



**FLORIDA STATE  
UNIVERSITY  
LAW REVIEW**

**BYLAWS  
2009**

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*Last amended Feb. 5, 2009*

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**ARTICLE I. NAME AND LOCATION**

**A. Name.** The name of this organization shall be the Florida State University Law Review (hereinafter, the Review).

**B. Location.** The Review shall be located at and affiliated with the Florida State University College of Law in Tallahassee, Florida.

**C. Mission.**

**1. Mission Statement:** The Mission Statement of the *Florida State University Law Review* shall be as follows:

TO PROVIDE A FORUM FOR CONTEMPORARY LEGAL DISCOURSE, WE MUST:

ADHERE TO THE HIGHEST STANDARDS OF ANALYSIS, ACCURACY, AND TIMELINESS IN PUBLISHING THE *LAW REVIEW* . . .

DISTINGUISH THE COLLEGE OF LAW AS A LEADING INSTITUTION, KNOWN FOR ITS SUPPORT OF SCHOLARSHIP AND ACADEMIC PURSUIT . . .

ATTRACT THE COLLEGE OF LAW'S FINEST LEGAL COMMUNICATORS BY ENCOURAGING INDEPENDENT LEGAL THOUGHT, OFFERING POSITIONS OF RESPONSIBILITY, AND MAINTAINING A TRADITION OF SERVICE TO OUR COLLEGE . . .

INFORM OUR PROFESSION ABOUT THE COMPELLING ISSUES OF OUR TIME BY PROVIDING A FORUM FOR STUDENT SCHOLARS, PRACTITIONERS, AND LEGAL EDUCATORS . . .

OFFER OUR PROFESSION A SELECTION OF ARTICLES BALANCED BETWEEN THE THEORETICAL AND PRACTICAL . . .

UPHOLD THE HONOR AND DECORUM OF OUR PROFESSION BY CHAMPIONING THE HIGHEST STANDARDS OF CONDUCT . . .

STAND TOGETHER AS ADVOCATES OF QUALITY LEGAL EDUCATION, STRIVING TO IMPROVE THE REPUTATIONS OF OUR *LAW REVIEW* AND OF OUR SCHOOL . . .

INSPIRE COOPERATION, COMMITMENT, AND CAMARADERIE AMONG OUR MEMBERSHIP AND THE COLLEGE OF LAW AT LARGE . . .

SAFEGUARD AN INSTITUTIONAL MEMORY AND TRADITION SO THAT THOSE WHO FOLLOW WILL BENEFIT FROM OUR EXPERIENCE . . .

**2. Posting.** The Mission Statement shall be posted conspicuously in the Ausley House and published in each *Law Review* issue.

3. **Motto.** The *Law Review's* motto shall be: "*Florida State University Law Review: Providing a forum for contemporary legal discourse.*" This statement, excluding quotation marks, shall be printed on *Law Review* letterhead.

## ARTICLE II. ORGANIZATION

The Review shall consist of the following:

- A. Editorial Board
- B. General Members
- C. Invitees
- D. Faculty Advisor(s)
- E. Office Manager

## ARTICLE III. EDITORIAL BOARD

- A. **Membership.** The Editorial Board (the Board) shall consist of the Editor in Chief, two Executive Editors, the Recent Developments Editor, the Writing & Research Editor, the Senior Articles Editor, two to four Article Selection Editors, two Articles Editors, four Notes & Comments Editors, and the Managing Editor. The Executive Board shall consist of the Editor in Chief, the two Executive Editors, the Recent Developments Editor, and the Writing and Research Editor.
- B. **Duties and Powers**
  1. **Editor in Chief.** The Editor in Chief shall:
    - a. be the chief executive and administrative officer of the Review;
    - b. coordinate all Review activities;
    - c. have ultimate responsibility for the substantive, technical, and stylistic content of each issue;
    - d. have authority over Review operations, including but not limited to determination of what material shall be published and discretion in the assignment of pieces to the editors. This authority is subject to a three-fourths overriding vote of the Board;
    - e. preside at Board meetings;
    - f. officially invite students to compete for Review admission;
    - g. notify students of their selection to the membership of the Review;
    - h. notify members of their election to the Board;
    - i. make final determination of:
      - (1) credit for Review responsibilities (e.g., completing an associate edit);
      - (2) each member's satisfaction of the writing requirement pursuant to Article IV, section B(3);
    - j. perform and delegate such other duties as are necessary to the proper operation of the Review.

Comment: Subsection (i) was amended October 21, 2003.

2. **Executive Editor.** There will be two Executive Editors. The Executive Editors shall:
  - a. have responsibility for and authority over all technical aspects of each issue and the management of the mechanical processes of publishing the Review, subject to the authority of the Editor in Chief;
  - b. set and publish deadlines for each stage of publication;
  - c. perform complete technical edit of each issue at all appropriate stages of production;
  - d. participate in invitee training for subciting;
  - e. assume such further duties and responsibilities as the Editor in Chief shall designate.
  
