

PREAMBLE

Kū a mālo‘elo‘e; lālau nā lima i ka hoe nui me ka hoe iki.

Stand up straight; reach for the big and little paddle.

‘ŌLELO NO‘EAU 1861, at 200 (Mary Kawena Pukui trans., Bishop Museum Press 1983).

We, the students of the William S. Richardson School of Law at the University of Hawai‘i at Mānoa,

Recognize our responsibility to become service-oriented legal professionals;

Honor and respect those who strive for justice in our communities; and

Empower and connect one another to effect meaningful change.

In order to create a Law Student Government responsive to and representative of student needs and to sustain a high standard of education;

We do hereby adopt and establish this Constitution for the Student Bar Association of the University of Hawai‘i at Mānoa.

ARTICLE I. Name, Purpose, and Authority.

Section 1.1. **Name.** (a) The name of the law student body shall be known as the Student Bar Association at the William S. Richardson School of Law at the University of Hawai‘i at Mānoa (“SBA”). (b) The name of the governing entity of the SBA shall be known as the Law School Government at the William S. Richardson School of Law at the University of Hawai‘i at Mānoa (“LSG”).

Section 1.2. The SBA consists of every registered student of the William S. Richardson School of Law.

Section 1.3. The LSG consists of the Executive Board, Senate, and Judiciary.

Section 1.4. **Purpose.** (a) To serve as the governing document for the LSG. (b) To reestablish the relationship between the SBA and the Student Organizations.

Section 1.5. **Authority.** (a) This Constitution will supersede any other previously existing system of student governance or governing document for law students at the William S.

Richardson School of Law at the University of Hawai‘i at Mānoa. (b) The LSG derives its authority from the consent of the SBA.

Section 1.6. The LSG, as the elected voice of the SBA, will foster a relationship with the Administration of the William S. Richardson School of Law.

Section 1.7. To support Administration, the LSG has a duty to work with Administration for the betterment of the William S. Richardson School of Law.

Section 1.8. **Supremacy Clause.** Conflicts between LSG by-laws, resolutions, or member conduct shall be resolved in favor of this Constitution.

Section 1.9. **LSG Obligations.** The obligations to be fulfilled by the LSG include:

Section 1.9.1. Creating a body responsive to the needs and desires of its constituents. “Constituents” consists of the members of the SBA;

Section 1.9.2. Providing a forum for the expression of student views and interests;

Section 1.9.3. Establishing administrative continuity;

Section 1.9.4. Encouraging services and organizing events for the benefit of students; and

Section 1.9.5. Promoting academic freedom and fostering a responsible SBA.

Section 1.10. The LSG and its Executive Board members must limit public comments only to matters directly pertaining to the William S. Richardson School of Law, unless such comment is academically required.

ARTICLE II. Membership.

Section 2.1. All registered students of the William S. Richardson School of Law are members of the SBA.

Section 2.2. Full membership in the SBA is conferred upon payment of dues, as set by the Senate.

Section 2.3. Full membership is mandatory to serve as an elected official in the LSG.

Section 2.4. Powers and Duties of members of the SBA:

Section 2.4.1. To vote in LSG elections;

Section 2.4.2. To petition a Senator and get consideration thereof, subject to resources available thereto;

Section 2.4.3. To petition the Judiciary for redress or grievances and get a decision thereon, subject to resources available thereto;

Section 2.4.4. To petition the Senate Chair for a resolution or by-law. Petitions must bear the signatures, student ID numbers, and e-mail addresses of ten (10) percent of the members. The Senate Chair must introduce the petition for hearing and voting by the Senate within ten (10) business days from the date of receipt of such petition.

Section 2.4.5. To recall LSG officials;

Recall Procedures:

Section 2.4.5.1. Recall of an Executive Board member elected under this Constitution requires a petition, signed by ten (10) percent of those eligible to vote for that office, to be submitted to the Chief Justice.

Section 2.4.5.2. Recall of a Senator elected under this Constitution requires a petition, signed by ten (10) percent of those eligible to vote for that office, to be submitted to the President.

Section 2.4.5.3. Recall of a Justice appointed under this Constitution requires a petition, signed by ten (10) percent of the SBA, to be submitted to the Senate Chair.

Section 2.4.5.4. In the event of a recall petition, the officer to whom the petition was submitted shall conduct a recall vote within five (5) business days.

Section 2.4.5.5. Recall shall be effectuated upon a two-thirds (2/3) majority of those persons participating in the vote. Abstention votes are not considered when calculating the two-thirds (2/3) majority.

Section 2.5. To abide by the Constitution and by-laws.

