

MEMBER MANUAL

for

The Journal of Land Use & Environmental Law

The Florida State University College of Law

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I. INTRODUCTION

Congratulations and welcome to the *Journal of Land Use & Environmental Law*. We are looking forward to each of you becoming productive members of the *Journal*. The *Journal* depends on each and every member to work diligently to ensure its success. This *Member Manual* and your training assignment should begin to teach you the necessary skills for editing an article. The skills you learn as a member of the *Journal* will not only help you become a good editor, but also a better legal writer. Employers look highly upon applicants who are *Journal* members because they are aware of the valuable experience you have gained.

The Executive Board is here to help you learn what you need to know to become a *Journal* member. Sometimes the *Bluebook* can be confusing, and you will be amazed to find that you constantly learn more with each piece that you subcite or edit. If at anytime, you have questions, or need help, please contact any member of the Board.

Again congratulations, we hope that your *Journal* experience will be a positive and rewarding one.

II. GENERAL JOURNAL INFORMATION

A. Background Information

The *Journal* was established at the law school in 1983. Over the years, we have met with great success. The *Journal* has been cited by the United States Supreme Court and has appeared on the recommended reading lists of various national and state reporters and newsletters.

Members of the *Journal* strive to achieve two goals. The first is to generate and distribute a *Journal* regarded as the leader in public discourse on land use and environmental law topics. We publish quality pieces written by academics, practitioners, and students. Additionally, we provide thorough critiques of superior web sites and forthcoming books. Second, our members seek to create publishable quality pieces of their own. More than just something that has to be done before your last semester, the *Journal's* writing requirement should be seen as an intermediate step on the road to publishing your own work.

The *Journal* is completely run by students. When an article is received by the *Journal*, it is routed through the Manuscript Review Committee who determines whether to publish it. The Executive Editors are responsible for each article that will be published. The Executive Editor enlists the help of a *Journal* member who will act as the Articles & Notes Editor for the article. The Articles & Notes Editor receives up to 2 hours credit for their work.

The Articles & Notes Editor gathers the sources, puts them in a carrel, divides the article into sections, and distributes the article to subciters. After the subciters edit their portion of the article, it goes back to the Articles & Notes Editor, who incorporates the changes. The Articles & Notes Editor then sends the article back for a second round of subciting. The subciters will receive different sections of the same article. The changes are again incorporated by the Articles & Notes Editor, and then the article is sent to the Executive Editor. After the Executive Editor reviews the article and makes corrections, the article is sent to the Editor-in-Chief for the final edit. After all the editing is complete, the article is sent to the publisher. We publish two to three issues of the *Journal* each year.

B. The *Journal* Office

The *Journal* office is located in room L301, which is on the third floor of the library. The Office contains computers and telephones, as well as a kitchen. These facilities are available for all members of the *Journal* to use. Do not make long distance calls unless they are *Journal* related, and you log them in. The computers are to be used for *Journal* work, and school-related work. The phone number for the *Journal* office is 644-4240. Please see the Associate Editor to obtain your code to enter the room.

C. *Journal* Related Faculty

Our faculty advisor's are Professor J.B. Ruhl and Professor Donna Christie. In addition, our Office Manager is Cathy Butler. Cathy is the Office Manager for both the *Land Use Journal* and *The Journal of Transnational Law & Policy*. Her office is located between the two *Journal* Offices.

D. Board Positions

The Executive Board consists of six members elected at the General Membership Meeting in the Spring Semester: Editor-in-Chief, two Executive Editors, Writing & Research Editor, Associate Editor, and Administrative Editor. The last three positions may be held by any member of the *Journal*. These are very good positions for a new member to run for during your first semester. The first three positions must be held by a *Journal* member who has either been on the Board the previous year, or was an Article & Notes Editor.

The following is a *very brief* description of each job. A more detailed description of these positions is available in the Journal Bylaws (a copy is available in the Journal Office and also on the Journal's Website <http://www.law.fsu.edu/journals/landuse/index.html> or you may speak to the current Board members.

Editor-in-Chief: Responsible for all Journal activities and the publication of each issue. Basically, this person runs the whole show.

Executive Editors: Responsible for editing the articles that the *Journal* will publish. This includes working with an Article & Notes Editor, establishing due dates, contacting the author with any problems, checking the work of the Article & Notes Editor and subciters, incorporating last minute changes of the author, making sure the article is perfect before it goes to the Editor-in-Chief.

Writing & Research Editor: Reads all article submissions, and makes recommendations for publication, reviews *Journal* members' paper requirement, writes the Recent Developments section published in the *Journal*.

Administrative Editor: Responsible for the *Journal* Web page, writes and sends out the Alumni newsletter, works with the budget, and plans social events.

Associate Editor: Coordinates the summer and winter writing competitions with the other two *Journals*, invites and trains new members, and coordinates the Distinguished Lecturer each year.

Article & Notes Editors: These members are not Board members. They are appointed by the Editor-in-chief or Executive Editors. The A&N editor reserves a carrel, pulls sources, separates and distributes the article to the subciters, incorporates subciter changes, and contacts the author and Executive Editor with any problems. A&N editors receive up to two credits per article that they work on. If you are interested, see the Editor-in-Chief or the Executive Editors.

E. JOURNAL REQUIREMENTS

1. SUBCITING

You are required to subcite at least one article per semester. This is generally all you need to subcite. However, if there is a need for more subciters, you may have to do another article. For example, if we are publishing a third issue this year, we will probably need extra subciters for that issue over the summer.

2. COMMITTEE

You must serve on at least one committee. There are two committees: the Writing Competition Committee; and the Manuscript Committee. If you do not sign up for one, you will be assigned.

3. WRITING REQUIREMENT

Every member is required to submit a paper of **publishable quality** to the *Journal* before the beginning of their last semester of law school. This paper must be at least 20 pages, excluding endnotes, and it must be on an environmental law or land use topic. You may submit your Upper-level Writing Requirement paper, if it is on an environmental law or land use topic. You may also receive credit for your paper, if you make arrangements ahead of time with the Writing & Research Editor. Additionally, we encourage you to write the best paper you can, in hopes that we can publish many student pieces. If you do not submit a completed paper, you will not graduate as a member of the *Journal*. The Writing & Research Editor will provide more information on the writing requirement at a later date.

4. MANDATORY EVENTS

Member attendance at these events is vital to the *Journal's* continued success. Consequently, absences must be approved **in advance** by the Board. Watch the bulletin board in the *Journal* Office and your e-mail to keep up-to-date on when these events will take place.

- General membership meetings: one is held each semester to discuss *Journal* business.
- Awards ceremony: held during the Spring Semester to recognize graduating 3L's, outstanding Subciters and A&N Editors, and present the Donna R. Christie Award.
- The Distinguished Lecturer: every year, the *Journal* and the Environmental Law Society host an expert in some area of Environmental law. Generally the lecture is held in the Rotunda and is preceded by a reception.
- Turning Pages Towards Tomorrow: jointly sponsored by the *Journal*, *Law Review* and *JTLP*, this holiday reception is held in early December and is open to the entire legal community. The fee for admittance is a children's book, and the books go to local children's charities.

5. OPTIONAL EVENTS

- Socials: these are not mandatory, just for fun and a little networking. Hopping, Green, Sams & Smith (a local environmental law firm) usually hosts a social for the *Journal* in the fall. The Tallahassee office of Holland and Knight has also begun hosting an annual social.
- Westlaw and Lexis training: suggested for new members of the *Journal*.

IV. SUBCITER GUIDE

A. The Subciting Process

This is a general description of the steps in the subciting process. Most of these steps are included on the Subcite Assignment Checklist (Appendix – Document A). Your Articles and Notes Editor is available to answer questions if you do not understand. Also, let your Editor know if sources are missing from the carrel, or if any other problems arise. **Keep in Touch!**

1. LOCATE THE APPROPRIATE CARREL.

Only carrels on the first and third floors are used. The carrel will be marked as reserved by the Articles and Notes Editor for the *Journal of Land Use and Environmental Law*. The carrel will contain all of the sources that can be checked out from the library, such as law review volumes and books. The carrel will also contain photocopies of those sources that cannot be checked out or those that are not usually maintained by the library, such as reporters and articles not maintained by the library.

2. SKIM THE ARTICLE.

Skim the article to become familiar with the article's content, structure, and argument. Although highly encouraged, a careful reading of the material is not necessary. Make sure you are sufficiently familiar with the text to identify portions of the article that have not been cited when you reference the sources.

3. CHECK EACH FOOTNOTE TO VERIFY IT SUPPORTS THE CORRESPONDING PORTION OF TEXT.

Watch out for exaggerations, misrepresentations, and inconsistencies. Watch out for plagiarism - a good rule to use is **if seven words or more are borrowed from the source, use quotes**. In addition, when the author uses a direct quote or a pinpoint cite, make sure to check the official/hard copy, not just Westlaw or Lexis printouts.

