties are limited to those from which the Crown is restricted. A Petition for Judicial Ban originating at the Imperial level need not name a Lord/Lady Protector. In that case, the Kingdom Chancellor shall so serve until replaced by the local Estates.
  - iv. Unless otherwise provided by Its Kingdom Codicils, A Kingdom Crown may only be tried by its own Estates or the Imperial Estates and as follows. The Imperial Estates may only try a Kingdom Crown if the Imperial Estates placed the Kingdom Crown under Judicial Ban (including corporate suspension). Trial shall be conducted by the appropriate Estates using procedures as seem most appropriate to them. If the Kingdom Crown under Judicial Ban invokes immediate justice, a meeting of the appropriate Estates which had placed the Ban shall be immediately convened by the most expeditious means possible (including electronic) to establish a quorum to deal with the issue. If such a meeting is not convened with legally-required notice, any actions taken therein shall be subject to review and ratification at the next properly noticed meeting. The only possible result of conviction of a Kingdom Crown is removal (by 2/3 vote) or continued corporate suspension (by majority vote of the Imperial Estates). No other penalties are available, and no appeal is possible. Such other penalties may only be administered after trial and conviction in any appropriate Adrian Court AFTER the defendant is no longer Kingdom Crown (either due to removal or due to expiration of the Crown's term).
- c. Other Crowns
- The Imperial Minister of Justice (or appointed Magistrate) must, at his discretion, determine if the facts presented warrant this action. If the Minister of Justice (or appointed Magistrate) determines that a Judicial Ban is warranted, the ban is immediately imposed. The Crown may place a member (usually a Minister) under Judicial Ban to compel production of property or documents belonging to the Adrian Empire. A ban placed in such a manner shall be removed upon production.
- Other Crowns may also be placed under Judicial Ban (including corporate suspension) in the same manner as Kingdom Crowns. An Other Crown may only be tried in Imperial Court, or by a body of Estates having placed that Crown under Judicial Ban. An Imperial Court may impose any penalty on the Crown as it could on any member. Procedures and limitations as to trial and conviction by Estates shall be the same as with Kingdom Crowns.
- d. Other Members

- i. If the member is facing judicial action, the Minister of Justice (or appointed Magistrate) shall determine if the facts presented warrant this action. If the Minister of Justice (or appointed Magistrate) determines that a Judicial Ban is warranted, the ban is immediately imposed.
- ii. The Crown may place a member (usually a Minister) under Judicial Ban to compel production of property or documents belonging to the Adrian Empire. A ban placed in such a manner shall be removed upon production.

## 2. Restriction of Rights

Whether it is imposed as above or as part of a judicial sentence, a Judicial Ban may include any of the following restrictions:

- a. Inability to hold any Estate or office, but such shall be restored at the conclusion of judicial process, outcome permitting.
- b. Inability to vote in any Estates Meeting.
- c. Inability to sit on any Civil Court or Court of Justice.

A member under Judicial Ban retains all other rights and privileges described in the Bylaws; the member shall not be prevented from the same access to the Courts as accorded any other member.

## 3. Removal

A Judicial Ban placed upon any member is automatically removed if a judicial proceeding does not call for the Judicial Ban to remain in place. A Judicial Ban may also be removed by the following:

- a. If the Judicial Ban did not originate from a body of Estates, the Judicial Ban may be removed or modified at any time by the appropriate Crown or Minister of Justice (or appointed Magistrate) presiding over the court proceeding for which the Judicial Ban was issued.
- b. In the case of a Crown, if the Judicial Ban (including corporate suspension) originated from a body of Estates, that body may remove the Judicial Ban by majority vote at any convened meeting or by Petition supported by a majority of that body. The rules governing said Petition shall be the same as that for a Petition for Judicial Ban except for the number of Estates required.
- c. Other Members

A Judicial Ban imposed during investigation or judicial proceeding can be removed by the Crown or Minister of Justice (or appointed Magistrate) upon the production of all evidence requested.

## H. RIGHT OF APPEAL

A member who has been found guilty in a judicial court may appeal that finding to the Imperial Crown, in writing, within 30 days. Within 30 days of the written request for appeal, the Imperial Crown shall review the charges and evidence. Either 30-day deadline may be extended for cause. A banished member shall be allowed to attend those events necessary to prepare for his appeal, but shall not be permitted to participate in the activities of the event. The final Court of Appeal shall be the Imperial Estates, whose decision shall be binding. The judgment of the local court shall remain in effect until the Imperial Crown has rendered a decision. The decision of the Imperial Crown may only be appealed to the Imperial Estates. The decision of the Imperial Estates is final. While a Complainant may appeal procedural rulings, they may not appeal the final judgment of the Court or sentence of the Crown.

