

Call to Order

The third meeting of the 2026-2030 Judicial Committee was called to order at 9:03 pm EDT on Sunday, July 19.

The following members were in attendance:

- Pat Dixon
- Mary Gingell
- Sam Goldstein
- Ken Moellman (Chair)
- Dr. Chuck Moulton (Secretary)
- Geoff Neale
- Avens O'Brien (Vice-Chair)

Reports

Since the last meeting we received an appeal from the Libertarian Party of New Hampshire regarding their revocation of affiliate status (disaffiliation) on July 2nd. The Libertarian National Committee submitted a response on July 9th. Several interested Libertarian Party sustaining members submitted amicus briefs. Some entities and persons not eligible to submit amicus briefs tried to do so.

The Judicial Committee submitted its adopted Rules of Appellate Procedure to the Libertarian National Committee on June 7th. The LNC considered a motion to disapprove our submitted Rules of Appellate Procedure on July 5th; the vote to disapprove failed (which effectively means that they are approved and now our official rules – though there is an interpretation that we need to wait until the deadline for the lack of disapproval to be final).

Secretary Moulton has been posting amicus briefs on LPedia. However, that was paused earlier this week to wait for decisions this meeting. Some people were editing the Judicial Committee LPedia page for the New Hampshire appeal in ways that did not reflect the will of this Committee. The Historical Committee has tried to clarify that the Judicial Committee is in charge of that page.

Dr. Moulton moved that the minutes from the May 31, 2026 meeting be adopted as submitted. The motion passed without objection.

Dr. Moulton moved that the minutes from the June 7, 2026 meeting be adopted as submitted. The motion passed without objection. Note: There was a scrivener's error with the submitted and not disapproved Rules of Appellate Procedure including an extraneous reference to the stricken 7.3 in 5.1.

Chair Moellman reported that he submitted Rules of Appellate Procedure to the LNC. They were not disapproved. He asked LNC Chair Evan McMahon about budgeting money for Richard Brown as the Judicial Committee's parliamentarian. There was no response to that inquiry. Chair Moellman set up a mailing list for the JC through MailMan. Right now, the judicial@lp.org forwarding set up by staff is separate from that list. Eventually, he hopes to use a contact form instead of that email address. Chair Moellman wrote software to facilitate the intake process for Judicial Committee documents, which is an item on this agenda.

New Business

Hearing Dates

Chair Moellman used *When2Meet.com* to figure out what dates worked for all 7 Judicial Committee members. Based on that information, we decided to have a hearing on July 30th with August 4th as a spillover date if it ran over and Chair Moellman notified the parties.

LNC secretary Jonathan McGee is not available on July 30th. LNC counsel Oliver Hall is available to represent the LNC on July 30th. LPNH's attorney is not available on August 4th. According to the When2Meet chart, the Judicial Committee is available July 30th, August 2nd, August 4th, and August 11th. There is an LNC meeting on August 2nd. August 11th is at the very end of the bylaws mandated timeline for this hearing, and we would like to avoid that if possible. We could have a split hearing, with LPNH appearing on July 30th and the LNC appearing on August 4th. The Judicial Committee would strongly prefer to avoid a split hearing if possible.

Concerned about finding a date that works for both parties, Vice-Chair O'Brien went through her availability again and tried to list more available times. That opened up July 29th and August 5th as well.

The Committee asked Chair Moellman to submit all available dates except August 11th to both of the parties to try to find a day that works for everyone: July 29th (8-10 pm EDT), July 30th (8-10 pm EDT), August 2nd (6-10 pm EDT), August 4th (8-10 pm EDT), and August 5th (8-10 pm EDT).

Do we have closing statements written or submitted recorded video, instead of live? The Committee strongly prefers live closing statements that are responsive to what happened in the hearing.

Issues with Dilatory Behavior

Mr. Goldstein moved "The current procedure as exhibited by Chair Moellman for handling dilatory emails is ratified by the Committee and the Committee authorizes him to continue that procedure going forward." Mr. Dixon moved to amend by substitution "The Judicial Committee supports the actions of Chair Moellman addressing dilatory behavior." The Dixon amendment passed without objection. The dilatory behavior motion as amended passed without objection.

