



# The Student Senate

Texas A&M University

S.B. 68-11

The Student Senate  
68th Session  
Texas A&M University

Introduced By: Speaker of the Senate Aaron Mitchell, Off Campus

Action Taken **FAILED** Certified By: \_\_\_\_\_  
by roll call vote Aaron Mitchell  
6 For Speaker of the Senate  
40 Against  
6 abstentions

Duly Approved: \_\_\_\_\_  
Joseph Benigno  
Student Body President

## The Judicial Accountability Constitutional Amendment

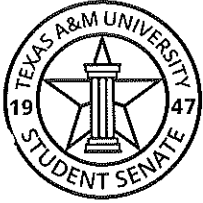
*"A bill amending the Student Government Association Constitution to modify the selection process and terms of Judicial Court Justices."*

**Whereas(1):** The Texas A&M Student Government Association Judicial Court has made several key mistakes in recent rulings that have led to the questioning of their understanding of the Student Government Association Code including, but not limited to: making rulings based on outdated versions of the Code in an extremely significant case, incorrectly citing the Code, the creation of unconstitutional Judicial Court Bylaws, the issuance of an unsigned Writs of Mandamus, and other gaffes; and,

**Whereas(2):** The Judicial Court holds the right to final interpretations on the Student Government Association Constitution and the Statutes of the Senate and thus should display an extremely proficient understanding of the S.G.A.C.; and,

**Whereas(3):** "Lifetime" tenure gives no incentive for Justices of the Judicial Court to adhere to discipline and rigorous legal standards. By bringing back rules that make the term of Justices correspond with each Session of the Student Senate and allowing the Chief Justice and Associate Justices to be appointed Judicial Court Selection Committee, Justices will be incentivized to perform at a higher level, while not being inclined to support any one branch in their rulings. The result of this

measure is increased accountability, while maintaining the separation of powers that is essential to a three-branch government.



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**Therefore**

**Let it be**

**Enacted(1):** That Article IV Section II of the Student Government Association Constitution be amended to read as follows:



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**section II.** The Judicial Court shall be organized in the following manner:

- (a) The term of each Judicial Court shall last as long as its corresponding session of the Student Senate. The Judicial Court shall only be in session during the fall and spring academic semesters, and the Judicial Court may not hear cases or conduct any other official business on university holidays.
- (b) The Judicial court shall consist of nine (9) Justices and four (4) Alternate Justices.
- (c) The Justices of the Judicial Court, Alternate Justices, and Chief Justice of the Judicial Court shall be appointed by a four member committee made up of the Speaker of the Student Senate, Rules and Regulations Chair, the Student Body President, and the outgoing Chief Justice. Once a Chief Justice has been appointed and confirmed by a two-thirds (2/3) vote of the Student Senate, the new Chief Justice shall serve on the committee, and the outgoing Chief Justice shall forfeit his membership. The Rules and Regulations Chair shall chair the committee. The Rules and Regulations Chair shall not have voting privileges unless the office of Chief Justice becomes vacant, if the outgoing Chief Justice becomes ineligible to be a member of the Student Government Association before the position of Chief Justice is filled, or if the conditions in Article IV Section II Subsection (e) (4) of this constitution are met. This committee will henceforth be known as the "Judicial Court Selection Committee."
- (d) The Justices and Alternate Justices of the Judicial Court shall serve a term that corresponds with each term of the Judicial Court. Justices of the Judicial Court and Alternate Justices shall be appointed by the Judicial Court Selection Committee. Once appointed, the nominee must be confirmed by two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting to serve as a Justice of the Judicial Court or Alternate Justice.
  - (1) If any Justice shall enter as a candidate for a position within Texas A&M Student Government Association in an election that is governed by the Texas A&M Election Commission, he or she shall be removed from his or her position of Justice at the time of registering for the election in which they are running. If the former Justice desires to return to the Court, he or she must resign their elected position within Texas A&M Student Government Association and complete the process outlined in Article IV Section II subsection (d) of this constitution.
- (e) The Judicial Court Selection Committee shall appoint the Chief Justice for his corresponding term of the Judicial Court subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
  - (1) The office of Chief Justice shall be subject to re-appointment for each subsequent term of the Judicial Court.



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- (2) The Chief Justice shall appoint such other officers and members of the Judicial Branch as may be established by the Student Senate by statute, which shall serve in accordance with the statutes, unless the Student Senate, by statute, vests their appointment in the Student Body President or the Justices of the Judicial Court.
  - (3) In the event that the Chief Justice vacates the office of Chief Justice, the Judicial Court Selection Committee shall appoint a new Chief Justice subject to confirmation by a two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
  - (4) No member of the Student Government Association may serve as the only Chief Justice for a term of the Judicial Court more than once. If a Chief Justice fills a vacated Chief Justice position and wishes to be considered to appointment for the next term of the Judicial Court, he will forfeit his membership given to him as the outgoing Chief Justice on the Judicial Court Selection Committee.
- (f) Should a seat on the Judicial Court be vacated, the Judicial Court Selection Committee shall appoint a new Justice to fill the seat subject to confirmation by two-thirds (2/3) vote of the Student Senate membership present and voting at an announced meeting.
  - (g) Exactly nine (9) Justices of the Judicial Court shall be necessary to hear any case.. If any number of Justices of the Judicial Court are unable to attend the hearing of a case, the Chief Justice shall appoint an equal number of Alternate Justices to serve on the case. These Alternate Justices shall serve and have the powers of a Justice of the Judicial Court for the entirety of the case, including any appeals.