

Date: 2nd April 2016

Time: 10.30am

Venue: Classroom 14

Note-Taker: Glen Koh

Presiding Officer: Patrick Wu

Attendance: Patrick Wu, Shreyasa Pradhan, Sharlene Chow, Glen Koh, Gin Ong (late), Joey Lim (late)

Absent: Elson Ong, Erika Terrones-Shibuya (all with apologies)

Agenda:

- Pending suit from Jay Lusk

Summary:

In this meeting, the Judiciary Committee discussed information regarding the pending suit from Jay Lusk. With regard to the case, the Committee brought forward and voted on four motions:

1. Motion to enact a Procedure for Recusals (motion passes)
2. Motion for Patrick to not be recused from the case (motion does not pass)
3. Motion to have a speedy hearing in the case of Jay v. Khan, with the exception that the verdict may come after 12:00am on Wednesday, April 6 (motion passes)
4. Motion to call witnesses to provide testimony (motion passes).

Following the first and second motion, Justice Koh and Chief Justice Wu – named as defendants in the case of Lusk v. Khan – were recused. The justices agreed to have Joey Lim sit in place of Chief Justice for the hearing. Following the third motion, the Justices present proposed Wednesday, April 6 from 9:00pm–12:00am for the hearing to take place. Finalization of the date, timing, and venue will occur once the Justices have ensured that the witnesses, plaintiff, and defendant can be present.

Agenda	Discussion Points	Action
<p>Pending suit from Jay Lusk</p>	<ol style="list-style-type: none"> 1. Recusals <ol style="list-style-type: none"> a. Patrick: Constitutional test is whether or not Justices feel they can hear things objectively. b. Glen: I was working on 1st Elections Committee and was privy to conversations with 2nd Elections Committee c. What kind of line do we draw that determines whether we are recused? d. This will set the precedence for future Judiciary and guidelines for recusal. e. Patrick: We will need to determine what level of conflict of interest will then warrant a recusal from judgment on a case. f. Patrick: We should also decide on procedure for recusals g. MOTION: This and future judiciaries will adjudicate recusals in the following manner: <ol style="list-style-type: none"> i. If a plaintiff or a member of the Judiciary suspects any member of the Judiciary will be incapable of hearing a case objectively, then they shall present their points to the relevant Judiciary member to consider. <ol style="list-style-type: none"> 1. If that member of the Judiciary agrees, they shall recuse themselves voluntarily. 2. If that member of the Judiciary disagrees, they may present their position for the Judiciary to consider. 3. The Judiciary, without the member in question, will vote on the matter. A 2/3 majority of remaining Judiciary members will be required for the recusal to be passed. ii. 4 in favour, 0 against, 0 abstentions, motion passes h. To decide on the recusals of Chief Justice Patrick and Justice Glen 	

	<ul style="list-style-type: none"> i. Patrick: I would plead guilty, but not presenting a defence. <ul style="list-style-type: none"> 1. Only mention of his name is a claim that was made that the time commitment required for the President will be comparable to the time commitment for a council member 2. Does not have an argument to make for or against that statement 3. Judiciary will not necessarily make a bias decision just because they were involved in the case. 4. The committee is being sued as a whole and not the individuals <ul style="list-style-type: none"> a. Anandita was not actually in the elections committee, even though she was appointed for the committee. 5. Shrey: If you don't have a counterargument, is that equivalent of agreement? 6. Patrick: I would raise no defence, and be part of no defence. Which allows me to maintain an impartial stance. 7. Shrey: If the elections committee has a meeting, will you present? 8. Patrick: No, I will be dissociated from the defendants to maintain impartiality. ii. Patrick leaves the room, the rest of the Judiciary members will vote on Patrick's recusal. <ul style="list-style-type: none"> 1. MOTION: Patrick should be not be recused from the Judiciary for the trying of this case. 2. 0 in favour, 4 opposed, motion does not pass iii. Glen: I would accept the recusal, since the suit is on procedure and I will involved in procedure. 	
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	<ul style="list-style-type: none"> iv. Patrick: For the rest of the hearing process, Glen and I should not be present in the discussions of the Judiciary v. Patrick: Shrey will now be appointed to head the rest of the hearing on the case. Glen will also have to leave, there will have to be a new notetaker. vi. Shrey: Joey will sit in place of Patrick as Chief Justice for the hearing. The only justices recused from the hearing are Patrick and Glen. 	
	<p>Shrey: Opens discussion for motion for a speedy and public hearing (before the 6th of April, before Elections Committee decided).</p> <ol style="list-style-type: none"> 1. Do we need another meeting before the hearing? 2. Preferably, have the hearing before Wednesday <ol style="list-style-type: none"> a. Proposed meeting: Wednesday, 9pm-12am for the hearing; everyone present at this meeting are able to make this date and time. Sharlene contacted Elson, who is free. Joey contacted Erika. Defendant and Plaintiff need to be contacted. 3. Question of witnesses and testimonies arises. Will this be problematic given the time constraint? 4. MOTION: All in favor for motion to a speedy hearing; only exception: verdict will be made past midnight of April 6. <ol style="list-style-type: none"> a. 4 in favor, 0 against, 0 abstain; motion passes. 5. MOTION to call witnesses to provide testimony for Lusk v. Khan <ol style="list-style-type: none"> a. Gin: Question of whether investigation of witnesses is necessary; how involved were these witnesses? b. Shrey: Question of whether all witnesses will be able to make the hearing. Will this be a concern? c. Sharlene: Not necessarily d. 4 in favor; 0 against; 0 abstain; motion passes 	

Discussion of case	<p>Shrey: Broad complaints (four categories)</p> <ul style="list-style-type: none"> ● Violation of student government ● Violation of election code ● failure to conduct a fair and transparent election ● Student council has failed to ensure a fair and transparent election next year. <p>Shrey: Where will we have this hearing?</p> <ul style="list-style-type: none"> ● Sharlene: Suggests venues; possible to use one of the lecture theatres. ● Gin: Raises question of whether the case will be public. Shrey: says yes. ● Decision to book a lecture theatre 	

Agenda for our next meeting:

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Reminders/ Updates:

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