

BYLAWS

FLORIDA STATE UNIVERSITY LAW REVIEW

CURRENT AS OF MARCH XX, 2017

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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. Executive Board (E-Board)
- B. Editorial Board (Board)
- C. Senior Members
- D. Members
- E. Faculty Advisors
- F. Office Manager

ARTICLE III. EDITORIAL BOARD

A. *Membership*

The Editorial Board (the Board) shall consist of the Editor-in-Chief, four Executive Editors, one Executive Online Publication Editor, four to six Articles Editors, one Executive Notes & Comments Editor, four to five Notes & Comments Editors, one Managing Editor, one Executive Article Selection Editor, and one Article Selection Editor. The Executive Board (E-Board) shall consist of the Editor-in-Chief, the four Executive Editors, the Executive Online Publication Editor, the Executive Notes & Comments Editor, the Managing Editor, and the Executive Article Selection 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. set and publish deadlines for each stage of publication;
- d. have ultimate responsibility for the substantive, technical, and stylistic content of each issue;
- e. 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;
- f. preside at Board meetings;
- g. officially invite students to compete for Review admission;
- h. notify students of their selection for candidacy for membership of the Review;
- i. be responsible for and have authority over the successful training of the members, including technical and stylistic matters, and explanation of the operations of the Review and these Bylaws;
- j. notify members of their election to the Board;
- k. make final determination of credit for Review responsibilities;
- l. ensure each member's satisfaction of the writing requirement pursuant to Article IV, Section B.3;
- m. perform and delegate such other duties as are necessary to the proper operation of the Review.

2. Executive Editor

There shall be four 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. perform a complete substantive and stylistic edit of each issue at all appropriate stages of production;
- c. participate in member training for subciting;
- d. conduct all author correspondence and author review editing;
- e. assume such further duties and responsibilities as the Editor-in-Chief shall designate.

3. Executive Online Publication Editor

There shall be one Online Publication Editor. The Online Publication Editor shall:

- a. have responsibility for and authority over all technical aspects of each online issue and the management of the mechanical processes of publishing the online articles within the Review, subject to the authority of the Editor-in-Chief;
- b. perform a complete substantive and stylistic edit of each issue at all appropriate stages of production;
- c. participate in member training for subciting;
- d. conduct all author correspondence and author review editing;
- e. assume such further duties and responsibilities as the Editor-in-Chief shall designate.

4. Article Editors

There shall be four to six Article Editors. The Article Editors shall:

- a. be responsible for the technical editing of the footnotes, grammar, and assertions for all scholarly articles chosen for publication in the Law Review as assigned by the Editor-in-Chief;
- b. provide, when necessary after subciting, each of the subcitors with a list of any subciting problems and the underlying rule or policy, as well as any areas for improvement;
- c. evaluate student submissions from the winter write-on competition;
- d. assume further duties and responsibilities as the Editor-in-Chief shall designate.

5. Executive Notes & Comments Editor

The Executive Notes & Comments Editor shall:

- a. be responsible for the technical editing of the footnotes and assertions for all student pieces selected for publication in the Law Review as assigned by the Editor-in-Chief;
- b. provide assistance to subcitors in coordinating the collection of sources for Notes and Comments subciting purposes;
- c. have responsibility for and authority over the annual writing competition, determine compliance with Article IV, Section B.3 and make a recommendation to the Editor-in-Chief regarding the members' satisfaction of the writing requirement;
- d. monitor member grade point averages to ensure that Review GPA requirements are met at all times;
- e. assume further duties and responsibilities as the Editor-in-Chief shall designate.

6. Notes & Comments Editors

There shall be four to five Notes & Comments Editors. Notes & Comments Editors shall:

- a. be responsible for the technical editing of the footnotes, grammar, and assertions for all student pieces selected for publication in the Law Review as assigned by the Editor-in-Chief;

- b. provide, when necessary after subciting, each of the subcitors 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 members with their Note to fulfill the writing requirement, including assisting each member with selection of a topic, assisting each member with selection of a professor mentor, setting deadlines to monitor the progress of the candidates throughout the writing process, and reviewing a draft to offer constructive feedback to each candidate on his or her piece;
- e. assist the Executive Notes & Comments Editor with the annual writing competition and training of the new candidates;
- f. assume further duties and responsibilities as the Editor-in-Chief or Executive Notes and Comments Editor shall designate.