ARTICLE III. Senate.

Section 3.1. **Membership.** The Senate shall consist of fifteen (15) members; three (3) Senators each from the First-Year Law School Class, Second-Year Law School Class, Third-Year Law School Class, and the Part-Time Program; two (2) Senators from the Ulu Lehua Scholars Program; and one (1) Senator from the LLM Program.

Section 3.2. **Senate Chair.** The Members of the Senate shall elect a Senate Chair. The Senate Chair shall set the agenda for each meeting of the Senate, serve as the presiding officer of the

Senate, and may vote on all matters before the Senate. The Senate Chair shall not speak on a matter before the Senate unless he or she relinquishes the chair.

Section 3.3. **Senate Powers and Duties.**

Section 3.3.1. To create by-laws, pass resolutions, confirm all appointees, and impeach and censure Senate members.

Section 3.3.2. To override an executive veto by a two-thirds (2/3) majority vote.

Section 3.3.3. To report to the Judiciary passage of by-laws, resolutions, confirmations, impeachments, and censures.

Section 3.3.4. To notate and keep minutes of all Senate meetings and make them available for inspection by any member of the SBA.

Section 3.3.5. To pass a fiscal budget for the LSG, at least one (1) semester in advance of the expenditure of funds.

Section 3.3.6. To abstain from passing any ex post facto by-law.

Section 3.4. **Resignation.** Senate members wishing to resign from elected office must submit a signed letter of resignation to the Senate Chair.

Section 3.5. **Impeachment.** The Senate may remove any of its own members from office for any ethics violations by a three-fourths (3/4) majority vote of the Senate.

Section 3.6. **Censure.** The Senate may censure any of its own members from office by a three-fourths (3/4) majority vote of the Senate.

Section 3.7. **Absences.** Excessive absence from Senate meetings may be grounds for impeachment or recall.

Section 3.8. **Eligibility.** Students are eligible to serve as a Senator only in the class or program in which they are enrolled. Students enrolled in a program shall not be precluded from serving as a Senator for their respective class. For example, Ulu Lehua Scholars may serve as either a class Senator or as an Ulu Lehua Senator, but not as both. *See* Art. VI, § 6.3. Potential Senators must also be a full member of the SBA in good academic standing, as determined by Administration. Full members of the SBA are those who have paid their dues.

ARTICLE IV. Executive Board.

Section 4.1. **Membership.** The President, Vice-President, Treasurer, and Secretary shall make up the Executive Board.

Section 4.2. **President.** The President is the head of the LSG and the presiding officer of the Executive Board. The President shall have the power to appoint agents; to create Committees and to appoint Committee Chairs; to appoint Senators to fill vacancies in the Senate; to appoint Justices; to veto resolutions and by-laws passed by the Senate; to represent the SBA in all official matters with other organizations; and to issue executive orders.

Section 4.3. **Vice-President.** The Senate Chair shall serve as the Vice-President. The Vice-President may temporarily assume the responsibilities of the President in the event that the President is unavailable or incapacitated. To temporarily assume the President's duties, the Vice-President must obtain the written consent of the Treasurer and Secretary to be submitted to and signed by a member of the Judiciary. The Vice-President is first in line to succeed the President.

Section 4.4. **Treasurer.** The Treasurer and the President must co-sign all checks to fund expenditures of the LSG. The Treasurer will chair the Finance Committee, responsible for the creation of a draft budget for the fiscal period of the LSG to be reported to the Senate. The Treasurer will oversee the collection of all dues; dispense funds; maintain the treasury balance; and make biannual reports to the Executive Board and the Senate. The Treasurer is second in line to succeed the President.

Section 4.5. **Secretary.** The Secretary must keep and maintain the SBA events calendar, coordinate the events calendar with Law Student Organizations, and report back to the Executive Board on the events calendar. The Secretary will chair the Student Activities Committee ("SAC") for the purpose of coordinating the events calendar. The Secretary is third in line to succeed the President.

Section 4.6. **Executive Board Powers and Duties.**

Section 4.6.1. To ensure LSG administrative continuity;

Section 4.6.2. To represent the interests of the SBA to other organizations;

Section 4.6.3. To state the position of the SBA on an issue requiring a timely response, if the SBA Constitution, resolutions, and by-laws do not sufficiently address the issue.

Section 4.7. **Resignation.** Executive Board members wishing to resign from elected office must submit a signed letter of resignation to the Judiciary.

ARTICLE V. Judiciary.

Section 5.1. **Membership.** The Judiciary consists of those Justices appointed by the President and confirmed by two-thirds (2/3) of the Senate. There shall be at least three (3) and no more than five (5) Justices. Justices cannot concurrently hold any other position within the LSG.

