

STUDENT COURT OF
THE GEORGE WASHINGTON UNIVERSITY

Index of Previous Cases

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-----2016-----

SC – 16 – 001: *Martinez v. JEC, Motion to Dismiss*

February 22nd, 2016

Chief Judge Moriarty

Summary and determination:

Plaintiff, a potential candidate for SA Senator, claims the JEC’s decision to invalidate her candidacy was done arbitrarily and not in accordance with previous discretion granted by the JEC to candidates on disciplinary probation. Plaintiff also claims that the JEC incorrectly interpreted Article I, § 3 of the SA Constitution.

The majority of the Court determined that the JEC did not act arbitrarily or capriciously in creating, implementing, or enforcing Article I, § 3 of the SA Constitution. The Court also determined that the JEC did not abuse of its discretion by interpreting the SA Constitution the way it did. The Court granted the Motion to Dismiss by the Defendant. Associate Judge Martinez respectfully dissented and filed a dissenting opinion.

-----2013-----

SC – 13 – 001: *Agyeman v JEC*

February 22nd, 2013

Chief Judge Carter

Summary and determination:

Plaintiff, a potential candidate for SA President, claims he suffered harm by the JEC’s ruling he is ineligible to run for office.

The Court determined Plaintiff was not denied any rights by not being allowed to participate in the SA elections based on Art. II Section 1 (C)(2) of the SA Constitution.

-----2009-----

SC – 09 – 003: *Dobson v. Polk et al.*

Acting Chief Judge Jamison

Summary and determination:

Plaintiff alleges that Senate Bill SB-S09-14 is unconstitutional and seeks the Court to render it as such.

The Court determined the Bill was, indeed, unconstitutional. As such, it was rendered null, void and without power of operation.

SC – 09 – 002: *Boyer v. Joint Elections Committee*

March 23rd, 2009

Chief Judge Wimbush

Summary and determination:

Plaintiff, a candidate for SA President, claims the JEC made an arbitrary and capricious ruling in regards to the value of a rental car he used to campaign. The JEC's decision led to plaintiff incurring so many penalties as to be disqualified. Plaintiff seeks the Court to reverse the JEC's ruling and allow him to remain a candidate.

The Court determined the JEC did not make an arbitrary and capricious ruling, affirming the Ferguson v. JEC standard. While the opinion notes the Court may have come to a different decision than the JEC did in calculating the monetary value of plaintiff's expenditures, this alone is not reason to overturn the body's decision.

The Court took care to note that the only time a JEC issued sanction would be disturbed is if the JEC was found to have acted with an abuse of discretion, which in this case, it did not.

SC – 09 – 001: *Chapman v. Boyer et al.*

February 12th, 2009

Chief Judge Wimbush

Summary and determination:

Plaintiff, the Vice President for Judicial and Legislative Affairs of the Student Association, is suing the Executive Vice President and Senate Secretary under the auspices they incorrectly handled the overriding of a Presidential Veto, and seeks the Court to invalidate the Senate's override of the Presidential veto.

A 2-2 vote resulted in the Court finding in favor of the defendant*, meaning the Senate successfully overrode the Presidential veto of SB-S09-06. In its opinion, the Court discusses definitions of Senate membership in terms of voting as well as the necessary neutrality of an abstention, in which an abstention does not count towards the number of votes needed to approve a bylaw or override a veto, etc.

*The newest version of Court bylaws requires the judges to keep deliberating if the first vote is a tie.

-----2007-----

SC – 07 – 002: *Cohen v. JEC*

Chief Judge Sullivan

Summary and determination:

Plaintiff Cohen, a candidate for SA Senator, seeks the Court to invalidate a decision of the JEC invalidating his candidacy because of a decision by the JEC concerning a division of costs between several candidates.

The Court found that the JEC did abuse its discretion in refusing to accept the testimony of the other parties in the matter that they mistakenly did not list the plaintiff on their forms and should have, vacates the relevant Finding of Fact and orders the JEC to certify plaintiff as Senator-elect.

