

BYLAWS

FLORIDA STATE UNIVERSITY LAW REVIEW

CURRENT AS OF October 27, 2022

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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 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 the Review's 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 Article Editors, one Executive Notes & Comments Editor, four to five Notes & Comments Editors, one Managing Editor, one Executive Article Selection Editor, one Article Selection Editor, and one Online Article Selection Editor. The Style Manual Editor, if one is appointed, shall serve on the Board during those years in which such member is required pursuant to Section B.11 of this Article and to Article XVI. 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

There shall be one 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 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 membership, 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 C;
- m. perform and delegate such other duties as are necessary to the proper operation of the Review.

## 2. Executive Editors

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, if so requested by the Editor-in-Chief;
- d. conduct all author correspondence necessary to complete the editing process for each issue;
- e. assume such further duties and responsibilities as the Editor-in-Chief shall designate.

## 3. Executive Online Publication Editor

There shall be one Executive Online Publication Editor. The Executive 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 online issue at all appropriate stages of production;
- c. participate in Member training for subciting, if so requested by the Editor-in-Chief;
- d. conduct all author correspondence and editing duties necessary for each online issue;
- 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 Review as assigned by the Editor-in-Chief;
- b. provide assistance to subciters in coordinating the collection of sources for subciting purposes;
- c. provide, when necessary after 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;
- d. assume such further duties and responsibilities as the Editor-in-Chief shall designate.

## 5. Executive Notes & Comments Editor

There shall be one Executive Notes & Comments Editor. The Executive Notes & Comments Editor shall:

- a. in coordination with the Notes & Comments Editors, be responsible for the technical editing of the footnotes and assertions for all student pieces selected for publication in the Review as assigned by the Editor-in-Chief;
- b. provide assistance to subciters in coordinating the collection of sources for Notes and Comments subciting purposes;
- c. have responsibility for and authority over the annual write-on competitions, determine Members' compliance with the Review writing requirement under Article IV, Section C, and make a recommendation to the Editor-in-Chief regarding the Members' satisfaction of the writing requirement;
- d. monitor member grade point averages (GPAs) to ensure that Review GPA requirements are met at all times;
- e. assume such further duties and responsibilities as the Editor-in-Chief shall designate.

#### 6. Notes & Comments Editors

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

- a. in coordination with the Executive Notes & Comments Editor, be responsible for the technical editing of the footnotes, grammar, and assertions for all student pieces selected for publication in the Review as assigned by the Editor-in-Chief;
- b. 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;
- c. assist Members with their Notes to fulfill the writing requirement, including monitoring the progress of the candidates throughout the writing process, and reviewing a draft to offer constructive feedback;
- d. assist the Executive Notes & Comments Editor with the annual writing competition and training of Members;
- e. assume further duties and responsibilities as the Editor-in-Chief or Executive Notes & Comments Editor shall designate.

#### 7. Managing Editor

There shall be one Managing Editor, who shall be appointed by the Editor-in-Chief Elect. 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 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. 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:
  - 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 Canvas and the Review website;
  - iv. coordinating with the Office Manager to ensure the computer equipment is in working order;



- v. compiling editing and subciting schedules;
- vi. performing article conversions;
- vii. providing editing support as needed.

#### 8. Executive Article Selection Editor

There shall be one Executive Article Selection Editor, who shall be appointed by the Editor-in-Chief Elect. 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 such further duties and responsibilities as the Editor-in-Chief shall designate.

#### 9. Article Selection Editor

There shall be one Article Selection Editor, who 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. assume such further duties and responsibilities as the Editor-in-Chief or Executive Article Selection Editor shall designate.

#### 10. Online Article Selection Editor

There shall be one Online Article Selection Editor, who shall be appointed by the Editor-in-Chief Elect after consultation with the newly appointed Executive Article Selection Editor and the newly elected Executive Online Publication Editor. The Online Article Selection Editor shall:

- a. review articles assigned by the Executive Article Selection Editor for the purpose of selecting articles for online publication;
- b. be available to review articles on short (24-48 hour) notice;
- c. assist the Executive Article Selection Editor in managing deadlines and expedite requests, which may include some communication with authors;
- d. work directly with practitioners, professors, and students to encourage and assist with the submission of work for the Review's Online Publication;
- e. assume such further duties and responsibilities as the Editor-in-Chief, Executive Article Selection Editor, or Executive Online Publication Editor shall designate.