4. NOTE PORTIONS OF THE TEXT WHICH NEED ADDITIONAL FOOTNOTES.

Such portions include factual statements or legal assertions without a supporting footnote. Your Articles and Notes Editor may have marked some of these areas for you. Usually, one of

the sources referenced in the surrounding footnotes is the information source. Create a footnote and give the appropriate information.

5. CHECK EACH QUOTATION CAREFULLY.

Check each quotation carefully for accuracy. You **must** place a check mark above each word and punctuation mark as you compare the quotation with the original source.

6. EDIT THE TEXT YOU REVIEW.

Do not be afraid to correct grammar, delete unnecessary words, add text, or suggest changes in organization. However, be careful not to over edit. Many authors become upset if you make stylistic changes to their work. Only do this if the author has said it is okay.

For help with grammar and usage, feel free to consult Strunk and White's *Elements of Style*, *The Chicago Style Manual*, or *The Gregg Reference Manual*. Copies are maintained in the *Journal* office.

7. SHEPARDIZE CASES AND CHECK THE STATUS OF STATUTES.

All cases must be Shepardized and subsequent history of statutes, bills, and rules checked. We do not want to print an article based on incorrect legal theories or outdated concepts. If you identify a potential problem, provide your Articles and Notes Editor with an explanation of the conflict.

8. ASSURE THE TECHNICAL ACCURACY OF EACH CITATION.

All citations must be double-checked for *Bluebook*, 17th Ed., and in the case of Florida materials, *Florida Style Manual* accuracy. If you were uncertain and looked up *Bluebook* rules, **please note the rule number in the margin of the article**. This makes the A&N and Executive Editors' job much easier. Although WestCheck and Lexis are helpful, they are not infallible.

9. RETURN THE ASSIGNMENT TO THE ARTICLES AND NOTES EDITOR.

Return your assignment by the due date indicated on your assignment sheet. If your Articles and Notes Editor has indicated a desire to meet with the subcite team, please attend the meeting. Your input is essential to create a perfect product.

10. THROUGHOUT THE SUBCITING PROCESS, KEEP IN CLOSE CONTACT WITH YOUR ARTICLES AND NOTES EDITOR.

B. Commonly Used Citation Forms and Rules

The following is a summarization of the rules most frequently utilized during the subciting process. In no way should this list be used as a substitute for the *Bluebook 17th Ed.* or *The Florida Style Manual*. If you have problems determining the appropriate form of a citation, **discuss the matter with your Articles and Notes Editor.**

1. CASES: FULL CITE

For in depth instruction on case citation, see the *Bluebook 17th Ed.* Rule 10 or *The Florida Style Manual*. Examples:

Federal: Monroe v. Swift, 399 F.2d 122 (9th Cir. 1989).
Supreme Court: Baker v. Botts, 400 U.S. 234 (1987).
Florida: Parsons v. Britain, 23 So. 2d 14 (Fla. 4th DCA 1965).
Westlaw/Lexis: Brown v. Thomas, No. 98-C9535, 1991 WL 554083, at *1 (N.D. N.Y. Apr. 5, 1991).

Always cite to the books in lieu of Westlaw or Lexis if possible. Florida forms are different because you refer to *The Florida Style Manual* and not the *Bluebook 17th Ed.* Full cites in footnotes should be in regular font and only short cites should have case name in italics. It is not necessary to use parallel citation. Check the *Bluebook* table T.1 for the appropriate reporter to cite to in each jurisdiction. For example, for United States Supreme Court cases, only cite to the U.S. reporter, not S. Ct. unless U.S. is not available.

2. SUBSEQUENT HISTORY FOR CASES

When do you need it:

- (1) when you are using a full citation; or
- (2) include all subsequent history, except you can exclude:
 - (a) denials of certiorari (unless the case is less than two years old or this history is particularly relevant);
 - (b) history on remand; or
 - (c) denials of rehearing.

Subsequent history is covered by the *Bluebook* Rule 10.7. Also, see T.9, Explanatory Phrases in the *Bluebook* for abbreviations. Example:

Clarke v. Sullivan, 459 F. Supp. 100 (M.D. S.C. 1985), *rev'd*, 441, F.2d 1 (5th Cir. 1988); Clarendon v. Karo, 959 F.2d 1001 (7th Cir. 1988), *overruled by* Franklin v. Moore, 450 U.S. 400 (1990).

3. CASES: SHORT FORM

The short form should be used when (1) the case is clearly cited in the same footnote; (2) the case is cited in any of the five preceding footnotes (using either long or short form or *id.*); or (3) the case is named in the same general discussion to which the footnote is appended. See the *Bluebook* Rule 10.9.

Examples:

Alandra, 345 U.S. at 125.
414 U.S. 789 (1985). (Use when full case name is within textual discussion.)
Id. at 900.
Id.

Never use *id.* when the previous footnote contains more than one source.

4. STATUTES

For an in-depth overview of citation to statutes, see the *Bluebook* Rule 12 and *The Florida Style Manual* Rule 5. Always shepardize. Example:

Federal: 20 U.S.C. § 120(a) (1991 & Supp. 1994); 12 U.S.C. §§ 4570-1472 (1988 & Supp. 1995).

Remember to check to see if the statute that you are checking has changes or additions in the pocket part supplements (also indicated at the end of text of statute on Westlaw). Dates are VERY important to check, as different titles of the U.S. Code have different dates. Avoid using annotated version in citing if possible – never use U.S.C.A. Example:

Federal Short Form: 20 U.S.C. § 120(a).

Florida: FLA. STAT. § 120.45 (1995); FLA. STAT. § 123.54-.78 (1995 & Supp. 1996).

New full volumes of Florida Statutes come out every other year on off years. Supplements with legislation from that year’s session come out on even years. So, check to make sure nothing was changed or added in supplement years. Use the most recent odd year volume. There is no Florida Short Form.

5. SESSION LAWS

These are the laws tracing the origin of a statute or revisions of a statute (each time the legislature acts, amending, adding, or deleting a statute, a session law accompanies this action).

Cite to session laws when the text of an article speaks of a statute being enacted or revised. For example, “In 1996, Florida’s Administrative Procedure Act was revised...” or “Congress

enacted the Religious Freedom Restoration Act in 1933.” Following both of these sentences, a citation to a session law is necessary.

At the end of the text of a statute, there will be a small note indicating the statute’s history. There are also Florida Laws books on the second floor of the library if you want to view the session law. See the *Bluebook* rule 12.4 and *The Florida Style Manual* rule 6. Examples:

Florida: Act effective, Oct. 1, 1995, ch. 95-123 Fla. Laws 130.

Federal: Department of Transportation Act, Pub. L. No, 89-670, § 10, 89 Stat. 657-78 (1955).

6. USE OF CROSS REFERENCES, “SUPRA” AND “INFRA”, AND USE OF “HEREINAFTER”

See *Bluebook* Rule 3.6 for use of cross-references. Insert cross-references where the author refers to material that is mentioned in a different section of the article but in more detail. Use “supra” for **law review articles, newspaper articles, and legislative source (NEVER FOR CASES)** when a source has been cited earlier in the article. Use *infra* when the material referred to is later in the article.

Use “hereinafter” for authority that would be cumbersome to repeatedly cite or, if it is necessary, to distinguish between two like authorities within a footnote (for example, if there are two articles authored by the same person such that a “*supra*” cite would be ambiguous). In examples below, an *id.* would normally be used because the source is cited in the footnote directly after the original full cite but “*supra*” cites are used only to illustrate use. See the *Bluebook* rule 4.2. Examples:

Law Reviews:

1. Susan Kidd, *Reviewing Section* 1983, 83 HARV. L. REV. 23, 45 (1983).
2. Kidd, *supra* note 1, at 45-46.

Reports:

3. UNITED STATES DEP’T OF INTERIOR, COMMISSION REPORT FOR FISH AND GAME 34 4. (1996) [hereinafter FISH AND GAME REPORT].
4. FISH AND GAME REPORT, *supra* note 3, at 45.

Newspaper Articles with Authors:

5. David Browne, *Congress Votes for New Act*, N.Y. TIMES, June 5, 1996, at A3.
6. Browne, *supra* note 5, at A3.

Newspaper Articles without Authors:

7. *President Speaks Out Against Everglades Reform*, WASH. POST, Dec. 12, 1996, at B10 [hereinafter *President Speaks Out*].
8. *President Speaks Out*, *supra* note 7, at B10.
9. See *supra* text accompanying notes 3-6.
10. See discussion *infra* Part V.

7. LAW REVIEW ARTICLES

Law review articles are covered by *Bluebook* Rule 16. Abbreviations for law review titles are contained in T.13. Some law review titles may not be contained in this table. However, you may use the commonly abbreviated words to create abbreviations for law review titles that do not appear in table 13. Example:

Richard White, *Policy Against RCRA*, 96 HARV. L. REV. 35 (1989).

8. NEWSPAPER ARTICLES

For the proper format of citations to newspaper articles, see *Bluebook* Rule 16.5 and *Florida Style Manual* Rule 11.5. Abbreviate newspaper titles according to *Bluebook* table T.14, and the *Florida Style Manual*. Again, you may use commonly abbreviated words to create abbreviations for titles which are not listed. Example:

Kara Anne Frolick, *The War Out West*, N.Y. TIMES, Dec. 15, 1996, at A5.

