



TEXAS TECH LAW REVIEW

BYLAWS

TEXAS TECH LAW REVIEW

BYLAWS

TEXAS TECH LAW REVIEW ANTI-DISCRIMINATION STATEMENT:

The Texas Tech Law Review does not deny membership, nor does it discriminate, on the basis of race, color, religion, national origin, gender, age, physical disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

I. GENERAL

- A. The organization governed by these Bylaws shall be called the *Texas Tech Law Review (Review)*. The purpose of the *Review* is two-fold. One purpose is to further the legal education of its members. The primary purpose of the *Review*, however, is to publish legal periodicals of scholarly merit and practical use. These Bylaws attempt to establish a framework to facilitate the smooth functioning of the *Review*.
- B. As “law reviews hold a special place of trust and importance in the legal” community and in society, the *Texas Tech Law Review* adopts and incorporates by reference the 1992 version of the National Conference of Law Reviews Model Code of Ethics for Law Reviews.¹

1. General Obligations of the Law Review

Rule 1.1 Integrity: Law review staffs and authors shall conduct themselves at all times with integrity.

Rule 1.2 Diligence: Law review staffs and authors shall conduct their affairs in a diligent manner.

Rule 1.3 Confidentiality: Law review staffs and authors shall maintain such confidences as they may be given.

¹ Michael L. Closen & Robert M. Jarvis, *The National Conference of Law Reviews Model Code of Ethics: Final Text and Comments*, 75 MARQUETTE L. REV. 509, 512 (1992) (for full text and comments). The *Law Reviews Model Code of Ethics* is reprinted in its entirety in Appendix C to the Bylaws.

Rule 1.4 Conflicts of Interest: Law review staffs and authors shall avoid conflicts of interest, as well as the appearance of such conflicts.

Rule 1.5 Reporting Misconduct: Law review staffs and authors shall report misconduct in a timely fashion to the appropriate authorities.

Rule 1.6 Remedial Measures: Where a violation of the Code of Ethics has occurred, the law review staff or author (as the case may be) shall take all necessary measures.

2. Obligations of the Law Review Staff to Authors

Rule 2.1 Solicitation of Manuscripts and Offers to Publish:

The law review staff shall be diligent, timely, and honorable in soliciting manuscripts and extending offers to publish manuscripts.

Rule 2.2 Publication Schedules: The law review staff shall set and maintain reasonable and timely publication schedules.

Rule 2.3 Editing of Manuscripts: The law review staff shall edit manuscripts with diligence, fairness, and impartiality.

Rule 2.4 Progress Reports and Other Communications: The law review staff shall keep authors apprised of what progress has been made on their manuscripts in a reasonable manner and shall engage in communication with all authors in a reasonable manner.

Rule 2.5 Copyrights, Adaptations, and Republications: The law review shall have the right to seek the copyright on a manuscript, but the law review staff shall honor the substantial interests of the author in the manuscript.

Rule 2.6 Advising Authors of the Code of Ethics: The law review staff shall undertake efforts to publicize the existence of this Code of Ethics to all authors who submit manuscripts or who indicate an intention to submit manuscripts to the law review.

3. Obligations of the Law Review Staff to the Law School

Rule 3.1 Selection of the Law Review Staff: The process of selecting members of the law review staff shall be conducted in an objective and fair manner.

Rule 3.2 Selection of the Law Review Editors: The process of selecting editors of the law review shall be conducted in an objective and fair manner.

Rule 3.3 Law Review Staff Relations: The law review staff shall treat each other with respect, civility, and professional courtesy.

Rule 3.4 Relations with the Student Body: The law review staff shall show respect for and honor the integrity of students who are not members of the law review.

Rule 3.5 Relations with the Law School: The law review staff shall assist in fostering the integrity and competence of its law school.

Rule 3.6 Relations with Other Law Schools: The law review staff shall respect the rights of the staffs of other law reviews and act with fairness in the solicitation and acceptance of manuscripts.

4. Obligations of the Law Review Author to the Review

Rule 4.1 Originality of Manuscripts Submitted for Publication: A law review author shall submit only original manuscripts for publication.

Rule 4.2 Solicitation and Acceptance of Publishing Offers: A law review author shall be diligent, timely, and honorable in soliciting and accepting publishing offers.

Rule 4.3 Withdrawal of Manuscripts or Promised Manuscripts: A law review author shall not withdraw an accepted manuscript, nor fail to deliver a promised manuscript, unless good cause exists to justify such action.

Rule 4.4 Dealings with the Law Review Staff: A law review author shall act fairly in all dealings with members of the law review staff. An author shall not take advantage of any official or unofficial position that the author may hold.

Rule 4.5 Copyrights, Adaptations, and Republications: A law review author should permit the law review to hold the copyright on the manuscript. Where the author elects to hold the copyright, the author shall permit the law review reasonable access to the manuscript for purposes of adaptations and republications.

5. Obligations of the Law Review Author to Readers

Rule 5.1 Attribution: A law review shall attribute all material that is not original.

Rule 5.2 Verification of Sources: A law review author shall take such steps as are necessary to permit the manuscript's sources to be verified.

Rule 5.3 Distortion of Sources: A law review author shall not distort any sources cited in the manuscript.

Rule 5.4 Contradictory Authorities: A law review author should canvass and discuss contradictory authorities.

Rule 5.5 Undue Credit: A law review author shall not take undue credit for any manuscript.

II. PUBLICATION OF LEGAL PERIODICALS OF SCHOLARLY MERIT

Law reviews are unique publications. Publication requires a tremendous effort by both members and authors. As an organization, the *Review* provides a framework to produce a quality product.

A. ORGANIZATION

1. Staff Members: Second Year Students

- a. Second year law students admitted to the *Review* shall be designated "Staff Members." Staff Members shall not receive course credit for Law Review hours until their third year. Staff Members shall be considered members of the *Review* for purposes of these Bylaws.
- b. *Responsibilities:*

- (1) Shall submit material for publication each semester as determined by the Board of Editors. All material in its final edited form shall be of publishable quality as determined by the Board of Editors.
- (2) Shall participate in and complete shelf checks as assigned.
- (3) Shall participate in and complete proofing assignments as assigned.
- (4) Shall submit case summaries for the *Law Review* as assigned by the Online Edition Editor. These submissions should be of publishable quality
- (4) Shall perform other duties as directed by the Board of Editors or the Executive Board.

2. Associate Editors: Third Year Students Not Selected to the Board of Editors

- a. Selection of Associate Editors shall be automatic for all third year members who do not apply for a Board of Editors position, do not accept the position offered to them, or do not timely submit a comment of publishable quality. All Associate Editors must enroll for *Law Review* course credit. Associate Editors shall be eligible for a maximum of two hours of course credit to be credited per the Registrar's procedures. All Associate Editors shall also be considered Staff Members of the *Review* for purposes of these Bylaws.
- b. *Responsibilities:*
 - (1) Shall participate in and complete shelf checks as assigned.
 - (2) Shall participate in and complete proofing assignments as assigned.
 - (3) Shall assist in the preparation of articles as assigned.
 - (4) Shall perform other duties as directed by the Board of Editors or the Executive Board.
 - (5) All Associate Editors shall be available at the discretion of the Executive Board for Review assignments as of the first Tuesday following graduation and lasting until the start of bar review courses. The need for such post-graduation services will be determined by the Executive Board and notice will be given no later than three weeks prior to graduation.