DC Records Request

Does it apply to us? No.

Judicial Committee Intake Software

Mr. Neale moved that this item be postponed to the end of the agenda. The Judicial Committee Intake Software agenda item was postponed without objection.

Amicus Filings

Dr. Moulton moved that the Chair reflects the sense of the Committee on enforcing the rules that 1) organizations cannot submit amicus briefs, 2) only LP sustaining members can submit amicus briefs, 3) submitters must use their real names, and 4) amicus briefs must either be on behalf of the appellant or the appellee (not both or neither). The motion passed without objection. Note: People can always submit two briefs: one for each side.

We stopped posting after Harlos II. Do we push those who sent after to submit through the new system? This is addressed later in the Judicial Committee Intake Software agenda item.

Hearing Witnesses

Possible witnesses some JC members may want to hear from:

- Jeremy Kauffman, LPNH Chair
- Chase Oliver, 2024 LP POTUS candidate
- Rich Tomasso, LPNH member who witnessed LPNH Trump endorsement meeting
- Steven Nekhaila, as former LNC Chair

Should the JC call witnesses? Or should the parties call witnesses? Both? Neither?

The Judicial Committee had varying opinions on how we should deal with witnesses. This was later addressed in the Hearing Procedure agenda item.

Disrupting the Status Quo

LNC Secretary McGee stated in Respondent's brief that everything is status quo until the hearing ("the [status quo] one is automatically granted pending the outcome of the appeal"); however, LP staff has removed LPNH from the list of affiliates on the website (<https://lp.org/state-affiliates/>). This is relevant to LPNH's second prayer for relief ("Preserve the status quo pending decision, so that the relief sought is not made moot during the pendency of this appeal"). Can we do anything? By the time we rule on that issue, it is probably moot: either we would have affirmed the revocation of affiliate status or ordered reinstatement.

The Committee took a 5-minute recess without objection.

Hearing Procedure

Mr. Dixon prepared a LP Judicial Committee Hearing Procedure. This procedure was submitted to the Committee of the Whole for wordsmithing by unanimity before official submission for amendments. After that wordsmithing, Mr. Dixon moved the following as a LP Judicial Committee Hearing Procedure:

1. Each side will submit its single designated representative with contact information so that the hearing can be scheduled.
2. The hearing will be open, but only the Judicial Committee members and the representatives will speak. Witnesses may be called by a representative, and heard with permission of the Judicial Committee.
3. The hearing will begin with an opening statement from the individual representing the petitioner for no more than 5 minutes. It is advised that the statement address germane details or new developments not already covered in the brief or amicus.
4. The Chair of the Judicial Committee will recognize Judicial Committee members to ask questions of the representative or their witnesses. The objective is for the Judicial Committee to get answers to their questions; the representative or witness is to respond to questions and does not control the hearing. This portion is limited to not more than 30 minutes, but time can be extended by majority vote of the Committee.
5. When the Judicial Committee has exhausted its questions for the petitioner, the process will repeat for the respondent with an opening statement not more than 5 minutes and questions from the Judicial Committee until questions are exhausted, with the same time limitation as described for petitioner.
6. By vote of the Committee, an open round of questioning may be initiated to obtain resolution on conflicting testimony for not more than 10 minutes, but time can be extended by majority vote of the Committee.
7. The hearing will conclude with a closing statement from the respondent and then the petitioner, each for not more than 5 minutes.

Dr. Moulton moved amend paragraph 3 by inserting “and then the respondent” after “an opening statement from the individual representing the petitioner”, inserting “each” after “no more than 5 minutes”, and striking “statement” and inserting “statements” after “It is advised that the”; amend paragraph 4 by inserting “of the petitioner” after “recognize Judicial Committee members to ask questions of the representative”; and amend paragraph 5 by striking “an opening statement not more than 5 minutes and”. (The effect of this amendment was changing the order from “opening statement 1, questioning 1, opening statement 2, questioning 2” to “opening statement 1, opening statement 2, questioning 1, questioning 2”.) It passed by a vote of 5-1.

