

RESPONDENTS' FALSE AND MISLEADING STATEMENTS

The Student Bar Association's response to the petition challenging the unconstitutional and undemocratic appointment of Student Assembly senators contains numerous false statements of material fact and baseless *ad hominem* attacks which may unfairly prejudice the Review Board.

Mr. Kennedy-Shaffer made a good faith attempt to contact SBA president Sarah Fulton to request an explanation for the questionable statements, but Fulton refused to discuss the matter. The SBA's response, which includes six false statements, three misleading statements, and three misrepresentations, is designed to distract the Review Board from the substance of this case.

The petitioners hope and expect that the Review Board will give no credence to what former Senator Will Coggin has condemned as "*ad hominem* attacks against [Mr. Kennedy-Shaffer] that, frankly, reflect poorly on respondents' character and response. It is one thing to vehemently disagree over an interpretation of a document; it is another to tastelessly make baseless attacks on a fellow student's motives."

To set the record straight, the SBA's twelve false, misleading, or misrepresenting statements are reprinted below, along with explanations of how there are false, misleading, or misrepresenting the facts. The lies are so blatant, the misleading statements so ill informed, and the *ad hominen* attacks so unscrupulous that they must be refuted so that the Review Board can make a sound and fair decision in *Kennedy-Shaffer v. SBA*.

FALSE STATEMENTS

1. "On April 29, 2007, the Student Assembly Senate Internal Affairs Committee ("Committee") met in the Student Assembly House and discussed a constitutional amendment sponsored by Senator Coggin, and co-written or inspired by Mr. Kennedy-Shaffer." (*Part I*)

The respondents falsely suggest that Mr. Kennedy-Shaffer was an author of Senator Coggin's constitutional amendment, which did not concern the appointment of senators. The respondents intend to distract the Review Board from the question of whether the appointment of senators is unconstitutional.

2. "It should be noted that even though Mr. Coggin and Mr. Kennedy-Shaffer purport to consider this issue important, neither bothered to attend the full meeting of the Student Assembly Senate that night." (*Part I*)

The respondents falsely state that Mr. Kennedy-Shaffer "never bothered to attend the full meeting of the Student Assembly Senate that night." Kennedy-Shaffer did not attend the meeting because law school Dean Taylor Reveley explicitly instructed him not to attend.

3. "The Senate passed the amended version of the constitutional amendment by unanimous consent, the version that the Internal Affairs Committee passed which did not contain Mr. Coggin and Mr. Kennedy-Shaffer's original proposals." (*Part I*)

The respondents falsely state that Mr. Kennedy-Shaffer was an author of Senator Coggin's constitutional amendment, which did not concern the appointment of senators. The respondents intend to distract the Review Board from the question of whether the appointment of senators is unconstitutional. (See *STATEMENT 1*)

4. "Further, the Internal Affairs Committee unanimously rejected Mr. Coggin and Kennedy-Shaffer's proposed amendment, which would have destroyed the autonomy of the graduate schools' senator appointment process." (*Part I*)

The respondents falsely state that Mr. Kennedy-Shaffer was an author of Senator Coggin's constitutional amendment, which did not concern the appointment of senators. The respondents intend to distract the Review Board from the question of whether the appointment of senators is unconstitutional. (See *STATEMENTS 1 and 3*)

5. "The petitioner's showing of continuous vindictive self-interest is the driving force behind the original constitutional amendment and the current complaint before this board." (*Part IV*)

The respondents falsely suggest that Mr. Kennedy-Shaffer was an author of Senator Coggin's constitutional amendment, which did not concern the appointment of senators. The respondents intend to distract the Review Board from the question of whether the appointment of senators is unconstitutional. (See *STATEMENTS 1, 3 and 4*)

6. "Mr. Kennedy-Shaffer's intentions in this [petition] are further called into question by the fact that he raised no objections to the Law School's process of appointment, rather than election, of Student Assembly senators, until after he was not appointed as Senator. Mr. Kennedy-Shaffer was fully compliant with the application and the interview process and only raised objections following the appointment of others to the position he desired for himself." (*Part IV*)

The respondents falsely state Mr. Kennedy-Shaffer raised no objections to the law school's process of appointment, rather than election, of Student Assembly senators. Mr. Kennedy-Shaffer voiced concerns about the appointment process during his interview with Fulton and the other SBA officers. The respondents aim to distract the Review Board from the question of whether the appointment of senators is unconstitutional by making baseless *ad hominem* attacks.

MISLEADING STATEMENTS

7. "The Senate Internal Affairs Committee of the Student Assembly was correct in striking the language of the Petitioner's amendment." (*Summary*)

The respondents intend to mislead the Review Board by ambiguously attributing Senator Coggin's constitutional amendment to both petitioners, rather than to Coggin alone. (See *STATEMENTS 1, 3, 4 and 5*)

8. "Again, neither Mr. Coggin nor Mr. Kennedy-Shaffer were present when the Student Assembly convened to hear this business." (*Part I*)

The respondents intend to mislead the Review Board by emphasizing the irrelevant fact that Mr. Kennedy-Shaffer was not present when the Senate passed Senator Coggin's constitutional

amendment. Kennedy-Shaffer did not attend the meeting because law school Dean Taylor Reveley explicitly instructed him not to attend. (*See STATEMENT 2*)

9. “Mr. Kennedy-Shaffer has been removed from two Student Bar Association elections last year.” (*Part IV*)

The respondents intend to mislead the Review Board by failing to mention the fact that Fulton appointed the SBA election officials who removed Mr. Kennedy-Shaffer from the ballot, allowing Fulton to run for SBA president unopposed. Furthermore, Kennedy-Shaffer’s personal efforts to make the SBA more democratic are completely irrelevant to the case at hand.

FACTUAL MISREPRESENTATIONS

10. “The amended language allowed all graduate schools to continue appointing Senators, and allowed them to send alternate Senators in place of the appointed Senators, in case the appointed Senators could not attend certain Student Assembly Senate meetings.” (*Part I*)

The respondents misrepresent the passed version of Senator Coggin’s constitutional amendment, which only permits graduate senators to send alternates in their place. Coggin’s amendment is irrelevant to the question of whether the appointment of senators is unconstitutional.

11. “The Student Assembly Senate has resoundingly supported the law school and other graduate schools’ right to appoint Senators and general interpretation of the Student Assembly Constitution.” (*Part I*)

The respondents blatantly misrepresent the passed version of Senator Coggin’s constitutional amendment and ignore the fact that the Senate has not taken a position on the question of whether the appointment of senators is unconstitutional. (*See STATEMENT 10*)

12. “Therefore, with the support of the Undergraduate Student Assembly Senate, Respondent Student Bar Association requests the Review Board maintain the current appointment process explicitly granted in the Student Assembly Constitution.” (*Part I*)

The respondents blatantly misrepresent the passed version of Senator Coggin’s constitutional amendment and ignore the fact that the Senate has not taken a position on the question of whether the appointment of senators is unconstitutional. (*See STATEMENTS 10 and 11*)