SC – 07 – 001: *Sherr v. JEC*

Chief Judge Sullivan

Summary and determination:

Plaintiff Sherr, a SA Senator, seeks the Court to reverse a decision of the JEC that found a candidate for SA President’s authorized agent guilty of violating a JEC rule but not assigning the published penalty against the candidate.

The Court found that the JEC abused its discretion in not assigning the full penalty against the candidate and requires that the JEC reconsider its decision.

-----2006-----

SC – 06 – 001: *Goodman v. Corr and the JEC*

January 27th, 2006

Chief Judge Baxter

Summary and determination:

Plaintiff Goodman, SA Vice President for Judicial and Legislative Affairs, seeks the Court to overturn the passage of Senate Bill F05-36, which was mistakenly assumed to have been passed by the SA Senate by a sufficient threshold. Plaintiff also asks that the Constitutional amendment referendum placed before and passed by the voters by the JEC as a function of this Bill be invalidated.

Without dissent, the Court found that the process used to determine the number of votes required for passage of this bill was incorrect and that the threshold was not reached for this Bill to pass. The Constitutional amendment is invalidated.

-----2005-----

SC – 05 – 001: *Sherr v. Adleman*

October 25th, 2005

Chief Judge Baxter

Summary and determination:

Plaintiff Sherr, an enrolled student, seeks the Court to require Ms. Adleman, SA Vice President for Financial Affairs, to provide a copy of an EAF authorizing an expenditure from this year's SA Executive budget.

Without dissent, the Court found that VPFA Adleman is obliged to maintain this record in the SA office as clearly directed by SA Bylaws and to provide access to it to Mr. Sherr, as clearly directed by SA Bylaws.

-----2004-----

S – 04 – 002: *Traverse et al. v. the JEC*

March 27th, 2004

Chief Judge Dexter

Summary and determination:

Plaintiffs Traverse, a student association Senator and candidate for office, as well as other candidates for office, seek the Court to require the JEC to place upon the ballot the name of their slate following each of their names.

Without dissent, the Court found that the discretion as to the permissibility of the inclusion of slate names on the ballot is clearly within the authority granted to the JEC through the JEC Charter and found for the defendant.

SC – 04 – 001: *Jenkins v. Daleo et al.*

March 27th, 2004

Chief Judge Dexter

Summary and determination:

Plaintiff Jenkins, a Student Association Senator, seeks the court to overturn the ruling of Executive Vice President Daleo in relation to determining the threshold required for passage of an amendment to the SA bylaws.

The unanimous Court found that the threshold identified by EVP Daleo, 2/3rds of the total number of Senate seats was incorrect and that the threshold identified by Senator Jenkins, 2/3rds of the number of filled Senate seats, was correct concerning the passage of the amendment.

-----2002-----

SC – 02 – 001: *Semiao and Singer v. JEC*

March 6th, 2002

Chief Judge Rothstein

Summary and determination:

Plaintiffs Semiao and Singer, enrolled students, seek the Court to require the JEC to accept an absentee ballot from Semiao sent electronically to the JEC after the JEC-imposed deadline.

The unanimous Court found that the JEC had the authority to establish a timeline past which absentee ballots would not be counted and upheld their decision not to accept Plaintiff Semiao's vote.

-----2001-----

SC – 01 – 004: Kapoor v JEC (2)

March 8th, 2001

Chief Judge Rodeback

Summary and determination:

Plaintiff Kapoor, candidate for Student Association President, seeks to have the Court overrule the decision of the JEC to find Mr. Kapoor in violation of JEC imposed spending limits and thus ineligible for the position of SA President. In coming to this decision the JEC used a market value of an item purchased by Mr. Kapoor as opposed to a discount he received on the bulk purchase.

The Court determined that the discount received by Mr. Kapoor was a readily available one for bulk purchases and that the JEC acted improperly in calculating the total cost based on the published rate. The contempt of committee order by the JEC is reversed.

-----1999-----

SC – 99 – 004: Segal v. JEC

March 30th, 1999

Chief Judge Leddicotte

Summary and determination:

Plaintiff Segal, an enrolled student, seeks the Court to enjoin the JEC from certifying Philip Meisner as President-Elect of the Student Association. The Court grants defendant's motion to dismiss based upon its inability to hear a case on any actions that have not yet occurred.

