

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

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

Decided March 13, 2016

Case no. 2016-1

Cite as 2016 WSRS� 3 (en banc)

ORDER

Batzer, Michener, Soon, JJ.¹

Per curiam

1. Petitioner’s motion for temporary relief is HEREBY GRANTED in the form of a temporary restraining order with the following terms.

- 1) The Treasurer, the Finance Committee, or anyone in active concert or participation with the Treasurer or the Finance Committee,² are prohibited from disbursing, transferring, or in any way giving any SBA funds to the International Human Rights Advocacy Group.
- 2) The temporary restraining order will remain in effect until otherwise ordered by the en banc panel.

2. Except as ordered herein, the Treasurer and the Finance Committee are permitted to continue the funding process, including taking public comments.

3. This case will continue in front of the assigned Magistrate Justice or the en banc panel as necessary, consistent with this Order.

IT IS SO ORDERED.

OPINION

Michener, Soon, JJ. Batzer, J., concurring in the result only.

Per curiam

4. For the reasons below, Petitioner’s motion for temporary relief is GRANTED in the form of a temporary restraining order (“TRO”), with the terms described *supra*.

¹ Andy L. Kiyuna and Jaime H. Tokioka took no part in this decision.

² See FRCP 65(d)(2).

5. 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).
6. The Petition included a factual statement. For the purposes of this Order, we accept the factual statement as true.
7. To summarize the Petition’s factual claims: On or around March 1, 2016, the International Human Rights Advocacy Group (“IHRAG”) filed a funding request with the Law School Government (“LSG”) Finance Committee. IHRAG requested funding for the group’s attendance to the UN Human Rights Council Session, which is to take place May 9-13, 2016. The LSG Treasurer, Alyssa-Marie Kau (“Treasurer”), convened a Finance Committee meeting to review funding requests from various groups and to allocate funds. Between March 9, 2016 and March 10, 2016, the Finance Committee voted to give IHRAG \$3,300 from the Student Bar Association (“SBA”).
8. For the purposes of this Order, we also take judicial notice of the following facts. The Treasurer announced to the SBA the Finance Committee’s funding allocations via email on March 11, 2016. In that email, the Treasurer stated that “The Finance Committee reserves the right to amend or modify this amount subject to a public comment period.” This public comment period is to end March 18, 2016 at 5:00 pm. The email of March 11, 2016 is attached to this Order as an Appendix.
9. Among Petitioner’s demands for relief was “a temporary injunction enjoining the Treasurer from disbursing funds” On our own motion, we decided to rule on Petitioner’s demand for injunctive relief en banc. *See* RRP 8(b).
10. The Judiciary “may issue orders as provided by [the RRP], or any order, in furtherance of the just and efficient resolution of an action.” RRP 11. Because the goal is just and efficient resolution, the power to issue orders is necessarily a broad one.
11. The RRP are patterned on various federal laws and interpretation of similar federal laws may be instructive when we examine our own rules. *See* RRP 1 cmt. The Federal Rules of Civil Procedure (“FRCP”) contemplate preliminary injunctions and temporary restraining orders. FRCP 65. There is only one essential difference for the purposes of this case: preliminary injunctions require notice to opposing parties and an opportunity to respond and temporary restraining orders do not.
12. Due to the facts of this case, we believe that a temporary restraining order is proper.
13. FRCP Rule 65, in prescribing TRO procedures, discusses “irreparable injury, loss, or damage” FRCP 65(b)(1)(A).
14. Petitioner is in no danger of injury, loss, or damage. Even if the funds were to be given to IHRAG, Petitioner would not suffer directly in any way. However, if the funds go to IHRAG and we were to subsequently rule that IHRAG is ineligible for SBA funds, as Petitioner contends, the

funds would already be in IHRAG's hands. By the time we were to reach that result, the funds would likely be spent. At that point, the irreparable loss suffered would be by the SBA's finances. To paraphrase the Latin phrase, one cannot *return* what one does not have.

15. For these reasons, Petitioner's motion for temporary relief is GRANTED in the form of a temporary restraining order, with the terms described *supra*.

IT IS SO ORDERED.



Thomas Michener <thomas.michener@gmail.com>

Finance Committee Allocations and Public Comment Period (Spring 2016)

1 message

Alyssa-Marie Kau <amkau@hawaii.edu>

Fri, Mar 11, 2016 at 12:58 PM

To: SBALAWSTU-L@lists.hawaii.edu

Aloha Richardson Students,

The Finance Committee held the First Finance Committee Meeting of the Spring Semester on Wednesday, March 9. The Finance Committee decided on the allocations listed below for the following groups:

Food Law and Policy Society: \$340 (Fruit Monocultures and Tuna Fishing Panel)
UH Law Review: \$1,000 (Speaker contracts for the 2017 Law Review Symposium)
LYTE: \$500 (Rise and Shine of Speciality Courts)
ACS: \$168 (Lei for three (3) Constitutional Law Panels)
IHRA: \$3,330 (Attendance of the UNHRC Session)
PDP and DTP: \$400 (Fresh Off the Boat Event)

As per the Funding Policies Section 5.1, "law school organizations that receive SBA funds shall provide proof of expenditures to the treasurer within **10 calendar days** of the date of the event. Proof of expenditures includes receipts and descriptions of goods and services purchased with SBA funds. Failure to provide sufficient proof of expenditures within 10 calendar days of the date of the event to the LSG Treasurer (amkau@hawaii.edu) may render the organization ineligible for SBA funds for the remainder of the academic year."

The Finance Committee reserves the right to amend or modify this amount subject to a public comment period. The period is now open for public comments. If you have comments, questions, or concerns about any of the funding request, please email amkau@hawaii.edu by **Friday, March 18 at 5 PM**. Mahalo!

Me ke aloha pumehana,

Alyssa-Marie Y. H. Kau

Juris Doctor Candidate, Papa o ka Makahiki 2018

William S. Richardson School of Law, Ke Kulanui o Hawai'i i Mānoa

amkau@hawaii.edu | [REDACTED]