



**72<sup>nd</sup> Student Senate  
Judiciary Committee  
Date: October 26th, 2020**

**Call to Order:** 7:01 p.m.

**Members Present:** Chair Leckie, Vice Chair Wang, Senator(s) Soto, Murcia, Little, Boole

**Members Tardy:** Senator(s)

**Members Excused Absent:** Senator(s)

**Members Absent:** Senator(s) Ascanio, Recht, Ross

**Guests:** Former Senator (now University of Indiana law student) Joshua Weber, Joseph Wolski, Attorney General Kelvin Ready, Pro-Temp Harmon, Senator(s) England, A. Gonzalez, Daraldik

**Announcements:**

- Chair - X
- Vice Chair - X
- Members - X
- Guests - X

**Committee Business:**

- **Supreme Court Hearing - Joseph Wolski**
- **Bill 105** - Sponsored by Senators Adamyk and Leckie, cosponsored by Senators England and Mougey - to amend the composition of the Office of the Attorney General
- **Bill 112** - Sponsored by Senator England and cosponsored by Senator Harmon - to clear up confusion around abstentions

**Old Business:**

- None

**New Business:**

- **Supreme Court Hearing - Joseph Wolski**
  - Opening Statement
    - Wolski: Mr. Chairman, members of the committee, I would like to thank you for having me tonight to consider my nomination to the Student Supreme Court. As you likely know, this is not the first time I have appeared before you. Just over one month ago, my nomination was considered for this same position before this same committee. On that occasion, I was asked five questions, of which only one actually went to my substantive qualifications, and the entire hearing did not last more than fifteen minutes. While I chose not to stay in the zoom for deliberations, I was informed both by non-committee members who did view deliberations and by the minutes provided on the SGA website, that

a member of this committee allowed their personal views of a Supreme Court case I argued to influence their decision, despite the fact that I specifically mentioned that the case did not necessarily represent my personal views on the matter. Also, a different committee member expressed concern over the length of my written answers on the SGA application. However, this member did not ask me to expound on any of my answers on the application, nor did she even raise the issue in front of me during the question and answer period. Further, when the Chairman asked if she wanted to ask me more questions, she declined the opportunity. Had she asked, the committee would have learned that my understanding of the application was that it was meant to be an introductory questionnaire and that I would be asked to expound on those answers during the Judiciary Committee hearing. I am here before you today under no time constraints. I am happy to answer any question about my substantive qualifications for this position, so long as it does not involve me expressing my view on any legal issue that could come before the Court. I love Florida State University. I graduated from here in 2019 with a bachelor's degree in political science and economics. I chose to stay here for law school and am currently in my second year as a law student. I did not have the opportunity to serve in SGA as an undergraduate, so I look forward to the opportunity to serve the school I love so much as a Supreme Court Justice, if confirmed. The last time I was here, I was neither afforded a Constitutional process nor a fair vote by certain members of this committee. I am thankful that the Chairman has agreed to hear me once again, and all I ask is that you set your personal views aside, as I will if confirmed to the Court, and consider my nomination in a fair, objective manner, as that is what the Constitution and the laws of our nation and our university require. I will be providing the Chairman with a written copy of this statement, and I hope it'll be placed in the minutes unabridged. I look forward to any questions you may have. With that, I yield my time.

- Technical, Non-Debatable
  - None
- Questions on SGA Website:
  - What are the duties and responsibilities of your position?
    - Wolski: It is our job to hear any disputes/complaints from students or student groups on campus regarding violation of statutes/constitution/code of conduct and come to the best legal conclusion that we can.
  - How familiar are you with the Student Body Statutes and Constitution?
    - Wolski: Very familiar. I spent several weeks reading through them this summer for various different reasons. Every case may come with new things that I may have overlooked. I would be happy to do more research should that occur.
  - Do you have any conflict of interests that would inhibit the effective execution as a Justice?
    - Wolski: I am not aware of any. I would recuse myself if I did.
  - What past experiences qualify you for this position?
    - Wolski: In January, I argued a case in the court. The merits of the case did not represent my personal views. A friend of mine asked me to represent him, and I was the only law student he knew. In

arguing the case, I was able to observe the court's procedure. Everyone deserves a zealous advocate on their behalf regardless of their situation. I know what kinds of questions the judges are supposed to ask/what advocates are supposed to respond with. I had an internship with a felony court judge, so that is an invaluable experience I can bring to the supreme court.