7. 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. be responsible for the technical formatting of every article selected for publication in the Law Review;
- b. coordinate the activities of any Ad Hoc Committees;
- c. conduct investigations of, and propose solutions to, any issue raised by the Board;
- d. represent the Review before the Florida State University Senate and the Law School Appropriations Committee;
- e. implement new or changed policies as approved by the Board;
- f. responsible for the electronic publication of the Law Review;
- g. review and approve all outgoing notices and publications before distribution;
- h. complete other assignments given by the Editor-in-Chief, which may include, but are not limited to:
 - i. preparing monthly summaries informing the general membership about Review activities and specific projects;
 - ii. presenting detailed progress reports of special projects to the Board;
 - iii. updating the Blackboard system and Law Review website;
 - iv. coordinating with the Office Manager to ensure the computer equipment is in working order;
 - v. compiling editing and subciting schedules;
 - vi. working with the Lexis representative to maintain printer access for all members;
 - vii. performing article conversions;
 - viii. providing editing support as needed.

8. Executive Article Selection Editor

The Executive Article Selection Editor shall be appointed by the Editor-in-Chief. The Executive Article Selection Editor shall:

- a. be responsible for and have authority over the piece selection process, subject to the authority of the Editor-in-Chief;
- b. have the authority to assign reading responsibilities to any member of the Review;
- c. assume further duties and responsibilities as the Editor-in-Chief shall designate.

9. Article Selection Editor

The Article Selection Editor shall be appointed by the Editor-in-Chief Elect after consultation with the newly appointed Executive Article Selection Editor. The Article Selection Editor shall:

- a. assist the Executive Article Selection Editor in sorting and organizing submissions
- b. review articles assigned by the Executive Article Selection Editor, the number of which will vary depending on the volume of submissions
- c. be available to review articles on short (24-48 hour) notice
- d. assist the Executive Article Selection Editor in managing deadlines and expedite requests, which may include some communication with authors
- e. perform other duties as the Executive Article Selection Editor assigns them

10. Style Manual Editor

The Style Manual Editor shall be appointed by the Editor-in-Chief during those years in which the Review is required to publish the Florida Style Manual (Manual) pursuant to Article XVI. The Style Manual Editor shall:

- a. assist the Executive Editors in editing the Manual;
- b. assume further duties and responsibilities as the Editor-in-Chief shall designate.

C. Eligibility

1. Elections

To be eligible to run for a Board position, a member must fulfill all requirements of member training prior to election and must be willing to serve on the Board for one full year or through the publication of one volume. In addition, the following requirements apply:

a. *Editor-in-Chief*

The position of Editor-in-Chief will be elected by a majority of members in good standing at the first meeting of the spring semester. Votes must be cast in person, unless extenuating circumstances, subject to the discretion of the current Editor-in-Chief, warrant otherwise. An instant runoff voting system shall be used, whereby each voter ranks the candidates in order of preference. If no single candidate garners a majority of votes cast, the candidate with the fewest number of first-preference rankings will be eliminated. Ballots for the eliminated candidate will then be added to the totals of the candidate ranked next on each ballot. The process of eliminating last-place candidates and adding ballots cast for those candidates to the totals of the next-ranked choice on that ballot will continue until a candidate garners a majority of the votes. The candidate with the majority of votes shall be declared the winner. Votes shall be anonymously cast either by paper ballot or via an electronic medium, as decided by the current Editor-in-Chief and announced to the membership at least twenty-four hours before the election. Any vote that is cast for a member who has not complied with the requirements mentioned below shall not be counted.