9. INTERVIEWS

Citation to interviews is covered by the *Bluebook* in Rule 17.1.4 and the *Florida Style Manual* Rule 11.2. Example:

Telephone Interview with Thomas S. Gould, Senior Executive of Pabb Incorporated (May 4, 1996).

10. THE USE OF SIGNALS

The use of “*see*” has been changed several times in the past few years. The current rule requires that “*see*” be used instead of “[no signal]” only when the proposition is not directly stated by the cited authority, but clearly supports it. (i.e. when you can infer from it).

Rule 1.2 also covers the use of other signals such as “*E.g.*”, “*Compare*”, and “*Contra.*”. It also explains in which order to use different signals when there are numerous citations within a footnote. This is something to check every time you see a signal other than “*see.*”

11. QUOTATIONS

Proper quotation use is explained in *Bluebook* Rule 5.1. If fifty words or more appear in the quote, you must make it a block quote according to the rule. When there are forty-nine words or less, quotations should appear in quotation marks “ ”. Commas and periods should appear **inside** quotation marks.

12. ALTERATIONS AND OMISSIONS

These are also covered in *Bluebook* Rule 5.2 and 5.3.

Use three ellipses when words or omitted in the middle or the sentence. (. . .) There should be a space between each dot.

Use four ellipses at the end of a sentence (three for the omitted words, one for the period). Never begin a sentence with ellipses.

Indicate where capitalization has been changed, or a word has been changed with brackets. Examples:

Sue said Bob would go.
I told you “[s]ue said [he] would go.”

13. CAPITALIZATION

Rule 8 in the *Bluebook* explains when to capitalize words in the text such as “Court” and “State.” Sometimes the words vary in capitalization according to use, so check this rule whenever you encounter these types of words.

14. FONTS

Make sure to check the correct font for everything. For example, law reviews and newspapers are in large and small caps, and the title of the article is italicized.

A common mistake that many people make is the font of cases. In the text, the case name should always be italicized. In the footnotes, the full case name is in roman type. However, the short case name should be italicized in footnotes. *Id.* is a short case name and is italicized. Example:

Text: In *Smith v. Jones*, the plaintiff won.
Footnote: 1. *Smith v. Jones*, 455 U.S. 354 (1988).
2. *See Smith*, 455 U.S. at 358.

15. HELPFUL HINT

Tab your *Bluebook*! This may sound silly now, but when you start to use it often, you will appreciate being able to find everything quickly!

V. ARTICLES AND NOTES EDITORS GUIDE

This is a general description of the steps in the A&N process. Most of these steps are included on the A&N Checklist (Appendix – Document C). Your Executive Editor is available to answer questions if you do not understand. **Again -- Keep in Touch!**

A. Gathering the Sources

1. RESERVE THE LIBRARY CARREL.

To reserve a carrel, go to the front desk of the library and ask to reserve a carrel. Try to select from carrels 3-11 to 3-20, as these are designated for use by the *Land Use Journal* and JTLP.

2. READ THE ARTICLE

Reading the article thoroughly and critically. Get a general familiarity with its content and sources. Consider the reasoning in the analysis and the organization of the piece. Note any areas where further citation or additional text is needed to support a proposition or argument. Be sure to confer with your Executive Editor, and then the author, if you both feel significant changes are needed.

3. MAKE A LIST OF THE SOURCES CITED IN THE ARTICLE

This is most easily accomplished by converting the footnotes to endnotes.

4. GATHER THE SOURCES AND MAKE COPIES, OR CHECK THEM OUT TO YOUR CARREL

With source list in hand you can head off to the library, but beware this task can be the most daunting. Do not get discouraged! Just use all the tools you can think of - check WebLuis, Internet search engines, Lexis or Westlaw, ask a reference librarian or your executive editor and last (but not least) ask the author, most likely if they cited the source they have a copy they can send to us.

Some sources (bound law journals, practice materials) may be checked out to your carrel. The following sources you will have to photocopy, because they **cannot be checked out**: U.S. Code Annotated, U.S. Code Service, U.S. Code, Code of Federal Regulations, Federal Register, Uniform Laws Annotated, all state statutes, Florida Administrative Code, unbound journals, legal encyclopedias, West Digests, all reports of decisions, all second floor Reference Collection (marked REF on the spine).

FSU Law Library Copy Cards are available from the Office Manager, and will need to be checked out. The Office Manager can also make arrangements for you to copy at the other FSU campus libraries. Try to organize all loose copies of sources in folders or a ring binder labeled by footnote number. Remember, by organizing this process, you enable your subciters to do their jobs better and you help yourself meet deadlines. Make it a priority to get the subcite process underway QUICKLY!

B. Organizing the Editing Process

5. MEET WITH YOUR EXECUTIVE EDITOR

Now, with carrel stocked, it's time to meet with your Executive Editor to set the timeline for editing. As a general rule, it is best to give the subciters two full weeks with two full weekends for the first round. Then one week and one weekend for the A&N editor to incorporate changes and make new copies for round two. Subciters should be given one full week and one weekend for round two. Then one week and one weekend for the A&N editor to incorporate changes and hand the final edited version off to their Executive Editor. Of course, this timeline is a suggestion only and must be tailored to fit each article, editors schedules, etc. Adherence to deadlines is important to ensure timely publication.

Also please remember to cc your Executive Editor on all e-mails, letters, etc., you send as they are your “partner” in this process.

6. CONTACT THE AUTHOR

Once the schedule is set, contact the author. This is usually best accomplished by e-mail. The Office Manager should have the author’s e-mail address. It is important to establish a good working relationship with the author. Introduce yourself and briefly explain the editorial process and the production schedule. You may also request any sources you were unable to find.

Encourage the author to send any substantive changes as soon as possible. Often, due to the length of time between composition of an article and its acceptance for publication, an author wishes to add information which would improve the article and make it more timely in light of recent changes in the law. Politely inform the author of time constraints and the absolute last day to submit changes (the Editor-in-Chief will set this date) and impress upon the author the importance of making changes quickly.

Also, request the author’s biographical information. This information will be placed as the first (but unnumbered) footnote, and should include the author’s educational background, current position, and may include other articles published or a thank you to research assistants, spouses or perhaps a memorial/tribute to someone the author chooses.

If you must call the author, you can use the phones in the Journal office. Remember to log any long distance calls on the phone logs taped to the desk next to the phones. Dial 9, then the number for local calls. Dial 6, 1, then the area code and number for long-distance calls.

7. CONTACT THE SUBCITERS

By this time the Editor-in-Chief should have assigned you 4-6 subcitters, send each of them a “heads-up” e-mail to introduce yourself and let them know they have been assigned, the approximate editing schedule, and how they can contact you (and the Executive Editor) should any problems arise.

8. DIVIDE THE ARTICLE INTO SECTIONS FOR THE SUBCITERS

Generally, you divide the article into even sections by number of footnotes or by pages of text, taking into consideration the relative complexity of each section (i.e., number of different sources, number of Id’s). Get copycard from you’re Executive Editor (or Cathy Butler) and make copies for each subciter.

9. MEET WITH SUBCITERS AND DISTRIBUTE THE FIRST ROUND SUBCITE ASSIGNMENTS

Have a group meeting with your subcitters to get to know the people on your team, answer any questions, and distribute the first round. It is best to attach a memo detailing any problems areas you’ve found with the article and any suggestions you have (e.g., note where pinpoints are lacking, author has tendency to use passive voice). Impress upon the subcitters the quality of their work is the foundation of our Journal. If they do shoddy work, it may not be caught in later edits and we all wind up with an embarrassing publication. Stress the value of

teamwork and keeping up communication if you run into problems or are unable to complete an assignment when it is due.

C. The Editing Process

10. EDIT THE ARTICLE AND INCORPORATE CHANGES FROM THE FIRST ROUND

Once you have gathered the first round edits from the subciters, you are ready to begin your edit. Make sure you save (both to hard drive and disk) a copy of the original document, then make changes and save this new file as Round 1 Edit (or whatever works for you). In general, you should reread the entire article and consider incorporating any grammatical, stylistic, or substantive changes the subciters made. Just be cautious – respect the author’s style – it is your job to improve, not re-write, the article. It is your responsibility to check each footnote for technical (*Bluebook*) accuracy and to re-subcite every 5th (or so) footnote for substantive accuracy (e.g., does the text support this note, is every word in the quote accounted for). Also, check that the titles of sections are appropriate and that at least one paragraph of text is contained between the titles of sections. A title should never be followed immediately by a subtitle. And don’t forget to *Shepardize*. Make sure the article is of publishable quality on all of these points!

11. ROTATE SUBCITER SECTION ASSIGNMENTS AND DISTRIBUTE THE SECOND ROUND

Make copies of the revised article to distribute for Round 2. For round two, rotate the subciters – generally putting the strongest subciter on the weakest section and all the rest however you choose – just make sure they are not subciting the same section they had in round one.