3. **Recent Developments Editor.** The Recent Developments Editor shall:
  - a. work with the Senior Articles Editor to review Florida-specific scholarly pieces submitted to the Law Review;
  - b. work with the Recent Developments Committee to select the Recent Development notes through a competition, which shall be held before each issue in which Recent Developments notes will be published;
  - c. work with the Recent Developments Committee to generate a list of potential Florida-specific and Florida-related Recent Developments topics and distribute those topics during the call for Recent Developments submissions;
  - d. coordinate the Recent Developments section that we expect to publish in at least one issue of each volume or more as the Recent Developments Editor and Editor in Chief deem practicable;
  - e. be responsible for the substantive, technical, and stylistic editing of all Recent Developments notes selected for publication;
  - f. have direct supervision over the Recent Developments Committee;
  - g. supervise completion of the Law Review writing requirement for those members who choose to satisfy the writing requirement through submission of one (1) Recent Developments note that is selected for publication;
  - h. assume such further duties and responsibilities as the Editor in Chief shall designate.

Comment: This section was amended October 16, 2008.

4. **Writing & Research Editor.**
  - a. **Writing Competitions:** The Writing & Research Editor shall:
    - (1) have responsibility for and authority over the semi-annual writing competitions;
    - (2) appoint and directly supervise the Writing Competition Committees.
  - b. **Training:** The Writing & Research Editor shall be responsible for and have authority over the successful training of all Review invitees, including

technical and stylistic matters, and explanation of the operations of the Review and these Bylaws.

- c. Writing Requirement: The Writing & Research Editor shall supervise each member's successful completion of the writing requirement described in Article IV, section B(3), including but not limited to the following responsibilities:
  - (1) assist and advise on topic choices;
  - (2) work with each member to set individual deadlines for completion of the final piece;
  - (3) determine compliance with Article IV, section B(3) and make a recommendation to the Editor in Chief regarding the member's satisfaction of the writing requirement.
- d. Monitor member grade point averages to ensure that Review GPA requirements are met at all times.
- e. The Writing & Research Editor shall assume further duties and responsibilities as the Editor in Chief shall designate.

**5. Articles Editors.** There shall be two Articles Editors. The Articles Editors shall be elected from second-year students with editorial experience in the Review as specified in Article III, section C(1)(a). Each Articles Editor shall:

- a. be responsible for the substantive, technical, and stylistic editing of all articles written by outside authors chosen for publication in the *Law Review* as assigned by the Editor in Chief;
- b. provide, when necessary after each round of subciting, each of the subciters with a list of any subciting problems and the underlying rule or policy, as well as any areas for improvement;
- c. assume further duties and responsibilities as the Editor in Chief shall designate.

**6. Notes & Comments Editors.** There shall be four Notes & Comments Editors. Notes & Comments Editors shall be elected from first or second year students in their first year of Review membership. Each Notes & Comments Editor shall:

- a. be responsible for the substantive, technical, and stylistic editing of all student pieces selected for publication in the *Law Review* as assigned by the Editor in Chief;
- b. provide, when necessary after each round of subciting, each of the subciters with a list of any subciting problems and the underlying rule or policy, as well as any areas for improvement;
- c. be responsible for recommending to the Editor in Chief rejection or acceptance of student pieces submitted for publication in the general issues of the Review;
- d. assist the Senior Articles Editor in reading and evaluating scholarly articles submitted for publication as needed;
- e. assume further duties and responsibilities as the Editor in Chief shall designate.

**7. Associate Editors.** The Editor in Chief shall appoint Associate Editors as needed. Each Associate Editor shall:

- a. be responsible for the substantive, technical, and stylistic editing of any piece assigned by the Editor in Chief;

- b. provide, when necessary after each round of subciting, each of the subciters with a list of any subciting problems and the underlying rule or policy, as well as any areas for improvement.
- 8. Managing Editor.** The Managing Editor shall be appointed by the Editor in Chief. The Managing Editor shall, with the advice of the Editor in Chief:
- a. coordinate the activities of the Standing Committees and the Ad Hoc Committees;
  - b. conduct investigations of, and propose solutions to, any issue raised by the Board;
  - c. represent the Review before the Florida State University Senate and the Law School Appropriations Committee;
  - d. implement new or changed policies as approved by the Board;
  - e. be responsible for the electronic publication of the *Law Review*;
  - f. review and approve all outgoing notices and publications before distribution;
  - g. complete other assignments given by the Editor in Chief, which may include, but are not limited to:
    - (1) preparing monthly summaries informing the general membership about Review activities and specific projects;
    - (2) presenting detailed progress reports of special projects to the Board;
    - (3) posting minutes of Board meetings for review by the general membership;
    - (4) updating the Blackboard system and *Law Review* website;
    - (5) ensuring the computer equipment is in working order;
    - (6) compiling editing and subciting schedules;
    - (7) working with the Westlaw and Lexis representatives to maintain printer access for all members;
    - (8) performing article conversions;
    - (9) providing editing support as needed.
- 9. Senior Articles Editor.** The Senior Articles Editor shall be appointed by the Editor in Chief. The Senior Articles Editor shall:
- a. be responsible for and have authority over the piece selection process, subject to the authority of the Editor in Chief;
  - b. serve as chairperson of the Piece Selection Committee;
  - c. assume further duties and responsibilities as the Editor in Chief shall designate.
- 10. Article Selection Editors.** There shall be two to four Article Selection Editors. The Article Selection Editors shall:
- a. read and evaluate scholarly articles submitted for publication, subject to the authority of the Senior Articles Editor;

