

THE JUDICIARY OF THE STUDENT BAR ASSOCIATION WILLIAM S. RICHARDSON SCHOOL OF LAW

In the Matter of Petition to Senate for Entering Class Photo Resolution, 2015-2016 Academic Year II

Decided March 2, 2016

Case no. 2015-1

Cite as 2016 WSRS� 1 (two-justice panel)

Synopsis by the Judiciary¹

Background: On October 26, 2015, Senator Robert Zane requested judicial review and interpretation of Section 2.4.4 of the Law School Government (LSG) Constitution pertaining to petitions filed directly with the LSG Senate Chair by a member of the Student Bar Association (SBA).

Holdings:

- 1) The SBA may petition the Senate Chair for a resolution or by-law, provided that the petitions bear the signatures, student ID numbers, and e-mail addresses of ten percent of the members.
- 2) The Senate Chair must introduce the petition for hearing and voting by the Senate within ten business days from the date of receipt of such petition.
- 3) Petitions and resolutions submitted under the strictures of Section 2.4.4 of the SBA Constitution should be heard in their original language and subjected to adoption or rejection in order to protect the rights of the SBA members.

OPINION

Batzer, J., sitting as Magistrate Justice, joined by Soon, J.

1. On October 26, 2016, LSG Senator Robert Zane requested review and interpretation of Section 2.4.4 of the LSG Constitution. Senator Zane's request is attached as an appendix to this ruling. Senator Zane posed the following questions: 1) Is it mandatory that the Senate must vote "yes or no" on the received phrasing of the petition? 2) Is it not possible for the Senate to edit the petition's language at the required meeting to satisfy concerns?

I. FACTS

2. On October 20, 2015, SBA member Justice Thomas J. Michener submitted a proposed

¹ The syllabus constitutes no part of the opinion but has been prepared by the Judiciary for the convenience of the reader.

resolution to the LSG Senate Vice President Jeremy Butterfield calling on the Law School administration to: 1) produce entering class photos for the years 2011 through 2015 as soon as possible, 2) give said photos to the Law School Library as soon as possible, 3) ensure the timely production of all future entering class photos, and 4) work with the Law School Library staff to ensure all future entering class photos are exhibited in a timely manner. With the proposed resolution were the signatures, student ID numbers, and e-mail addresses of more than ten percent of the members of the SBA.

3. Between October 20 and 26, 2015, the SBA Senate conferred regarding the language of Justice Michener's proposed resolution. Members of the Senate wished to alter the language prior to voting upon the resolution.

4. On October 26, 2015, SBA Senator Robert Zane submitted his request for judicial review and interpretation of Section 2.4.4. Justice Michener recused himself pursuant to Richardson Rules of Procedure Rule 13.

5. On October 27, 2015, Justice Stephanie W. Batzer, sitting as Magistrate Justice, issued a decision on the matter. *See In re Petition to Senate for Entering Class Photo Resolution, 2015-2016 Academic Year, 2015 WSRSL 1.* This opinion reincorporates that decision.

II. THE JUDICIARY HAS JURISDICTION

6. Our jurisdiction is defined by the SBA Constitution in part as follows:

Section 5.3.1. The Judiciary must rule only on questions arising under the Constitution of the SBA and the by-laws of the LSG.

7. Here, a clear question of Constitutional interpretation was presented by Senator Zane. Therefore, we have jurisdiction to resolve the questions presented.

III. DISCUSSION

A. THERE EXISTS A DISTINCTION IN THE LSG CONSTITUTION BETWEEN PETITIONS FILED WITH THE SENATE UNDER SECTION 2.4.2 AND SECTION 2.4.4

8. There are two distinct methods by which a member of the SBA may petition the Senate. They are:

Section 2.4.2. To petition a Senator and get consideration thereof, subject to resources available thereto.

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Section 2.4.4. To petition the Senate Chair for a resolution or by-law. Petitions must bear the signatures, student ID numbers, and email addresses of ten (10) percent of the members. The Senate Chair must introduce the petition for hearing and voting by the Senate within ten (10) business days from the date of receipt of

such petition.

9. Justice Michener operated under Section 2.4.4 in petitioning the Senate. His resolution, and accompanying signatures, were submitted both electronically and via hand delivery. The number of supporters exceeded the minimum required thirty-two (32). His petition comported with the requirements of Section 2.4.4.

**B. THE SBA CONSTITUTION AND THE SENATE BY-LAWS ARE
AMBIGUOUS REGARDING THE RIGHT OF THE SENATE TO MODIFY
PETITIONS RECEIVED FROM THE SBA**

10. The SBA Constitution Sections 2.4.2 and 2.4.4 specifically set out the unique rights of the student body to petition a Senator and the Senate Chair for action. Section 2.4.2 is the clearest in execution. Under Section 2.4.2, a Senator may bring forward a petition and/or resolution to the Senate body, where it is adopted, amended and adopted, rejected, or withdrawn. The sponsoring Senator has a voice and is able to represent his/her intentions, and actively advocate for its passage. Section 2.4.2 is not at issue here.

11. There are no protections provided under Section 2.4.4 of a similar nature. Petitions submitted under the strictures of Section 2.4.4 require a significant amount of work to acquire the approval and signatures of ten percent of the SBA. As such, they should be considered exactly as written in order to empower the members of the SBA, as well as to encourage SBA participation in the LSG process.

IV. CONCLUSION

12. For the foregoing reasons, we hold that petitions and resolutions submitted pursuant to Section 2.4.4 of the SBA Constitution must be heard and acted upon in their original language; the Senate may not alter the language submitted. By voting on a petition as written, the original words and intent of the submitting party remains intact and protected during the debate process. The Judiciary recommends that the LSG consider amending or creating by-laws for the purpose of clarity.

APPENDIX

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JUDICIARY OF THE STUDENT BAR ASSOCIATION
WILLIAM S. RICHARDSON SCHOOL OF LAW

Petition

JURISDICTIONAL STATEMENT

Requesting an interpretation of the LSG Constitution concerning the ability to edit a received petition for resolution to the Senate. Concerns have been raised by members of the Senate concerning the language of a petition received on the issue class photos in the Law Library. Prior to the meeting, there no revised versions of the petition's resolution have been submitted and hesitance to do so because of the immediacy of the petition to the Senate. Is it mandatory that the Senate must vote "yes or no" on the received phrasing of the petition? Is it not possible for the Senate to edit the petition's language at the required meeting (per LSG Constitution Section 2.4.4) to satisfy concerns?

DEMAND FOR [RELIEF/INFORMATION]

An interpretation of the Constitution by the Judiciary concerning this issue no later than
Wednesday, October 28, 2015.

[CLAIM FOR RELIEF]

Required only if action brought under RRP 3(a)(1), (2), (4), (5), or RRP 3(b). See Rule 5.

Robert Zane
10/26/2015