3. Board of Editors: The Decision Makers of the Review

a. Composition

- (1) The Board of Editors shall consist of the following:
 - (a) the Executive Board, consisting of the Editor-in-Chief, the Executive Managing Editor, the Managing Editor, the Lead Articles Editor, the Student Writing Editor, the Business Manager, the Symposium Editor, and the Online Edition Editor; and
 - (b) the Articles Editors, the Comment Editors; and
 - (c) Associate Editor of Technology and Solicitation (if appointed for the current Volume); and
 - (d) Associate Symposium Editor (if appointed for the current Volume).
- (2) All Editors on the Board of Editors must enroll for *Law Review* course credit. All Editors shall be eligible for a maximum of four hours of course credit to be credited per the Registrar's Procedures.
- (3) All Editors on the Board of Editors shall be considered members of the *Review* for purposes of these Bylaws.

b. Responsibilities of the Board of Editors

- (1) The Board of Editors shall meet from time to time to make recommendations to the Executive Board on the general philosophy of the *Review*, the development of a publication plan, and the goals and milestones for the publication process.
- (2) Formulating *Review* Policy, including but not limited to:
 - (a) number of issues to be published,
 - (b) selection process and criteria for membership,
 - (c) writing requirements, and
 - (d) selection process and criteria for student publication.
- (3) Recommending grades, in accordance with a Grade Policy approved by the *Review* membership and the Faculty Advisor.

- (4) Shall change, modify, and update the following components of the OPERATIONS MANUAL as needed. The changes shall be approved by a majority vote of the Board of Editors.
 - (a) REQUIREMENTS OF MEMBERSHIP;
 - (b) PLAGIARISM POLICY AND DISCIPLINE POLICY;
 - (c) THE PUBLICATION PROCESS;
 - (d) SHELF CHECKING GUIDELINES; and
 - (e) INSTRUCTIONS FOR PROOFREADING PAGE PROOFS.
- (5) All members of the Board of Editors shall be available at the discretion of the Executive Board for Review assignments as of the first Tuesday following graduation and lasting until the start of bar review courses. The need for such post-graduation services will be determined by the Executive Board and notice will be given no later than three weeks prior to graduation.

c. Responsibilities of the Executive Board

- (1) Day-to-day management of the *Review*.
- (2) The Executive Board shall meet periodically to set its agenda. The Executive Board shall consider recommendations of the Board of Editors with respect to the general philosophy of the *Review*, the development of a publication plan, and the goals and milestones for the publication process. The Executive Board, however, shall make all final decisions with respect to such recommendations.
 - (a) Executive Board meetings may be called by the Editor-in-Chief or by a two-thirds majority of the Executive Board members.
 - (b) Agenda items shall be decided by a simple majority vote of the Executive Board members.
 - (i) Tie Votes: Because all Executive Board members have a vote, in a Volume year in which the total number of Executive Board members is an even number and a vote results in a tie, the Editor-in-Chief's vote shall break the tie by acting as one and a half (1 1/2) votes.

- (3) Formulating *Review* policy, including but not limited to:
 - (a) dates of publication,
 - (b) deadlines for submission of material for publication, and
 - (c) allocation of office and carrel space.
 - (d) allocation and use of *Review* funds in accordance with the goals and purposes of the *Review*.
- (4) Each year, the then-current Executive Board shall evaluate symposia needs and make a determination (decided by majority vote) before the annual Spring Meeting is held as to whether an Associate Symposium Editor position is necessary. This decision shall be made known to the Board of Editors and Staff Members at the annual Spring Meeting and shall be controlling.
- (5) Each year, the then-current Executive Board shall evaluate technology needs and make a determination (decided by majority vote) before the annual Spring Meeting is held as to whether an Associate Editor of Technology and Solicitation position is necessary. This decision shall be made known to the Board of Editors and Staff Members at the annual Spring Meeting and shall be controlling.
- (6) Supervision of Executive Adjunct Positions: The Executive Board is empowered to maintain supervisory control over any executive adjunct position created by general membership of the *Review*. The duration, extent of authority, and specific responsibilities of the position shall be determined by a majority of the Executive Board. The executive adjunct position shall be considered a member of the Executive Board, but will not be entitled to vote as a member of the Executive Board. The Executive Board may grant whatever privileges it deems necessary to the adjunct position for the orderly and efficient conduct of its business.

- (7) Creation and Supervision of Associate Adjunct Positions: The Executive Board is empowered to create by majority vote and to maintain supervisory control over any associate adjunct position from the members of the Board of Editors. The duration, extent of authority, and specific responsibilities of the position shall be determined by a majority of the Executive Board. The position of associate adjunct will not be considered a member of the Executive Board for any purpose and will also serve in the position in addition to their regular position on the Board of Editors. Examples of this position include but are not limited to:
 - (a) Chair of the Service Committee and
 - (b) Career Development Advisor.
- (8) The Executive Board shall have the power to appoint a member of the Board of Editors to temporarily fill any vacant position on the Executive Board, with the exception of the Editor-in-Chief. This member shall serve on the Executive Board until a replacement has been elected by the Board of Editors, in a manner consistent with these Bylaws.
- (9) The Executive Board shall have the power to take any action necessary or perform any duty necessary, which is not granted elsewhere in these Bylaws and is consistent with these Bylaws, to ensure the efficient operation of the *Review* and that the goals and milestones of the *Review* are effectively carried out.
- (10) Shall change, modify, and update the following components of the OPERATIONS MANUAL as needed. The changes can be made at the sole discretion of the Executive Board:
 - (a) SUMMER WRITE-ON COMPETITION PROCEDURES and
 - (b) ONLINE PUBLICATION AND WEBSITE.

d. Responsibilities of the Editor-in-Chief

- (1) Shall be responsible for the overall efficient operation of the *Review*;
- (2) Shall have final editorial comment on any material submitted for publication in the *Review*;

- (3) Shall preside over and govern the conduct of meetings of the Executive Board, the Board of Editors, and of the *Review*;
- (4) Shall act as liaison between the *Review* and the Faculty Advisor(s);
- (5) Shall be empowered to raise the questions of termination of membership in the *Review* or removal of an Editor from the Board of Editors;
- (6) Shall perform final edits on all articles prior to publication, with discretion to obtain the advice and consent of the board to delegate final edits to the Executive Managing Editor and Managing Editor as necessary;
- (7) Shall maintain a reasonable number (minimum of 10 hours) of office hours each week that classes are in session and shall post a schedule accordingly;
- (8) Shall change, modify, and update the following components of the Operations manual as needed. The changes can be made at the sole discretion of the Editor-in-Chief:
 - (a) COMMENT SUBMISSION REQUIREMENTS;
 - (b) COMMENT WRITING GUIDELINES; and
 - (c) WRITING FOR QUALITY.
- (9) Shall correct spelling and grammatical errors that occur in the Bylaws of the *Review*. These corrections can occur upon the motion of any member of the Board of Editors or the desire of the Editor-in-Chief;
- (10) Shall perform other duties as required by these Bylaws.

e. Responsibilities of the Executive Managing Editor

- (1) Shall generate and administer the editing exercise portion of the Summer Write-On Competition;
- (2) Shall organize and conduct orientation training and scheduling, including preparation of initial shelf-checks;
- (3) Shall create and maintain the publication schedule for all four books of each volume, as well as communicate with the Authors, Articles Editors, Associate Editors, and Staff Members with respect to the schedule, timetables, and deadlines;