- b. debate the merits of pieces submitted for publication with the other members of the Piece Selection Committee;
- c. be responsible for recommending to the Senior Articles Editor and Editor in Chief rejection or acceptance of scholarly pieces for publication in the *Law Review*;
- d. serve as the principal members of the Piece Selection Committee;
- e. assume further duties and responsibilities as the Senior Articles Editor shall designate.

## C. Eligibility

1. **Elections** — To be eligible to run for a Board position, a member must fulfill all requirements of new member training prior to election and must be willing to serve on the Board for one full year or through the publication of four issues, whichever is longer. In addition, the following requirements apply:

- a. **January Elections** — Members seeking either the Editor in Chief position, the Writing & Research Editor, or the Recent Developments Editor position must be second-year students. Candidates for Editor in Chief, Writing & Research Editor, or Recent Developments Editor must have previously served or presently be serving as an Associate Editor, or presently be serving as a Notes & Comments Editor. In addition, candidates for Editor in Chief are strongly encouraged to remain in the Tallahassee area for at least sixty days throughout the summer of their terms of office.
- b. **Spring Elections** — The following Board positions shall be elected in the spring semester of each year: two Executive Editors, two Articles Editors, four Article Selection Editors, and four Notes & Comments Editors. Members seeking the positions of Executive Editors, and the Articles Editors must be second-year students and must have previously served or presently be serving as Associate Editors, or presently be serving as Notes & Comments Editors. Members seeking Article Selection Editor positions may be first- or second-year students and must have served or presently be serving on the Piece Selection Committee. Candidates for Notes & Comments Editors must be first- or second-year students in their first year of Review membership. Invitees, so long as otherwise qualified, are eligible to run for office in the Spring Elections.
- c. **Declaration of Candidacy** — Each member seeking a Board position shall submit a packet containing a letter of intent, a resume, and a legal writing sample. Each packet shall be submitted to the Editor in Chief at least one week prior to the election. Each packet will be made available for membership review at the Ausley House.

Comment: Subsections (a) and (b) were amended substantially March 22, 2006, to make the position available to more members and allow more Article Selection Editor positions to be filled. Subsections (a) and (b) were also amended on March 27, 2007, to have the Writing & Research Editor elected in the January elections, and have the four Article Selection Editors elected in the later Spring elections.

## 2. Continuing Eligibility

- a. **Outside Employment** — Editors may work no more than twenty hours per week in any non-Review employment during the fall and spring semesters. This requirement shall not prevent an editor from participating in any local part-time internship or externship, which is defined as any activity for which six or fewer semester hours are received. Editors may work full-time during the summer semester. If, in the opinion of two-thirds of the Board, an editor is not satisfactorily performing the duties of his or her office, the Editor may be required to choose between (a) reducing or eliminating his or her non-Review employment, or (b) resigning from his or her Board position.
- b. **Removal** — An editor may be removed from office in accordance with the procedures set forth in Article X, Section B.
- c. **Resignation** -- Upon resignation, a vacant Board position shall be filled pursuant to Article VIII.

Comment: Subsection (a) was amended March 22, 2006, to require a higher number of Board members' votes to compel an Editor to choose between non-Review employment and resignation from his or her Board position.

## D. Stipends and Credits

The following Board members shall receive stipends, as determined by the College of Law Administration, for their services during the fall, spring, and summer semesters according to the following structure:

1. The Editor in Chief shall receive more than the
2. Executive Editors, who shall all receive more than the
3. Managing Editor and Senior Articles Editor, who shall receive the same amount.

Board members, except the Managing Editor and the Article Selection Editors, shall receive up to two S/U credits per semester for their work during each of the fall, spring, and summer semesters. Associate Editors shall receive up to two S/U credits for each piece they edit. The Review faculty advisor, with the advice of the Editor in Chief, shall determine, on the basis of performance, whether each editor receives a passing or a failing grade.

## E. Term of Office

The Editor in Chief, the Executive Editors, the Recent Developments Editor, and the Writing & Research Editor shall serve as editors-elect from the time of their election until they take office in May. As editors-elect, they shall familiarize themselves with the duties of their office, aid incumbent

office holders, and facilitate the transition from one Board to the next. The Managing Editor and the Senior Articles Editor shall serve from the time of appointment through the publication of four issues. The Article Selection Editors shall serve for one year from the time of their election. All other editors shall serve on the Board for one year or through the publication of four issues, whichever is longer, running from April 30 through May 1. All Board members shall fulfill their responsibilities throughout their terms of office. The Editor in Chief and the Executive Editors are strongly encouraged to remain in the Tallahassee area for at least sixty days during the summer of their terms.