#### 11. 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. be responsible for overseeing those tasks necessary to complete timely edits and updates to the Manual, subject to approval by the Editor-in-Chief;
- b. assume such 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 (including during the summer months). 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 may be cast in person or via an electronic medium, subject to the discretion of the current Editor-in-Chief. 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 the member's Note or Comment written 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, the Article Selection Editor, and the Online Article Selection Editor as provided in Article III, Subsections B.7-10. 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 or BAC). Both Fall and Spring semester new members are eligible to submit applications. 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), the member's Note or Comment written to fulfill the writing requirement (or in the case of a student who has yet to finish a Note, the member's writing competition paper or an Upper Level Writing assignment), 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 review by the membership. All current members will have the opportunity to submit written comments to the Board Appointment Committee before the BAC votes. The election meeting of the BAC will be closed to general members. The BAC will elect each new Board position, with each BAC 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*

Board members, excluding the Editor-in-Chief, 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 a Board member 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. Board members may work full-time during the summer semester. If, in the opinion of two-thirds of the Board, a Board member is not satisfactorily performing the duties of the office, the Board member may be required to choose between (a) substantially reducing or eliminating any non-Review employment or (b) resigning from the Board.

### b. *Removal*

A Board member may be removed from office in accordance with the procedures set forth in Article X, Sections B and C.

### c. *Resignation*

Upon resignation, a vacant Board position shall be filled pursuant to Article VII.

### 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, the Executive Online Publication Editor, and the Executive Notes & Comments Editor, who shall all receive more than the Managing Editor and the Executive Article Selection Editor, who shall receive the same amount.

The percentage of the total stipend budget distributed to each of the members listed in this section 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 members mentioned in this section.

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 Board member or Member receives a passing or a failing grade. No member shall receive Review credits in the same semester the member 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 Board members-elect from the time of their election until May. As Board members-elect, they shall familiarize themselves with the duties of their office, aid incumbent office holders, complete assignments as designated by the Editor-in-Chief, in consultation with the Editor-in-Chief Elect, 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 Board members shall serve on the Board for one year, running from April 30 through May 1, or through the publication of one volume. 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, as defined in Section A of this Article.

## ARTICLE IV. MEMBERSHIP

*A. Membership*

The membership shall consist of those students who are selected from the write-on competition, on the basis of rank, or on the basis of publication in the Review, all of which are specified by the Bylaws, and who successfully fulfill the Review's training and GPA 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, Members selected from the winter write-on would generally only be "Members" for one semester). When a Member becomes a 3L, the Member 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 the Member's first semester, then the disciplinary provisions of Article X, Section A 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, genetic information, veterans' status, marital status, sexual orientation, gender identity, gender expression, or any other legally 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 Board members 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 Review);
  - b. 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 Section C of this Article;
  - d. maintain a cumulative GPA of at least 3.15.

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

2. All members performing subciting duties (subcitors) 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 track changes version of the subciter's assigned article, all relevant sources pulled in the process, and the subciter's memo. The subciter is responsible for accumulating only those portions of a source which are relevant for checking assertions, quotations, and proper citations;
  - c. If an Article Editor finds a subciter's packet to be inadequate, the assignment will be immediately returned to the subciter with the expectation that the subciter will thoughtfully revise 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. To satisfy the Review's writing requirement, 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 the Member's first semester on the Review.
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 pages, including footnotes. Each paper shall be double spaced with one-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 membership writing requirement.

3. A Member may not use a paper written for any course in which the Member received academic credit or monetary compensation to satisfy the Review writing requirement. A Member may not use the paper written to satisfy the Review's writing requirement to satisfy any other journal's 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 Executive Notes & Comments Editor is satisfied that the following "substantial modification" 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 Executive Notes & Comments Editor or by the Board, including but not limited to the "publishable quality" standard defined in Subsection C.2 of this Article; and
  - e. the Member agrees in writing to submit, and does submit, 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 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.

#### *D. Credit*

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 credit during the fall semester, and Members invited based on the winter competition may receive credit during the spring semester. The Member is responsible for registering for such credits.

Comment: Summer semesters do not constitute “full” semesters under Section D of this Article.

#### *E. Eligibility for New Membership*

There shall be a total of approximately thirty students nominated for membership to the 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 Review. There shall be three methods of selection for 1L students to gain entry onto the Review.

##### 1. Methods of Selection for 1L Students

###### *a. Grade-On Selection*

The fifteen 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 three-fourths 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 fifteen highest ranked students, and in no event will less than the top ten or more than the top twenty 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 Write-On Competition*

A 1L write-on competition (Summer 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. Transient (visiting) and incoming fall transfer students are ineligible. All efforts shall be made to assure that the competition is completed by such time as to allow for the new Members to be selected before the start of Fall OCI.