SC – 99 – 003: Rice v. JEC

March 6th, 1999

Chief Judge Leddicotte

Summary and determination:

Plaintiff Rice, candidate for Student Association President, seeks the court to require the JEC to recount the ballots cast for Student Association President in the presence of independent observers as well as representatives from each Presidential committee.

The Court imposed the conditions stated above, no opinion or other reasoning by the Court was filed.

SC – 99 – 002: *Meisner et al. v JEC*February 23rd, 1999

Chief Judge Leddicotte

Summary and determination:

Plaintiffs, candidates for SA President, Executive Vice President, and three for Senator, seek the Court to overturn the decision of the JEC to remove them from the ballot for failing to be present in person or by proxy at the JEC sponsored Candidates Meeting.

As one plaintiff was not notified by the JEC of a time for their appeal as required by the JEC charter, the Court grants relief and orders their name to be placed on the ballot. As the other plaintiffs did not take advantage of the appeal process put in place by the JEC despite notification a divided Court fails to grant similar relief.

SC – 98 – 001: *Cummings v. Sayegh*February 26th, 1998

Chief Judge Boer

Summary and determination:

Plaintiff Cummings, a student association Senator, seeks the Court to invalidate the granting of proxy voting rights by the Executive Vice President to a Senator other than the one listed on the paper proxy request. The original request listed Senator Cummings as the recipient of the proxy votes but, upon receiving a phone request by the Senator granting the proxy, the individual receiving the proxy was changed.

The unanimous Court found that because plaintiff Cummings has access to numerous procedural methods through which she could seek a solution to this issue as a member of the Senate but has failed to avail herself of any of them, because the Senators granting the proxy do not feel that their desires were not carried out, and because the Court considers this to be a matter of internal Senate procedure, it lacks standing to hear this case at this time. The case is dismissed sua sponte (by the will of the Court itself).

 -----1997-----

SC – 97 – 006: *Doland v. the Student Association*April 18th, 1997

Chief Judge Boer

Summary and determination:

Plaintiff Doland, an enrolled student, seeks the Court to compel the Vice President for Financial Affairs of the Student Association to provide to him an itemized list of all expenses made by student organizations using Student Body Funds. This request was denied by the Vice President for Financial Affairs.

The majority of the Court, Associate Judge Leacock respectfully dissenting, found that the SA Bylaws require the SA executive, through the office of the Vice President for Financial Affairs, to maintain records of financial expenditures in such a manner as they are available to the public. The Vice President for Financial Affairs was ordered to provide the financial records sought by the Plaintiff.

SC – 97 – 005: *Carroll and Hamilton v. the Student Association*

March 28th, 1997

Chief Judge Boer

Summary and determination:

Plaintiffs Carroll and Hamilton, enrolled GW students, seek the Court to invalidate a sunset clause in the current JEC Charter based on an assertion that the JEC Charter itself states that it can only be amended by a joint action of the SA, the PB and the MCGC, the last two of which do not desire the sunset clause.

The majority of the Court, Associate Judge Curtis respectfully dissenting, found that the plaintiffs, though an inability to show actual harm, lacked standing to bring the suit to the Court and dismissed the case.

SC – 97 – 004: *Nelson v. JEC*

March 12th, 1997

Chief Judge Boer

Summary and determination:

Plaintiff Nelson, candidate for Student Association Senator, seeks the Court to reverse the JEC's invalidation of his election victory based upon his alleged violation of the JEC Final Rules dealing with campaigning within a certain distance of a polling station.

Without dissent, the Court found that the procedures used by the JEC, in keeping no records as to its decision making process and failing to respond to the Plaintiff in writing when required to do so by the JEC charter, among other practices, violated the Plaintiff's right to due process. Because of the lack of a record of why votes were cast by members of the JEC, why it chose to accept testimony from two witnesses that was opposed by twenty-three other individuals and why only three of nine JEC members voted for sanctions against Plaintiff Nelson and the inability of the JEC to explain its decision to the Court's satisfaction after the fact, the Court found the decision of the JEC to invalidate Mr. Nelson's candidacy to be arbitrary and capricious and an abuse of discretion. The JEC is ordered to certify Mr. Nelson as Senator-Elect. The Court makes note that had more appropriate procedures been followed by the JEC, the Court's decision to reverse the JEC determination may not have been inevitable.