12. EDIT THE ARTICLE AND INPUT CHANGES FROM THE SECOND ROUND

Follow basically the same routine as 10 above.

13. PREPARE A ONE PARAGRAPH ABSTRACT OF THE ARTICLE

The abstract should be one paragraph and provide a general overview of the author’s main point(s) and thesis. Check earlier issues of the *Journal* for examples. The abstracts are published at the back of the last issue for that year in the *Journal*.

14. TURN IN THE EDITED ARTICLE TO YOUR EXECUTIVE EDITOR FOR REVIEW

Now you can breathe a sigh of relief. You should provide the Executive Editor with: a hard copy of the final revised version of the article; your abstract; a computer disk containing the original article; the round one revision; and the final round two revision. The Executive Editor will let you know if there are any items they still need your help with, and they will let you know when you can clean out the carrel and return the sources. The Executive Editor will also provide

you with subciter evaluation forms. Please complete these candidly -- they will be kept confidential and only viewed by the Board in evaluating a member for commendation or discipline.

Please continue to renew the sources as requested by the library until the Executive Editor tells you the Editor-in-Chief has completed the final edit and the article is off to the printer. When you return the sources to the front desk you also need to cross your name off the carrel reservation sheet, so the librarians will know the carrel is vacant and available for use.

**VI. ARTICLES OF ASSOCIATION OF THE FLORIDA STATE UNIVERSITY
*JOURNAL OF LAND USE & ENVIRONMENTAL LAW***

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Article I. Name and Location

The name of this organization shall be The Florida State University *Journal of Land Use & Environmental Law* (hereinafter, the *Journal*). The *Journal* shall be located at, and affiliated with, The Florida State University College of Law in Tallahassee, Florida.

Article II. Organization

The *Journal* shall be composed of the Editorial Board, the Staff Members, the Faculty Advisor(s), and the Advisory Board.

Article III. Organizational Purpose

The *Journal* is formed exclusively for literary and educational purposes within the meaning section 301(d)(3) of the Internal Revenue Code of 1954. The *Journal* shall not carry on any activities not permitted to be carried on by an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or engage in any activities or exercise any powers that are not in furtherance of the purpose of the *Journal*.

Article IV. Publication Character & Mission Statement

A. Publication Character

The *Journal* shall publish, at least biannually, a scholarly legal publication intended to serve policymakers, legislators, and the legal and academic communities.

B. Mission Statement

1. The abbreviated mission statement shall be placed on all of the *Journal's* correspondence. The abbreviated mission statement is as follows: *Advancing contemporary jurisprudence of the land, air, and waters.*

2. The full mission statement is as follows:

To provide a forum for advancing contemporary jurisprudence of the land, air, and waters, we must:

Maintain the highest standards of analysis, accuracy, and timeliness in publishing the *Journal*;

Encourage leading legal educators and practitioners to publish their articles in the *Journal*;

Distinguish the College of Law as a leading institution, known for its support of scholarship and academic pursuit in the fields of environmental and land use law;

Attract the premier legal scholars interested in environmental and land use issues by encouraging independent legal thought, offering positions of responsibility and opportunities for publication, and maintaining a tradition of service to our college;

Inform our future profession about the compelling environmental and land use issues by providing a forum for legal educators, practitioners, and student scholars;

Offer our future profession a broad, diverse spectrum of articles balanced between the theoretical and the practical;

Promote esprit de corps among our membership and the College of Law at large; and

Safeguard our institutional memory and tradition so that those who follow will benefit from our experience.

Article V. Publishing Specifications

A. Non-Student Pieces

A piece is “publishable” when it meets those standards of quality, timelines, and novelty essential for actual publication in the *Journal* as determined by the Editor-in-Chief, with the advice of the Executive Board. Actual publication is left to the Editor-in-Chief, with the advice of the Executive Board.

B. Student Pieces

1. A student piece is “publishable” for purposes of actual publication when it meets those standards essential for actual publication in the *Journal* as set out in Article V, Section A of these Articles. A student piece is publishable for purposes of meeting the *Journal* writing requirement when it meets the standards of quality essential for publication; however, the elements of timelines and novelty are relaxed in determining “publishability” for purposes of the writing requirement.

2. The *Journal* may at its discretion publish a piece written by a student of any other college of law or graduate school subject to the established editorial process.

3. Student pieces written by *Journal* staff shall take precedence over pieces written by students from outside the *Journal* staff, so long as both pieces are of approximately the same quality or the staff piece is of superior quality. This determination will be made by the Editor-in-Chief with the advice of the Executive Board.

Article VI. Dissolution

Upon the dissolution of the *Journal*, the Executive Board and Faculty Advisor(s) shall, after paying or making provision for all the liabilities of the *Journal*, dispose of all the assets of the *Journal* exclusively to The Florida State University Foundation, a 501 (c)(3) exempt organization. Any such assets not so disposed of shall be disposed of by the appropriate court having jurisdiction as said court shall determine.

Article VII. Executive Board

A. Membership

The Executive Board shall be composed of the Editor-in-Chief, two (2) Executive Editors, the Research Editor, the Associate Editor, and the Administrative Editor. The Editor-in-Chief shall attempt to assign the Executive Editors categories of articles consistent with their interests and the needs of the *Journal*. For example, the editors could be divided between land use and environmental law or between national and Florida law.

B. Powers and Duties

1. The Executive Board shall make policy decisions, advise the Editor-in-Chief, and determine the number of Articles and Notes Editors for each book.

2. The outgoing Executive Board shall advise the incoming Executive Board regarding the appointment of Article and Notes Editors.

3. All Executive Board Editors must remain in Tallahassee during the Fall and Spring semesters. During the Summer Term, the Editor-in-Chief must be available to perform the duties of office.

4. Executive Board Editors may be employed during the school year so long as they are able to carry out their *Journal* duties fully. If outside employment interferes with any *Journal* member fulfilling the requirements of any office, the removal provisions of Article VII, Section G shall apply.

C. Eligibility

To be eligible for the positions of Editor-in-Chief or Executive Editor, a member must have: (1) served as a Research Editor, Administrative Editor, or Associate Editor and have completed the writing requirement by having the article reviewed by a faculty advisor; or (2) served at least one (1) semester as an Articles and Notes Editor. Any member is eligible for the positions of Research Editor, Associate Editor or Administrative Editor. This section (C) may be waived by the Editor-in-Chief, if failure to do so would result in a vacancy on the Executive Board.

D. Term of Office

All Executive Board Editors shall serve a term of one (1) year, beginning in May and ending the following April, or until the final issue of the current volume is completed, whichever is longest.

E. Executive Board Pay

Pursuant to the College of Law providing the funding, all Executive Board members shall receive stipends for their services during the fall and spring semesters as follows:

1. The Editor-in-Chief shall receive 30% of the allocated funds.
2. The Executive Editors shall receive 20% each of the allocated funds.
3. The Research Editor, Associate Editor and the Administrative Editor shall receive 10% each of the allocated funds.

F. Description of the Executive Board Positions

1. Editor-in-Chief: The Editor-in-Chief shall

- a. be the chief executive and administrative officer of the *Journal*;
- b. coordinate all *Journal* activities;
- c. have ultimate responsibility for the substantive, technical, and stylistic content of each issue; and

- d. have ultimate authority over the running of the *Journal* operations, including but not limited to final right of determination as to what material shall be published.

If the Editor-in-Chief is unavailable to complete the duties of the position for a period of more than 10 days, any pending duties of a non-editorial nature may be handled by the Administrative Editor, and an Executive Editor shall be named to handle editorial duties.

2. Executive Editors: The Executive Editors shall

- a. have responsibility for and authority over all technical, substantive, and stylistic aspects of each piece assigned to them;
- b. management of the mechanical processes of publishing the *Journal*, subject to the authority of the Editor-in-Chief, and the advice of the Executive Board;
- c. set deadlines for each stage of publication;
- d. make technical assignments to members and perform a complete technical edit of each piece assigned to them at all appropriate stages;
- e. act as liaison with the printer at all stages of production; shall assume such further duties and responsibilities as the Editor-in-Chief shall designate;
- f. and, when appointed or as elected by the other members of the Executive Board, assume the duties of the Editor-in-Chief during any vacancy in that position.

When possible, the duties of the Executive Editors shall be tailored to their personal interests, skills, and backgrounds.

3. Research Editor: The Research Editor shall

- a. have responsibility for and authority over the coordination of the legal research activities of the *Journal*, subject to the authority of the Editor-in-Chief, and the advice of the Executive Board and Faculty Advisor(s);
- b. be responsible for the operations of the manuscript review committee, including the solicitation of new manuscripts by academic and professional authors;
- c. read and evaluate pieces submitted for the completion of the *Journal* writing requirement;
- d. be responsible for the development of the website reviews;
- e. maintain a centralized system for recording the subject matter selected for all pieces, as well as a set of abstracts for all pieces published by the *Journal*;
- f. maintain a file of current legal topics and decisions suitable for Notes or Comments through the active solicitation of faculty suggestions and communication with the Advisory Board;
- g. supervise the operation of the *Journal* Library;
- h. organize and supervise the Manuscript Review Committee;
- i. and assume such further duties and responsibilities as designated by the Editor-in-Chief.

