



**73rd Student Senate
Judiciary Committee Agenda
July 11, 2021 | Zoom Meeting ID: 909 196 4098**

Call to Order: 8:04 pm

Members Present: Chair Linsky, Senator(s) Myers, Bowling, Puwalski, Edouard, Wissman, Freeman

Members Tardy: X

Members Absent: Senator Lessard, Flashman

Guests: Senator Murray

Approval of the Minutes:

Announcements:

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

Student Comments: X

Committee Business: X

Old Business: X

New Business:

- Linsky: Vice Chair Myers, will you serve as acting chair while I present this bill?
- Myers: Yes
- Bill 45:
 - Sponsored by Chair Linsky
 - Opening statements:
 - The goal of this bill is to eliminate redundancies in statutes and make them easier to comply with. We are often out of compliance with statutes in all branches. One example of this is the general counsel's office. This bill would be making it clear that the general counsel position is meant to be for SGA. A second change is reducing the requirement from two general councils to one because currently we have zero and are out of compliance. I believe this is a good thing because when we are out of



compliance it erodes our moral authority to do anything. The rest of the bill is just making grammatical changes, fixing subject verb agreement and the only thing that's being changed is eliminating 509.3, giving the student body president discretionary power to appoint general counsels, since we don't have any and it seems redundant. I yield the rest time.
1:02 seconds added to closing.

- Technical Non Debatables:
 - Puwalski: If this bill is limiting the requirement from two general counsels to one, is it still allowed for the president to appoint more than one?
 - Linsky: Yes, one would be a minimum requirement, but they can appoint additional ones as long as the senate confirms them. We can amend that to clarify. The gist of this is to make it easier on the student body president to fulfill obligations of this statute. Our next move if this didn't work would be to remove the position all together or make it purely discretionary.
 - Bowling: Motion to move into round table
 - Puwalski: Seconded
- Enter round table:
 - Bowling: I'm interested in the clause that was struck. I believe it should be added back stating that it would need senate approval or clarifying that additional counsels must be senate approved. I feel like it would make the president's job easier while creating separation of powers. I do feel like there is a place for that clause.
 - Puwalski: I had that concern as well and that's what I was asking, but as long as we have it so that it's a minimum of one general council and more can be appointed and confirmed by majority vote of senate, it serves the same purpose. The only difference is if they are temporary, but it's not necessary to put it back in.
 - Bowling: We could make the language more clear and clarify that it would be a minimum of one general counsel and more can be created
 - Linsky: Point, I edited 509.1 that seems to be in line with concerns mentioned by Puwalski and Bowling, it just reiterates that it's a minimum of one. I would find an amendment clarifying this friendly
 - Bowling: Motion to amend section 509.1
 - Edouard: Seconded
 - Linsky: Finds it favorable
 - No objections



- So amended
- Puwalski: Motion to amend the third sentence clarifying that there can be more than one created
- Bowling: Seconded
- Linsky: Finds it favorable
- No objections
- Puwalski: Point of order, add (s)
- Bowling: We can do more with the general counsel position. There may be issues they may be able to cover, not many ideas but just a thought
- Edouard: Move to amend second to last line of first page, says “pow wow” new term for that is homecoming life
- Wissman: Seconded
- Linsky: Finds it favorable
- No objections
- Bowling: Move to call the question
- Puwalski: So seconded
- Closing Statements: 4:01 minutes
 - Linsky: thank you all for your opinions and expressing your concerns and I won’t take up much more of our time. I yield the rest of my time
- Vote:
 - Bowling: Yes
 - Puwalki: Yes
 - Edouard: Yes
 - Wissman: Yes
 - Freeman: Yes
- Bill passed
- Acting Chair Myers returns Chair to Linsky
- Information on how to write and submit legislation:
 - Linsky: During senate interviews, people were asked what the three governing bodies were, which are the Statues, Constitution, and Rules of Procedure. Article two vests the legislature's power to get a framework of what we can do. The Rules of Procedure only govern what we can do internally. We can amend the Constitution, it’s rare because it’s difficult, but oftentimes it seems to be the only way forward when certain things get lost. Case and point, how the registrar



operates or how they used to need to be updated. amendments require $\frac{2}{3}$ vote to pass on the senate floor, put on ballot and 60% of all participating voters vote in favor of constitutional amendment. Other judiciary things, if an impeachment comes up, we hold an initial hearing to determine whether the charge is chargeable or impeachable and whether we think it should be heard in front of the rest of the senate. We decide whether the charge itself merits further discussion. Questions about the constitution or our role? We went over the limitations of the Senate. Moving onto student body statues. Statues are very long and I have a general sense of where things are in the statues. We can search the statues with command F, one of the worst things we can do is create legislation that conflicts with other portions of the statues, constitutions, and ROP. When you're drafting legislation, cross reference those governing documents. The bigger conversations we should have as senators is if the office of general counsel is best fit to do the work mandated to them by the statues. Some senators have suggested eliminating it all together and finding a different approach to getting that work done.