Any member seeking this position shall submit a packet containing a letter of intent, a resume (with class rank, GPA, and book awards redacted), and his or her Note or Comment written per the writing requirement pursuant to Article IV, Section C. This packet shall be delivered to the current Editor-in-Chief no later than one week before the election. This packet shall be made available for review by the membership.

b. *All Remaining Board Positions*

The Editor-in-Chief Elect shall appoint the Managing Editor, the Executive Article Selection Editor, and the Article Selection Editor as provided in Article III, Section B.7-B.9. All remaining Board positions shall be elected by the outgoing Board (including the current Editor-in-Chief) and the Editor-in-Chief Elect (hereinafter, the Board Appointment Committee). Each member seeking

a Board position shall submit a packet containing a letter of intent, a resume (with class rank, GPA, and book awards redacted), his or her Note or Comment written to fulfill the writing requirement (or in the case of a transfer student, his or her writing competition paper), and a list ranking Board position preferences in order. Each packet shall be submitted to the current Editor-in-Chief no later than one week before the election. These packets will be made available for membership review. All current members will have the opportunity to submit written comments to the Board before the Board vote. The election meeting of the Board will be closed to general members. The Board Appointment Committee will elect each new Board position, each Committee member receiving one, equally weighted vote. The Board Appointment Committee may interview candidates or allow for brief speeches before electing any position.

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. The Editor-in-Chief may work no more than five hours per week in any non-Review employment during the fall and spring semesters. This limit may be increased upon approval by three-fourths of the general membership, but in no event will the Editor-in-Chief be allowed to work more than twenty hours per week. 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) substantially 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.

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:

The Editor-in-Chief shall receive more than the Executive Editors and the Executive Notes & Comments Editor, who shall all receive more than the Managing Editor and Executive Article Selection Editor, who shall receive the same amount.

The percentage of the total stipend budget distributed to each editor will be based upon the percentage applied in the previous year.

Deviation from the percentages applied in the previous year may only take effect upon approval by two-thirds of the Editors listed in Article III, Section D.1-D.3.

Board members shall receive up to two S/U credits per semester for their work during each of the fall and spring semesters. Non-board members of the Review are generally not eligible to receive credit for their work on the Review. However, members may receive up to two S/U credits during

their first semester of membership for completing the Review writing requirement as outlined in Article IV, Section C. The Review faculty advisor(s), with the advice of the Editor-in-Chief, shall determine, on the basis of performance, whether each editor and member receives a passing or a failing grade. No member shall receive Law Review credits in the same semester he or she is receiving credits from another journal. Unless otherwise proscribed by the College of Law administration, this provision shall not prevent a member from receiving credit under Article IV, Section D, even if that member is receiving editorial credit from another Journal in the same semester.

E. Term of Office

All newly elected board members shall serve as editors-elect from the time of their election until 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 Executive Article Selection Editor shall serve from the time of appointment through the publication of one volume. The Editor-in-Chief Elect shall have the authority to make decisions regarding article selection for the following Volume, subject to the ultimate discretion of the current Editor-in-Chief. All editors shall serve on the Board for one year or through the publication of one volume, running from April 30 through May 1. All Board members shall fulfill their responsibilities throughout their terms of office.

F. 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.

G. 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 E-Board, which consists of the Editor-in-Chief, the four Executive Editors, the Executive Online Publication Editor, the Executive Notes & Comments Editor, the Managing Editor, and the Executive Article Selection Editor.

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.

Students invited to join the Review will be referred to as “members” during the entirety of their 2L year. This provision applies to both summer and winter write-ons (thus, winter write-ons would generally only be a Member for one semester). When a Member becomes a 3L, he or she will be referred to as a “Senior Member,” regardless of whether membership was earned in the fall or spring of 2L year. However, incoming 3Ls who join the Review through a call for submissions will be referred to as “Members” during their 3L year until they complete the writing requirement and then will become “Senior Members” for the remaining duration of their 3L year.

If a Member does not successfully complete the writing requirement after his or her first semester, then the disciplinary provisions of Article X will apply.

The term “member” as used throughout the Bylaws shall be construed to mean both senior members and members unless otherwise stated. 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 College of Law.

