

# Judicial Council

Minutes for Tuesday, September 15<sup>th</sup>, 2020 at 6:30 pm

Zoom Online Conference, email [chiefjustice@asun.unr.edu](mailto:chiefjustice@asun.unr.edu) for meeting details

1. **CALL MEETING TO ORDER**

Chief Justice Pride called the meeting of the Judicial Council to order on Tuesday, September 15<sup>th</sup>, 2020, at 6:30 p.m. via Zoom conference call. Presiding Secretary, Jackson Wu-Kimura.

2. **ROLL CALL**

**Present:** Chief Justice Pride and Associate Justices Albrecht, Baiocchi, Marino, and Snowden.

A quorum was present.

3. **PUBLIC COMMENT**

There was no public comment at the time.

4. **MINUTES**

There were no minutes discussed at this time.

5. **NEW BUSINESS**

**A. Title IX Pamphlet and Infographic**

- Chief Justice Pride asked Associate Justice Albrecht if the pamphlet had been released; Associate Justice Albrecht answered no.
- Discussion on this topic was tabled for public comment later in the meeting.

**B. Title IX Training**

- Justice Pride outlined what to expect at the Title IX training and urged fellow Justices to attend it.
- **Question from Associate Justice Albrecht:** Asked what date the training is planned to take place.
  - **Response from Chief Justice Pride:** The training is planned to take place on September 29<sup>th</sup>.
- Justice Pride briefly discussed the start of the Judicial Council internship program and recommended that Justices attend intern meetings.

**C. Reports on Past Judicial Case**

- Associate Justice Baiocchi discussed a past case concerning a Senate election, namely involving a stick-in campaign sign that was removed by the candidate but still resulted in the minimum \$5 fine. Associate Justice Baiocchi overviewed the judgement and discussed why the Council should impress upon future candidates the importance of paying closer attention to election code.
- **Question from Chief Justice Pride:** Asked when the next Senate elections were planned to take place.

Posted at the ASUN Offices in the Joe Crowley Student Union, Frandsen Humanities Building, the Pennington Student Achievement Center, Mathewson- IGT Knowledge Center, and online at [www.nevadaasun.com](http://www.nevadaasun.com).

If you would like a copy of any of the agenda items listed, please contact [chiefjustice@asun.unr.edu](mailto:chiefjustice@asun.unr.edu)

- **Response from Associate Justice Baiocchi:** Stated that campaigns are slated to early February and spill into March.
- Associate Justice Snowden discussed a past case, Cohn v. Geremia, in which Senator Corinna Cohn accused Speaker of the Senate Gracie Geremia for violating Nevada Open Meeting Law. The case, which occurred during the 77<sup>th</sup> Session of the Associated Students of the University of Nevada, involved incorrect years written on published agendas; though the decision fell in Cohn's favor, the Council at the time did not move to void the agenda over a clerical error. Associate Justice Snowden explained the importance of this case as she highlighted how small, insignificant errors like this may lead to legal and political turmoil.
- **Comment from Chief Justice Pride:** Chief Justice Pride strongly agreed with Associate Justice Snowden's remarks about the seriousness surrounding agenda-posting and shared a recent experience that involved one of her meetings almost being cancelled due to her not posting the agenda ahead of time per Nevada OML.
- Associate Justice Marino delivered a lengthy report about the impeachment case of Jake Pereira, who was President of the Associated Students of the University of Nevada during the 82<sup>nd</sup> Session. Attorney General Steven Kish charged President Pereira with "malfeasance in office" per Article III, Section 4, Subsection (a) of the ASUN Constitution. The matter that led to the charge occurred during President Pereira's tenure as Director of Traditions, and proceedings concerning the charges occurred during the beginning of his term as President. According to Attorney General Kish, the incident began after a confidential email had accidentally been sent to him by Christopher Cueller on behalf of the Coffin & Keys organization. The email effectively revealed President Pereira's membership in the elusive group, contradicting his previous public denial of being involved in the organization. Whereupon he learned of Attorney Kish's receipt of the email, President Pereira, along with Vice President Alex Bybee, reportedly confronted him at his residence in the Sigma Phi Epsilon house and "coerced" the Attorney General into deleting the email. Attorney General Kish reported feeling trapped in his own room as the President and Vice President physically watched over him as he deleted the email. They also allegedly directed him to lie about the email and to keep President Pereira's status in the organization a secret. Associate Justice Marino noted President Pereira's prior conflicts within ASUN, particularly his eschewing campaign protocols for personal and political gain. It was this incident, however, that provided the best case for removal from office. The Chief Justice and two Associate Justices sided with the Attorney General and described President Pereira's behavior as "unbecoming," while the remaining two Associate Justices dissented with the charges, noting how the President was not yet in office when the incident took place. Due to these charges being filed at the beginning of the new session, appointments for key positions were delayed as outgoing and graduating members were forced to stay on to facilitate impeachment proceedings. These efforts ultimately proved futile, however, as the senate found President Pereira not guilty of the charges brought against him and allowed him to serve the remainder of his term in office.

- **Comment from Associate Justice Baiocchi:** Complimented Associate Justice Marino on her skillful presentation of the case while also noting that, as of last year, the impeachment process for ASUN officers has been significantly revamped.
- Associate Justice Marino provided further elaboration about Coffin & Keys and their role on campus.
- Associate Justice Albrecht discussed Teixeira v. Rusk, which involved presidential appointments. The case concerned President Teixeira's appointment of an individual named Mr. Wahlberg to the Director of Public Relations, not long after he had been denied for the same position under the same President. President Teixeira argued that it is permissible to nominate the same person for a second time after being rejected during their first nomination, and the Judicial Council ruled in his favor citing past precedent.

6. **PUBLIC COMMENT**

A. **Chief Justice, Paulina Pride**

- Chief Justice Pride discussed intern availability for the Council and protocols for working with interns during the program. The Council then discussed how to conduct meetings with the interns and how often.

7. **ADJOURNMENT**

Chief Justice Pride adjourned the meeting at 7:21 p.m. via Zoom conference call.