#### **F. Elections**

Elections for the positions of the Editor in Chief, Writing & Research Editor, and the Recent Developments Editor shall be held during the month of January of each year. In addition, the Editor-in-Chief-elect shall appoint the Senior Articles Editor and the Managing Editor following his or her election in January. Elections for the Writing & Research Editor, the Executive Editors, the Articles Editors, the Notes & Comments Editors, and the Article Selection Editors shall be held during the spring semester of each year. Each separate election for an editorial position shall be preceded by broad questioning of the candidates by the electorate during the meeting at which the election is held. Procedures shall be prescribed by the Board and delineated in the staff manual, and shall provide that election votes are cast in writing.

Comment: Section F was amended March 22, 2006, to require that election votes be cast in writing.

#### **G. General Board Business**

Any Board vote regarding any issue that is not otherwise prescribed in the Bylaws shall be decided by a simple majority of the Board.

Comment : Section G was adopted March 22, 2006.

#### **H. Tie Vote**

If a Board vote regarding any issue that is not otherwise prescribed in the Bylaws results in a tie, the deciding vote will be cast in favor of the outcome favored by a simple majority of the Executive Board, which consists of the Editor in Chief, the two Executive Editors, the Writing & Research Editor, and the Recent Developments Editor.

Comment: Section H was amended March 22, 2006.

### **ARTICLE IV. MEMBERSHIP**

#### **A. Membership**

The membership shall consist of those students who are selected from the writing competition, on the basis of grade requirements, or on the basis of publication in the *Law Review*, all of which are specified by the bylaws and who successfully fulfill the training and grade point average requirements. All provisions, obligations, and responsibilities imposed upon members by these Bylaws shall be equally binding regardless of method of selection for membership.

Membership is limited to students who are enrolled with the Florida State University.

No hazing or discrimination shall be used as a condition of membership in this organization.

No university student may be denied membership on the basis of race, creed, religion, gender, age, sexual orientation, national origin, marital status, parental status, disability. Dues shall not be required and members shall not be prohibited from participating in Review activities because of an inability to pay.

Comment: Section A was amended March 22, 2006, to include statements required by the University.

## **B. Duties and Responsibilities**

1. **Each member shall:**
  - a. be responsible for completing all assignments thoughtfully, accurately, thoroughly, and promptly (however, all editors and committee chairs shall recognize that the many obligations of law students can conflict, and accordingly should grant extensions of deadlines or otherwise modify obligations at the good faith request of members, when granting such a dispensation would not compromise the quality or timeliness of the *Law Review*);
  - b. serve on one committee each academic year;
  - c. shall attend all announced meetings of the membership, recognizing that with an informed membership the Review can better serve both its members and its purpose;
  - d. satisfy the Review Writing Requirement as delineated in Article IV(C);
  - e. maintain a cumulative grade point average of at least 77 on a scale of 100, or the equivalent on any subsequently adopted scale.

Any member failing to meet these requirements at any time shall be removed according to section F of this Article.

2. Any member failing to complete assignments thoughtfully, accurately, thoroughly, or promptly may be called before the Board to review the quality of the member's performance. After such a review, upon a simple majority vote, the Board may require the member to complete satisfactorily a retraining program as a condition of continuing membership. This provision shall not be construed to preclude removal under section E of this Article.

## **C. Review Writing Requirement**

1. Each member shall submit either one (1) original piece of "publishable quality," as determined by the Writing & Research Editor, in satisfaction of the Review writing

requirement, or one (1) Recent Developments note that is selected for publication. Subsection (a) sets forth the requirements for satisfying the writing requirement through the submission of one (1) original piece of "publishable quality," and subsection (b) sets forth the requirements for satisfying the writing requirement through the submission of one (1) Recent Developments note that is selected for publication.

Comment: Subsection (1) was amended substantially March 30, 2005. Subsection (1) was amended on October 16, 2008, to allow the submission of (1) Recent Developments note that is selected for publication to fulfill the writing requirement (previously the requirement was 2 Recent Development notes).

**a. Requirements for Satisfying the Writing Requirement Through the Submission of One (1) Original Piece of "Publishable Quality"**

- i. The Writing & Research Editor and the member shall set a final deadline for the piece, but in no case shall the final deadline be later than the first day of the member's final semester of law school.
- ii. The term "publishable quality" refers to a case note or comment which is fully completed regarding both text and footnotes. Each paper shall be a minimum of twenty-five (25) pages, including footnotes, to satisfy the member's writing requirement. Each paper shall be double spaced with one (1) inch margins and typed in Courier New 12-point font. Footnotes shall be typed in Courier New 12-point font.

In the case of students selected for any journal from any writing competition, no competition piece shall in any circumstance count as a piece of "publishable quality."