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

This organization agrees to adhere to the University non-discrimination statement: No university student may be denied membership on the basis of race, creed, color, sex, religion, national origin, age, disability, veterans’ or marital status, sexual orientation, gender identity, gender expression, or any other protected group status.

B. Duties and Responsibilities

1. Each member shall:

- a. be responsible for completing all assignments thoughtfully, accurately, thoroughly, and promptly (however, all editors 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. 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;
- c. satisfy the Review Writing Requirement as delineated in Article IV, Section C;
- d. 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. All subciters shall:

- a. have two weeks to complete all subciting assignments or, in the alternative, will complete such assignments within a reasonable timeframe as determined by the Executive Editors.
- b. create a “subciter’s packet” which will contain the subciter’s corrected version of his or her assigned portion of an article and all relevant sources pulled in the process. The subciter is responsible for accumulating only those portions of a source which are relevant for checking assertions and quotations.
- c. If the Article Editor finds a subciter’s packet to be inadequate, the assignment will be immediately returned to the subciter with the expectation that he or she thoughtfully revises the assignment expeditiously.

3. Any member failing to complete assignments thoughtfully, accurately, thoroughly, or promptly may be disciplined pursuant to Article X.

C. Review Writing Requirement

1. Each member shall submit one (1) original piece of “publishable quality,” as determined by the member’s advising professor and by the Executive Notes & Comments Editor, at the completion of his or her first semester on the Review in satisfaction of the Review writing requirement.
2. The term “publishable quality” refers to a note or case 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 Century Schoolbook 10.5-point font. Footnotes shall be typed in Century Schoolbook 10.5-point font and single spaced.

No submission for membership from a writing competition may be used to fulfill the candidate writing requirement.

3. A candidate may not use a paper written for any course in which he or she received academic credit or monetary compensation to satisfy the Review Writing Requirement. A candidate may not use the paper written to satisfy the Law Review’s writing requirement to satisfy any other journal’s writing requirement. A candidate may satisfy the Review Writing Requirement with a paper on a topic similar to a previously completed paper only if the Executive Notes & Comments Editor is satisfied that the following conditions are met:

- i. the Review piece develops a different or more refined thesis than the paper upon which it is based;
- ii. the Review piece requires substantially more and different research than the paper upon which it is based;
- iii. the Review piece reaches different or more refined conclusions than were reached in the paper upon which it is based;
- iv. the Review piece complies with other standards promulgated by the Executive Notes & Comments Editor or by the Board, including but not limited to the “publishable quality” standard defined in this subsection; and
- v. the member agrees in writing to submit and submits to the Executive Notes & Comments Editor one complete copy of each paper upon which the Review piece is based.

The standard for “substantial modification” may be developed by the Executive Notes & Comments Editor as experience dictates so long as future applications are not inconsistent with this rule.

Comment: This rule is meant to require that candidates 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 candidates 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.

D. Credit

General members are generally not eligible to receive credit for their work on the Review. However, members may receive up to two credits during their first full semester on the Review for successfully completing the Review writing requirement. Thus, members invited based on the summer competition may receive their credit during the fall semester, and members invited based

on the winter competition may receive their credit during the spring semester. The member is responsible for registering for such credits.

Comment: Summer semesters do not constitute “full” semesters under Article IV, Section D.

E. Eligibility

There shall be a total of approximately 30 students nominated for membership to the Law Review from each class, with the exact number being determined by the Editor-in-Chief before identification of the competitors and based on the current needs of the Law Review. There shall be three methods of selection for 1L students to gain entry onto the Review.