**I. PUNISHMENT**

The judicial court may provide a recommendation of punishment to the Crown. The right to decide the punishment of a member's who is found guilty by a Court of Justice is solely the Crowns. All such writs of punishment must be reviewed by the Imperial Crown.

**1. Censure and Apology**

The member is publicly required to admit their guilt and apologize to the membership.

**2. Loss of Awards, Orders, Ranks, or Titles****3. Service****4. Judicial Ban****5. Banishment**

The member is barred from attending any event within the Empire for up to one year. The Imperial Crown may extend the punishment for up to three years. The Imperial Estates may extend the punishment for up to life. A banished member may petition the Crown and Estates for re-admittance after one year (on banishments longer than one year) but may lose the then highest rank, title or station if such re-admittance is granted. Member may be under judicial ban for up to two years after re-admittance.

**J. NO DOUBLE JEOPARDY**

No member may be tried more than once for the same crime or offense arising out of the same alleged actions.

**K. BREACH OF SENTENCE OR MEDIATED AGREEMENT**

A special magistrate shall be appointed by the Crown to investigate and rule whether a breach of sentence has occurred. The ruling of the special magistrate is subject to an appeal.

A member who is found to be in breach of sentence or mediated agreement will be immediately put on Judicial Ban preventing participation within the Adrian Empire. A panel shall be convened using the guidelines in the Bylaws – Article III.A.4 no later than the next IEM to determine possible membership and participation suspension within the Adrian Empire.

Sentencing options for the Special Panel are as follows:

Time served – The Special Panel may determine that the Judicial Ban leading up to the Panel being convened is sufficient and choose not to add any additional punishment.

Suspension for up to one year from the date of the Special Panel's determination.

Revocation of Adrian membership.

The Special Panel's decision may be appealed to the Imperial Estates.

**L. AUHORIZED EXCEPTION TO LAW**

The Judicial Council shall consist of a pool of Justices. The Crown of each Kingdom, Archduchy and Duchy shall select a qualified volunteer of that Chapter who shall serve as a member of that pool for one year or until the case assigned to them is concluded, whichever is longer.

Each member must be a second level Knight and 18+ years of age. Anyone may serve multiple terms, but not consecutive terms.

If requested by the accused, instead of going through the normal process, any case referred to the Imperial Minister of Justice (IMoJ) may be heard by three Justices drawn from the pool in alphabetical order by Chapter. Future Justices will be drawn from the pool following the last Justice selected.

If a Justice declines or either party the accused has a reasonable objection, the IMoJ shall draw another to serve. If needed the process may be repeated.

The Justices may meet less formally, and electronically, but shall make every effort to fully review all witnesses and evidence and shall record all proceedings.

The decision of this board may only be appealed to the Imperial Estates.

**V. CONDUCT OF JUDICIAL COURTS**

Once complaints have been presented in writing to the appropriate Minister of Justice, the Minister of Justice shall find a member to serve as Magistrate. The Minister of Justice shall serve as the Magistrate unless the complaint is filed by the Imperial Crown, in which case the Minister of Justice shall act as the Prosecutor (see Article II.C and D) and not as the Magistrate. Once a Magistrate has been assigned, the Magistrate shall have no more than 30 days to evaluate them and determine if they are legitimate charges and warrant trial, unless proper cause is submitted in writing to the Crown and Imperial Ministry of Justice that more time is necessary. If they are so determined, the following procedures shall be followed.

- A.** The Magistrate shall notify the named defendants in writing. This shall be done in any of the following methods:
1. Hand delivered
  2. Via fax
  3. Via e-mail
  4. Via mail
  5. Via phone conversation (in order to setup a meeting to hand deliver)

Notification of a vassal's Liege-Lord shall qualify as notification of the individual.