4. Administrative Editor: The Administrative Editor shall

- a. be responsible for the daily business operations of the *Journal* and shall serve as Treasurer of the organization;
- b. work with the Office Manager and other College staff to ensure that the financial and business matters of the *Journal* are well run;
- c. solicit subscriptions, contributions, and advertising;
- d. be responsible for alumni association matters;
- e. be responsible for updating the web page;
- f. work with the Editor-in-Chief in soliciting books and reviews for book reviews;
- g. edit the book reviews for publication;
- h. and assume such further duties and responsibilities as designated by the Editor-in-Chief.

5. Associate Editor: The Associate Editor shall

- a. organize and supervise the Write-On Competition Committee;
- b. conduct, coordinate and is responsible for all training;
- c. administer the “*Bluebook* exercise” to candidates;
- d. organize and manage the Distinguished Lecture Series;
- e. serve as the Secretary to the *Journal*;
- f. and assume such further duties and responsibilities as designated by the Editor-in-Chief.

G. Selection

Elections for Executive Board membership

- a. shall be held as soon as is practical after the new members are admitted in the Spring Semester;
- b. shall be by secret ballot;
- c. and shall require a simple majority of the members present for election of a candidate.

In the event that more than two candidates compete for a single position and no candidate receives a simple majority in the first round of voting, the two candidates receiving the most votes in the first round shall compete in a run off. Each separate election for a position shall be preceded by broad questioning of the candidates by the *Journal* membership electorate. The Editor-in-Chief has the option as to whether the *Journal* membership may speak on the candidates behalf prior to casting votes. Notice of the election shall be posted in a prominent place at least three weeks before the election. Nominations will be accepted for a position until the editor-in-chief closes nominations immediately prior to that position being voted on by the *Journal* membership.

H. Removal

1. Grounds: An Executive Board Editor shall be removed from office for refusing to perform the responsibilities of that office, for significant lack of diligence in performing said responsibilities, for substantial inability reasonably to perform same, or for the good cause which the Board may reasonably consider grounds for removal.

2. Procedure: The Editor-in-Chief shall call a meeting of the *Journal* membership upon the written petition of three (3) or more Editorial Board members or at least one-third (1/3) of the *Journal* membership. No meeting regarding removal of an Executive Board member may be held unless the respondent-editor has had at least one week’s actual notice of said meeting and of the grounds for removal. The Executive Board shall announce individual grounds for removal at the meeting. The respondent-editor shall have an opportunity to be heard. Removal shall be had only upon a two-thirds (2/3) vote of the *Journal* membership present, the respondent-editor not voting.

I. Vacancies

When a vacancy occurs on the Executive Board, the Editor-in-Chief shall appoint someone from the general membership, with the advice of the Executive Board.

Article VIII. Editorial Board

A. Membership

1. The Editorial Board shall be composed of the members of the Executive Board and the Articles and Notes Editors.

2. The Editorial Board shall be responsible for the production of the publication, and shall assume such further duties and responsibilities as the Editor-in-Chief shall designate.

3. The number of Articles and Notes Editors shall be based on the number of full-length pieces anticipated for publication in the first issue of the new volume of the *Journal*. The number of Articles and Notes Editors shall be determined by the Editor-in-Chief with the advice of the Executive Board.

B. Description of Articles & Notes Editor positions

The Articles & Notes Editors shall perform and be responsible for complete substantive, technical, and stylistic editing of each piece assigned to them for publication in the *Journal*, including professionally-written pieces, student-written pieces concerning areas of the law, and pieces concerning specific court decisions; and shall assume such further duties and responsibilities as the Editor-in-Chief shall designate.

C. Eligibility

To be eligible for Editorial Board membership a staff member must have fulfilled all requirements of the new-member training program, and be able to serve the whole term of office prescribed for the office sought.

D. Term of Office

All Articles and Notes editors shall serve on the Editorial Board for one (1) issue of the *Journal*. Past Articles and Notes editors may request to be considered for an additional issue.

E. Selection

1. After the Executive Board is elected, the Editor-in-Chief (Elect) shall begin accepting applications for Editorial Board positions. Applications shall be accepted through the first week of the new academic year. Applicants shall be interviewed prior to appointment.

2. Articles and Notes Editors shall be nominated by the Editor-in-Chief under whom they will serve, and must be approved by a 3/4 vote of the Executive Board under which they will serve.

3. Applicants who have successfully completed their writing requirement shall be given priority for Editorial Board positions over applicants who have not completed this requirement.

4. New Articles and Notes Editors may be appointed by the incoming Executive Board prior to the summer term if articles for the upcoming issue have been selected and are ready to be edited.

F. Removal

1. **Grounds:** An Articles and Notes Editor shall be removed from office for failing to perform the editorial responsibilities of that office in a timely fashion, for significant lack of diligence in performing said responsibilities, for substantial inability reasonably to perform same. or for the good cause which the Executive Board may reasonably consider grounds for removal.

2. **Procedure:** The Editor-in-Chief shall call a meeting of the Executive Board upon the written petition of two (2) or more Executive Board members or at least one-third (1/3) of the *Journal* membership. No meeting regarding removal of an editor may be held unless the respondent-editor has had at least one week's actual notice of said meeting and of the grounds for removal. The Executive Board shall announce individual -rounds for removal at the meeting. The respondent-editor shall have an opportunity to be heard, and to confront any evidence offered. Removal shall be had only upon a three-fourths (3/4) vote of the Executive Board.

G. Vacancies

When a vacancy occurs on the Editorial Board, the Editor-in-Chief shall fill the position, with the advice of the Executive Board.

Article IX. Committees

The following are standing committees under the direct supervision of the designated chair, who is a member of the Executive Board, and with the ultimate and immediate responsibility to the Editor-in-Chief:

1. **Manuscript Review Committee:** The Manuscript Review Committee shall be responsible for systematically evaluating the publishability of papers submitted to the *Journal* for publication, including all student papers submitted by staff members to fulfill the *Journal* writing requirement. The ultimate responsibility of the Manuscript Review Committee is to provide the Editor-in-Chief

with a reasoned recommendation as to whether a piece should be published. The Research Editor shall chair this Committee.

2. Write-On Competition Committee: The Write-On Competition Committee shall research, and select the topics for, and prepare the writing competition. The Committee shall also be responsible for evaluating entries in the competition. The Committee shall determine the judging procedure and criteria for selection, notify the student body of such before the Write-On competition, and administer the Write-On competition annually, in accordance with guidelines approved by the Executive Board. The selection of individuals to whom candidacy may be extended shall be decided by the Executive Board. The Associate Editor shall chair this Committee.

3. Any other committees may be established as necessary by the Editor-in-Chief, with the advice of the Editorial Board.

Article X. Staff

A. Membership

The staff shall consist of those students who are selected in accordance with Article X, Section D, and who complete the new-member training program requirements to the satisfaction of the Executive Board.

B. Duties and Responsibilities

1. Each Staff Member shall be responsible for completing all assignments thoughtfully, accurately, thoroughly, and promptly; may serve on a committee, and shall attend all announced staff meetings.

2. Writing Requirement: Every *Journal* Member must submit one (1) article as described in Article V, Section B. It is the intent of the *Journal* that all article submissions be of a quality sufficient to warrant publication.

a. The form requirements are as follows:

- (1) 20 pages minimum, excluding endnotes;
- (2) one-inch margins;
- (3) typed, double-spaced (to include only double-space between headings);
- (4) 12 carrier per inch (CPI) font (any font which is at least twelve (12) characters per inch is allowed);
- (5) endnotes only (footnotes are not acceptable);
- (6) block quotes within the paper shall be single-spaced;
- (7) and proper *Bluebook* form.

b. The substantive requirements evaluated will include the following:

- (1) writing style;
- (2) logical analysis;
- (3) substantive analysis;
- (4) organization;
- (5) original thought;
- (6) technical accuracy;
- (7) and grammar, spelling, and typographical errors.

c. Every article submitted to meet the writing requirement shall be submitted to the Manuscript Review Committee for an initial determination of whether the article meets the quality standards of the *Journal*, and therefore is “publishable.” The Research Editor may suggest an article for publication without referring the article to the Manuscript Review Committee; if an article so selected is published the article need not be subject to the requirements of this section.

The Manuscript Review Committee will present to the Editor-in-Chief a recommendation as to the “publishability” of every student article.

d. Articles found to be “not publishable” will be submitted to the Executive Board for a final review as to “publishability” and as to whether the article meets the writing requirement.

e. Beginning with the 2003-2004 school year, the article must be submitted no later than the first day of the Fall Semester of the staff members third year of law school or as otherwise arranged with the Editor-In-Chief. If the Executive Board makes a final determination that the article is “not publishable,” the article will be returned to the author, who must revise it to “publishable” standards before graduation.

f. If an article is chosen to be published, it shall be the duty and responsibility of the staff member-author to cooperate reasonably with the assigned editor.

g. No person shall receive a *Journal* certificate upon graduation unless that person has met the writing requirement as outlined in this section. This subsection is expressly subject to the waiver provision of Article XVII.