1. 1L Competition

a. Grade on Component

The 15 highest ranked students from the 1L class at the end of the first year shall be nominated for membership of the Review; however, based on the needs of the Review, the Board may, in its discretion, by a 3/4 vote, reduce or increase the number of students nominated for membership of the Review based on class rank. The Editor-in-Chief must specifically approve of any deviation from the nomination of the top 15 highest ranked students, and in no event will less than the top 10 or more than the top 20 highest ranked students be nominated for membership based on class rank alone. At the discretion of the Editor-in-Chief, any student who fails to fulfill membership requirements may be replaced by the next highest ranking student eligible for membership. If selected for membership, the replacement student will be required to complete all membership requirements in a time period designated by the Board to become a member of the Review.

b. Summer Competition

A 1L write-on competition shall take place once a year. The Executive Notes & Comments Editors 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 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 at Florida State University College of Law 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 candidates to be selected before the start of Fall OCI.

c. Components

The competition shall consist of two components: (1) GPA component and (2) written component.

i. GPA Component

The GPA component shall consist of the student’s cumulative 1L grade-point average from the preceding fall and spring semesters.

ii. Written Component

The written component 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.)

d. Overall Score

Each participant's overall score shall consist of the two components, which shall be weighted at the direction of the E-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.

e. Grading of the Written Component

The written component shall be graded by all Review members, under the direction of the Executive Notes & Comments Editor. All evaluation, ranking, and/or grading shall be done anonymously. The Executive Notes & Comments Editor and Editor-in-Chief may reject and remove from the competition any written component submission that fails to meet a minimum standard of quality, 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 Executive Notes & Comments Editor 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.

f. Selection

The students with the top five written component scores shall be nominated for membership provided the following conditions are met. The remaining nominations should be made to the students with the highest overall scores provided that each of the below conditions are met. The exact number of nominations is to be determined by the Editor-in-Chief. Students who fail to fulfill the membership requirements may, at the discretion of the Editor-in-Chief, be replaced with the next highest scoring competitor eligible for membership.

g. Minimum GPA

Each student nominated shall have a minimum cumulative GPA of 77 on a scale of 100, or the equivalent on any subsequently adopted scale.

h. Written Component Score

Each student nominated shall have received a written component score that is not below the minimum score as established by the Executive Notes & Comments Editor and Editor-in-Chief before grading.

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 Executive Notes & Comments Editor 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 winter 2L/Transfer Student Write-On Competition is one of two methods by which Transfer students may compete for membership. Transfer students are also eligible for candidacy by authoring a piece selected for publication and satisfaction of other requirements of membership. No transfer students will be admitted based upon evaluation of grades alone.

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. LL.M. students who have been admitted to the J.D. program, have completed at least one semester in the J.D. program, and have at least three semesters remaining shall be eligible to participate.

Comment: This provision is intended to allow only those transfer and LL.M. students who have completed 3 semesters (excluding a summer semester) of their law school education to participate. 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 or closed research competition at the discretion of the Executive Notes and Comments Editor and Editor-in-Chief. In the event that the Executive Notes and Comments Editor and Editor-in-Chief decide to have an open research competition, the students will independently complete all research toward completion of their paper. The evaluating members will evaluate these papers with the understanding that an open competition requires more in-depth research.

d. Selection

The reviewing committee will select only those papers of superior quality within each competition. The student authors of those papers selected by the committee will be nominated by the Review, through the Editor-in-Chief, to become candidates for membership of the Review, as long as the authors meet the other requirements for Review membership.

3. Piece Publication

The student authors of those papers selected for publication in the Law Review will be nominated for candidacy 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:

a. A Student with at least two semesters remaining

Only students with at least two semesters of school remaining, including the semester of nomination, are eligible for membership on the basis of their piece being published in the Law Review.

i. 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.

ii. 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.

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

Members must be enrolled as full-time students at Florida State University College of Law or in an approved dual degree program in the semester in which they receive their Review nomination and in the semester immediately thereafter, excluding the summer semester, or forfeit their nomination.

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.

The E-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.

F. Removal

Except as otherwise provided herein, members shall be removed from membership for neglect of duty, as defined in Article X.

ARTICLE V. MEETINGS

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.

Board meetings shall be scheduled by the Editor-in-Chief as needed, or upon approval of one-third of the Board members.

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 ADVISORS

The faculty advisors shall serve in an advisory role and have no voting rights. The advisor position has no term limit other than he or she must be a current FSU faculty or staff member. The Review should generally have two faculty advisors.