- (4) Shall coordinate with the Managing Editor at least one meeting per semester with the Articles Editors;
- (5) Shall make final technical comment on any material submitted for publication in print or online;
- (6) Shall be responsible for consulting with and advising the Lead Articles Editor with respect to accepting professional articles for publication, with a specific focus on citation errors, completeness of footnoting, as well as an overall assessment of foreseeable editing difficulties;
- (7) Shall assume the duties of Editor-in-Chief when the Editor-in-Chief is unable to do so or when the position becomes vacant;
- (8) Shall train and advise all members in the use of the latest editions of *The Bluebook: Uniform System of Citation*, the *Texas Rules of Form* (the Greenbook), and the *Manual on Usage and Style* (MOUS);
- (9) Shall perform, in conjunction with the Editor-in-Chief and the Managing Editor, final edits on all articles prior to publication.
- (10) Shall maintain a reasonable number (minimum of 10 hours) of office hours each week that classes are in session and post a schedule accordingly;
- (11) Shall update the Operations Manual as needed. Changes to the SPECIAL RULES OF CITATION FOR THE TEXAS TECH LAW REVIEW section of the Operations Manual shall be made at the sole discretion of the Executive Managing Editor;
- (12) Shall maintain the *Review's* library, including the filing and shelving of new material and the final disposition of outdated material; and
- (13) Shall have final approval of the Online Editor's selection of summer case summary authors from the pool of Articles Editors; however, the approval shall extend only to the Online Editor's selection of individuals, not to the necessity of case summary authors.
- (14) Shall perform other duties as required by these Bylaws.

f. Responsibilities of the Managing Editor

- (1) Shall generate and administer the editing exercise portion of the Summer Write-On Competition in conjunction with the Executive Managing Editor;
- (2) Shall be responsible for coordinating with the Executive Managing Editor at least one meeting per semester with the Articles Editors;
- (3) Shall be responsible for making final technical comment on any material submitted for publication in print or online;
- (4) Shall be responsible for consulting with and advising the Lead Articles Editor with respect to accepting professional articles for publication, with a specific focus on citation errors, completeness of footnoting, as well as an overall assessment of foreseeable editing difficulties;
- (5) Shall be responsible for participating and performing final edits on all articles prior to publication;
- (6) Shall maintain a reasonable number (minimum of 10 hours) of office hours each week that classes are in session and posting a schedule accordingly;
- (7) Shall perform other duties as required by these Bylaws.

g. Responsibilities of the Lead Articles Editor

- (1) Shall be responsible for soliciting lead articles and book reviews from judges, attorneys, professors, and other qualified writers for non-Symposium issues.
- (2) Shall be responsible for determining the topics to be covered by the Fifth Circuit Survey, if any. The Board shall determine whether to publish Fifth Circuit Surveys on a per volume basis as necessary for the specific needs of the volume;
- (3) Shall be responsible for soliciting Fifth Circuit Survey articles from judges, attorneys, professors, and other qualified writers for the Survey;
- (4) Shall be responsible for sending Fifth Circuit Survey Opinions to the authors for the respective topics;
- (5) Shall be responsible for serving as liaison between the *Review* and all authors throughout the publication process;

- (6) Shall be responsible for maintaining contact with potential authors to ensure submission of an adequate number of quality articles for publication in each issue;
- (7) The Lead Articles Editor and the Lead Articles editor “in training” shall collectively have the authority until graduation to bind the *Review* to commitments made with potential authors for the upcoming volume of the *Review*, with the advice of the Editor-in-Chief;
- (8) Shall be responsible for participating and performing final edits on all articles prior to publication, as needed by the Executive Managing Editor, Managing Editor, or Editor-in-Chief;
- (9) Shall contact authors to request sources and/or ask questions about articles as requested by the Executive Managing Editor or the Managing Editor;
- (10) Shall maintain a reasonable number (minimum of 10 hours) of office hours each week that classes are in session and posting a schedule accordingly, and shall maintain a working email address and phone number by which authors may utilize to contact the *Review*.
- (11) Shall perform other duties as required by these Bylaws.

h. Responsibilities of the Student Writing Editor

- (1) Shall be responsible for implementing the Summer Write-On Competition in coordination with the Editor-in-Chief and Executive Managing Editor;
- (2) Shall be responsible for conducting a writing seminar for new Staff Members at the beginning of the fall semester and as necessary throughout the comment-writing process;
- (3) Shall act as a liaison between Staff Members and the Board of Editors;
- (4) Shall compile Comment topics for student research and publication;
- (5) Shall assist Staff Members in selecting their Comment topics;
- (6) Shall be responsible for participating and performing final edits on all articles prior to publication, as needed by the Executive Managing Editor, Managing Editor, or Editor-in-Chief;

- (7) Shall be responsible for reading and making editing suggestions on all student articles accepted for publication, prior to final publication;
- (8) Shall be responsible for assigning duties to Comment Editors to assist staff members in the completion of Comments;
- (9) Shall maintain a reasonable number (minimum of 10 hours) of office hours each week that classes are in session and shall post a schedule accordingly;
- (10) Shall perform other duties as required by these Bylaws.

i. Responsibilities of the Business Manager

- (1) Shall be responsible for distribution of the *Review* within the law school;
- (2) Shall be responsible for collecting and managing dues and other monies tendered to the *Review*;
- (3) Shall be responsible for making all arrangements with respect to the annual spring banquet, meetings, general membership meetings, social events, and any other event of the *Review* with the advice and consent of the Board, and shall be responsible for maintaining the organization status of the *Review* with the school;
- (4) Shall make available a financial report to the *Review* membership at the beginning of each semester;
- (5) Shall serve as Secretary at all meetings of the *Review*, the Board of Editors, and the Executive Board, and shall publish meeting minutes, summarizing all actions taken;
- (6) Shall be responsible for participating and performing final edits on all articles prior to publication, as needed by the Executive Managing Editor, Managing Editor, or Editor-in-Chief;
- (7) Shall be responsible for reading and making editing suggestions on all articles accepted for publication, prior to final publication, as needed;
- (8) Shall maintain and update the TEXAS TECH LAW REVIEW OPERATIONS MANUAL on file in the reference section of the library and on the Law School's server;
- (9) Shall update the OPERATIONS MANUAL as needed. Changes to the FORMS section of the OPERATIONS MANUAL shall be made by the Business Manager, in

conformity with the Bylaws and OPERATIONS MANUAL, as such changes are made necessary by revisions and amendments to the Bylaws and OPERATIONS MANUAL.