- B.** Mediation must be attempted within 20 days of the date that the Complaint was elevated to a Charge. Mediation may be conducted through electronic media, so long as all parties are involved and the Magistrate maintains a written record. If mediation fails, or is refused by either party, the matter shall go to Trial.
- C.** Once mediation ends, the Defendant shall be informed that the date of the Trial shall not be less than 30 days of the end of mediation unless the Defendant requests Immediate Justice. Immediate Justice shall be defined as within 30 days of the end of mediation. If the trial is to be held concurrent to a sanctioned event, the trial shall not be conducted during any scheduled activities at an event, but shall occur during breaks, before, or after the event itself.
- D.** The Magistrate will then request the Defendant to choose a date for their trial, which must occur within six months from the date the defendant was notified of a Charge being filed. This

date must be acceptable to Magistrate and Complainant. If a date has not been set within four months from the date mediation ended, the Magistrate shall have 30 days to set a trial date to occur within the remaining two months.

- E. The Magistrate shall select the time and place of the trial, provided Immediate Justice was not called for, in which case it will take place during the next Scheduled event. The Date, Time, and Place of this trial shall be published through official channels.
- F. If the Defendant fails to appear at the prescribed time, date, and location of the trial, they may be tried in absentia, and the Magistrate will allow any of the trial attendees to speak on behalf of the Defendant.
- G. The Defendant shall be afforded every opportunity to prepare a defense. This will include but not be limited to reviewing evidence and questioning witnesses. The plaintiff shall also be afforded this same opportunity to prepare their case. This “Period of Discovery” shall continue until seven days prior to trial at which point all witness lists and evidence lists shall be frozen and reviewed by the Magistrate. This may be appealed to the Magistrate during the trial, and the opposing Counsel shall have an opportunity to argue against such an appeal, after which the Magistrate shall decide if the added testimony/evidence shall be heard.
- H. All open Judicial Proceedings shall be recorded by the Magistrate using an audio recording device (or equivalent). Judicial Proceedings may also be recorded by the Magistrate using a video recording device. The Magistrate shall provide a copy of all such recordings created to the Imperial Ministry of Justice.
- I. Lastly, it shall be understood throughout Adrian Courts that the primary responsibility of the Court is to determine the Truth of the Matter. This Search for the Truth shall be the overriding determinate in the process, and not procedure. Objections due to procedure should be discouraged if they may be used to hide or diffuse the truth.
- J. All court decisions must be published as an appendix to the next Imperial Estates Agenda.

## VI. SENTENCING GUIDELINES

These are guidelines, not automatic sentencing. The goal is to make punishment more consistent and better fit the actual offence--not remove discretion. All involved should have guidance. An opponent would not be punished too harshly, nor a friend too lightly. We intend to clarify the appropriate level of offense that warrants specific punishments; without violating Crown authority to impose sentence or the Imperial Crown's authority to impose Imperial sentence and review and modify all sentences.

### A. AUTHORITY

Bylaws - Article III.A.2.b references sentencing guidelines, IV.I, and Adrian Case law:

1. Censure and Apology  
*(Chancery Note: Censure is to "condemn as wrong." The convicted may be required to apologize in any or all of the following: privately, in writing, publicly, and electronically; and what must be included to be acceptable.)*
2. Loss of Orders, Awards, Ranks, or Titles  
*(Chancery Note: "Orders," refer to membership in both peerages (4 Knighthoods) and various orders (Fleur-de-lis, local fraternities of Knights, etc.)*

*"Awards," are generally recognition of service or performance other than points and advancement, sometimes order, award, and title are used interchangeably (such as awards named orders or conferring court titles).*

*"Ranks," specifically advancement earned by points and "milestones" (such as in the combat ranks both non-Knight, and levels of Knighthood), may specifically include or be limited to actual points or milestones (as stated in the sentence: rank, points, or rank and points).*

*"Titles," specifically are LoC, BoC, Viscount, Founder, Count Royal, and Imperial Prince (voting and nonvoting).)*

3. Service

*(Chancery Note: This includes Adrian and mundane tasks ranging from a day to a year, Crowns should consider whether the service is reasonable and appropriate. While it is an excellent opportunity to educate, act as restitution, or symbolize contrition, service should not be excessive or humiliating. Even if the convicted volunteers, we should not confuse punishment with "hazing.")*

4. Judicial Ban

*(Chancery Note: Article IV.G provides a detailed explanation. Sentences of full or limited Judicial Ban may include or exclude any provision and be of any duration.)*

5. Banishment

*(Chancery Note: This section fully describes Banishment, but duration has also included conditions other than time (repayment, acceptable apology, etc.). See also Banishment from Presence.)*

## **B. REVOCATION OF MEMBERSHIP**

Precedents establishing (including but not limited to):

