

***JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS  
OF THE UNIVERSITY OF NEVADA***

**Attorney General Kish V. President Pereira**

Filed: 16 April 2014

Decided: 27 April 2014

*Direct Judgment*

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Associate Justice Jonathan Barnes writes the following **dissenting opinion** of the ASUN Judicial Council:

Attorney General Kish charged President Pereira of violating:

The Constitution of the Associated Students of the University of Nevada – Article III, Section 4, Subsection (a) regarding malfeasance in office.

Per these citations, Attorney General Kish asserts that:

1. President Pereira has demonstrated malfeasance in office,  
and
2. President Pereira hosts affiliations which constitute a conflict of interest as  
he continues in his capacity as President of the Associated Students.

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**Facts Revealed by the Hearing**

See assenting opinion filed by Chief Justice del Carlo, Associate Chief Justice Christensen, and Associate Justice Powell.

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### **Interpretation by the Judicial Council**

In regard to the decision of the ASUN Judicial Council to move impeachment proceedings against President Jake Pereira to the ASUN Senate, I respectfully dissent from the majority in accordance with SAS 302.6.c.3:

“Those participating Justices in disagreement are entitled to write a minority or dissenting opinion(s), which shall be included along with the majority decision for distribution.”

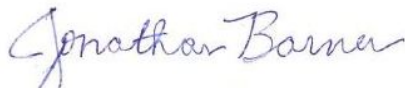
The Judicial Council cannot jeopardize the integrity of the Association by condoning this type of behavior. However, while consideration is due because of the gravity of the charges filed by Attorney General Kish, and supervision over the upcoming appointment process would be a wise step, I feel that the charges filed do not adequately substantiate claims of intimidation, coercion or bribery on the part of President Pereira. Moreover, I dispute that President Pereira committed malfeasance in office as defined by the assenting opinion.

Attorney General Kish himself stated in the initial charge sheet that

“...these charges do not and ought not constitute an attack on Coffin and Keys.”

Focusing on the role of Coffin and Keys in this situation is not the purpose of the charge sheet, nor is President Pereira’s affiliation with the organization Coffin and Keys. In addition, I do not wish to offer an opinion about Coffin and Keys’ relationship with the university. The charges were intended to consider the character of President Pereira in relation to his ability to carry out the duties of his office.

I also seek to remind readers that these actions occurred while President Pereira occupied the position of Director of Traditions, a role that did not have the responsibility over appointments. I believe that President Pereira is taking the necessary steps to rectify past questions about his integrity. I look forward to observing the continuing progress of this situation, and respectfully hope that needed measure and restraint is practiced in this delicate case.

A handwritten signature in blue ink that reads "Jonathan Barnes". The signature is written in a cursive, flowing style.

Associate Justice Jonathan Barnes