



..... **Texas A&M Judicial Court** .....

Student Government Association

Memorandum

To: The Texas A&M Student Government Association Senate

From: Jake Smith- Chief Justice; Shelby James- Vice-Chief Justice; Ashley Kay Carpenter- Associate Justice; Dhananjay Khanna- Associate Justice; Laura Durie-Associate Justice; Alex Mueller- Associate Justice; Riden Reiter- Associate Justice; Stephen Shuchart- Associate Justice

Date: October 5, 2015

Re: Regarding 68-01 and other actions of the Judicial Court

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It is with utmost respect for the Texas A&M University Student Senate that the Judicial Court responds to the memo sent on the 2nd of October, 2015.

In regards to the by-law forcing resignation upon declaring candidacy for another office, the Court had a clear objective in legitimizing the integrity of sitting Justices. If a Justice has the intention of running for office while on Judicial Court, they will not rule objectively but make decisions with a political platform in mind. Moreover, the Justices go through extensive training to familiarize themselves with governing documents and procedures by reviewing the Code, past cases, and the appellate process. Filling a vacancy for a Justice to run for another office would create a disservice to the student body with a court unprepared to conduct hearings. In failing to codify the by-law, the Court does not acknowledge guilt but take the input of Senate into account all while standing by its constitutionality.

In writing the opinion for 67-03, the dissenting Justices regret using the outdated 2014 version of the Election Regulations and have since taken precautions to have the updated print readily available for future proceedings. However, Justices cited this set because at the time of 67-03, the 2014 regulations were on the Election Commission website, and were the regulations given to election candidates. Moreover, the exact regulations cited varied only in syntax and not in context. Citing the outdated regulation had no implications for the decision made and the dissents written for 67-03.

The opinion of the Court for case 68-01 was signed and filed. The posted and distributed opinion lacked signatures, but the binding opinions were filed in the Student Government Association Judicial Court's permanent file with each Justice's signatures, as is required by the S.G.A.C.

Neither the By-Laws nor the Constitution state that the signed copies must be posted or that the opinions emailed to the Battalion must be signed. The exact Constitutional guidelines read as follows:

ARTICLE IV SECTION III Subsection (a):

Ruling on any case by a majority vote of the Justices of the Judicial Court hearing the case. All rulings shall be accompanied by, at minimum, a majority opinion stating the ruling, the judgment imposed, and the reasoning of the majority. Rulings may also be accompanied by the reasoning of any plurality, concurring, or dissenting opinions in whole or in part. All opinions shall also, at minimum, clearly designate the names and signatures of the Justices of the Judicial Court joining the particular opinion, the name(s) of the parties, and the date and time of the decision.

Moreover, the Judicial Court By-Laws mandate the opinion be released in the following format:

ARTICLE V SECTION IV:

Every opinion issued by the Court, whether majority, minority, or concurring, must bear the signature of each Justice joining the opinion. After approval, a copy of each opinion is to be placed in the Student Government Association Judicial Court permanent file. Similarly, all opinions are to be issued to The Battalion for publication and to all parties involved. Every opinion receiving at least two votes shall also be posted in the SGA front office, and must be transmitted to the parties involved.

If an individual requests to see the signed opinion, the Court would be happy to retrieve the copy from the file. Otherwise, there are no stipulations for the posted opinion in Koldus.

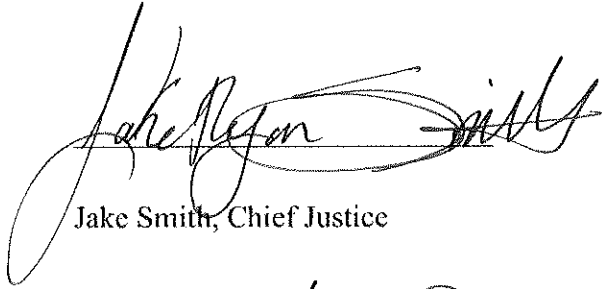
In issuing a Writ of Mandamus to Commissioner Fuchs, the Court does not write with a broad audience in mind but to address the specific issue to its recipient. In citing "Article X, Section VI, subsection (a), 1", the Court was referring to the first Article X that appears as a major heading in the S.G.A.C. In order to further clarify the specific passage, the Court also included a paraphrased quote of the specific text for Commissioner Fuchs. The Court is aware that multiplicity exists in the Code, but because they clarified the article in the Writ, they did not believe further citation to be necessary.