3. Beginning with the “1L” entering class of 2002, each candidate for membership must have a 77 average or higher to be considered for membership on the Journal as either a grade-on or a write-on candidate. With a majority vote, the Board may grant a special exception for an exceptional candidate to be considered for membership, without regard to the 75 average requirement. (Special Note to all future Boards: prior to volume 12, our GPA requirement was 70. Despite the success of the *Journal* with this requirement, the Volume 12 Board attempted to raise the GPA to 77. Since the Volume 12 Board did not follow these Articles in making this change (when it was up for consideration they changed the original proposal, which then required passage by $\frac{3}{4}$ of the membership—they only voiced having received a majority), the Volume 13 Board left the GPA requirement at 70 for the year and then properly proposed and had the GPA raised to 75, the minimum for a C+. Despite this change, past Boards have traditionally not checked GPAs prior to offering invitations -- only *Law Review* is known for checking GPAs).

4. All provisions, obligations, and responsibilities imposed upon staff members by these Articles will be equally binding on all staff members regardless of method of selection for membership.

C. Eligibility

Any student of the College of Law shall be eligible to be considered for membership on the *Journal* staff who will be a law student and *Journal* member for at least three full semesters, excluding the Summer Term, following the granting of *Journal* candidacy membership. Additionally, grade requirements detailed in section B.3 must be met.

D. Selection of Candidates for Membership

Journal membership is available to eligible law students in either of the following THREE (3) ways:

1. Grade-on. First-year students may obtain membership based on the grade received in Legal Research and Writing. Each semester the *Journal* shall extend an offer of membership to the persons in each legal research class (*when an instructor teaches more than one section of legal writing but uses a single curve for all sections, “class” refers to all sections subjected to the same curve*) who have received the two (2) highest numerical grades; upon a $\frac{2}{3}$ vote of the Executive Board, membership may be extended to the person receiving the third highest grade. Offers extended in the spring shall not duplicate those of the fall; to avoid duplication the next highest numerical grade in a class shall receive an offer for membership so that non-duplicative offers may be extended. No offer may be extended, however, to any person with a numerical grade which would translate into a letter grade less than “A”. Transfer students shall be offered membership on a showing that: a) the student

participated in a research/writing or professional practice course which reasonably assesses writing and research skills; and b) that the student received the highest or second highest grade in the course.

2. Writing Competition. First-year students may be chosen through an annual Summer Write-On Competition covering topics designated by the Write-on Committee. First and Second-year students may be chosen through an annual Winter Write-On Competition covering topics designated by the Write-On Committee.

3. Paper Submission. Any second-year law student may become a member by submitting an article on a land use or environmental law topic to the Manuscript Review Committee before the Spring Term of the second year. The Manuscript Review Committee may recommend articles for acceptance to the Editor-in-Chief, who may then grant membership with the advice of the Executive Board. Articles must meet the requirements of Article V, and each candidate must complete the new-member training program. Once a member, the student shall be subject to staff member duties and responsibilities as set forth in these Articles of Association.

E. Term of Membership

Staff Members shall serve on the *Journal* for the remainder of their law school careers.

F. Removal

1. Grounds: A Staff Member shall be removed from membership for neglect of duties as prescribed in Article X, section B, for significant lack of diligence in performing said duties and responsibilities, for substantial inability reasonably to perform the same or for good cause which the Executive Board may reasonably consider grounds for removal.

2. Procedure: The Editor-in-Chief shall call a meeting of the Editorial Board upon the written petition of two (2) or more Editorial Board members or at least one-third (1/3) of the *Journal* membership. No meeting regarding removal of a staff member may be held unless the respondent-staff member has had at least one week's actual notice of said meeting and of the grounds for removal. The Editorial Board shall announce individual grounds for removal at the meeting. The respondent-member shall have an opportunity to be heard. Removal shall be had only upon a three-fourths (3/4) vote of the Editorial Board.

G. Grievance Procedure

1. Intent: The *Journal of Land Use and Environmental Law* maintains high standards as a top-quality publication at the FSU College of Law. To continue to achieve these standards, the *Journal* requires each member to adhere to a certain standard of active participation and work product quality. General membership requirements include: attendance at all mandatory meetings; attendance at all mandatory speakers-lecturers; involvement in one committee group per year; and high quality work in all subciting assignments (approx. 2-3 per year). This grievance procedure standardizes actions taken when members fall below this minimal level of work quality and participation.

2. Initial Violation: Depending on the severity of the violation, the Editor-in-Chief shall have discretion to issue an appropriate reprimand. Such actions might include: adding an additional subciting assignment, adding an additional committee membership requirement, or other increased *Journal* participation on a need basis but may not include removal from membership.

3. Second or Recurrent Pattern of Violations: Member shall come before the Board. Board shall make a decision after hearing member's case as to whether member may continue his or her membership with the *Journal*.

4. Third Violation: After coming before the Board, if member violates minimum standards again, member is immediately dismissed if no valid excuse is presented.

** Examples of a member's neglect of duty include: missed unexcused mandatory meeting or lecturer; inadequate subciting assignment; or failure to complete an assigned subciting assignment.

Article XI. Faculty Advisor(s)

One or more Faculty Advisor(s) shall be appointed by the Editor-in-Chief and serve in an advisory role. One advisor shall be appointed Lead Faculty Advisor and be responsible for duties assigned in these Articles.

Article XII. Eligibility to Vote

Any member of the *Journal* who is in good standing shall be eligible to cast a vote on any matter brought to a vote at meetings of the *Journal* membership. No member may vote by proxy.

Article XIII. Meetings

A. The entire *Journal* membership shall be called together to meet at least once each semester at a time determined by the Editor-in-Chief. Additional meetings may be called by the Editor-in-Chief or upon request of one-third (1/3) of the *Journal* membership or of one-third (1/3) of the Editorial Board.

B. All meetings of the Editorial Board and of all standing committees shall be open to every member of the *Journal*. Notification of each such meeting shall be posted on the *Journal* bulletin board at least three (3) days prior to the meeting, except in emergency situations.

Article XIV. Amendments

A. Posting

Any proposed amendment to these Articles of Association shall be posted on the *Journal* bulletin board at least two (2) weeks prior to being voted upon.

B. Presentation

Any amendment posted as required above shall be presented at the next regularly-scheduled meeting or the next special meeting of the *Journal*.

C. Adoption

Amendments to these Articles of Association shall become effective immediately upon their approval or at a time as approved by the *Journal* membership. Amendments may only be voted on at the *Journal's* general meetings. Amendments are approved by a majority of the Executive Board and 2/3 of the *Journal* membership present at the general meeting.

D. Maintaining the Articles of Association

The *Journal* Office Manager is responsible for modifications, and maintains the official version of this document.

Article XV. Certificates of Membership

Certificates of membership on the *Journal* shall be issued only upon certification by the designation of the Dean of the College of Law that the member has met graduation requirements. Certificates shall be issued only if the Editor-in-Chief determines that the member has not been removed as provided in these Articles of Association from membership on the *Journal*. The Editor-in-Chief shall certify that these criteria are met and issue each certificate. The Editor-in-Chief may issue a certificate to a former Executive Board Editor or Articles and Notes Editor who has made an outstanding contribution to the *Journal*, but who has not met the *Journal* writing requirement, upon a majority vote of the Executive Board, after a finding of exceptional circumstances on a case-by-case basis.

Article XVI. Advisory Board

A. Name, Purpose and Design

1. The official name of the Board shall be the Advisory Board to The Florida State University *Journal of Land Use & Environmental Law* (hereinafter, the Advisory Board).

2. The Advisory Board is created and established to actively advise and guide the *Journal* so the *Journal* will be a useful, applicable, meaningful law review which shall be highly-esteemed, widely-recognized, and in great demand by the Florida and national legal, academic, judicial, and legislative communities.

3. The Advisory Board structure is designed to facilitate interaction of the various actors, disciplines, perspectives, matters, and relationships involved in the legal process regarding land use and environmental law toward the end of fulfilling the Advisory Board's purpose as stated immediately above.

B. Composition and Selection

The Advisory Board shall comprise an unfixed number of positions selected by the following methods:

1. The Advisory Board shall include five (5) members, each of whom shall be an attorney from within one of the entities below and selected in active consultation with appropriate control persons within each of the following entities:

- a. The Florida Department of Environmental Regulation
- b. The Florida Department of Community Affairs
- c. The Environmental and Land Use Section of the Florida Bar
- d. The Department of Administrative Hearings, and
- e. The Florida Chapter of the Sierra Club.

2. The Advisory Board shall include seven (7) members, severally appointed from among, the below available categories:

- a. law faculty members teaching environmental or land use at other law schools in Florida;
- b. attorneys representing large business interests;
- c. attorneys practicing environmental or land use law at the local government level;
- d. the Florida Judiciary;
- e. former members of the *Journal* editorial board;
- f. professors of economics at any university in Florida;
- g. professors of planning at any university in Florida;
- h. professors of biology at any university in Florida; and
- i. professors of engineering, at any university in Florida.