- (10) Shall maintain a reasonable number (minimum of 10) office hours each week that classes are in session and shall post a schedule accordingly;
- (11) Shall be responsible for printing and distributing the Summer Write-On Competition Packet;
- (12) Shall perform other duties as required by these Bylaws.

j. Responsibilities of the Symposium Editor

- (1) Shall coordinate, manage, and supervise all *Law Review* symposia;
- (2) Shall oversee and preside over the Symposium Committee;
- (3) Shall provide bi-weekly updates to the rest of the Executive Board and bi-annual reports to the Board of Editors on symposia planning and progress;
- (4) Shall advertise and promote each symposium to the national and international legal community;
- (5) Shall communicate diligently with the faculty member responsible for each symposium;
- (6) Shall be responsible for participating and performing final edits on all articles prior to publication, as needed by the Executive Managing Editor, Managing Editor, or Editor-in-Chief;
- (7) Shall maintain a reasonable number (minimum of 10) office hours each week that classes are in session and shall post a schedule accordingly;
- (8) Shall perform other duties as required by these Bylaws.

k. Responsibilities of the Online Edition Editor

- (1) Shall maintain, update, and control the content of the *Law Review* website, including content posted on the *Texas Tech Law Review Online* website;
- (2) Shall maintain, update, and control the content of any website or online device utilized by the *Review*;

- (3) Shall be responsible for promoting the *Law Review* website and the *Online Edition* as the online companion and soliciting submissions for the *Online Edition* if the Board publishes through this edition;
- (4) Shall timely distribute case summary assignments and ensure management of the case summary blog on the *Law Review* website. Summarization of select Supreme Court of Texas and the Texas Court of Criminal Appeals opinions shall be at the discretion of the *Online Edition* Editor. .
- (5) ;
- (6) Shall ensure that any Article, Comment, Abstract, or other writing chosen to be published on the *Online Edition* is accurately published on the *Online Edition*;
- (7) Shall monitor and maintain a valid e-mail address whereby any person viewing the *Law Review* website may communicate with the *Online Edition* Editor; shall establish and maintain valid e-mail addresses for members of the Executive Board; shall establish and maintain a comprehensive class calendar of Executive Board members;
- (8) Shall respond to all communications directed at the *Online Edition* Editor's e-mail address on behalf of the *Texas Tech Law Review*;
- (9) Shall be responsible for updating and maintaining the Alumni database in conjunction with the Associate Editor of Technology (when the Associate Editor of Technology position is filled), otherwise, shall have sole responsibility;
- (10) Shall act as liaison with Westlaw in all issues involving copyright or publication rights for *Online Edition* articles on Westlaw or for print articles on the *Online Edition*;
- (11) Shall work with the Lead Articles Editor in determining a process for the solicitation and selection of articles or student comments for publication on the *Online Edition* if, under the Board's determination, the *Review* utilizes this edition;
- (12) Shall oversee and preside over the *Online Edition* Committee, if any;

- (13) Shall be responsible for participating and performing final edits on all articles prior to publication, as needed by the Executive Managing Editor, Managing Editor, or Editor-in-Chief;
- (14) May, after seeking the input and approval of the Executive Managing Editor, select a maximum of 5 summer case summary authors, with priority given to volunteers, from the pool of Articles Editors to ensure the timeliness of the Texas Supreme Court and Court of Criminal Appeals blog updates.
- (15) Shall maintain a reasonable number (minimum of 10) office hours each week that classes are in session and shall post a schedule accordingly;
- (16) Shall perform all responsibilities of the Associate Editor of Technology and Solicitation if no member holds that associate editor position; and
- (17) Shall perform other duties as required by these Bylaws.

I. Responsibilities of the Articles Editors

- (1) Shall be responsible for performing shelf checks on articles selected for publication, including the following responsibilities:
 - (a) distributing shelf checks to Staff Members as required to meet time deadlines established by the Executive Managing Editor or Managing Editor;
 - (b) ensuring the accuracy of footnotes and textual statements;
 - (c) ensuring that all textual material and citations are in accordance with the latest editions of *The Bluebook*, *Texas Rules of Form*, and *Manual on Usage & Style*;
 - (d) grading shelf checks;
 - (e) compiling Staff Members' corrections;
 - (f) making all necessary corrections to articles pursuant to Executive Managing Editor's or Managing Editor's request or direction; and
 - (g) assisting the Executive Managing Editor and Managing Editor in obtaining necessary sources for articles.

- (2) Shall be responsible for performing page proofs on articles selected for publication, including the following responsibilities:
 - (a) distributing page proofs to Staff Members as required to meet time deadlines established by the Executive Managing Editor and Managing Editor;
 - (b) ensuring that all textual material and citations are in accordance with *The Bluebook*, *Texas Rules of Form*, and *Manual on Usage & Style*;
 - (c) evaluating page proofs;
 - (d) compiling staff members' corrections; and
 - (e) making all necessary corrections to articles pursuant to Executive Managing Editor's or Managing Editor's request or direction; and
 - (f) assisting the Executive Managing Editor.
- (3) Shall perform one of the following duties over the summer:
 - (a) assist in grading the editing portion of the Summer Write-On Competition as directed by the Executive Managing Editor; or
 - (b) be responsible for submitting no more than one case summary per week, in the interim between the end of the second year and the beginning of the fall term, on a volunteer basis, or at the discretion of the Online Editor with the input and approval of the Executive Managing Editor.
- (4) Shall perform other duties as the Executive Board directs.

m. Responsibilities of the Comment Editors

- (1) Shall assist Staff Members in producing Comments of "publishable quality";
- (2) Shall serve as a writing manager for a group of Staff Members, as assigned by the Student Writing Editor and Editor-in-Chief, and shall assist them in selecting topics;
- (3) Shall make editorial comments on all drafts of Comments submitted throughout the writing process;
- (4) Shall submit Comments to the Student Writing Editor for final editing;

- (5) Shall read all case notes submitted during the Summer Write-On Competition;
- (6) Shall participate in the nomination and publication selection process for student Comments as instructed by the Student Writing Editor and Editor-in-Chief;
- (7) Shall perform other duties as the Executive Board directs.

n. Responsibilities of Associate Editor of Technology and Solicitation

- (1) Shall verify and update all information in the Alumni database;
- (2) Shall be responsible for sending test letter to alumni in the Fall semester to ensure we keep an accurate mailing address on all alumni;
- (3) Shall assist the Technology Editor in creating and mailing of alumni support, sponsorship and banquet letter in February/March of each year.
- (4) Shall maintain a reasonable number (minimum of 10) office hours each week that classes are in session and shall post a schedule accordingly;
- (5) Shall perform other duties as required by these Bylaws.

o. Responsibilities of the Associate Symposium Editor

- (1) Shall assist the Symposium Editor with management of the *Law Review* symposium assigned by the Executive Board;
- (2) Shall oversee and preside over the Associate Symposium Committee, if created;
- (3) Shall assist the Symposium Editor with weekly updates to the rest of the Executive Board and bi-annual reports to the Board of Editors on symposia planning and progress;
- (4) Shall advertise and promote the assigned symposium to the national and international legal community;
- (5) Shall communicate diligently with the faculty member responsible for the assigned symposium;
- (6) Shall maintain a reasonable number (minimum of 10) office hours each week;

- (7) Shall perform other duties as required by these Bylaws.

4. Faculty

Review members are encouraged to consult with any member of the faculty with regard to their writing requirement.

5. Faculty Advisor

There should be at least one full-time faculty/staff advisor available to the officers and members of the *Review* for consultation regarding the affairs of the organization. The advisor will not have any voting privileges and be an ex-officio member. A faculty or staff member may be asked to be an advisor to the *Review* where the *Review* identifies a faculty or staff member that supports the organization's mission and purpose. The responsibilities for an advisor of the *Review* are as follow: (1) attend a risk management training scheduled by Student Life; (2) attend at least one meeting during the year; (3) provide support for the organization as needed.

B. FALL BOOK

The Board of Editors shall make an effort to publish a Fall Book each year. The outgoing Board of Editors shall have authority to commit the *Review* to the publication of any articles it deems necessary to accomplish this goal.