1. Banishment from presence.

*(Chancery Note: This is when a member is excluded from the Crown's physical presence including court, audience, and other ceremonies--it does not apply to judicial and civil courts or estates meetings--but the member should not abuse this privilege without regard to further measures.)*

2. Mentoring;

*(Chancery Note: This is when another Knight or Knights agree to give guidance and the convicted agrees to abide by it or face further consequences. It is intended to teach positive behavior.)*

3. Permanent expulsion from any or all Orders of Knighthood (regardless of participation and future points earned), derived from Bylaws - Article III.A.2.c.;

4. Execution of persona and excommunication from the Church.

*(Chancery Note: This is a theatrical symbolic punishment in effigy, but includes forfeiture of the persona to the extent Adria owns it under copyright.)*

## **C. BREACH OF LAW**

The first task for the Justice after determining guilt should be evaluating the severity of the crime. Consider these four levels:

1. Infraction of Adrian Law, or conviction of a mundane misdemeanor in an Adrian context  
1 point
2. Violation of Adrian Law, or conviction of a mundane gross misdemeanor in an Adrian context  
3 points

3. Gross Violation of Adrian Law, or conviction of a mundane felony in an Adrian context 5 points
4. Conviction of a serious mundane felony in an Adrian context 8 points

#### **D. EXPLANATION OF CATEGORIES**

Crimes in Adria are enumerated in Article VI.C and judicial precedent. The three categories are intended to convey the seriousness and willfulness of the breach of law. “Infraction”, may indicate a minor or technical breach of Adrian Law similar to a lesser misdemeanor in mundane law (probably omission or neglect, nonfeasance or minor misfeasance, "bonehead"). “Violation”, is intended to convey a breach of Adrian Law analogous to a gross misdemeanor or lesser felony in mundane law (deliberate, serious misfeasance, "bad"). “Gross Violation”, is intended to be the Adrian equivalent of a serious felony (malicious, malfeasance, "evil"). My intention is to distinguish between conviction of an Adrian offense (Infraction, Violation, Gross Violation) and conviction of a mundane crime (mundane allegation/charges are dealt with in Bylaws - Article III, as punishments only follow actual conviction).

#### **E. TREATING VIOLATION OF HOST SITE RULES AS BREACHES OF LAW**

Adrian Host--would be included in Adrian crimes.

Mundane Host--may constitute mundane civil breach of contract, in this context it may be useful to consider consequences (a relatively minor violation with minimal consequences as an Infraction, a breach resulting in modest monetary damages or restrictions on use as a Violation, and a breach resulting in serious monetary damages or loss of use as a Gross Violation).

#### **F. CONSPIRACY AND ATTEMPT**

Conspiracy has been established in case law as participation in the underlying crime. The underlying offense would not need to be completed successfully. Therefore treat the attempt to commit or "conspiracy to commit" (where such can be applied) as the offense itself.

#### **G. GRADUATED PUNISHMENT**

Punishments should be graduated based upon the above level of severity and whether one is convicted of multiple offenses. The justice should also consider whether offenses are repeated. The particular punishment and its scope may include all or any part authorized. Therefore, a numeric score can be generated reflecting a combination of the above and indicating:

1. Censure and apology, and act of service;
2. Add a period of service, banishment from presence if appropriate;
3. Add appropriate limited judicial ban;
4. Add banishment of no more than 6 months and appropriate suspension of orders, awards, ranks, or titles;
5. Add banishment of no more than 1 year which may include denial of any points earned or conversion thereof, during banishment and loss of orders, awards, ranks, titles;
6. Add banishment up to 3 years;
7. Add execution of persona and excommunication from the Church;
8. Add revocation of membership.

Conversion of Orders, Awards, Ranks (including points), or Titles earned in other organizations during Banishment, or Suspension or Revocation of Membership, may be denied.

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**H. RECOMMENDATION AND SENTENCING**

While the Court (the Justice or panel, not the Magistrate) may recommend a sentence, all authority to issue final sentence lies with the Crown, subject to review by the Imperial Crown and the appellate process. It will remain the privilege of the court to use its best judgment in its recommendation, the right of the Crown to impose sentence, the right of the Imperial Crown to review and amend, and the right of the Imperial Estates to hear appeals and further modify sentences when appropriate.

**VII. APPEALS**

All appeals must contain the following elements:

- A. A clear statement of the reason for the appeal: e.g. misinterpretation, misapplication, mistake, or violation of a law, rule, or procedure.
- B. A statement of how the error hurt the appellant's case.