- Can you fully commit the time necessary for this position?
  - Absolutely, I have no major commitments outside of class and studies.
- What is your approach to statute interpretation?
  - You look at the text of the statute and how it was implemented and you read into interpretation as was intended by drafters at the time it was enacted.
- Senator Boole moves to enter General Questions
- Senator Soto seconds
- Questions
  - Wang: Do you believe it is within the court's power to determine whether or not statutes are fair?
  - Wolski: This is a broad question. Courts must determine legally correct conclusions from any issues. This may be fair or unfair to any group, but it must be legally correct
  - Soto: Can you elaborate as to what specifically motivated you to apply for this?
  - Wolski: I want to serve the student body, and I was exposed to the court by arguing a case before it. I want a chance to get experience as a judge in terms of writing and oral advocacy. I'm hoping to find the legally correct conclusion to issues.
  - Gonzalez: Can you unpack character and how it plays into conflict resolution?
  - Wolski: I always try to be honest. I'm an Eagle Scout, so I try to live by 12 points of scout law. Duty to the community and others is a big part of that and a large part of who I am. If there is a conflict, the best way to approach it is to have cool heads where we have calm conversations. Be respectful, civil, and kind.
  - Gonzalez: You stated you worked as an intern as a felony court judge. Can you expand on that and how you would base actions on that experience?
  - Wolski: I want to focus on how judges interact with all individuals in the courtroom. I was able to see how that specific judge interacted with his secretary and me as his intern. Your job is to ensure that everyone in the courtroom is treated equally and respectfully.
  - Soto: Why did you think it's not the role of the judge to have a goal in their position?
  - Our job is not one of advocacy. That is for the lawyers in the courtroom. The only goal I have is to remain fair and impartial when it comes to legally correct conclusions. If judges have goals, they are abusing their power.
  - England: Could you talk about your qualifications that make you more qualified over any other candidate?
  - The internship provided an experience others wouldn't have as far as working with a judge on a daily basis. My experience advocating before

the court would be specifically uniquely qualifying. It was one of the first times I had even heard of the court, and I don't think most law students even know it exists.

- Wang: Citing your own case, *Wolski v. Supervisor of Elections*, you sought remedies outside of the Court's jurisdiction including removal of SOE & her deputy and demanding appointment to a vacant senate seat. The court dismissed this based on the fact that the judicial branch does not have the power to appoint members to the legislature. Given that your demands were not within the court's power, how can you ensure that you will not overstep your boundaries in your capacity as a justice on the Supreme Court?
- Wolski: I was an undergrad, and I didn't understand how it all worked. There was a wrongly advertised senate seat by SOE, and I filed this case hastily. I was not aware I had to go to the elections commission which is what the court made me aware of. Now as a law student, I'm more aware of how law works and proper procedure/jurisdiction. Last semester, I took a class called civil procedure where half of the semester is devoted to just jurisdiction.
- Soto: Do you have any further experience besides your internship, and how does the stuff you learned help you with this position?
- Wolski: I would reiterate back to my arguing before the court beyond the internship. I have another family member who is an attorney, and I speak to him a lot about his cases which is the only thing I would add.
- Gonzalez: You refer to yourself as an originalist. Can you unpack this?
- Wolski: When I was asked earlier about my approach to statute interpretation, it means that I would interpret a piece of legislation or a part of the Constitution as it was originally intended to be. There is another misconception in the real political realm about originalism surrounding the current nomination to the supreme court. For example, regarding African Americans or women not having voting rights. That's not what that means. That's why you have amendments to the constitution. For example, *Dred Scott* was overturned by *Brown v. Board* because the constitution had been amended. As an originalist, looking at *Brown v. Board*, you're not saying that the Constitution first as it was drafted says that African Americans were not citizens who had the right to vote. You interpret it as the 13th amendment which is now part of the constitution which should be included in part of your analysis.
- Leckie: Do you think it is appropriate for the courts to comment on legislation actively being debated by the legislative branch?
- Wolski: No, unless the legislature seeks an advisory opinion on the specific matter.
- Gonzalez: In regards to advisory opinions, how big do you think the scope should be for the courts?
- Wolski: It should be a case by case basis. When the legislature submits a one sentence request to the court, that may involve going into other statutes.
- Leckie: It's not appropriate for courts to engage in political questions, so what is your definition of a political question?
- Wolski: I studied this in constitutional amendments last year. I don't want to overstep my answer in case it does come up. I would abide by the political question doctrine established by the Supreme Court.