SC – 97 – 003: *McKenna and Gayoski v. JEC*

February 18th, 1997

Chief Judge Boer

Summary and determination:

Plaintiffs McKenna, President of the Student Association, and Gayoski, Executive Vice President of the Student Association, seek the Court to halt the tabulation, certification and announcement of the results of two ballot questions presented to the electorate by the JEC based on an argued lack of authority to do so.

Without dissent, the Court found that while the JEC's claim to interpretation of ambiguous language in the JEC Charter may or may not have given it the authority to add ballot questions the JEC Charter itself is superseded by the Constitutions of the SA, PB and the MCGB, at least one of which restricts how ballot questions can be placed before the student body. The JEC acted improperly in adding ballot questions in violation of these superior documents and the JEC is enjoined from certifying or releasing the results of the voting for these questions.

SC – 97 – 002: *Lewis v. JEC*

January 31st, 1997

Chief Judge Boer

Summary and determination:

Plaintiff Lewis, former candidate for Student Association President, seeks the Court to vacate penalties levied by the JEC for actions in violation of the Final Rules that occurred prior to their issuance and not in violation of the preliminary rules issued by the JEC.

Without dissent, the Court found that preliminary rules issued by the JEC are not binding on individuals as they are, in essence, proposals posted for public comment and may vary greatly from the Final Rules issued. The Court further found that individuals are determined to be candidates for office, and thus bound to the rules issued by the JEC, once the individual has publicly announced their candidacy, declared such with the JEC, and/or solicited or accepted contributions or support for office. The Court further found that candidates who campaign prior to the issuance of the Final Rules by the JEC do so at their own risk and that the JEC has the ability to issue penalties that are retroactive in nature.

SC – 97 – 001: *McKenna and Gayoski v. JEC*

January 29th, 1997

Chief Judge Boer

Summary and determination:

Plaintiffs McKenna, President of the Student Association, and Gayoski, Executive Vice President of the Student Association, seek the Court to invalidate a section of the Final Rules issued by the JEC that increases the threshold required to earn the Presidency or Executive Vice Presidency above that set in the SA Constitution.

The Court unanimously found that the JEC lacks the authority to interpret every section of the SA Constitution, only the clauses wherein the JEC is specifically given such authority. The

threshold for election in the first round being set by the Constitution at a certain threshold, the JEC lacks the authority to increase or decrease that threshold.

-----1996-----

SC – 96 – 003: *Levin v. JEC*

March 7th, 1996

Chief Judge Tarnow

Summary and determination:

Plaintiff, a GW student, seeks the Court to reverse the invalidation of several paper ballots by the JEC because of the lack of a mandated SSN on them in addition to a public apology by the JEC and a recount of all votes.

Without dissent, the Court found that the JEC acted with its discretion in coming to the conclusion to invalidate these votes, that it therefore lacks reason to require a recount of votes and that it otherwise lacks jurisdiction to compel a public apology from the JEC.

SC – 96 – 002: *Siple v. JEC*

February 26th, 1996

Chief Judge Tarnow

Summary and determination:

Plaintiff Siple, a former candidate for CCAS-U Senator, seeks the Court to reverse the decision of the JEC to declare his candidacy invalid for failing to attend an elections forum, one of the requirements set in place by the JEC.

A majority of judges hearing the case, CJ Tarnow and Habib, found that the JEC, in this instance, acted arbitrarily in not permitting the plaintiff to substitute a proxy for the meeting because of a lack of prior notice. The Court was careful to declare that this ruling was based on the individual circumstances surrounding the event and is not intended as an escalation of the Court's authority as defined in the Ferguson case. Associate Judge Parker respectfully dissents from the decision.