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.

i. Summer Competition Components

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

a) GPA Component

The GPA component shall consist of the student's cumulative 1L GPA from the preceding fall and spring semesters.

b) 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 evaluating members will evaluate these papers with the understanding that an open competition requires more in-depth research.

ii. Overall Score

Each Summer Competition participant's overall score shall consist of the GPA component and the written component, which shall be weighted at the direction of the E-Board prior to the competition. The GPA Component shall not be weighted less than fifty percent of the overall score and shall not be weighted greater than sixty-five percent of the overall score. Accordingly, the written component shall not be weighted less than thirty-five percent of the overall score and shall not be weighted greater than fifty percent of the overall score.

iii. Grading of the Written Component

The Summer Competition's 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.

iv. Selection

The students from the Summer Competition with the top five written component scores shall be nominated for membership, provided the conditions outlined in Subsections E.1.b.v-vi of this Article are met. The remaining nominations should be made to the students with the highest overall scores, provided the conditions outlined in Subsections E.1.b.v-vi of this Article 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.

v. Minimum GPA

Each student nominated from the Summer Competition shall have a minimum cumulative GPA of 3.15.

vi. Written Component Score

Each student nominated from the Summer Competition 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. Methods of Selection for 2L and Transfer Students

### *a. Winter Write-On Competition*

The 2L and transfer student write-on competition (Winter 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 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, as outlined in Subsection E.3 of this Article, subject to satisfaction of the other requirements of membership. No transfer students will be admitted based upon evaluation of grades alone.

#### *i. Winter Competition Eligibility*

All transfer students who have matriculated to Florida State University (FSU) College of Law in or by the fall of their second year, have just completed the fall semester 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 three semesters (excluding a summer semester) of their law school education to participate. The purpose of this requirement is to ensure that all students (2Ls, transfers, and LL.M.s) participating in the Winter 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 Review to determine if the student meets the minimum GPA requirements.

#### *ii. Written Component*

The Written Component of the Winter Competition shall be an open or closed research competition at the discretion of the Executive Notes & Comments Editor and Editor-in-Chief. In the event that the Executive Notes & 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.

#### *iii. Selection*

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

### 3. Piece Publication

Any student author of a paper selected from a call for submission for publication by the 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.

Additionally, a student author who submits a paper through a call for submission that is not selected for publication but is of high publishable quality may be nominated for candidacy by the Review, through the Editor-in-Chief, to become a Member of the Review, as long as the author meets the other requirements for Review membership. Nominations will be based solely on the quality of the paper submitted, as measured by proper use of citations, Bluebook compliance, good use of sources, quality of legal analysis, and originality. An offer of membership through this method may only be extended upon unanimous vote by the Editor-in-Chief, the Executive Article Selection Editor, the Executive Notes & Comments Editor, and at least one Executive Editor. If any of these Board members are unavailable to vote, an additional Executive Editor may be substituted. No more than five student authors per semester shall be offered membership via the methods described in this subsection. To the extent possible, nomination for membership under this subsection should be based on blind grading, meaning all reasonable efforts should be made to avoid identifying the student authors until after all nominations and any necessary voting have been completed.

Eligibility for invitation under this subsection will be as follows:

#### *a. At Least Two Semesters Remaining*

Only students with at least two semesters of school remaining, including the semester of nomination, are eligible for membership under this subsection.

#### *b. GPA Requirement*

Students must have a cumulative GPA of at least 3.15 to be eligible for membership.

#### *c. Writing Requirement*

A piece submitted under this subsection will satisfy the Review writing requirement only if the student does not receive law school credit for the piece and the piece satisfies the requirements in Section C of this Article. If the published piece was written for credit, the student must submit another paper of publishable quality, pursuant to Section C of this Article.

### 4. Membership Certification

An offer of 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 any 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 Joint Graduate Pathways 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, but all advisors must be current FSU faculty or staff members. 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 the 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 vote 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.

Except in cases where the Editor-in-Chief has been removed pursuant to Article X, 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 based on the facts of each member’s particular situation.
- d. Failing to communicate in a timely manner with Notes & Comments Editors, Article Editors, and other Board members for any reason. This provision applies to (1) responding to e-mails and calls pertaining to official 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 twenty-four hours during a business week (i.e., Monday-Friday) to communication by a Board member and communicating at least forty-eight 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 Board members acting pursuant to powers defined in these Bylaws.
- f. Submitting work to the Review that is the product of academic dishonesty or plagiarism, which 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 Board member and refusal to complete an assignment.