The Court takes the appellate procedure seriously and weighs each piece of evidence separately when voting to approve the parties' submissions. After accepting the proposed evidence for 68-01, the appellants swore under oath to affirm the legitimacy of their materials and statements. Operating under the utmost integrity, the Court accepts all submissions as fact unless proved otherwise by the opposing parties. If Mr. Crossland's screenshot holds true, then the Court is correct in their opinion's contentions that the plaintiff went through the necessary procedure to

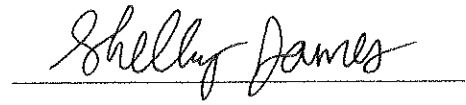
file. Furthermore, both parties agreed that Mr. Crossland pressed "submit" on Market Place and thus cannot be called negligent in filing for candidacy. With the parties' consent regarding evidence, the vote of approval by the Court, and the ruling on the plaintiff's duties as a candidate, there should be no dispute regarding the validity of the evidence and its influence on the Court's opinion.

The Court would like to point out that the purpose of the Judicial branch in the Student Government Association is not only to provide a system for legal rectification but also to establish a system of checks and balances. Senate creates legislation, the Executive branch reviews the legislation, and the Judicial branch interprets the legislation. The Student Senate also has the power to approve or reject Judicial appointments. Therefore, it is the responsibility of the Student Senate to determine the competency of Judicial Court nominees in the period of questioning during their confirmation. The Senate's vote for confirmation signifies their approval and full faith in the competence of each Justice in their knowledge of and ability to interpret the S.G.A.C.

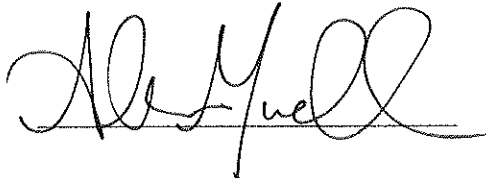
No court can operate effectively without impartiality and objectivity. A Justice cannot exercise those abilities if subject to the pressures that are associated with reappointment. Tenure is not a method to maintain a power but a preventative measure against political influence. If the Student Government Association wants a court with the fullest intentions of serving the student body, they must allow tenure to persist for Justices to exercise their best judgment. Furthermore, the lifetime tenure of the Court serves to complete the system of checks and balances of government. A court that must repeatedly prove their political worth to Senate is a court that is neither impartial nor in pursuance with the ideals of a democratic government.



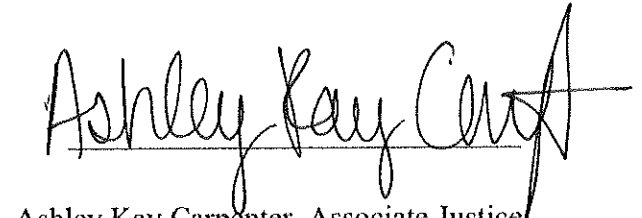
Jake Smith, Chief Justice



Shelby James, Vice Chief Justice



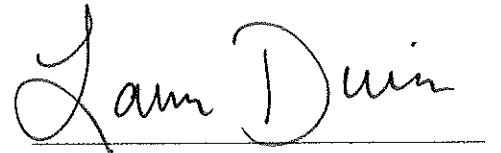
Alex Mueller, Associate Justice




Ashley Kay Carpenter, Associate Justice



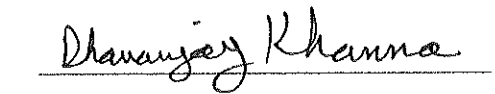
Stephen Shuchart, Associate Justice



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