

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

Ross UEHARA-TILTON, Petitioner v. FINANCE COMMITTEE et al.

Decided March 12, 2016

Case no. 2016-1

Cite as 2016 WSRS� 2 (two-justice panel)

OPINION AND ORDER

Before Batzer, Soon, JJ.¹ Michener, J., recused.

Per curiam

1. For the reasons below, Petitioner’s motion for recusal of Justice Thomas J. Michener is DENIED.
2. On March 11, 2016, Ross Uehara-Tilton (“Petitioner”) filed a petition (“Petition”) via email with the Judiciary under Rule 3(a)(1) of the Richardson Rules of Procedure (“RRP”). The petition comported with the applicable rules. *See, e.g.*, RRP 3-4, 5(a), 6(a).
3. On March 12, 2016, Petitioner filed a Motion for Disqualification of Justice Michener (“Motion”) under Rule 13(b) of the RRP. Justice Michener was acting as Magistrate for this case. *See* RRP 7.
4. Petitioner makes the following Declarations, in sum: Both the Petitioner and Justice Michener are members of the Executive Board of the Law Review. The Law Review was an applicant for funding at the same time as the International Human Rights Advocacy Group (“IHRAG”) filed a funding request with the Law School Government (“LSG”) Finance Committee. The IHRAG funding request is the primary issue of the Petition. The Petition was filed pursuant to RRP 3(a)(1) and so, Petitioner is not acting in his official capacity with or on behalf of the Law Review, but as a member of the Student Bar Association (“SBA”). *Compare* RRP 3(a)(4).
5. The Petitioner goes on to allege that a disposition of the Petition may substantially affect the Law Review and as a result, substantially affect Justice Michener. The Petitioner then asks for disqualification of Justice Michener under Rule 13(a)(4)(A).
6. Rule 13(a)(4)(A) of the RRP requires that a Justice disqualify themselves if: “They or someone in a close relationship with them . . . [i]s a party to the action.” The Petitioner does not allege a close relationship between Justice Michener and a party to the action. The Petitioner

¹ Andy L. Kiyuna and Jaime H. Tokioka had not been sworn into the Judiciary at the time of this decision and took no part in its determination.

alleges only a relationship between Justice Michener and the Law Review. The Motion specifically states that the Petitioner is not acting on behalf of the Law Review in this action, nor is the Law Review a stated party in the Petition. The Petitioner does not allege that there is a close relationship with the Petitioner himself such that would rise to the level of requiring disqualification. Therefore, there is no close relationship between Justice Michener and a party that would arise under Rule 13(a)(4)(A).

7. Having determined that Rule 13(a)(4)(A) does not disqualify J. Michener from the matter, the Court also reviewed, *sua sponte*, the exhaustive list of purposes for dismissal and similarly determined that none applied.

8. Although the Petitioner did not raise the claim, the Motion alluded to a potential substantial effect to Justice Michener himself under Rule 13(a)(3) or to someone with whom Justice Michener has a close relationship under Rule 13(a)(4)(b). The Court determined this Rule did not apply to the question at bar for the reasons articulated *infra* ¶¶9-11.

9. As discussed *supra*, Justice Michener does not have a close relationship with the parties, nor does the Petitioner allege such a relationship with any of the parties exists.

10. Impact to the Law Review is not dependent upon nor affected by the disposition of the Petition. A decision on the Petition related to IHRAG funding would not directly impact funding to the Law Review. Any funding change to the Law Review would need to be reviewed and determined by the LSG Finance Committee through its own processes.

11. Both Rules require that the Justice “know” such a substantial effect will occur, and not merely speculate to its potential. Such knowledge is not present here, and the Court rejects the speculation presented by the Petitioner, when separate processes by the LSG would determine any impact beyond the IHRAG funding in question.

12. In determining that Justice Michener is not prevented by Rule 13 from serving as a Justice in this case, the Court also determined that Justice Michener may similarly serve as a Magistrate in this matter, should he and the Court decide it is most efficacious to its resolution.

IT IS SO ORDERED.