Comment: Subsection A.1 of this Article 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 the member is 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 the supervisor within forty-eight hours, representing that the member has 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 subciting assignment, the Article Editor shall be considered the direct supervisor; in the case of a student Note assignment, the Notes & 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 Panel. The Editor-in-Chief may appoint themselves 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) the member has successfully remedied the neglect and (2) 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 Subsection A.2.b.iii of this Article, 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 the 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 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 the 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 E-Board or graduating in good standing, the former member shall remove any reference to Review membership from their resume, subject to discipline under the College of Law's Student Conduct Code.

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

*B. Removal from a Board Position (excluding the Editor-in-Chief)*

1. Grounds

A Board member 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.

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 Board member shall have an opportunity to be heard. A Board member shall be removed upon a two-thirds vote of the entire Review membership.

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

1. Grounds

The Editor-in-Chief (EIC) shall not commit gross misconduct or gross negligence unbecoming of a Review member. If it is determined that the EIC has committed gross misconduct or gross negligence, the EIC shall be removed from that position, losing all honors, privileges, immunities, and benefits appurtenant thereunto, and stricken from the membership of the Review. Removal of the EIC shall proceed according to the procedure specified in Subsection C.2. of this Article.

2. 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 finding reasonable substantiation of the allegations, the matter shall be brought before the entire Review membership 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 the position and an interim election shall be held in accordance with the procedure outlined in Article III, Subsection 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 a Board member submits a motion to impeach in bad faith, or in reckless disregard for the truth of the underlying fact, that Board member shall be subject to the disciplinary process described in this Article, 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 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 control.

#### ARTICLE XII. PIECE SELECTION

No author shall receive a contract to publish a piece before it has been reviewed and critiqued by the Executive Article Selection Editor and any members the Executive Article Selection Editor 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 law students may submit a piece for publication up to and including the first 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 signatories sign all monetary transactions involving the Review's COGS/RSO account. Only the Editor-in-Chief, the Managing Editor, and the Review's Faculty Advisors can be signers on the Review's COGS/RSO account. 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 or otherwise prohibited under Florida State University policies or local, state, or 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.posting.fsu.edu>.

The Editor-in-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 Review's COGS/RSO account shall be remitted back to the Student Government Association.

Comment: Sections A, B, and C of this Article 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 of this Article refers to materials publicly posted on University property and does not limit or alter the Review's normal publication and editorial policies.

#### ARTICLE XV. INTELLECTUAL PROPERTY

All work products created or edited by any member, Board member, prior member or Board member, or 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, Board member, prior member or Board member, or independent contractor.

Comment: This Article is intended to clarify the longstanding tradition within law reviews generally, and our Review specifically, that the work products of our members and Board members 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 E-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 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, 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. An Editor-in-Chief presiding 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 calendar years.

The Editor-in-Chief shall assign two E-Board members 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 E-Board members, the Editor-in-Chief, and the Managing Editor. The Editor-in-Chief may appoint an additional Review member to assist in the Manual's editing and publication process. The assigned member shall perform work on the Manual in addition to the member's 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 the member's 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.

## ARTICLE XVII. RECOGNIZED STUDENT ORGANIZATION CONSTITUTION ADDENDUM

In order to be an active recognized student organization at Florida State University, the Review agrees to the following statements, terms, and conditions. Any Review policies that conflict with the student organization conduct code and/or the below statements will be considered null and void.

- i. Recognized student organizations shall be limited to currently enrolled FSU students. Students who are dual enrolled at Tallahassee Community College or Florida Agricultural and Mechanical University alongside FSU are eligible to be members.
- ii. No hazing or discrimination will be used as a condition of membership in this organization. Per the FSU Code of Conduct: “Hazing is defined as any group or individual action or activity that endangers the mental or physical health or safety or which may demean, disgrace, or degrade any person, regardless of location, intent, or consent of participant(s).” Find out more at <https://hazing.fsu.edu/>.
- iii. 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, genetic information, veterans’ or marital status, sexual orientation, gender identity, gender expression, or any other protected group status.
- iv. No university student may be denied membership due to inability to pay dues. If a member is not able to pay dues, other arrangements will be made.
- v. All advertisements of the organization must comply with the University Posting Policy.
- vi. Organizations may NOT use FSU or Florida State University in the front of their name and may NOT use any fonts or symbols trademarked for FSU in their logo due to trademark and licensing guidelines and the Florida Administrative Code. More information regarding this policy can be found at <https://licensing.fsu.edu/campus-use/recognized-student-organizations>.
- vii. The advisor does not have any voting rights within the organization.
- viii. The advisor does not have access to any bank accounts affiliated with the student organization.

So long as FSU policy requires it, the Review shall keep these requirements in the Bylaws and assure that an updated copy of the Constitution Addendum, signed by the current Editor-in-Chief and a faculty advisor, is provided to the University each year.