A. Selection

A faculty advisor shall be nominated by three-fourths of the Board and subsequently approved by two-thirds of the Review membership.

B. Removal

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.

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.

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.

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.

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 provided to all Review members at least three (3) 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 or via an electronic medium.

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. Discipline and Removal from Review Membership

1. Neglect of Duty:

The following may be considered a “neglect of duty”:

a. Missing a writing or subciting deadline or failing to work with the Notes & Comments Editors or Article Editors in setting up writing or subciting deadlines.

b. Failing to complete an assignment in a timely or thorough manner. 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. The Executive Editors or Editor-in-Chief may grant extensions at their discretion, based on the facts of each member’s particular situation.

c. Missing a mandatory membership meeting. The Editor-in-Chief may excuse absences at his or her discretion, based on the facts of each member’s particular situation.

d. Failing to communicate in a timely manner with Notes & Comments Editors, Articles Editors, and other Board Members for any reason. This provision applies to 1) responding to e-mails and calls pertaining to official Law Review business in a timely manner; and 2) e-mailing in a timely manner when it becomes apparent that a deadline may be missed. The definition of timely means replying within 24 hours during a business week (i.e., Monday-Friday) to communication by a Board Member and communicating at least 48 hours before a deadline if it is to be missed because of extenuating circumstances. E-mails and calls will be made to the e-mail and/or phone number on file with the Editor-in-Chief. It is the member’s obligation to ensure this file is accurate and up-to-date.

e. Failing to perform reasonably any other obligation imposed by these Bylaws, or obligations imposed by editors acting pursuant to powers defined in these Bylaws.

f. Submitting work to the Review that is the product of academic dishonesty or plagiarism shall qualify as a neglect of duty and shall automatically result in removal from the Review.

g. Conduct otherwise unbecoming of a member, including but not limited to mistreatment of another member or editor and refusal to complete an assignment.

Comment: Subsection (1) is intended 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 first be brought to the attention of the member and the Editor-in-Chief. The Editor-in-Chief shall subsequently bring the allegation to the attention of the E-Board. A record of all neglected duties will be kept by the Managing Editor, in coordination with the Editor-in-Chief.

b. Disciplinary Measures and Removal of a Member

- i. After the first instance of neglect of duty, the member shall be warned by the member's direct supervisor for that assignment that they are being charged with neglect of duty in violation of the Review Bylaws. Prior to warning the member, the supervisor providing the warning shall notify the Editor-in-Chief that they plan to issue such a warning and the reason(s) why. The direct supervisor providing the warning shall provide the member with a written explanation of the member's actions or omissions that constitute neglect of duty and provide steps to remedy the neglect. The member must acknowledge the warning in writing to their supervising editor within 48 hours, representing that they have been informed that they have violated the Review Bylaws. In the case of attendance at training or a meeting, the Editor-in-Chief or the Managing Editor shall be considered the direct supervisor; in the case of a subediting assignment, the Article Editor shall be considered the direct supervisor; in the case of a student note assignment, the Notes and Comments Editor shall be considered the direct supervisor; in the case of an article selection review assignment, the Executive Article Selection Editor or the Article Selection Editor shall be considered the direct supervisor.
- ii. After the second instance of neglect of duty, the member shall meet in person with three Board members ("the Panel"), including at least one E-Board member. The Editor-in-Chief shall select the Board members and E-Board member that constitute the Panel. The Editor-in-Chief may appoint his or herself to serve on the Panel. The Panel must present the member with a written reprimand that announces that the member is being placed on probation for such a period of time as the Panel sees fit, describes the member's actions or omissions that constitute neglect of duty, and provides steps to remedy the neglect. The written reprimand shall also contain a section describing the member's obligations and that failure to remedy the neglect may be grounds for removal. The Panel shall monitor the member's progress, and the member shall not be removed from probation until the neglect has been remedied. A member from the Panel shall inform the member when (1) he or she has successfully remedied the neglect and (2) when the member is officially removed from probation. After a member has been charged with neglect of duty twice (i.e., the member has already (1) received a written warning from their direct supervisor; and (2) met with three Board members in-person and received a written reprimand), any additional instance of neglect will automatically be treated as a third instance of neglect under Article X, Section A.2.b.iii, for which the member is subject to removal.

