



**In the
Modesto A.Maidique
Student Government Association**

On the Assistant Vice President of Student Affairs'
response to Devondra Shaw's Appeal of the SGC-
MMC Supreme Court Ruling

**BRIEF AMICUS CURIAE IN SUPPORT OF
THE SGC-MMC SUPREME COURT**

Delivered 5 April, 2016

Sergio Molina
Chief Justice

Hayed Kure
Associate Justice

*Council for Amicus Curiae
Student Government Association*

Question Presented

1. Whether or not the MMC Student Government Association's Supreme Court was valid in its structure on March 23, 2016.
2. If, in the case that the MMC Student Government Association's Supreme Court was valid, its ruling on the issue of Gilces v. Sirven still stands.

OPINION

As a response to the Assistant Vice President of Student Affairs' opinion on Shaw's appeal of the SGC-MMC Supreme Court Ruling's, Chief Justice MOLINA, S. and Associate Justice KURE, H. respectfully submit this amicus curiae brief in support of the SGC-MMC Supreme Court.

In the Assistant Vice President of Student Affairs' opinion on Shaw's appeal, the Assistant Vice President of Student Affairs, Dr. Arneson, stated that the "Student Supreme Court-MMC decision was null and void".¹ This response was a result of the analysis of "new evidence [that had] come to light" stating that "none of the justices were confirmed, leaving only the Chief Justice who cannot act alone".² Although we would agree that the decision reached would be a logical one when taking into consideration the allegations presented, we must acknowledge that the new evidence submitted was not entirely accurate. The Supreme Court is composed of "one (1) Chief Justice, four (4) associate justices and two (2) Court Clerks".³ Shaw and Arneson both acknowledge that Chief Justice Molina was approved

by the majority vote of a senate that met quorum⁴, but allege that all other justices were confirmed on February 8, 2016 at a senate session that did not meet quorum. This statement is inaccurate, as—when excluding the Chief Justice—there are four other justices on the Supreme Court. In order for this allegation to be true and valid, four justices would have had to have been improperly confirmed, which was not the case. We recognize that the justices present at that senate meeting were improperly confirmed due to a failure to meet quorum, but we must address, for the record, that only three of four justices attempted confirmation that day, leaving one other justice unaccounted for by the issuant of the appeal.

That fourth Justice, Hayed Kure, or first when considering chronology, was approved on November 2, 2015 by a senate that exceeded the number of present senators necessary for quorum.⁵ As Justice Kure was present at the hearing on the issue of Gilces v. Sirven that took place on March 23, 2016, these facts directly contradict the statements made in the opinion of the Assistant Vice President of Student Affairs that state that Chief Justice Molina acted alone.

¹ See Withdrawal of the March 30, 2016 Opinion

² See Withdrawal of the March 30, 2016 Opinion

³ See Article V, Student Statues, Judicial Branch Section 5.02 (a)

⁴ Minimum number of voting members required to conduct substantive business at a meeting

⁵ See Senate Meeting Minutes- November 2, 2015

Although we find this lack of evidential oversight by Ms. Shaw to be negligent, we understand the possibility for confusion. Taking the correct set of facts into consideration, the question now becomes whether or not the two justices on the bench were enough to hold a hearing and issue a valid verdict.

In order to thoroughly assess this inquiry and accurately answer this question, we must refer to both the SGC-MMC Constitution and SGC-MMC Statues. If we review the language on a very superficial level, we'll take from them that the Supreme Court requires all five justices in order to have a hearing. However, if we analyze this document a bit further, it'll be clear that such is simply the structure necessary to have a full supreme court, not the structure necessary to hold a hearing. In fact, neither the SGC-MMC Constitution, nor the SGC-MMC Statues reference hearing requirements in regards to justice attendance. When comparing this to the language in the senate's governing documents, we'd see that in it is clearly stated something similar, but a bit more thorough. As it stands, the senate is made up of "thirty two (32) senators".⁶ If we use the same logic as is being used in the analysis of attendance required for a hearing, we'd conclude that the senate would need to have all 32 senators to run a valid meeting,

⁶ See Article 2, SGC-MMC Constitution, Section 2 (A)

but this is not the case. Both the SGC-MMC Constitution and SGC-MMC Statues clearly dictate that all senate meetings "shall be conducted according to the latest version of Robert's Rules of Order"⁷, which requires a quorum to entertain any business. This kind of specificity isn't noted when reviewing attendance required by the Supreme Court for a hearing. The only meetings that follow the same vague attendance requirement recognized within the SGC-MMC constitution are Executive Cabinet Meetings, which—according to the governing documents—also don't specifically mandate a set number of cabinet members required to entertain a cabinet meeting. In essence, only two cabinet members could show up to the meeting, and the Chief of Staff can still hold business, should he or she choose to do so. When juxtaposing the language of the three different bodies referenced in this brief, it becomes sufficiently clear that the Supreme Court, even with only two members, can meet for a hearing and its respective deliberation.

Because of the vagueness in the language of the attendance required for a Supreme Court hearing, where the governing documents otherwise specify attendance requirements for other SGC-MMC meetings, we are confident that the Office of the Vice President of Student Affairs, if

⁷ See Article III, SGC-MMC Constitution. Section 4 (K)

asked to review this issue again in light of the corrected “new evidence”, would find that the Supreme Court, as it stood on March 23, 2016, convened validly—even if it was only with two justices on the bench, and that as such, the decision of the Supreme Court still stands.