C. ONLINE PUBLICATION AND WEBSITE

The *Review* shall create and maintain a website, which will be divided into two sections: (1) the general *Law Review* website featuring general information about the *Review*, and (2) the *Texas Tech Law Review Online Edition*, which will serve as the online publication of the *Review*. The content of the website will be governed by the OPERATIONS MANUAL.

III. MEMBERSHIP

A. Participation on the *Review* is a unique experience. The *Review* is a student-managed, scholarly legal publication. Accordingly, each individual member makes a valuable contribution to the *Review*. Each member is expected to contribute substantial time and effort to the *Review*. As an organization, the *Review* provides a framework to develop its members' advanced legal research and writing skills and to provide practical experience in the day-to-day operation of an organized professional association.

B. SELECTION OF MEMBERS

1. Each student in the Texas Tech School of Law shall have an opportunity to serve on the *Review* subject to an invitation to serve on the *Review*, which is made as a result of the Write-On Competition.
2. Membership in the *Review* is open only to students currently enrolled at Texas Tech University School of Law without regard to race, color, religion, national origin, gender, age, disability, citizenship, veteran status, sexual orientation, gender identity, or gender expression.
3. Not more than thirty-five new members shall be selected from students who have completed their first year, except under extenuating circumstances that may arise after school as adjourned for the summer and it is no longer possible to convene the Board of Editors, as deemed necessary by the Editor-in-Chief, with the advice and consent of the Executive Board. Under no circumstances shall the number of students selected for membership exceed forty. Nothing shall preclude the *Review* from selecting fewer than thirty-five new members as deemed necessary by the Editor-in-Chief, with the advice and consent of the Executive Board. The remaining membership positions shall be held by third year incumbents.

a. Students Completing Their First Year

- (1) Extension of Invitations:
 - (a) Invitations to participate in the Summer Write-On Competition shall be extended to the entire first year class.
 - (b) Invitations for *Review* membership shall be extended to the top 5 students from each first year section, and the top 20 overall students, as determined by the School of Law Registrar's rankings at the end of their first year, if those

students compete in the Summer Write-On Competition; they must submit a paper of substantial quality and complete the editing exercise. The substantial quality assessment is based on the individual and anonymous rankings made by the Board of Editors, as well as an independent objective and subjective determination made by the Editor-in-Chief, the Student Writing Editor, and the Executive Managing Editor.

- (c) The remaining positions shall be filled by the winners of the Summer Write-On Competition as determined by the Board of Editors. After the grade-based members are chosen, each subsequent membership invitation, up to and including the 25th position, shall be extended to the top scorers in the write-on competition who are in the top thirty-three percent of the class as determined by the School of Law Registrar's rankings at the end of their first year. The remaining positions will be filled by the remaining top scorers in the Summer Write-On Competition regardless of class rank. (See Appendix A for the Summer Write-On Competition procedures.) The number of invitations extended to those in the top thirty-three percent of the class shall be adjusted so that no less than five spots will be filled based solely upon the scores from the Summer Write-On Competition.
- (d) In those years in which the Editor-in-Chief exercises his or her discretion to select fewer than thirty-five members, he or she also has the discretion, under the advice and consent of the Executive Board, to alter the selection criteria listed above. Any changes to the criteria should be designed to comply proportionately with the policy outlined above. Under no circumstances will the Editor-in-Chief select fewer than five at-large candidates. Any augmented requirements should be listed in writing before

the Write-on Packet is distributed and signed and dated by the Editor-in-Chief.

2. Competition Judging

- a. Competition packages for the Summer Write-On Competition shall be issued anonymously.
- b. The content of the Write-On Competitions shall consist of a writing exercise to be graded by the Comment Editors and the Student Writing Editor, and an editing exercise, to be graded by the Article Editors, and if necessary, the Executive Managing Editor and the Managing Editor.
- c. The Summer Write-On Competition shall be administered according to the procedures enumerated in the OPERATIONS MANUAL.

3. Transfer Students

Second-year transfer students, as defined by the Registrar, are students who have completed their first year of law school at another law school. Transfer students may reach out through the admissions office or through the Dean of Students the spring of their first year upon showing an interest in transferring to Texas Tech if they would like an opportunity to compete in the Summer Write-On Competition with Texas Tech students. No special write-on competition will be held for transfer students who choose not to compete in the Summer Write-On Competition after their first year.

4. Condition of Membership

All invitees and competitors shall be required to read and to agree to abide by these Bylaws. A member shall agree, after having been provided with a copy of the *Review* Bylaws, to abide by the requirements therein.

C. SELECTION OF THE BOARD OF EDITORS

1. Selection of the Board of Editors shall be by vote of the outgoing Board of Editors no later than Spring Break of each year. Selection shall be made from among the Staff Members.
 - a. Selection criteria shall include, but not be limited to:

- (1) writing ability, as evidenced by material submitted for publication; and
 - (2) recommendations by fellow members.
 - b. To maintain a position on the Executive Board, a member must be enrolled and in actual attendance at Texas Tech University School of Law. Accelerating students, i.e., December graduates shall be ineligible for Executive Board positions.
 - c. In the event that a vacancy is created on the Executive Board, the Board of Editors must convene within the first thirty (30) days after the vacancy was created to elect a member of the Board of Editors to fill the vacancy. If the vacancy occurs during the summer or winter breaks, the election must take place within thirty (30) days of the first day of classes. The election shall be conducted according to Section III.C.
2. The general membership of the *Review* is empowered to create, by majority vote, from time to time, an executive adjunct position of authority. The general purpose of the position shall be determined by a majority of the *Review*. In the event an executive adjunct position of authority is created, candidates shall be elected in the same manner as other positions on the Board of Editors. The executive adjunct member be considered an adjunct member of the executive board but will not be entitled to a vote on the executive board.

D. GOVERNANCE

1. The *Review* shall be governed by a Board of Editors selected by the members of the *Review*.
2. Each member of the *Review* shall have the right to vote for revisions to these Bylaws.
3. The outgoing Board of Editors and incoming Board of Editors shall serve concurrently from Spring Break until the completion of all books in the current volume.
4. The outgoing Board of Editors shall be available to participate in the completion of the current volume as of the first Tuesday following graduation and continuing until the start of bar review courses. The incoming Board of Editors may participate in this process on a voluntary basis.
5. To assure continuity and adequate training of the incoming Board of Editors, the incoming Board of Editors shall be selected prior to Spring Break and shall hold office from Spring Break until the completion of all books in the next volume.

6. The incoming Board of Editors shall be considered “in training” during this period.
7. The outgoing Board of Editors is encouraged to delegate as much responsibility as possible to the incoming Board of Editors in order to facilitate adequate training.
8. Each incoming Board of Editors member shall be responsible for submitting a short memo that details the day-to-day responsibilities of his or her respective position. This memo shall be distributed to each member of the *Review* for insertion in the member’s individual TEXAS TECH LAW REVIEW OPERATIONS MANUAL. The memo shall be updated and revised annually. The memo shall be completed prior to the end of the current academic year.

E. DUES

All members of the *Review* shall be required to pay dues. The amount of such dues shall be determined by the Board. The Board shall establish a date on which dues will be deemed late, which must be within sixty days of the first day of the semester. Absent an agreement approved by the Board, members with outstanding dues after this date will be assessed a reasonable late fee.

