



JUDICIAL COUNCIL *of* ASUCR

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W17-ZZ-02

Notification of Strikes Assigned to Justice Kathryn Yip II

Decided March 1, 2017

CHIEF JUSTICE GBUJAMA delivered the opinion of the court:

In a 4-0-1 decision, the ASUCR Judicial Council has issued two strikes to Justice Kathryn Yip for abusing her power as a Justice to pressure her Judicial Fellow into releasing information about matters discussed in closed session.

Pursuant to the Judicial Rules of Procedure Title IV, Section 4:

- a. Strikes are a way of assigning differing levels of corrective action based on the severity of a breach of the rules. Therefore, the Judicial Council does not have strike allocation guidelines, as the allocation will be based on the facts of the matter.*
- b. Strikes will most often be assigned as a result of a guilty verdict in a case against a member of ASUCR. However, the Judicial Council has the authority to assign strikes in other situations when it feels it is necessary and proper. In situations where strikes are assigned as a result of something a guilty verdict, the notification of strikes assigned will be accompanied by a written explanation.*

On February 15, 2017, Justice Yip voluntarily recused herself from a case to be discussed in closed session. It was clearly explained to Justice Yip that recusal would mean removing herself from participation in all involvement matters pertaining to that case. According to the testimony of Lawrence Lin, a Judicial Fellow, Justice Yip called Lin with the purpose of acquiring information about the closed session meeting her voluntary recusal. Lin was selected by Justice Yip earlier in the year to serve as a Judicial Fellow under her tutelage. Justice Yip repeatedly asked Lin for information about the case, even though he expressed his concern in talking about matters in closed session with a Justice who recused themselves from the case. Lin said that he personally felt that Justice Yip was using her relationship as his Judicial Mentor to get information about the case out of him.

Upon hearing Lin's testimony, the Judicial Council has found this to be a particularly disturbing offense. Whereas it would be troubling for a Justice who has recused themselves from a case to try to get information about the case out of members of the Judicial Council, it is alarming to imagine a situation where a Justice would have the audacity to confront a Judicial Fellow and pressure them for information about such cases; unfortunately, we find ourselves in the latter scenario. The Judicial Council finds Justice Yip's actions to be an abuse of her powers as a Justice involved in the Judicial Fellowship program and as such hereby issues two strikes from the ASUCR Penal System for this offense.

Signed

Chief Justice Jo Gbujama

Justice Casey Thielhart

Justice Samanta Fuentes

Justice Matthew Whiles