- Edouard: Why is it so hard to find a general counsel?
- Linsky: These are offices under the supreme court, and they probably have their own informal network of graduate students they want handling it. This is the conversation that Senator Bowling is pointing to, that is to say should we bring the chief justice of the supreme court into a judiciary committee meeting and, not ask tough questions, but have a substantive conversation on how their best operation schedule look and if there's a problem with the way that statues are written in regards to that. If their answer to that question is yes, we want to take a more regulatory stance and get someone into that position. If their answer is no and they can't operate by these rules without setting off their schedule, we would probably go back to the drawing board and collaborate with them. The simple answer is I don't know why we don't have one, this is my best guess.
- Puwalski: The attorney general needs to be a law school student, supreme court justices need to be law school students, etc. Why doesn't it say that the general counsel needs to be a law school student? That to me doesn't make sense, I wouldn't want my peers to be doing that if I were to take something to the supreme court. Why does the general counsel not meet the same requirement, we should further look into this. I don't think an undergraduate student is the best fit.
- Linsky: I agree with that. There's a lot that I think can be reworked and we can look into that. All this is pointing towards having a collaborative conversation with the chief justice of the supreme court in terms of how they want this to look. They may have a better system but it's just not in compliance with the statues, so I'd like to make them in compliance with the statues however that may be done.
- Edouard: We could try to amend it to open it up for juris masters students and that would maybe allow more applicants?
- Linsky: I have noticed that those students are a little bit separate from the rest of the law school. Hearing what Senator Puwalski had to say and Senator Bowling,



I'm going to reach out to the supreme court justice to ask if she can make herself available to have a conversation and make sure it's with a light touch. She can tell us how statues could be adjusted to best support their mission.

- Freeman: About the bill we just passed, the way people are doing it right now is that they're asking "random" people to come do the work instead of officially appointing the position?
- Linsky: I don't know for sure but my gut says yes, and those random students are law students they know they can trust but I don't want to be accusatory at this stage.
- Wissman: For the general counsel, was it a necessary requirement to be at least a second year law student?
- Linsky: Second year law student and having taken evidence is the case for being a justice. No such requirement and I'd agree with your note that the same requisites for being university defender be part of this as well to create consistency. When this bill hits the senate floor it can be amended further
- Puwalski: This might be something for down the road but since people aren't applying for this for whatever reason, if it is a substantial workload and we are going to require this position to be filled by law students, if we made this a more attractive position by making it a paid position and justifying it by showing their workload, why not do that? Again, conversation for down the road when I have a more in depth understanding of how the supreme court works.
- Bowling: It depends on the amount of cases they get, so we should have a conversation with the chief justice because if they have a good amount of cases the paid position idea seems like an attractive idea to law students.
- Linsky: I don't know for sure but under statute 100.5, I think they do get OPS wages but I don't know that for certain.
- Freeman: When striking 509.3, while you still have the ability to bring in more people, the biggest word is temporary. Striking temporary limits the pool of people who would be there. Maybe we could look into having the people in that position serving in shifts rather than alongside to split up the length.
- Linsky: Speaking as a law student we are really busy and getting involved is hard especially when there's a commitment like this. I don't think this is the most pressing job in the world. Out of the three branches they are the least active. The pro and con of the position is I wouldn't want this to be someone's "side piece", I wouldn't feel comfortable as a client who is being represented. If this is the best that the supreme court can do, I think statutes should reflect that. All of you are right
- Puwalski: It doesn't seem like an office of general council, it seems like one guy, what if we made it more of an office? A lead general counsel and some others under them who can deal with workload. Which brings me back to the initial point that we don't have enough people interested to do it.
- Linsky: There are quite a few offices that are empty and this is the line of thought that I have is that the more I think about it, I'm persuaded by Senator Rndall who



is telling me that the best thing to do is get rid of it all together. We can do better by diverting resources elsewhere but I don't want to give up on it before seeing where the chief justice and the supreme court stands on it.