- iii. If a member wishes to receive academic credit for completion of the writing requirement, the member shall satisfy the additional requirements of Article IV, section C, "Credit." However, the Review is in no way responsible for granting credit for a paper written to satisfy this requirement.
- iv. A member may not use a paper written to satisfy the College of Law Upper Level Writing Requirement (ULW) to satisfy the Review Writing Requirement. A member may satisfy the Review Writing Requirement with a paper on a topic similar to a previously completed paper only if the Writing & Research Editor is satisfied that the following conditions are met:
  - (a) the Review piece develops a different or more refined thesis than the paper upon which it is based;
  - (b) the Review piece requires substantially more and different research than the paper upon which it is based;
  - (c) the Review piece reaches different or more refined conclusions than were reached in the paper upon which it is based;

- (d) the Review piece complies with other standards promulgated by the Writing & Research Editor or by the Board, including but not limited to the "publishable quality" standard defined in this subsection; and
- (e) the member agrees in writing to submit and submits to the Writing & Research Editor one complete copy of each paper upon which the Review piece is based.

The standard for "substantial modification" may be developed by the Writing & Research Editor as experience dictates so long as future applications are not inconsistent with this rule.

Comment: This rule is meant to require that members write a Review paper which is in essence a separate paper from any required paper that the member has previously written. However, it is not meant to be so restrictive as to preclude members from writing in topic areas that have been the subject of previous works. Ultimately, "substantial modification" should mean at least that a comparison of the two pieces might reveal their common origin, but would prove the pieces distinct in focus, scope, and content.

**b. Requirements for Satisfying the Writing Requirement Through the Submission of a Recent Developments Note Selected for Publication**

- i. The Recent Developments committee shall announce the issues for which it will be accepting submissions and the deadlines for notifying authors that their pieces have been selected for publication. Any member seeking to complete the writing requirement through subsection (b) understands that if his/her piece is not selected for publication, he/she is responsible for completing the requirement through subsection (a) by the deadline set out in that section.
- ii. The Recent Developments Editor and the Recent Developments Committee shall hold a competition for each issue that will contain Recent Development notes. The Recent Developments Editor shall distribute the list of potential Florida-specific or Florida-related topics for the competition, but submissions shall not be limited to those topics. The notes shall be Florida-specific or Florida-related. All selections shall be made anonymously. The Recent Developments Committee's selections shall be approved by the Editor in Chief.
- iii. Each note selected for publication shall be double spaced with one (1) inch margins and typed in Courier New 12-point font and meet the rest of the requirements established by the Recent Developments Committee for the competition.

Comment: Subsection (b) was modified October 16, 2008, for the purpose of encouraging all law review members to submit thoughtful, well-written, high quality Recent Developments pieces, and to recognize and reward the time and effort put forth by those members whose pieces are selected for publication.

#### **D. Credit**

If a member wishes to receive academic credit(s) for completion of the writing requirement, the member shall complete the paper as part of a Directed Independent Study (DIS) under the supervision of a professor or completed for a grade, i.e., in an Upper Level Writing Requirement (ULWR) class taken for a grade in addition to the ULWR course required by the College of Law. In either case, the Review is not responsible for granting academic credit(s).

#### **E. Eligibility**

##### **1. 1L Write-On Competitions**

- a. Winter & Summer Competitions** - A 1L write-on competition shall take place twice a year. The Writing Competition Committee ("the Committee") will circulate selection criteria to the student body in advance of the competition. In the event that any student participating in a competition chooses to submit a paper through the mail, the paper will be considered timely submitted if it is postmarked by the same deadline that the papers are due to be submitted.

The first 1L write-on competition shall take place during the break between fall and spring semesters and/or at the beginning of the spring semester ("Winter Competition"). All first-year students are eligible to participate.

A second 1L write-on competition shall be held at the end of the spring semester (during the break between spring and fall semesters), at which time those students who have just completed their first year of law school may participate ("Summer Competition"). Transient (visiting) and incoming fall transfer students are ineligible. The competition shall be completed by such time as to allow for the new invitees to be selected prior to the start of Fall OCI.

- b. Components** - The competitions shall consist of two components: (1) GPA component and (2) written component.
  - i. GPA Component** - For the Winter Competition, the GPA component shall consist of the student's grade-point average from the preceding fall semester. For the Summer Competition, the GPA component shall consist of the student's cumulative 1L grade-point average from the preceding fall and spring semesters.
  - ii. Written Component**

**1L Winter Competition** - The written component of the Winter Competition shall be a closed research writing assignment. All research will be prepackaged and available to competing students.

**1L Summer Competition** - The written component of the Summer Competition may be either a closed or an open research competition. (If the Competition is a closed research competition, all research will be prepackaged and available to competing students. If the Competition is an open research competition, the students will independently complete all research toward completion of their paper and the Committee will evaluate these papers with the understanding that an open competition requires more in-depth research.)