F. LEAVE OF ABSENCE

1. A leave of absence shall be granted under the same standards as taking a leave from school. No leave of absence shall be granted for students who remain enrolled in school unless it is determined by a two-thirds vote of the entire Board of Editors, that such leave is warranted due to exceptional circumstances.
2. With respect to members who remain enrolled at Texas Tech School of Law, a leave of absence shall be considered and made available only if the student is a second year staff member. Such a student shall be responsible for completing all second year staff member writing requirements and other responsibilities during his or her third year.
3. No leave of absence shall be granted for third year students who remain enrolled at Texas Tech School of Law.

G. MEETINGS OF THE REVIEW

1. Calling and Notice

- a. Semester Meetings

- (1) There shall be at least one meeting of the *Review* during both the Spring and Fall semesters. Each meeting shall occur within the first thirty school days of each semester.
 - (2) Member participation in setting the agenda for the semester meetings is encouraged.
 - (3) The Editor-in-Chief shall formalize and set the agenda. The agenda shall be distributed to each member.
- b. Additional meetings of the *Review* may be called by the Editor-in-Chief or pursuant to the written request of a majority of either the Board of Editors or the *Review* membership.
 - c. Notice of meetings of the *Review* shall be posted not less than three school days prior to the date of the meeting.

2. Quorum and Voting Requirements

- a. A quorum is necessary to vote on an amendment or revision to the Bylaws, or take any other action delegated to the Board of Editors by the Bylaws.
- b. A quorum exists when two-thirds of the members of the members of the *Review* are physically present, or present by proxy.
- c. Proxies
 - (1) *Voting Proxy.* At all meetings of the *Review* membership, each member may vote in person or by proxy, except as otherwise provided herein. All proxies shall be in writing on the approved proxy form and either filed with the Editor-in-Chief or presented to the Executive Board at the beginning of the meeting for which the proxy is intended. Every voting proxy shall be revocable and shall automatically cease should the proxy giver attend the meeting for which the proxy is intended.

- (2) *Nonvoting Proxy*. If attendance is mandatory for the meeting for which the proxy is intended, the proxy must be filed with the Editor-in-Chief prior to the meeting and the Editor-in-Chief must indicate on the face of the proxy that the member's absence has been excused. In such case, the member's proxy shall be used to establish a quorum but shall have no voting power. Every nonvoting proxy shall be revocable and shall automatically cease should the proxy giver attend the meeting for which the proxy is intended.
- c. A majority of those present in person or by a "Voting Proxy" may pass any measure at the meeting, except an amendment to these Bylaws.
- d. Any revisions or amendments to the Bylaws shall require the concurrence of two-thirds of the entire *Review* membership. Upon a determination that good cause for doing so exists, the Board may initiate a vote via email. Members must be given as much notice as is practicable under the circumstances so as to ensure all members have an opportunity to cast their vote. A quorum will be deemed to exist if two-thirds of members cast a vote, via a proxy or otherwise, or return a nonvoting proxy form.
- e. One member may require a secret ballot.
- f. The rules contained in the current edition of ROBERT'S RULES OF ORDER will govern the *Review* in all cases to which they are applicable and not inconsistent with these Bylaws and any special rules the *Review* may adopt.

H. MEETINGS OF THE BOARD OF EDITORS

1. Calling and Notice

- a. Board of Editors meetings may be called by the Editor-in-Chief or pursuant to the written request of a majority of the Board of Editors.
 - (1) Notice of Board of Editors meetings shall be provided to the Board not less than two days prior to the date of the meeting.

- (2) If the Editor-in-Chief or a majority of the Board of Editors agrees that immediate action is necessary in the best interests of the *Review*, the notice requirement may be waived. Waiver shall be effected by providing written notice signed by the Editor-in-Chief or by a majority of the Board of Editors.

2. Records

- a. Responsibility: The Business Manager shall draft and publish minutes of each meeting of the *Review* and of the Board of Editors. The minutes shall record all actions taken and topics discussed. The Business Manager shall make available a copy of minutes to each *Review* member upon request, shall maintain an archival set of minutes organized by year in separate binders, and shall also update the TEXAS TECH LAW REVIEW OPERATIONS MANUAL on file in the reference section of the library.

IV. TEXAS TECH LAW REVIEW OPERATIONS MANUAL

- A. To facilitate continuity and quality of the *Review*, an operations manual shall be created in 1995 and updated annually. To the extent that any document contained within the TEXAS TECH LAW REVIEW OPERATIONS MANUAL is inconsistent with these Bylaws, these Bylaws shall control.
- B. To answer questions about the *Review*, a current copy of the OPERATIONS MANUAL shall be kept on file in the reference section of the library and made available for use by the student body. It is the intent of the *Review* to make the information contained within the TEXAS TECH LAW REVIEW OPERATIONS MANUAL easily accessible, particularly for first year students who are interested in future *Review* membership.
- C. The section of the OPERATIONS MANUAL titled LAW REVIEW IDENTITY GUIDELINES is intended to provide a framework for establishing a single identity of the *Law Review*.
- D. **THE OPERATIONS MANUAL SHALL BE ORGANIZED AS FOLLOWS:**

- I. REQUIREMENTS OF MEMBERSHIP
- II. PLAGIARISM POLICY
- III. SUMMER WRITE-ON COMPETITION PROCEDURES
- IV. COMMENT SUBMISSION REQUIREMENTS
- V. COMMENT WRITING GUIDELINES
- VI. WRITING FOR QUALITY
- VII. THE PUBLICATION PROCESS
- VIII. SHELF CHECKING GUIDELINES
- IX. INSTRUCTIONS FOR PROOFREADING PAGE PROOFS
- X. SPECIAL RULES OF CITATION FOR THE TEXAS TECH LAW REVIEW
- XI. ONLINE PUBLICATION AND WEBSITE
- XII. LAW REVIEW IDENTITY GUIDELINES
- XIII. FORMS

V. PLAGIARISM

A. PLAGIARISM POLICY

1. To ensure and promote the integrity of the *Review*, the *Review's* policy against plagiarism is set forth in the OPERATIONS MANUAL.
2. This policy governs the *Review* and the disposition of allegations of plagiarism made in connection with works submitted to the *Review* by its members in the course of their membership requirements.
3. In order to promote enforcement against members who commit plagiarism, this policy is intended by the Board of Editors to provide a more stringent and defined standard of plagiarism than that currently provided by the Texas Tech School of Law Honor Code.

B. CONSEQUENCES OF VIOLATION

Any and all alleged violations of the Plagiarism Policy are subject to the disciplinary procedures in the Bylaws and the OPERATIONS MANUAL.

VI. TERMINATION AND REMOVAL

A. VOLUNTARY TERMINATION AND REMOVAL

1. Voluntary Termination of Review Membership

Members of the *Review* may terminate their membership by notifying the Editor-in-Chief in writing. Members who choose to terminate their membership have an ethical obligation to revise their resumes and shall provide written notification to any employer from whom they have obtained employment or from whom they are seeking employment. The Career Services Office shall be notified in such instances.

2. Voluntary Termination of Board of Editors Membership

Editors may remove themselves from the Board of Editors by notifying the Editor-in-Chief in writing. Editors who voluntarily remove themselves from the Board of Editors will remain on the *Law Review* as Associate Editors. Editors who remove themselves from the Board of Editors have an ethical obligation to revise their resumes and shall provide written notification to any employer from whom they have obtained employment or from whom they are seeking employment. The Career Services Office shall be notified in such instances.

B. INVOLUNTARY TERMINATION OF REVIEW MEMBERSHIP

1. Permissible Reasons

The Executive Board may terminate the membership of a member of the *Review* for violations of the Bylaws or the OPERATIONS MANUAL.