SC – 96 – 001: *Moran v. Mory, Condron and Reynolds*

February 17th, 1996

Chief Judge Tarnow

Summary and determination:

Plaintiff seeks the Court to compel defendants Mory and Condron to reimburse to the SA monies sufficient to cover the expenses imposed when they used the resources of the SA office for campaigning purposes.

Without dissent, the Court determined that it lacked the authority to compel reimbursement of costs by defendants Mory and Condron.

-----1995-----

SC – 95 – 001: *Weisman v. Park, Slifka and SA Senate*

February 17th, 1995

Chief Judge Tarnow

Summary and determination:

Plaintiff Weisman, an enrolled student at GW, seeks to have the Court invalidate the results of two referenda placed before and passed by the student body that would confer voting status on freshman and first-year graduate Senate seats that are currently non-voting.

Without dissent, the Court determined that the underlying authority of the SA comes not from authority granted by the student population but rather from a Charter granted by the GW Board of Trustees. The Charter is superior to the SA Constitution and as referendum one results in a change in the SA Constitution found by the Court to be repugnant to the Charter the referendum results were invalidated.

The majority of the Court found that the SA President, through the use of SA funds to place advertisements and otherwise advocate for the passage of referendum one and two exceeded their authority, which was more properly defined as limited to placing the issue before the voters not to advocacy for or against the issue. The Court held that this was an unfair campaign practice and invalidated referendum two.

Chief Judge Tarnow joined by Associate Judge Henderson respectfully dissented from this second finding and published a minority view that the SA President is given broad discretion to use such funds as are allocated to them with only limited restriction.

The Court found that it did not have the ability to compel monetary reimbursement from students even if their actions were violations of established law.

-----1994-----

SC – 94 – 004: *Hagerty v Fields. IFC and JEC*

March 5th, 1994

Chief Judge Tarnow

Summary and determination:

Plaintiff Hagerty, SA Senator and former candidate for SA President, seek to have the Court review certain decisions of the JEC related to permitted campaign-related practices of the IFC.

Without dissent, the Court determined that it had no jurisdiction to review decisions by the JEC made through appropriate deliberative process and under its purview. The Court explicitly

declared that it was not a super JEC but rather a determiner of constitutional and not administrative questions.

SC – 94 – 003: *Hamilton and Tadesse v. JEC*

February 17th, 1994

Chief Judge Tarnow

Summary and determination:

Plaintiffs Hamilton, the current Executive Vice President of the Student Association, and Tadesse, a student in GSPM and former candidate for SA President, seek to have the Court overrule the JEC decision declaring Tadesse’s candidacy invalid. The JEC decided that the GSPM is an affiliate of the George Washington University but not a degree-granting program within the University as required in the SA Constitution section 900(c)(1).

Without dissent the Court determined that as the GSPM self identified as an independent school with a separate charter and accreditation and that as graduates did not receive a GW degree, its students were not eligible to hold office in the GW SA.

SC – 94 – 002: *Adams v. JEC*

February 15th, 1994

Chief Judge Tarnow

Summary and determination:

Plaintiff, the current President of the Student Association, seeks to have the Court invalidate requirements for office imposed by the JEC that exceed the requirements set forth by the SA Constitution.

Without dissent, the Court determined that these additional requirements for holding office amounted to an unlawful change to the SA Constitution and would be in violation of the SA Charter as granted by the GW Board of Trustees. The Court found for the plaintiff and invalidated the additional requirements for office.

** A side issue was raised in the opinion of the Court into the involvement of the Dean of Students (Dean Donnels). The Court referenced that the JEC was instructed by this Dean to impose the additional standards and further pointed out that this imposition would result in the inability of part-time students as well as the majority of the Law and Medical school students to serve as an SA elected official.

SC – 94 – 001: *Farrugia, Cleary and Weisman v. JEC*

February 3rd, 1994

Chief Judge Tarnow

Summary and determination:

Plaintiff asks for an injunction seeking to halt the JEC from issuing the proposed Final Rules for the pending election.

Without dissent, the Court determined that it lacked jurisdiction to hear matters of dispute when the action has not yet taken place. The Court reserves the right to decide on the merits of the argument but only once the Final Rules are in place.