Mr. Goldstein moved to amend by inserting a new paragraph 2 “To open the hearing the Chair will state the motion being appealed, hearing procedure, and rules of decorum.”, re-numbering

subsequent paragraphs, and in the re-numbered paragraph 4 (the old paragraph 3) striking “begin” and inserting “then continue”. It passed by a vote of 5-1.

Dr. Moulton moved to amend by striking “5 minutes” and inserting “15 minutes” in paragraph 4. It passed by a vote of 5-1.

LP Judicial Committee Hearing Procedure as amended:

1. Each side will submit its single designated representative with contact information so that the hearing can be scheduled.
2. The hearing will be open, but only the Judicial Committee members and the representatives will speak. Witnesses may be called by a representative, and heard with permission of the Judicial Committee.
3. To open the hearing the Chair will state the motion being appealed, hearing procedure, and rules of decorum.
4. The hearing will then continue with an opening statement from the individual representing the petitioner and then the respondent for no more than 15 minutes each. It is advised that the statements address germane details or new developments not already covered in the brief or amicus.
5. The Chair of the Judicial Committee will recognize Judicial Committee members to ask questions of the representative of the petitioner or their witnesses. The objective is for the Judicial Committee to get answers to their questions; the representative or witness is to respond to questions and does not control the hearing. This portion is limited to not more than 30 minutes, but time can be extended by majority vote of the Committee.
6. When the Judicial Committee has exhausted its questions for the petitioner, the process will repeat for the respondent with questions from the Judicial Committee until questions are exhausted, with the same time limitation as described for petitioner.
7. By vote of the Committee, an open round of questioning may be initiated to obtain resolution on conflicting testimony for not more than 10 minutes, but time can be extended by majority vote of the Committee.
8. The hearing will conclude with a closing statement from the respondent and then the petitioner, each for not more than 5 minutes.

The LP Judicial Committee Hearing Procedure as amended was passed without objection.

Zoom meeting

Chair Moellman intends to use a double Zoom meeting: two layers to keep interruptions out. One Zoom can be accessed by Judicial Committee members, parties, and witnesses. A second Zoom broadcasts the first Zoom with the audience muted.

Judicial Committee Intake Software (postponed from earlier)

Chair Moellman wrote JC intake software available at <https://judicial.lpstates.com/>

This system has been built to facilitate the Judicial Committee in its official duties under the national party bylaws and Judicial Committee rules. Under JC rule 2.9, the Judicial Committee can require the use of this system. Those who are sustaining members and those who were delegates at the most-recent convention can obtain access and act in the manner permitted. Further, appeals under Bylaws Section 8.2 (a) (b) and (c) can be managed by this system with manual entry of documents already accepted by the Committee to begin the process.

Dr. Moulton moved that the Judicial Committee adopt Chair Moellman's software and process for managing document intake for anything submitted after July 13th. The motion passed without objection.

Mr. Goldstein moved to place a deadline on sustaining members' ability to submit amicus briefs to 2 days before the hearing to effectuate rule 2.8. The motion passed without objection.

Minutes

Dr. Moulton inquired what to do with the minutes for this meeting. The sense of the Committee was to post them as draft minutes on LPedia after they had been circulated a day for corrections.

Adjourn

Mr. Dixon moved to adjourn. The meeting was adjourned without objection at 12:16 am EDT.

Action Items

- 1) Chair Moellman to contact LNC Chair Evan McMahon (CCing Vice-Chair O'Brien) about setting up a targeted donation page for the purpose of hiring a parliamentarian (Richard Brown) to assist the Judicial Committee.
- 2) Chair Moellman to submit all available dates except August 11th to both of the parties to try to find a day that works for everyone: July 29th (8-10 pm EDT), July 30th (8-10 pm EDT), August 2nd (6-10 pm EDT), August 4th (8-10 pm EDT), and August 5th (8-10 pm EDT).
- 3) Chair Moellman to reach out to parties with hearing rules.
- 4) Chair Moellman to reach out to those who submitted amicus briefs after July 13th, as well as those whose briefs had previously been rejected, asking them to resubmit through his JC intake software.
- 5) Secretary Moulton to post approved minutes from the last two meetings and draft minutes from this meeting to LPedia.