2. Definitions

a. The following definitions apply to this section:

(1) “Writing requirements” include:

(a) Substantial completion of a first draft of any material to be submitted for publication, and

- (b) Submission of a final draft of publishable quality by the Editor-in-Chief's deadline.
- (2) "Work requirements" include:
 - (a) Substantial completion of any shelf check, proofing, indexing, or other assignment in a timely and accurate manner, and
 - (b) Attendance at all mandatory meetings of the *Review* unless prior approval of the absence is obtained.
- (3) "Substantially complete" means a paper that is adequately researched, of adequate length to cover the scope of the subject matter, including necessary footnotes, and which complies with the form of the appropriate *Review* guidelines, as determined by the Board of Editors from time to time, *The Bluebook: A Uniform System of Citation*, and the *Review* Plagiarism Policy.
- (4) "Publishable quality" is difficult to define. Publishable quality is a high standard, but it is not impossible to meet given a collaborative effort between the writer and the Case Note Editor or Comment Editor. Articles of publishable quality balance form and content. In terms of form, citations within the article shall be technically accurate; the article shall be well organized to draw the reader easily through the material. In terms of content, the article shall be technically accurate as the article relates to law, facts, science, and to any other details; the article shall reflect the author's independent thought; the article shall accurately synthesize the law; the article shall engage the reader and provoke further thought; the article shall make a significant contribution to the existing body of legal literature and shall concern a relevant legal issue.

3. Procedures for Involuntary Termination

- a. Termination proceedings may be initiated by the Editor-in-Chief or Executive Board, or pursuant to the written request of a majority of the Board of Editors.
 - (1) The Editor-in-Chief shall give the member notice of unsatisfactory compliance with writing or work product requirements or the Plagiarism Policy.

- (2) If the member fails to comply with writing or work product requirements or the Plagiarism Policy after a reasonable time set by the Editor-in-Chief or the Board of Editors, the Executive Board shall determine whether termination may be appropriate.
- b. If termination is determined to be an appropriate course of action, the member involved shall be given personal notice of the decision not less than three days prior to the date of the meeting of the Executive Board.
- (1) The Editor-in-Chief shall give the member an opportunity to explain any insufficiencies or present evidence of mitigating circumstances.
 - (2) If after considering the member's explanation, the Executive Board unanimously determines that the member shall be terminated, the member shall be terminated. Otherwise the member shall retain membership.
 - (3) If a member is to be terminated, they shall have five (5) days in which to appeal to the Faculty Advisor for the *Law Review* for a review of the Executive Board's decision. The Faculty Advisor shall ensure that the member was given an opportunity to present evidence and be heard fully by the Executive Board before it rendered its final decision. The presumption shall be that the Executive Board acted appropriately absent extreme circumstances. Only if the Faculty Advisor determines that the Executive Board acted wholly outside the bounds of its discretion will a member be reinstated to the *Law Review*.

4. Consequences and Procedures Upon Involuntary Termination

- a. Upon termination members have an ethical obligation to revise their resumes and shall provide written notification to any employer from whom they have obtained employment or from whom they are seeking employment. The Career Services Office shall be notified in such instances.
- b. If a Staff Member is terminated they will receive no credit for *Law Review* during their third year of law school. Aside from receiving credit for their Comment, if it meets publishable quality, terminated Staff Members will be deemed to have never been members of the *Law Review*. Assuming their Comment meets publishable quality standards, they will

register for an independent research project for 2 hours in the fall for which their Comment will entitle them to receive credit and satisfaction of their upper level writing requirement.

- c. If an Editor or Associate Editor is terminated during their third year, they will be eligible to receive credit for their upper level writing requirement, if the requirement is available. Aside from receiving credit for their Comment, if it meets publishable quality, terminated Editors or Associate Editors will be deemed to have never been members of the *Law Review*. Assuming their Comment met publishable quality standards, they will register for an independent research project for 2 hours in place of their registered 2 hours for *Law Review*. Their Comment will entitle them to the 2 hours of credit and satisfaction of their upper level writing requirement. If the termination occurs during the fall, they will not be able to register for *Law Review* in the Spring.

5. Involuntary Removal of an Editor from the Board of Editors

- a. *Reasons*

The Executive Board may remove an Editor from the Board of Editors for failure to comply with work requirements, the Plagiarism Policy, or other duties as defined in these Bylaws or OPERATIONS MANUAL.

- b. *Procedures*

- (1) Removal proceedings may be initiated by the Editor-in-Chief, Executive Board or pursuant to the written request of a majority of the Board of Editors.

- (a) The Editor-in-Chief shall give the member notice of unsatisfactory compliance with work requirements, the Plagiarism Policy, or other duties as defined in these Bylaws or OPERATIONS MANUAL.

- (b) If the member fails to comply with work requirements, the Plagiarism Policy, or other duties as defined in these Bylaws or OPERATIONS MANUAL after a reasonable time set by the Editor-in-Chief or the Board of Editors, the Editor-in-Chief and the Executive Board shall determine whether termination may be appropriate.

- (2) If removal is determined to be an appropriate course of action, the member involved shall be given personal notice of the decision not less than three days prior to the date of a meeting of the Executive Board.
 - (a) The Editor-in-Chief shall give the member an opportunity to directly challenge the evidence presented and to present mitigating circumstances.
 - (b) If after hearing all the evidence presented, if the Executive Board, by unanimous decision, determines that the member shall be removed from the Board of Editors, the member will be removed. Otherwise, the member shall remain on the Board of Editors.
 - (c) If an Editor is to be terminated, they shall have five (5) days in which to appeal to the Faculty Advisor for the *Law Review* for a review of the Executive Board's decision. The Faculty Advisor shall ensure that the member was given an opportunity to present evidence and be heard fully by the Executive Board before the it rendered its final decision. The presumption shall be that the Executive Board acted appropriately absent extreme circumstances. Only if the Faculty Advisor determines that the Executive Board acted wholly outside the bounds of its discretion will a member be reinstated to the *Law Review*.
- (3) **Consequences and Procedures Upon Removal**

Upon removal from the Board of Editors, Editors have an ethical obligation to revise their resumes and shall provide written notification to any employer from whom they have obtained employment or from whom they are seeking employment. The Career Services Office shall be notified in such instances. Editors removed from the Board of Editors will remain on the *Law Review* as Associate Editors. Removal from the Board of Editors is not automatic grounds for termination from *Law Review* but may be considered in a subsequent termination proceeding.

6. Involuntary Removal of the Editor-in-Chief from the Board of Editors

a. *Reasons*

The Board of Editors may remove the Editor-in-Chief from the Board of Editors for failure to comply with work requirements, the Plagiarism Policy, or other duties as defined in these Bylaws or OPERATIONS MANUAL.

b. *Procedures*

- (1) Removal proceedings may be initiated pursuant to the written request of a majority of the Board of Editors.
- (2) The Executive Managing Editor shall personally serve the Editor-in-Chief with written notice three days prior to the Board of Editors meeting to consider his or her removal from the Board of Editors.
 - (a) One or more members of the Board of Editors shall present such evidence as would justify removal.
 - (b) The Editor-in-Chief has the right to be present and challenge the evidence presented by the Board of Editors and to present mitigating evidence.
 - (c) The Editor-in-Chief shall be removed from the Board of Editors if two-thirds of the entire Board of Editors votes to remove. Removal from the Board of Editors does not automatically effect the Editor-in-Chief's removal from membership on the *Review*.
 - (d) A terminated Editor-in-Chief is entitled to notification.
- (3) Upon removal as the Editor-in-Chief, the Editor-in-Chief has an ethical obligation to revise his or her resume and shall provide written notification to any employer from whom he or she has obtained employment or from whom he or she is seeking employment. The Career Services Office shall be notified in such instances.