-----1993-----

SC – 93 – 002: *Farrugia v. JEC*

February 17th, 1993

Chief Judge Fradella

Summary and determination:

Plaintiff, a first year law student seeking office as a Senator, was running unopposed and certified by the JEC as Senator-Elect prior to the date of the general election. Plaintiff seeks that his status as Senator-Elect be revoked and that his name be placed on the ballot for the election. The JEC, citing financial reasons, declined to place his name on the ballot and certified all unopposed candidates as –elect status for the office for which they are running. {note: at the time of this case, write-in candidates were not permitted in campus-wide elections}

Writing for a unanimous Court, Chief Judge Fradella found the JEC acted within its authority to determine the status of Senator-Elect Farrugia.

SC – 93 – 001 (2): *Michael Shilinski v. JEC*

February 15th, 1993

Chief Judge Fradella

Summary and determination:

Plaintiff, a candidate for PB Vice Chair, seeks to strike a JEC rule addendum prohibiting candidates running for office in an uncontested race from ticketing [more recent cases refer to this action using variations of the word slate] with another candidate.

Plaintiff paid for and received marketing materials under the JEC rules of February 9th on which he publicized a ticket relationship with Ms. Fugazy, who was running for PB Chair. The JEC issued an addendum rule on February 12th forbidding ticketing with un-opposed candidates.

Without dissent, the Court determined that actions of the plaintiff based on a reasonable reliance that the “final rules” for the election as published by the JEC could not thereafter be contradicted by the JEC through the issuance of an addendum. The issuance of the addendum, in this case, we determined to have been arbitrarily and capriciously created and is therefore invalidated.

** A side issue was raised in the opinion of the Court into alleged involvement of several University Administrators from the Office of Campus Life. The Court referenced inappropriate pressure put in place by these administrators both on the JEC originally to issue the addendum

rule in question and on the Court with their presence during closed portions of the hearing without requesting the Court's permission. The Court voiced its hope that such interference in matters assigned to the SA through its Charter would not again take place.

SC – 93 – 001 (1): *Michael Shilinski vs JEC, Petition for Temporary Restraining Order*
February 15th, 1993
Chief Judge Fradella

Summary and determination:

Plaintiff, a candidate for PB Vice Chair, seeks to strike a JEC rule addendum prohibiting candidates running for office in an uncontested race from ticketing [more recent cases refer to this action using variations of the word slate] with another candidate.

Plaintiff paid for and received marketing materials under the JEC rules of February 9th on which he publicized a ticket relationship with Ms. Fugazy, who was running for PB Chair. The JEC issued an addendum rule on February 12th forbidding ticketing with un-opposed candidates.

Without dissent, the Court determined that as it could not hear and decide on the merits of the case prior to the point in time during which campaigning for the seats in question was to begin, the Court instructed the JEC to delay all campaigning for the PB Chair and Vice-Chair positions until February 19th.

-----1992-----

SC – 92 – 002: *Ferguson v. JEC*
March 2nd, 1992
Chief Judge Fradella

Summary and determination:

Plaintiff, a candidate for SA President, seeks to restrain the JEC from providing paper ballots in classrooms to the first-year students of the National Law Center and the College of Medical and Health Sciences during campus wide elections but not providing them in such a manner to any other student population.

The Court determined that it would reverse decisions of the JEC in terms of rulemaking authority only if the plaintiff demonstrates that the decision was reached in an arbitrary manner or was capriciously created, implemented or enforced and in terms of sanctions if plaintiff demonstrated that the JEC abused its discretion. The Court identified that the JEC was granted broad authority and discretion under the SA Constitution and would not extend to review of the results of decisions reached save for violations of the standards listed above. The Court determined that the JEC acted appropriately in establishing the procedures in question and found for the defendant.

SC – 92 – 001: *Perschbach et al v. Parker and SA Senate*
January 30th, 1992
Chief Judge Fradella

Summary and determination:

The Court voiced its displeasure in being obliged to work on a case for which the petitioner had no expectation of bringing to fruition and which was filed with political as opposed to practical motivations.

Petition filed by plaintiffs to dismiss granted with prejudice.

For more information on cases and access to Court opinions, please contact the Chief Judge.