- c. **Overall Score** - Each participant's overall score shall consist of the two components, which shall be weighted at the direction of the Executive Board prior to the competition. The GPA Component shall not be weighted less than 50% of the overall score and shall not be weighted greater than 65% of the overall score. Accordingly, the written component shall not be weighted less than 35% of the overall score and shall not be weighted greater than 50% of the overall score. Suggested weights are as follows: GPA component: 60%; written component: 40%.
- d. **Grading of the Written Component** - The written component shall be graded by the Committee under the direction of the Writing & Research Editor. All evaluation, ranking, and/or grading shall be done anonymously. The Committee may reject and remove from the competition any written component submission that fails to meet a minimum standard of quality as established by the Committee, which shall result in the competitor being removed from the competition. The minimum standard of quality shall be established prior to the revelation of names or knowledge of a competitor's other component scores. The Committee shall keep records of why any written component submissions are rejected and furnish those records to the Editor in Chief at the end of the grading process. Also, the Committee will evaluate the written component of the 1L competitions separately from those entered in the 2L and transfer student competition.
- e. **Selection** - There shall be 12 to 15 students invited on to Law Review in each of the two competitions, through the Editor in Chief, with the exact number being determined by the Editor in Chief prior to identification of the competitors and based on the current needs of the Law Review. The students with the top 12 to 15 overall scores (exact number to be determined by the Editor in Chief) shall be invited, provided that each and every of the following conditions is met;

- i. **Minimum GPA** - Each student invited shall have a minimum cumulative GPA of 77 on a scale of 100, or the equivalent on any subsequently adopted scale.
- ii. **Written component score** - Each student invited shall have received a written component score that is not below the minimum score as established by the Committee.

## 2. **2L and Transfer Student Write-On Competition**

- a. **Winter Competition** - The 2L and transfer student write-on competition shall take place during the break between fall and spring semesters and/or at the beginning of the spring semester. The Committee will circulate selection criteria to the student body in advance of the competition. In the event that any student participating in a competition chooses to submit a paper through the mail, the paper will be considered timely submitted if it is postmarked by the same deadline that the papers are due to be submitted.
- b. **Eligibility** - All 2L students who have just completed the fall semester of their second year are eligible to participate. All transfer students who have matriculated to FSU in or by the fall of their second year and have at least three semesters remaining at FSU shall be eligible to participate.

Comment: This provision is intended to allow only those transfer students to participate who have completed 3 semesters (excluding a summer semester) of their law school education. The purpose of this requirement is to ensure that all students (2L and transfers) participating in the 2L and Transfer Student Write-On Competition are on equal footing.

Additionally, the requirement that the student must have matriculated in or by the fall semester prior to the Winter Competition ensures that the student will have a FSU GPA, allowing the *Law Review* to determine if the student meets the minimum GPA requirements.

- c. **Written Component** - The written component shall be an open research competition. These students will independently complete all research toward completion of their paper. The length requirement for papers for the 2L competition shall be longer than the length requirement for the 1L competitions. The Committee will evaluate these papers with the understanding that an open competition requires more in-depth research.
- d. **Selection** - The Committee will select only those papers of superior quality within each competition. The student authors of those papers selected by the Committee will be invited by the Review, through the Editor in Chief, to become members of the Review, as long as the authors meet the other requirements for Review membership.

Comment: This section was substantially amended on October 16, 2008, to switch from a pure grade-on competition for 1Ls as the primary method for inviting new members (with a supplemental writing competition for 1Ls and 2Ls) to a hybrid grade-on/write-on competition for 1Ls.

### 3. Piece Publication.

- a. The student authors of those papers selected for publication in the Law Review will be invited by the Review, through the Editor in Chief, to become members of the Review, as long as the authors meet the other requirements for Review membership. Eligibility for invitation will be as follows:

(1) **A Student with at least two semesters remaining.** Only students with at least two semesters of school remaining, including the semester of invitation, are eligible for membership on the basis of their piece being published in the *Law Review*.

(2) **Grade Requirement.** Students must have a cumulative grade point average of at least 77 on a scale of 100, or the equivalent on any subsequently adopted scale.

(3) **Writing Requirement.** The published piece will satisfy the Law Review writing requirement only if the student does not receive law school credit for the piece and the piece satisfies the requirements in Section B of this Article. If the published piece was written for credit, the student must submit another paper of publishable quality, pursuant to Section B of this Article, or complete another paper as part of a Directed Independent Study or in an Upper Level Writing Requirement class in addition to the one required by the College of Law, pursuant to Section C of this Article.

Comment: Section D(3) adopted March 31, 2004. We are adding an additional avenue for membership to increase the membership with qualified students who have already demonstrated an ability to produce scholarship of publishable quality.

4. **Membership Certification.** Membership will be contingent on completion of training. The Editor in Chief, with the advice of the Board, will be responsible for certifying that members selected under this provision have met the requirements for full membership.

5. **Term of Membership.**

- a. Invitees must be enrolled as full or part-time students at F.S.U. College of Law or in an approved dual degree program in the semester in which they receive their Review invitation and in the semester immediately thereafter, excluding the summer semester, or forfeit their invitation.
- b. Members shall serve on the Review year round, including during the summer semester. Every effort shall be made to allow members who do not stay in Tallahassee during the summer to complete subciting assignments in another location.
- c. The Executive Board shall approve a leave of absence when it or the College of Law Administration deems such leave appropriate. This decision supersedes other Bylaw provisions that are contingent on enrollment.