- Gonzalez: Equal treatment can you explain where you get your definition from?
- Wolski: I can just give you my definition. It is that you are not showing bias towards one side, and you are essentially being fair in questioning and responses. Not showing hostility towards one side. If the judge outwardly shows any bias, that's when you have real problems within the confines of the courtroom.
- Gonzalez: How have your external/internal identities influenced why you wanted to apply for this position?
- Wolski: As someone who has wanted to attend law school since 7th grade, the idea that I could better the student body and interpret the law was something that made me excited. Both contributed heavily to who I am and why I applied.
- Wang: Statutes and our constitution are important as they are our governing documents. At the same time, precedent is also important specifically in the judiciary. How do you plan to balance the two?
- Wolski: Common practice is that the constitution comes first, but statutes are analysed second, and then judicial precedent third. If precedent conflicts with the constitution, it should be overturned. Courts do have to uphold prior judicial precedent if there is not a violation of the Constitution.
- Leckie: Where do you believe the powers of contempt end?
- Wolski: I do not want to comment on that given that may come before the court.
- Senator Wang moves to enter deliberations
- Senator Soto seconds
- Deliberations:
  - Boole: I think this interview went really well. I like him as a person. He seems very committed and really legal/objective.
  - Little: I was here for the original vote, and I voted yes. I am still in support. He is promising, and I don't see his past experiences
  - Wang: There was one thing that worried me a little bit in regards to Chair Gonzalez's question about the scope of the judicial branch for advisory opinions because in my opinion, there has been a lot of judicial overreach lately especially with advisory opinions.
  - Soto: I tried to be unbiased. I really think the answers could have been more elaborated. In terms of his experience, I didn't think the two little things are enough for me to feel comfortable voting yes. However, I think he can work up to it.
  - Boole: His experience is pretty unique and he's been part of the process. It's pretty unheard of. I think Joseph's experience is the best you can get.
  - Little: The amount of preparation of effort it takes to try a case should not be undermined. I'm on mock trial, so I know it's time consuming.
  - Gonzalez: In his application, he says it's not a job of a justice to advocate. Nothing in his interview has said that he's an advocate, and that's literally the position he took. In regards to my question to where he derives his definition of equal treatment, I was looking for legal backing. It says a lot about a person when they say where their definition comes from rather than when he explained what his definition was. There is a lot of legal backing to equality, and he did not give me that. He just told me what his definition was. In terms of his internal/external qualities, he talked about

how he wanted to better the student body and interpret the law. I think taking his excitement for interpreting the law and then grabbing the thing about being an originalist, I think it's really important to understand that the constitution is a living document, and the founding fathers purposefully left it broad, so you are allowed to interpret it the way you see fit as time evolves. Him being an originalist denotes the idea that the constitution is a living document and the interpretation is supposed to change over the years. There was also his experience. Just because you can argue a case before the court does not make you qualified. I sat in the Denton v. Daraldik hearing, and the individual who represented Ahmad Daraldik was not qualified. He was not competent enough no matter how much qualification he had to defend him. Using that as a standard is not enough.