- iii.* After a third instance of neglect, the Panel shall bring the written reprimand before the Board. The Board may, at its discretion, remove the member from the Review by a two-thirds vote at a closed meeting. However, prior to taking a vote, the member may appear before the Board and explain his or her neglect. In the event that the Board declines to remove the member, an alternative form of disciplinary action may be taken, including but not limited to, removing the member's name from the Masthead or giving the member the status of "provisional member."
- iv.* In the case of a direct refusal to perform duties specific to the member's position or grossly unprofessional behavior unbecoming of a Law Review member, the supervising editor may recommend an immediate Board vote to remove the member. The Board may, at its discretion, remove the member from the Review by a two-thirds vote at a closed meeting. However, prior to taking a vote, the member may appear before the Board and explain his or her neglect. In the event that the Board declines to remove the member, an alternative form of disciplinary action may be taken, including but not limited to the removal of the member's name from the Masthead or the demotion of the member to the status of "provisional member."

Removal of a member, or any other disciplinary action taken against a member, cannot be appealed. Upon removal from the Review by reason of disciplinary measure or resignation for reasons other than completion of duties as approved by the Executive Board or graduating in good standing, the former member shall remove any reference to Law Review membership from their resume subject to discipline under the College of Law's Student Conduct Code.

Comment: Subsection 2.b.iv. is designed to give the Review the ability to accelerate the removal process of a member who has violated the provisions of Article X in an extreme fashion. It retains the procedural protections of Article X by requiring a super majority vote of the Board to permit removal. Grossly unprofessional behavior is limited to conduct within the scope of Review membership duties, except in the case of arrests (particularly for violent conduct) or expulsion from the College of Law.

c. Removal from a Board Position

i. Grounds

An editor shall be removed from the Board for refusing to perform editorial responsibilities as outlined in Article III, Section B, 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.

ii. 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.

d. *Removal of the Editor-in-Chief*

i. Grounds

The Editor-in-Chief (“EIC”) shall not commit gross misconduct or gross negligence unbecoming of a Law Review Member. If it is determined that the EIC has committed gross misconduct or gross negligence, the EIC shall be removed from that position and all honors, privileges, immunities, and benefits appurtenant thereunto, and stricken from the membership of the Florida State University Law Review (“the Law Review”). Removal of the EIC shall proceed according to the procedure specified in subsection ii.

ii. Procedure

On the motion of a Board Member, the Managing Editor shall convene the Board to determine whether the allegation rises to the level of gross misconduct or gross negligence and whether the allegation is reasonably substantiated by the evidence presented to the Board.

Upon a two-thirds vote of the Board concluding that the conduct rises to gross misconduct or gross negligence and reasonable substantiation of the allegations, the matter shall be brought before the body for a vote. Upon a two-thirds vote of the entire Review membership concluding that the EIC has committed conduct arising to the level of gross misconduct or gross negligence, the EIC shall be removed from his or her position and an interim election shall be held in accordance with the procedure outlined in Article III.C.1.a, which shall be open to all members able to serve the remaining term. If an interim EIC cannot be found or there are extenuating circumstances which make an election proceeding impracticable, the Managing Editor shall be appointed to act as the Interim-Editor-in-Chief subject to two-thirds approval of the Board.

If it is shown that an editor submits a motion to impeach in bad faith, or in reckless disregard for the truth of the underlying fact, that editor shall be subject to the disciplinary process described in Article X, and the motion shall be automatically withdrawn and stricken.

ARTICLE XI. BYLAW INTERPRETATION

An ambiguous Bylaw shall be interpreted by a two-thirds vote of the E-Board.

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 subediting 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.