Comment: Subsection (5) was amended substantially March 22, 2006.

#### **F. Removal**

Except as otherwise provided herein, members shall be removed from membership for neglect of duty, as defined in Article X, section A, by a two-thirds', written vote of the Board at an open meeting.

Any student whose membership is revoked shall have seven (7) calendar days to appeal the revocation. The appeal must be submitted in writing to the Editor in Chief and Managing Editor, and must include any relevant information to the appeal. The Editor in Chief shall then submit the appeal to the Appeals Committee. This committee will consist of four (4) randomly selected Board members and five (5) randomly selected general members. This committee shall then render a decision within seven (7) calendar days, with removal requiring a two-thirds, written vote.

Comment: Subsection (F) was amended March 22, 2006.

### **ARTICLE V. MEETINGS**

- A. The entire Review membership shall be called together to meet at least once each semester at a time to be determined by the Editor in Chief. Members shall be notified at least one week in advance. Additional meetings may be called by the Editor in Chief or upon request of one-third of the Review membership or of one-third of the Board.
- B. Board meetings shall be scheduled by the Editor in Chief as needed, or upon approval of one-third of the Board members. Associate Editors shall attend these meetings from acceptance and until completion of their editing duties. When requested by the Editor in Chief or any Board member, individual committee chairs shall attend these meeting.
- C. All meetings of the Board and of all standing committees shall be open to every member of the Review. Membership shall be notified at least one week in advance of upcoming Board meetings, except in emergency situations.
- D. Emergency meetings may be called by the Editor in Chief or upon the request of one-third of the Review Membership or one-third of the Board.

## ARTICLE VI. FACULTY ADVISOR(S)

The faculty advisor(s) shall serve in an advisory role and has no voting rights. The advisor position has no term limit other than he or she must be a current FSU faculty or staff member.

- A. Selection.** The faculty advisor shall be nominated by three-fourths of the Board and subsequently approved by two-thirds of the Review membership.
- B. Removal.**
1. A faculty advisor may be removed from his or her position upon approval of three-fourths of the Board and two-thirds of the Review membership.
  2. The advisor shall be notified in writing of the possible removal at least seventy-two (72) hours prior to the vote and shall be allowed to address the organization in order to relate to members any relevant defense prior to the voting for removal.
  3. In the event that an advisor is removed or resigns, a new advisor shall be selected within forty-five (45) calendar days.
- C. Quorum.** No selection or removal of a faculty advisor shall be voted on by less than fifty percent of the Review membership.

Comment: Article VI was amended substantially March 22, 2006, to provide a process for selection and removal of faculty advisors.

## ARTICLE VII. VACANCIES

Vacancies on the Board, except for the position of Editor in Chief, shall be filled with members qualified to hold the position, nominated by Board members and elected by a simple majority of the entire Board. In the event that the office of Editor in Chief becomes vacant, the position shall be filled by a simple majority vote of the Review membership, held within two (2) weeks of notification of the vacancy.

If an emergency appointment of the Editor in Chief becomes necessary, the position shall be temporarily filled with approval of a simple majority of the Board until a general membership vote can be held.

Comment: Article VII was amended March 22, 2006.

## ARTICLE VIII. ELIGIBILITY TO VOTE

All members of the Review shall be eligible to cast a vote on any matter brought to a vote at a meeting of the Review membership.

## ARTICLE IX. AMENDMENTS

- A. **Posting.** Any proposed amendment to these Bylaws shall be posted on all Review bulletin boards at least five (5) calendar days before being voted on.
- B. **Presentation.** Any amendment posted as required above shall be presented at the next regularly scheduled general membership meeting or the next special meeting of the Review.
- C. **Adoption.** Amendments to these Bylaws shall become effective immediately upon the approval of two-thirds of the entire Review membership present or upon two-thirds of the entire Board and simple majority of the membership present. All voting regarding amendment adoption shall be cast in writing.

Comment: Section (C) was amended March 22, 2006, to require that votes regarding amendment adoption be cast in writing.

- D. **Quorum.** No amendment to these Bylaws shall be voted on by less than fifty percent of the Review membership.

## ARTICLE X. REVIEW DISCIPLINARY POLICY

### A. Removal from Review Membership.

- 1. **Neglect of Duty.** The following may be considered a "neglect of duty" as discussed in Article IV (E) of the Bylaws:
  - a. Missing a writing deadline or failing to work with the Writing & Research Editor in setting up writing deadlines.
  - b. Failing to timely or thoroughly do an assignment. An assignment is done in a timely fashion when it is completed by the time specified by the overseeing editor. An assignment is thoroughly done when all specified items have been completed.
  - c. Missing a mandatory membership meeting. The Executive Editors or Editor in Chief may grant extensions or excuse absences, at their discretion, based on the facts of each member's particular situation. A record of all neglected duties will be kept by the Executive Editors.
  - d. Failure to reasonably perform any other obligation imposed by these Bylaws.

