

**SUPREME COURT OF STUDENT GOVERNMENT AT
TEXAS STATE UNIVERSITY**

No. 01-03

ADVISORY OPINION

Syllabus

Petitioner: CODY DESALVO, SENATE PARLIAMENTARIAN

Heard October 21, 2020 – Decided October 23, 2020

Senate Parliamentarian Cody DeSalvo brought a petition for an Advisory Opinion concerning whether more justices may be appointed to the Supreme Court at this time. If so, how many and at what time? The Supreme Court will address the concerns, and this ruling is binding now and in the future.

The nature of this opinion was due to the establishment of the new Constitution on August 24, 2020

The primary questions before the Supreme Court were

1. Currently given four seated justices, 3 of which have two years in their term (if true), can any more justices be appointed to the Court
2. If yes, how many?
3. When can the next round of confirmations to the Supreme Court occur?

Associate Justice WOSNIG delivered the Majority Opinion of the Court in which Chief Justice FRANK CADOREE and Justices GUILHAS AND MALCOM joined.

Advisory Opinion

Concerning the petitioner's first question on whether there can be more justices appointed to the Supreme Court? The Supreme Court has decided that there can be more Justices appointed by President Valentinis-Dee in this term.

The majority opinion is that there is a pattern of appointment to be set by this Supreme Court within this decision for all future administrations to follow.

On the second question, asking how many may be appointed, with our decision to the first question, more justices are seated to this Court.

Regarding the third question, on when the next round of confirmations to the Supreme Court may take place, we have decided on the following Supreme Court and Election Board rotation:

- The Supreme Court seats and Election Boards seats will be set on fixed terms A seats and B seats.
- A seat will serve for two years while B seats will serve for 1
- There will be three A seats and four B seats in the Supreme Court
- There will be three A seats and two B seats in the Election Board
- One sitting President will only be able to appoint two A seats and two B seats of the Supreme Court, and one A seat and one B seat of the Election Board
- While the next President will appoint one A seat and two B seats of the Supreme Court, and two A seats and one B seat of the Election Board
- When a Justice or Member resigns or is ineligible to serve, the President may appoint an additional person to the vacant spot. Once confirmed, that person will only serve the remaining time that seat holds.
- Half of the seated Supreme Court and Election Board must expire once a year.

In utilizing judicial review, the Supreme Court has decided the same criteria must be applied to the Election Board. As stated in the 2020 Constitution, all Election Board members serve two-year terms.

Chief Justice Frank Cadoree occupies a B seat. His term is set to expire at the ending of the academic semester of Fall 2021. While Associate Justice Wosnig occupies an A seat, her term is set to

expire at the ending of the academic semester of Spring 2022. Associate Justices Guilhas and Malcom occupies an A seat. Their term is set to expire at the ending of the academic semester of Fall 2022.

The Student Government website will show which seats are A seats and B seats to dictate which Justice and Election Board member holds which seat.

President Valentinis-Dee may appoint more Justices to the Supreme Court. However, he has reached the max of A seats he can appoint to and can only appoint two more Justices to B seats. Once that is met, he will no longer appoint any more Justices to the Supreme Court in his term.

Suppose the Senate does not vote to confirm the President's nominees. The President may appoint another to fill the A seats and B seats described above.

In summary, the proper execution of a required event and all related attendance policies is as follows.

Court Order

The Supreme Court has agreed by a Majority that all administrations following the current one will appoint and confirm future justices and Election Board members based upon the pattern above. It will begin with the President appointing the Supreme Court minority with the Election Board appointments as the majority.

It is so ordered...