3. Each Faculty Advisor shall be a standing member of the Advisory Board as long as that person continues to serve as an advisor to the *Journal*.

C. Appointments

Appointments to the Advisory Board under this section shall require the approval of the Editor-in-Chief in agreement with the Lead Faculty Advisor and upon the advice of the continuing Advisory Board members. Members may be reappointed as often as the Editorial Board desires and such is to be encouraged. Each separate appointment for an Advisory Board position shall be preceded by broad discussion including the following considerations:

1. the general contribution the individual is likely to make to the *Journal* and its future;
2. the scholarly attributes of the individual in the areas of environmental and land use law;

3. the likelihood of the individual's detached objectivity regarding the subject matter;
4. the time the individual has available to give the *Journal*; and
5. the individual's particular talents as they relate to the duties and purpose of the Advisory Board.

D. Duties and Responsibilities

1. The Advisory Board and its members shall actively identify and solicit qualified and prestigious writers of state or national standing to write definitive articles for publication in the *Journal*. At least one such article shall be solicited for each issue. The topic and author shall receive approval of the proper authority within the *Journal* Editorial Board prior to actual solicitation.

2. Each Advisory Board member shall be responsible for identifying and communicating to the Editorial Board:

- a. issues in land use and environmental law which merit scholarly treatment;
- b. areas of the law which ought to be developed and current or upcoming developments in the law which should be addressed; and
- c. topics and matters deserving of practical treatment which would be useful to practitioners.

3. Each Advisory Board member shall read and substantively and stylistically criticize articles when requested to do so by the Editor-in-Chief.

4. Each Advisory Board member shall actively seek out methods and sources of funding and secure such funding for the *Journal*; shall recommend other methods and sources of funding and sources of material support to the Editor-in-Chief; and shall recommend methods of expanding the *Journal's* list of subscribers.

5. The Advisory Board and its individual members shall advise the *Journal* on any matters the Advisory Board sees fit.

E. Advisory Board Chair

The Advisory Board shall elect a Chair from among its appointed members.

1. Duties and Responsibilities: The Chair shall have the affirmative duty to remain in constant contact with the *Journal* and the Advisory Board members; shall call meetings of the Advisory Board; shall preside at meetings of the Advisory Board; shall have plenary authority over all activities and actions necessary for effectuating the fulfillment of the Advisory Board's mission; shall coordinate all Advisory Board activities; and shall be the chief executive and administrative officer of the Advisory Board.

2. Eligibility: To be eligible to be Chair, an Advisory Board member must have been a member of the Advisory Board for at least six (6) months prior to assuming office and must be located in Tallahassee.

3. Term of Office: The Chair shall serve in that capacity for a period of two years, running from November 1st to November 1st. The Chair may be reelected if the Advisory Board so desires. The Chair shall be elected on the May 1st preceding the November 1st on which the then-seated Chair steps down.

4. Selection Considerations: In electing the Chair, the Advisory Board shall consider primarily the following three factors: the time the individual has available for the *Journal* and Advisory Board; the energy the individual will likely inject into the duties of the Chair; and the individual's organizational and motivational skills. Election of the Chair shall be preceded by broad questioning of the candidates by the Advisory Board members.

5. Removal: Removal of a Chair shall be only on the same grounds and with the same procedure as provided for the Advisory Board in general, except that the vote shall be solely within the Advisory Board.

F. Committees

1. The following are standing committees under the direct supervision of their designated chair and with ultimate, immediate responsibility in the Advisory Board Chair:

a. Articles Review Committee. To provide the peer review necessary (because of tenure publishing specifications) to encourage and attract Ph.D. articles published in the *Journal*. No such article shall be published without simple majority approval by the Committee.

b. Funding and Resource Search Committee. To assume the sustenance and expansion of the *Journal*, this committee shall actively seek out methods and sources of funding and sources of material support and shall secure such for the *Journal*.

2. Other Committees may be established by the Chair, with the advice of the Advisory Board, and shall be chaired by an Advisory Board member as assigned by the Chair.

G. Term of Office

1. All appointed Advisory Board members shall serve on the Advisory Board for three years, running from November 1st through November 1st. One-third (1/3) of the appointed members of the Advisory Board shall change each year.

2. To implement these terms of office, one-third (1/3) of the charter members shall be identified as serving for one (1) year, and one-third (1/3) shall be identified as serving for two (2) years.

3. Each Faculty Advisor shall be a standing member of the Advisory Board as long as that person continues to serve as an advisor to the *Journal*.

H. Meetings

1. The Advisory Board shall meet collectively twice a year at a place of its choosing upon notification of all Advisory Board members.

2. The Editor-in-Chief, the Executive Editors, and the Research Editor shall attend at least one meeting of the Advisory Board each year.

I. Internal Operations

The Advisory Board shall adopt and continually develop its own internal operating procedures consistent with the *Journal's* Articles of Association.

J. Conduct of Business

It shall not be necessary for the Advisory Board to sit collectively to conduct all business. The Advisory Board may conduct business and communication in the manner it deems appropriate.

K. Vacancies

Vacancies on the Advisory Board shall be filled for the remainder of the vacator's term in accordance with all substantive and procedural requirements set forth for in appropriate sections regarding Appointments and composition and selection of the Advisory Board.

L. Removal

1. **Grounds:** An advisor shall be removed from the Advisory Board for refusing to perform the advisory duties and responsibilities, as outlined in Section D of this Article, for significant lack of diligence in performing said responsibilities, for substantial inability reasonably to perform same, or the like as the Editorial Board may fairly consider grounds for removal.

2. **Procedure:** The Editor-in-Chief shall call a meeting of the Editorial Board upon the written petition of one-third (1/3) or more of the Editorial Board or Advisory Board members. The Editorial Board or Advisory Board shall announce individual grounds for removal at the meeting. The respondent-advisor shall have an opportunity to be heard. Removal shall be had only upon a two-thirds (2/3) vote of the entire Editorial Board.

3. Resignation: When a decision of removal becomes evident, the Editorial Board and Advisory Board shall consider the wisdom of disposing of the matter through a request of resignation.

M. Reservation of Powers

The *Journal* reserves authority over the composition and operations of the Advisory Board. This authority expressly includes the right to alter the structure and composition of the Advisory Board at any time.

Article XVII. Awards

The *Journal* shall present the following awards in conformance with the purposes and procedures contained herein.

A. Outstanding Subcitors

Each semester the *Journal* shall recognize *Outstanding Subcitors* for the quality and diligence of their work.

Each Article and Notes Editor shall select one subciter from their article as an *Outstanding Subciter*. These subcitors shall be recognized at the end of the semester in which they served through public notification on the *Journal* bulletin board and recognition at the General Meeting.

B. Outstanding Article and Notes Editors

Each semester the *Journal* shall recognize *Outstanding Article and Notes Editors* for the quality and diligence of their work.

Each Executive Editor shall select one Article and Notes Editor as an *Outstanding Article and Notes Editor*. These Article and Notes Editors shall be recognized at the end of the semester in which they served through public notification on the *Journal* bulletin board and recognition at the General Meeting.

C. Subciter of the Year

Each year the *Journal* shall recognize one *Subciter of the Year* for their outstanding contribution to the editing process.

A selection committee consisting of the Executive Editors and all available Article and Notes Editors shall select one *Subciter of the Year*. Each recipient of the *Outstanding Subciter* award shall be a nominee. The *Subciter of the Year* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the Spring Meeting.

D. Article and Notes Editor of the Year

Each year the *Journal* shall recognize one *Article and Notes Editor of the Year* for their outstanding contribution to the editing process.

The Executive Board shall select an *Article and Notes Editor of the Year*. Each recipient of the *Outstanding Article and Notes Editor* award shall be a nominee. The *Article and Notes Editor of the Year* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the Spring Meeting.

E. Donna R. Christie Service Award

Each year the *Journal* shall recognize one recipient of the *Donna R. Christie Service Award* for their outstanding contribution to the *Journal*.

Each member of the Executive Board shall nominate at least one *Journal* member. The list of nominees generated by the Executive Board shall consist of no less than two names. No less than three weeks prior to the Spring Meeting, the list of nominations shall be distributed to the general membership. The general membership shall have one week to make any further nominations. A final list of nominations shall be compiled by the Executive Board and distributed to the General Membership no less than 10 days before the Spring Meeting.

The recipient shall be selected by a closed ballot of the general membership. Closed ballots shall be given to the Office Manager by a time the Executive Board proscribes not to exceed 72 hours from the distribution of the final nomination list.

The Office Manager shall tabulate the votes and report the result to an Executive Editor not receiving the award. The Executive Editor shall announce the recipient at the Spring Meeting and present the commemorative award.

The recipient of the *Donna R. Christie Service Award* shall be recognized in the following volume of the *Journal* and shall receive a commemorative award at the Spring Meeting.