Comment: Subsection (1) was amended substantially March 22, 2006, to allow flexibility in the decision to charge a member with neglect of duty.

## **2. Disciplinary Procedure.**

- a. Allegation of Neglect of Duty.** Each allegation of neglect shall be brought to the attention of the member and the Board. The member shall be brought before the Board for a "show cause" meeting in which the member will explain his or her neglect. The Board may, at its discretion, vote to remove the person from the Review or to otherwise discipline the member. This vote will be taken by each Board member submitting a written vote. Removal shall be by a two-thirds, written vote of the Board at an open meeting, as provided in Article IV, section E.

Comment: Subsection (a) was amended March 22, 2006, to require that votes regarding member discipline be cast in writing.

## **B. Removal from a Board Position.**

- 1. Grounds.** An editor shall be removed from the Board for refusing to perform editorial responsibilities as outlined in section B of Article III, for significant lack of diligence in performing said responsibilities, for substantial inability to reasonably perform said responsibilities, or for willful violation of any provision of Article III of these Bylaws.
- 2. Procedure.** The Editor in Chief shall call a meeting of the Review membership upon the written petition of three or more members of the Board. The Board shall announce individual grounds for removal at the meeting. The respondent-editor shall have an opportunity to be heard. An editor shall be removed upon a two-thirds, written vote of the entire Review membership.

## **ARTICLE XI. BYLAW INTERPRETATION**

- A.** An ambiguous Bylaw shall be interpreted by a three-fourths vote of the Board.
- B.** The Board is hereby empowered to promulgate and adopt an official staff manual that shall detail and explain the Review operations, including, but not limited to, the following areas: member duties, including subciting and piece selection, the piece solicitation and selection process generally, and the editing process. The staff manual shall not enlarge or narrow the power or scope of duty of any Review member, or otherwise modify these Bylaws. If a conflict arises between Bylaw provisions and the Staff Manual, the Bylaws take precedence.

Comment: Section (A) was adopted March 22, 2006; Section (B) was amended March 22, 2006.

## **ARTICLE XII. PIECE SELECTION**

No author shall receive a contract to publish his/her piece before it has been reviewed and critiqued by the Piece Selection Committee, Symposium Planning Committee, or other appropriate committee. Once the piece has been approved, the committee that reviewed it must submit its critique to the piece's editor.

To prevent potential conflicts of interest, no member who has submitted a piece for publication, or who is substantially familiar with another member's submitted piece, may participate in the evaluation and recommendation of student pieces.

Graduating third year students may submit a piece for publication within a reasonable amount of time after graduation.

Comment: This Article is being amended to reflect the intent of Law Review to allow graduating students the chance to participate in a call for student papers that may occur within a few weeks after Fall or Spring graduation. We are inserting the "reasonable amount of time" standard since it acknowledges that the editing calendar changes year to year, which can affect when calls for student pieces are made throughout the year.

## **ARTICLE XIII. GENERAL WAIVER**

Any provision of these Bylaws may be waived upon approval of three-fourths of the entire Board or three-fourths of the entire Review membership. The entire Review membership shall be notified of any waiver made pursuant to this Article.

Comment: Article XIII adopted October 21, 2003. This waiver is intended to allow flexibility only when it is in the best interest of the Review.

## **ARTICLE XIV. PROVISIONS REQUIRED FOR COGS/RSO RECOGNITION**

### **A. Spending Law Review RSO Money**

For the protection of the organization and its officers it is required that two authorized signatures sign all monetary transactions involving the Law Review's COGS/RSO account. Only the Editor in Chief, Managing Editor, and the Law Reviews Faculty Advisor can be signers on the Law Review's COGS/RSO account. Law Review COGS/RSO funds may be spent on items such as office supplies, events/activities, publicity, travel expenses, conference fees, etc., but will not be used for anything illegal under University, local, state, and federal laws.

### **B. Officer Transition**

It shall be the responsibility of all account signers to change contact information as well as assist in the update of new COGS/RSO account signatures after each election with the

organization's financial institution. In addition, the Managing Editor will be responsible for passing along all information regarding the previous year's budget and current COGS/RSO budget.

### **C. Posting**

All advertisements must comply with the University Posting Policy, available at <http://www.fsu.edu/~posting/fsupolicy.html>.

The Editor and Chief and Managing Editor must approve all publications, shirts, flyers, etc., prior to duplication and distribution.

### **D. Dissolution**

In the event the organization ceases to exist as an RSO, any funds remaining in the Law Review's COGS/RSO account shall be remitted back to the Student Government Association.

Comment: Sections A, B, and C were adopted on October 16, 2008, to include statements required by the University. For RSO purposes, the Editor in Chief is the President and the Managing Editor is the Treasurer. "Publication" as included in Section C refers to materials publically posted on University property and does not limit or alter the Law Review's normal publication and editorial policies.

**Comments: These Bylaws were overhauled by substantial amendments adopted March 27, 2007.**