ARTICLE XII. PIECE SELECTION

No author shall receive a contract to publish his/her piece before it has been reviewed and critiqued by the Executive Article Selection Editor and the Board members he or she shall designate. The members so designated shall submit a critique of the piece to the Executive Article Selection Editor. In no event will an offer of publication be extended for any piece not specifically approved of by the Executive Article Selection Editor and the Editor-in-Chief.

Graduating third year students may submit a piece for publication up to and including the first Law Review call for submissions following the student’s graduation, provided said call for submissions is not more than six months after the student’s graduation.

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: 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., before 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.

ARTICLE XV. INTELLECTUAL PROPERTY

All work products created or edited by any member, editor, or prior member or editor or by any independent contractor on behalf of the Review are the sole property of the Review and are not subject to any claim or right to the work products by the member, editor, or prior member or editor.

Comment: Article XV is intended to clarify the longstanding tradition within law reviews generally and our Review specifically that the work products of our members and editors belong to the organization as a whole. The commitment and rendering of said work product to the Review is a condition of membership. Any additional duties commissioned by the Editor-in-Chief and Executive Board and any work product arising therefrom is considered the sole property of the Review. This Article does not affect intellectual property rights of authors publishing with the Review, which rights are enumerated in separate publication agreements. In the event of a conflict between this Article and an author's publication agreement, the publication agreement controls.

ARTICLE XVI. THE FLORIDA STYLE MANUAL

The Review is responsible for publishing the Florida Style Manual (Manual), which supplements the uniform citation system for Florida legal documents, Rule 9.800, Florida Rules of Appellate Procedure, and the standard citation authority for American legal journals, *The Bluebook: A Uniform System of Citation*. The Manual shall be updated biennially from the year of the Manual's last publication. The Editor-in-Chief during a year in which a publication of the Manual is not required may choose to publish the Manual with majority approval of the Board. The application of the biennial publication requirement shall always be determined from the year of the Manual's last publication.

The Editor-in-Chief may request the approval of the Board, subject to a two-thirds vote, to delay the publication of the Manual by one year for good cause. Good cause in this Article consists of the following: (1) delaying publication due to substantial substantive or stylistic errors in the proposed updated version of the Manual; or (2) delaying publication at the request of the Review's faculty advisors or the FSU College of Law Administration. The Board must approve the delay in publication by supermajority vote. In no event shall the publication of the Manual be delayed by more than three (3) calendar years.

The editing of the Manual shall fall under the duties of the Executive Editors pursuant to Article III.B.2.e. Except as enumerated by this Article, the formatting and publication of the Manual shall follow the process outlined by the Bylaws for the publication of articles. The Editor-in-Chief shall assign two Executive Editors to edit the Manual. The extent of revisions to the proposed updated version of the Manual shall be determined in the discretion of the two assigned Executive Editors, the Editor-in-Chief, and the Managing Editor. The Editor-in-Chief, in his or her discretion, may appoint an additional Review Member (other than an Executive Editor) to assist in the Manual's editing and publication process. The assigned Member shall perform work on the Manual in addition to his or her traditional duties, as defined in Article III. However, the assigned Member shall hold the title of Style Manual Editor. If the Member assigned by the Editor-in-Chief is a Board Member, the Member shall hold the title of Style Manual Editor in addition to the title of his or her Board position.

Comment: This Article is intended to ensure that the Manual is updated regularly and continues to be a relevant style guide for Florida practitioners. Subsection 1 of the definition of "good cause" is intended to allow the Editor-in-Chief to request a delay in publication of the Manual only if a delay is necessary to produce a Manual of publishable quality. The maximum three-year publication delay is included to ensure that successive Volumes do not delay the publication of the Manual, thus making the biennial requirement of this Article a nullity. The practical result of this three-year limitation is that, at most, every other Volume is able to delay

publication by one year. The Style Manual Editor is intended to be an optional Board position that can be appointed at the discretion of the Editor-in-Chief. Because an already sitting Board Member can also be assigned to work on the Manual, the Style Manual Editor will not always be an additional member of the Board. This structure is intended to provide flexibility for the Editor-in-Chief.