- Boole: Chair Gonzalez, you had the option to ask where he actually got his definition from and reclarified.
- Murcia: POC: Chair Gonzalez did specifically ask for where his definition came from. He specifically said he was going to say what his definition was rather than where it came from.
- England: I want to defend Mr. Wolski's experience. What I've heard from law students is that you don't have much time to do things outside of school. I'm curious as to what experience you are looking for if experiencing this firsthand is not enough. Echoing what Boole said, if a candidate does not give you an adequate answer, you are more than welcome to continue questioning.
- Senator Wang moves to call the question
- Senator Boole seconds
- Closing statement:
  - Wolski: Thank you Judiciary for a very robust conversation. One thing I forgot to mention is that i am on the school's mock trial team, so I have experience in that as well. I apologize to Senator Gonzalez for not elaborating on equality. It's been heavily debated in the court. Fifth and 14th amendments give us a lot of background on equality. Being an advocate is not a qualification for being a judge. I ask for your support. Thank you.
- Vote
  - Boole: Yes
  - Little: Yes
  - Murcia: No
  - Soto: No
  - Wang: Abs
- **RESULT:** 2 Y, 2 N, 1 Abs, Chair breaks tie with Yes

### **Chair Leckie relinquishes chairship to Vice Chair Wang**

- **Bill 105** - Sponsored by Senators Adamyk and Leckie, cosponsored by Senators England and Mougey - to amended the composition of the Office of the Attorney General
  - Opening Statement
    - Adamyk: This is revising the statutes around the office of the Attorney General. Before this summer, this was not really defined in statutes. We took it upon ourselves to write out section 300.6 and 300.7 for the office of the AG. After that was passed, I went back through it and thought that

there were a few changes that could be made to make it more in line with the real life office of the AG. As it stands now, AG can appoint several deputies, but this would change it to one deputy and several associates. Those would head up separate departments that the AG would be able to establish. The other change is that the AG is not defending the executive branch if he takes action against another office within the executive branch.

- Technical, Non-Debatable
  - None
- Senator Little moves to enter Round Table Discussion
- Senator Boole seconds
- Round Table
  - Gonzalez: In 300.7C, this gives no basis to what an approved investigation is.
  - Adamyk: That first part shouldn't be underlined because it is already there. That was a mistake on my behalf with formatting. Technically reading the language as written, the investigation has to be conducted by the director of SGA or the SBP. That wasn't the intention, but that is how it reads. This deletes a misplaced modifier.
  - Gonzalez: Would you be willing to add specifically what an approved investigation is?
  - Adamyk: "Approved by" the Director of SGA would be a good compromise. I specifically removed SBP to give it a little bit more autonomy from the Office of the SBP. The Director of SGA seems like a reasonable enough person to approve an investigation.
  - Leckie: Statutes already say AG serves the SBP, so SBP can approve investigations.
  - Gonzalez: I'm confused. Does that mean senate investigation, one you want to start, or something already going on?
  - Adamyk: This is not for investigations of the Senate given that this is under the auspices of the Office of the Attorney General.
  - Gonzalez: What would an internal department look like?
  - Adamyk: I assume you're referring to 300.7P. The way that it is set up in the real Office of the AG is that there are different departments, and this can give leniency to the AG to create his own internal rules of procedure. Different departments are meant to be specified areas which are the focus of that function of the Office of the AG.
- Senator Murcia moves to call the question
- Senator Boole seconds
- Closing Statement: Thank you for your questions.
- Vote
  - Boole: Yes
  - Little: Yes
  - Murcia: Abs
  - Soto: Abs
  - Leckie: Yes
- Senator Leckie moves to reconsider
- Senator Murcia moves to table
- Senator Little seconds
- Bill is TABLED