VII. APPENDIX OF FORMS

CHECKLIST FOR SUBCITERS

NAME: _____ DUE DATE: _____
EDITOR: _____ PHONE NO: _____
ASSIGNMENT: _____ CARREL NO: _____

GUIDELINES FOR SUBCITERS

Subciting is an important part of ensuring quality in the *Journal*. Please subcite carefully and with a critical eye. You need the *Bluebook* (17th Edition) and the *Florida Style Manual* for the assignment.

- ____ 1. Skim the article to become familiar with the author's content, structure, and argument.
- ____ 2. Check each footnote to be sure the authority supports the corresponding portion of the text. Watch out for exaggerations, misrepresentations, and inconsistencies.
- ____ 3. Note portions of the text which need additional footnotes. Your editor may have marked some of these areas for you. It is likely that one of the sources you check is the information source. Create a footnote and give the appropriate information.
- ____ 4. Check each quotation carefully to insure its accuracy. Place a check mark over each word you verify.
- ____ 5. Be alert for passages lifted from the text which have not been placed in quotation marks or otherwise lack credit for their source.
- ____ 6. Edit the text you review. Correct grammar, sentence structure, and misspelled words.
- ____ 7. Shepardize cases and check statutes, pending legislation, rule changes, etc. We do not want to print an article based on outdated concepts.
- ____ 8. Assure that each citation conforms with the *Bluebook*. All citations from Florida materials must conform to the *Florida Style Manual* of the *FSU Law Review*. If you were uncertain and looked up rules, please note the rule number in the margin of the article.

Upon completion of the assignment, return it to your Articles & Notes Editor. Please make a note of any questions or difficulties you encountered. Remember in publishing, time is of the utmost importance.

RECURRING SUBCITER ERRORS

1. **Pinpoint citations are almost always required.** If an author cites to a case or a Law Review article and does not provide a pinpoint cite to the internal page number, provide the pinpoint. Only rarely are pinpoint cites not needed (e.g. when a case is simply named in the text of the article). Err on the side "over pinpointing." Finding pinpoint cites is not particularly difficult with Focus in Lexis or Locate in Westlaw; simply plug in a few key words or phrases from the author's text. On a related note, one can almost never pinpoint to the first page of a case, as it almost always contains the syllabus and headnotes (and one cannot cite to the syllabus, as one article has before). If, by some chance, the text of a court's opinion does begin on the first page, that first page number must be repeated to indicate that it is a pinpoint (e.g., 86 F.3d 1125, 1125).
2. **The "rule of 5" (*Bluebook* 10.9) has two major exceptions.** The *Bluebook* requires that a full citation be provided unless a case has been cited in full or short form in the previous four footnotes. However, as the rule indicates, "*Id.*" is an acceptable short form. (Please note that with the new "see" rule, you will usually have "*See id.*") Thus, strings of "*Id.s*" are permissible; you don't have to recite the case in full after three of them. The second major exception to the rule off four is when a case is named in the "same general textual discussion to which the footnote is appended." In other words, if the article mentions a case frequently enough that the author can come back to it later and refer to it merely by its short name (e.g., "Conversely, the *Lopez* Court found that..." or "the court's decision in *Johnson*," etc.), a short form is acceptable.
3. **All block quotations must be checked for paragraph structure (*Bluebook* 5.4) and the proper use of ellipsis (*Bluebook* 5.3).** You must check to see whether the first line of a block quotation should be further tab indented to indicate that it is the first line of a paragraph from which the author is quoting. If, in subsequent paragraphs of a block quotation, the author omits the first (or several) sentences from the original paragraph being quoted, this omission must be indicated by a three period ellipsis which must be tab indented. If the block quotation has multiple paragraphs and omits one from the original, that omission must be indicated by a tab indented four period ellipsis on its own line. All of this may sound petty, but it *is* the Subciter's job. Editors farther along in the process should not have to go back and check the originals.
4. **Passive usage and superfluous words should be eliminated.** Subciting is not just a matter of checking footnotes. A number of Subcitors are hesitant to make anything other than spelling or grammatical changes in the text. However, you should always be on the lookout for the inappropriate use of passive voice (it is on occasion, appropriate) and for superfluous words (e.g., "in order to" and "for the purpose of" should always be changed to just "to"). Chapters two and four of Richard Wydick's *Plain English for Lawyers* (which everyone used in their Legal Writing courses) explain and give examples of these two items. The Wydick book (or photocopies of the pertinent chapters) will be placed in all subciting carrels. Please pay attention to these items and make the necessary changes in your articles.

STANDARD PROOFREADER MARKS

1. Punctuation

	<u>In Manuscript</u>	<u>In Margin</u>
comma	Now is the time it seems.	
semi-colon	It walks it talks.	
period	Now is the time	
apostrophe	Its now the time.	
quotes	"It is time, he said.	
brackets	"It is almost time."	
parenthesis	I saw thirty-two 32 cats .	
hyphen	He is a law abiding citizen.	
en dash	Please read pages 279 86.	
em dash	The assignment I think is bad.	
exclamation point	I agree	
question mark	Why would you object to it	

2. Deletions, Insertions, and Spacing

delete	Nown is the time.
insert	Now is the tie.
close up	Now is the t ime.
delete space	Now is the time.

In Manuscript

In Margin

delete and insert a single letter	Now is the tine.
a block of text	Now is a cross.
delete and close up	Now is the tiame.
let it stand-do not make indicated change	Now is the time.
add a space	Nowis the time.
capitalize	now is the time.
lower case	Now is The time.
no paragraph	of their country. Now is the time.
make a paragraph	country. Now is the
align	Now is t ^h e time.
bring to left (or right)	Now is the time.
block indent	Now is the time.
transpose	Nwo is time the.
spell out	We ate 22 pies.

3. Typeface

Roman	<u>This should be Roman type.</u>
Italics	This should be italicized type.
Large/Small Caps	Large and Small Caps

CHECKLIST FOR ARTICLES AND NOTES EDITORS

TITLE OF ARTICLE: _____

AUTHOR: _____

EXECUTIVE EDITOR: _____

SUBCITERS: _____

CARREL NO: _____

_____ Reserve the library carrel for the sources. To reserve a carrel, go to the front desk of the library and ask to reserve a carrel. Try to select from carrels 3-11 to 3-20.

_____ Read the article to get a feel for it.

_____ Go back through the article. Identify any problem areas, or areas where you will need the author to work on. Determine this and notify the author, if necessary, as soon as possible.

_____ At this time you may also wish to make changes to any glaring typos or other mistakes, if any. Also, go through and identify any areas where footnotes may need to be added.

_____ Once you have made any preliminary changes to the article, make a photocopy for each subciter, and keep the original. Mark problems you want each subciter to work on, and have them to put footnotes where they are needed.

_____ You may wish to send a preliminary e-mail to the subciter giving them a heads-up. Let them know they have been chosen to subcite and the date that they will probably receive their assignment.

_____ Make a list of all of the sources in the footnotes of the article. Use this list to gather the sources. If you have trouble locating a source, ask a librarian. It may be necessary to contact the author.

_____ Get a library cart from the reference desk, gather the sources, and check them out to the carrel. It's a good idea to note the due date of each source on your list, in case you happen to check some sources out on different dates. Also, depending upon the length of the subciting process for that particular article, it may be necessary to check the sources out again to extend the due dates.

_____ For sources that you photocopy, such as magazine or newspaper articles or cases, you may wish to place them in a labeled file folder in the carrel.

_____ Put a *Bluebook* in the carrel

- _____ Once the sources are in the carrel, and the copies of the article are ready to go to the subciters, prepare a memo or e-mail to them with the due dates and any instructions. Give each subciter a “checklist.”

- _____ Insert an * by the author’s name for the author’s biographical information, which will appear just before the first footnote. To insert the *, go to Insert on the Microsoft Word menu, select “footnote,” then click “symbol,” and you should be able to select the * to insert. Consult a recent issue of the *Journal* for an example of how this should ultimately appear.

- _____ As you make the changes suggested by each subciter, do not just type them in as is. *Instead, double-check citations and grammatical changes as you incorporate them.*

- _____ As an Articles & Notes Editor, you are ultimately responsible for checking the form of every footnote before turning the article into the Executive Editor.

- _____ If you are having trouble locating a source, and you have to order it, go ahead with the subciting process without that source. Inform the subiters that that source (and/or others) are on their way and that they should arrive in time for Round 2.

- _____ When editing the text of the article, don’t re-write the article. Authors have different writing styles. As long as the text is grammatically correct and reads well, there’s no need to re-word each sentence.

- _____ Prepare the **abstract**. This is usually a one-paragraph summary of the article. Check earlier issues of the *Journal* for examples. The abstracts are published at the back of the last issue of the year in the *Journal*.

- _____ When you are finished with all rounds of subciting, don’t clean the sources out of the carrel. The Executive Editor will inform you when the sources can be returned. This is usually after the Executive Editor and/or Editor-in-Chief have signed off.

- _____ Don’t hesitate to ask the Executive Editor or Editor-in-Chief if you have any questions or need help.