Section 5.2. **Terms and Length of Service.** Justices shall serve upon appointment and confirmation for a term of one (1) year. Justices may be re-appointed and re-confirmed to serve for more than one term.

Section 5.3. **Jurisdiction.**

Section 5.3.1. The Judiciary must rule only on questions arising under the Constitution of the SBA and the by-laws of the LSG.

Section 5.3.2. The Judiciary must issue opinions only on petitions for redress or grievances.

Section 5.4. The Judiciary must collate and make available to the SBA all resolutions and by-laws passed by the Senate and signed by the President or passed by two-thirds (2/3) in the Senate, and keep records of all official documents in perpetuity.

Section 5.5. The Judiciary must ensure the training of the Senate and the Executive Board in the procedures of their Office.

Section 5.6. A Justice must administer the Oath of Office to any new member of the LSG.

ARTICLE VI. Elections.

Section 6.1. **Executive Board.** The President, Treasurer, and Secretary must be elected by plurality vote of the SBA.

Section 6.2. **Senate.**

Section 6.2.1. Each Senator must be elected by a plurality-at-large vote of their class or program. Only members of that class, based on matriculation date, may vote.

Section 6.2.2. Students whose matriculated class has graduated, and have attended more than two (2) years of full-time law school will be eligible to vote in the Third Year (3L) full-time class elections.

Section 6.3. **Incompatible Officers.** Candidates may not seek more than one (1) office simultaneously. No person may hold more than one office simultaneously.

Section 6.4. **Elections Committee.**

Section 6.4.1. All LSG elections shall be conducted by the Elections Committee.

Section 6.4.2. The Chair of the Elections Committee shall be appointed by the President with the consent of the Senate. The Chair of the Elections Committee may appoint additional members as he or she requires.

Section 6.4.3. All meetings of the Elections Committee must be open to members of the SBA. The Chair of the elections committee will announce the date, time, and location of any meeting, as well as the business to be conducted at said meeting, not less than five (5) business days before the meeting.

Section 6.4.4. Members of the Elections Committee cannot concurrently seek office in the LSG while serving on the Committee.

Section 6.5. Elections Calendar.

Section 6.5.1. The nomination period for the Executive officers' election will open on the first day of the Spring semester. The nomination period will close after five (5) business days, not including State or Federal Holidays. The election polls will open on the Thursday after the nomination period ends and closes the following Friday.

Section 6.5.2. The term of service for officers elected by the SBA in the Spring will begin on the first business day after the election polls close and terminate the first day following the next executive election.

Section 6.5.3. The nominations of First Year (1L) full-time Senators, Second Year (2L) full-time Senators, Third Year (3L) full-time Senators, Part-Time Program Senators, Ulu Lehua Scholars Program Senator, and the LLM program Senator, shall take place on or about the third week after the Fall semester starts, and remain open for five (5) business days, not including State or Federal Holidays. The election polls will open on the Thursday after the nomination period ends and closes the following Friday.

Section 6.5.4. The term of service for Senators elected by the SBA in the Spring will begin on the first business day after the election polls close and terminate the first day following the next General election.

ARTICLE VII. Standing Committees.

Section 7.1. There shall be a Finance Committee, chaired by the Treasurer, responsible for drafting the annual budget.

Section 7.2. There shall be a Student Activities Committee ("SAC"), consisting of at least one (1) full member of the SBA from each registered Student Organization that receives funding

from the SBA. The SAC, chaired by the Secretary, is responsible for organizing the events calendar.

Section 7.3. There shall be an Elections Committee responsible for organizing and conducting elections.

ARTICLE VIII. Amendments.

This Constitution may be amended by any of the following methods:

Section 8.1. **Committee.** A committee may be appointed by the President with the approval of the Senate to amend the Constitution. This committee shall report its recommendations to the Senate, which must consider and approve any proposed amendments before presenting them to the membership of the SBA for a vote.

Section 8.2. **Referendum.** A proposed amendment signed by at least ten (10) percent of the members of the SBA shall be automatically presented to the SBA membership for a vote.

Section 8.3. **Voting.** A two-thirds (2/3) majority of all votes cast, provided the total number of cast votes constitutes fifty (50) percent or more of the SBA members, shall be sufficient for adoption. The amendment adopted by the required vote shall take effect immediately unless specifically provided otherwise.

ARTICLE IX. Ratification.

This Constitution shall be ratified by a two-thirds (2/3) majority of all votes cast, provided the total number voting constitutes fifty (50) percent or more of the SBA members.