- **Bill 112** - Sponsored by Senator England and cosponsored by Senator Harmon - to clear up confusion around abstentions
  - Opening Statement
    - England: This clarified the abstention rule that we've been encountering more frequently. One specific instance was in Rules and Calendar where the abstention threshold was met three times. Statutes state that the bill would be remanded back to committee, but it is already in committee. This clears things up for Senate and committee. If anything meets the abstention threshold three times, it will fail.
    - Harmon: I have no strong opinions on this, and I am open to amendments and discussion. This was the easiest solution I could think of and what has been done.
  - Technical, Non-Debatable
    - None
  - Senator Leckie moves to enter Round Table Discussion
  - Senator Murcia seconds
  - Round Table
    - Leckie: The way the rules are written makes the Senate a super majoritarian body. If 25% in the Senate abstain, it gets sent back to committee, so it's essentially like the filibuster. We haven't really encountered this a lot, but should this happen, a 25% minority could delay and block legislation that comes up. In the real U.S. Senate, you need 60% for a filibuster making the Senate majoritarian. Super majoritarian system means a small minority can delay things that the vast majority agrees on. I think we should strike this all from statutes so that a small minority cannot block Senate business.
    - England: That's a very valid point. I'm wondering if there's a subsection we could add, but what happens if 6 people vote and 3 abstain and you have 2 yeases and 1 no. To me, that is not satisfactory as a vote.
    - Leckie: The issue is that if somebody utilizes that rule to delay something, this is opening the door for that. If you don't like something, voting no is actually worse than abstaining. The fact that this rule exists, it's encouraging people to abstain rather than voting no if they are in the minority. We're used to thinking the best of people, but there is a possibility small minorities can abuse this.
    - Harmon: What if the threshold was raised to 50% so that you at least have 50% voting. Half is a big chunk of the Senate or committee.
    - England: We would amend this to be up in the senate but the same in committee. We're going to run into a problem if we set it to 50% with only 6 people, 3 people would still be considered satisfactory. We can't have the best of both worlds. We can up the percentage but possibly harm legislation/candidates, or we can have more votes. I'm not going to die on this hill, but if you are a candidate, would you feel satisfied with less votes on your candidacy?
    - Boole: I think the issue is valid, the bill tries to solve, but I'm not sure the solution is correct. There could be other ways to solve the problem. Requiring super majorities is overcompensation for the issue.
    - England: It can be abused, but it hasn't been abused. I do assume the best in people, and I'm hoping people wouldn't sit in committee and hold legislation over someone.
    - Harmon: I want this solved, so I don't want this issue to continue.

- Leckie: Maybe we should raise the limit to 35-40% abstentions in the Senate to send it back to committee. I don't think this rule should apply to committees because what if people legitimately have moral conflicts on candidates or legislation. If two people out of five abstain out of actual moral conflicts, the candidate/legislation would fail. Applying this rule to committees gives too much individual power to a small group of people. My compromise is to exclude committees and raise the Senate floor abstention percentage.
  - England: If i had to ask you to justify a judiciary candidate who failed two votes no, one yes, how do you justify that to the Senate? If you strike this from committees, what would you say when three people are meant to represent the entirety of the Senate?
  - Leckie: Typically, we have bigger committees. I would rather people abstain with moral conflicts than vote just so the nominee gets through. I think it's clear that no matter what happens with a nominee in this committee, they go to the Senate floor. This gives too much power to a small minority of committee members.
  - Harmon: I can work with that compromise, but I want some kind of solution. We can keep it at 25% and clarify it only applies to the senate.
  - Leckie: Even in the full senate, you still have the super majoritarian thing. We should amend 25% to 40%
- Chair Leckie moves to amend to change 25% to 40%
- Little seconds
- Sponsors find friendly
  - England: Did we want to leave it where the rule says to send the bill back to committee? Did you want to leave it with our new proposed language which is "the motion in any instance will fail" or do you want to revert back to the original verbiage which is that the bill will be sent back.
  - Leckie: I think we should keep it with the bill should be sent back to committee.
- Senator Leckie moves to call the question
- Senator Little seconds
- Closing Statement: Thank you everyone. We will send the bill to Leckie. We've changed it so the abstention rule will be 40% and only apply to the Senate and not committee. If no decision is made, it will be sent back to committee. Thank you for understanding and listening. I look forward to seeing this on the floor.
- Vote
  - Boole: Yes
  - Little: Yes
  - Murcia: Yes
  - Soto: Yes
  - Leckie: Yes
- Bill PASSES

**Vice Chair Wang relinquishes chairship back to Chair Leckie**

**Unfinished Business: None**

**Committee Legislative Round Table: None**

**Final Announcements: None**

**Date and Time of Next Meeting:** TBD  
**Adjourned:** 8:31 p.m.

*Griffin Leckie*

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Signature of Chair