- Bowling: Question about offices in general, how are they created exactly and how does someone go about creating a bill that creates an office or committee?
- Linsky: When it comes to committee, let's go to the rules of procedure. ROP Ad Hoc meets on Thursdays so if you go to rule 6 it has all our committees. Committees are mandated by resolution that has been confirmed to become our operating rules of procedure. It is at the President's discretion to create new committees or ad hoc's. If you have an idea for a new committee, talk to President Harmon who is really open minded.
- Bowling: Offices are created by bills, correct? Add on bills?
- Linsky: Yes, we can get rid of or create an office as the senator. I'm not a big fan of creating offices because we put another burden on another branch of government, unless there's a conflict that needs to be adjudicated, because if they don't necessarily ask for it we seem like we're forcing it upon them. It's a majority vote to create the office, requires student body president and student senate president's signature, etc.
- Puwalski: In terms of getting rid of the general counsel, the concern with that is that people don't have proper representation, but if there's no one applying what's the point. Can I get some background on this issue, when's the last time we had a general council?
- Linsky: Multiple school years ago. I don't know the specific answer to that, I've asked it but the answer is always that they didn't even realize they had a position for that. It's odd and i'm hoping to get answers and the best person to ask if chief justice
- Puwalski: In general there is not the best record keeping when it comes to SGA and the website overall. I feel like it could be better and records could be stored in a better way
- Linsky: I'm so impressed by Clerk Connor and Parliamentarian Rowan and I'm so glad we got those positions filled. I have a feeling the reason it gets like this is just cause it's mind numbing work
- Puwalski: I'd rather not do that work myself but you can probably do something with federal work study or university interns or something. It's nice to have those records easily accessible to everyone
- Linsky: The supreme court really can't do that much. Part of the reason we have one is that it is mandated by state statutes, but it's really sort of a front for the actual general counsel's office and Vice President Hect. The purpose of it in my eyes is pedagogical, some of us want to be involved with the law after we're done at FSU and this is a learning experience. It's more about us getting into the habit of the intersectionality of the branches of government
- bowling: we have no use for this committee in particular but what if we ask law students to be put into a pool of applicants that can be called upon as needed.



We tell the people on the supreme court if you want a general council one will be provided to you and we call on that pool of lawyers.

- Linsky: I think that is the solution, and the Ad Hoc improtue solution that the court has gone to because it does seem to be effective. But why aren't they pushing the student body president to fill that position so they can best do their jobs. Hopefully their process is a good one that we can put into statues. So our next move will be to reach out to the chief justice so she can come for a conversion so we can figure this out. Someone put an amendment on that bill that a second year law student is required for that. Any bigger picture questions on where to get legislation, where to submit it, or anything like that?
- Bowling: When creating an office, it puts a burden on the executive branch, so is it possible to create a clause that allows for creation of office and gives the executive branch to call on it when they need it?
- Linsky: You can put a sunset clause in a bill and say when it becomes effective, but I don't know how to couch that as a discretionary thing but I guess you can write a bill that doesn't mandate action, just a transfer of legislative power. Do you have any ideas?
- Bowling: Yes I was thinking of a campus police advisory board that can be formed at any time if the need arises. They don't need to form it right this second but if need be
- Linsky: They do have this as part of the executive branch I believe. We can totally do that but I'd caution that the efficacy of that committee would be mediated by the relationship with the existing committee. I'm now going to go through the requirements for legislation, both bills and amendments. Amendments are now sent directly to supreme court and attorney general at one time. Supreme court has two weeks to issue advisory opinion about amendment. Resolutions are the most common form of legislation, but they usually don't make their way to judiciary typically. They are positions of matters within the senate of what we believe as a whole and as individuals who are writing those resolutions. There are procedural resolutions as well when it comes to modifying our rules of procedure that go a different route typically than SLAA and IA. Any questions or curiosities I can try to help with? Seeing none, I think this is the end of new business. If any of you have ideas for legislation, I'm happy to hear them and encourage you to write it.

Unfinished Business:

- X

Final Announcements:

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



Date and Time of Next Meeting: 8:00pm on Sunday, July 18th

Adjourned: 9:15

Video Recording:

https://drive.google.com/file/d/12EV-szE57p_Ow5HqyHnSoksPKNuPseUu/view?usp=sharing

Matthew E. Linsky