VII. LAW REVIEW CODE OF CONDUCT AND JUDICIAL BOARD

A. CODE OF CONDUCT

1. Membership on the *Review* is an honor and a privilege. As such, all members are expected to treat each other with respect, civility, and professional courtesy.
2. All members of the *Review* are expected to adhere to the Code of Student Conduct of the Texas Tech University School of Law as well as the Bylaws of the *Texas Tech Law Review*. *Review* members are to adhere to the provisions outlined in the National Conference of Law Reviews Model Code of Ethics for Law Reviews, incorporated by reference under these Bylaws.

B. LAW REVIEW JUDICIAL BOARD

1. *Scope & Purpose:*
The Judicial Board shall investigate, hear, and adjudicate formal complaints filed by members of the *Review* regarding all disciplinary matters that are not otherwise specifically addressed in these Bylaws (i.e., plagiarism, failure to complete *Review* assignments, etc.). The Judicial Board shall not circumvent the authority of the Texas Tech Law School Honor Council, but pursuant to subsection (B)(8)(vi), the Judicial Board retains the authority to affect privileges of membership on the *Review* regardless of the outcome of the Honor Council proceedings.
2. *Composition:*
The Judicial Board shall consist of: two Staff Members, two Editorial Board members, and one Executive Board member, excluding the Editor in Chief.
3. *Election:*
 - i. The Judicial Board shall be elected during the first general meeting of the fall semester.
 - ii. The two Staff Judicial Board Members shall be elected in accordance with the following procedures:
 - 1) Only Staff Members shall vote to elect the two Staff Judicial Board Members.

- 2) Nominations shall be submitted in writing to the Business Manager at least twenty-four (24) hours prior to the beginning of the first general meeting of each year.
 - 3) A quorum of all Staff Members is required to conduct a vote.
 - 4) The two Staff Members receiving the highest number of votes at the meeting shall become the two Staff Judicial Board Members.
 - 5) In the event of a tie a vote of the general membership shall be determinate.
 - 6) The person receiving the third most votes shall serve as an alternate if necessary.
- iii. The two Editorial Board Members shall be elected in accordance with the following procedures:
- 1) Only Editorial Board Members shall vote to elect the two Editorial Board Judicial Board members.
 - 2) Nominations shall be submitted in writing to the Business Manager at least twenty-four (24) hours prior to the beginning of the fall general meeting.
 - 3) A quorum of the Editorial Board is required to conduct a vote.
 - 4) The two Editorial Board Members receiving the highest number of votes at the first general meeting shall become the two Editorial Judicial Board Members.
 - 5) In the event of a tie, a vote of the general membership shall be determinate.
 - 6) The person receiving the third most votes shall serve as an alternate if necessary.
- iv. The Executive Judicial Board Member shall be elected by a majority vote of the current Executive Board.

4. *Term:*

- i. Staff Judicial Board Members shall serve for a term of one year, beginning with their election at the fall general meeting and ending with the election of their successor at the subsequent fall general meeting.
- ii. Editorial Judicial Board Members shall serve a term beginning with their election at the fall general meeting of the *Review* and ending upon the conclusion of the same academic year.

iii. The Executive Judicial Board Member shall serve a term lasting for one year, beginning with his or her appointment by the incoming Executive board following the spring Executive Board appointments.

5. *Recusal:*

- i. Recusal is required when the complaint is against a Judicial Board member or when a Judicial Board member is directly involved in the action warranting a complaint.
- ii. If a complaint merits the recusal of a Judicial Board member, then the alternate for that Judicial Board member's class shall step in for the complaint. If the complaint also merits the recusal of the alternate, then another impartial Executive Board member, selected by a majority vote of the Executive Board, shall step in to participate in the capacity of the recused member.

6. *Authority:*

- i. The Judicial Board shall have the ability to affect the privileges of membership of all members of the *Review*, including but not limited to: termination of membership, suspension from social functions, written reprimand, or any other just punishment determined by the Judicial Board.
- ii. During the fall and spring semesters, any adjudicative action by the Judicial Board shall be in accordance with the following guidelines:
 - 1) A two-fifths vote is required by the Judicial Board to initiate a review of a complaint.
 - 2) A three-fifths vote is required by the Judicial Board to issue any disciplinary action, subject to limitations of (B)(6)(ii)(3).
 - 3) A vote of unanimous consent is required by all five members of the judicial board to terminate a member's membership on the *Review*.
- iii. During the summer, any adjudicative action by the Judicial Board shall be in accordance with the following guidelines:
 - 1) A one-third vote is required by the Judicial Board to initiate a review of a complaint.
 - 2) A two-thirds vote is required by the Judicial Board to issue any disciplinary action, subject to limitations of (B)(6)(iii)(3).

- 3) A vote of unanimous consent is required by all three members of the judicial board to terminate a member's membership on the *Review*.

7. *Formal Complaint:*

- i. All *Review* members are encouraged to address any behavioral complaints directly with other members if at all possible.
- ii. If any single member or group of members feels that another member's conduct warrants corrective action, then they may file a formal complaint with any Judicial Board member.
- iii. Formal complaints must be written and filed with the *Law Review* Judicial Board.
- iv. Formal complaints may not be made anonymously, but a complainant's identity shall remain confidential, regardless of the outcome of the complaint.
- v. All Judicial Board activity shall be kept confidential between Judicial Board Members and the parties involved in a complaint and any investigation thereof.
- vi. The Judicial Board shall make complaint forms available in the *Review* portion of the law library.

8. *Investigation:*

- i. The Judicial Board shall have the power to initiate an investigation only upon the determination that a formal complaint is valid.
- ii. A complaint is valid upon an affirmative vote under either (B)(6)(ii)(1) or (B)(6)(iii)(1).
- iii. The Judicial Board will review complaints on a weekly basis and provide a response to the member or members that initiated the complaint within three business days of voting on whether or not the complaint is valid for further investigation.
- iv. Upon determination that a complaint is valid, the Judicial Board shall notify the party named in the complaint within three business days so he or she may prepare his or her arguments, to be made at a hearing set and run by the Judicial Board.
- v. At any point during the investigatory process, if a majority of the Judicial Board members determine that a complaint requires review by the law school's Honor Council, the Judicial Board shall transfer the complaint to the Honor Council.

- vi. Should a complaint be transferred to the Honor Council, the Judicial Board retains the right to take action as it sees fit, regardless of the outcome of the Honor Council proceedings, in regards to the privileges of *Review* membership.
9. *Hearing Procedure:*
- i. The Judicial Board shall provide at least three business days notice to the accused before conducting a hearing.
 - ii. The accused shall have the right to waive the hearing and be adjudicated.
 - iii. The accused shall have the right to call witnesses in his or her defense.
 - iv. The Judicial Board may consider prior adjudications for the purpose of the present adjudication
 - v. The Judicial Board shall notify the involved parties of its decision within 10 business days.
10. *Appeal:*
- i. If a member has been adjudicated under this section, that member shall have the right to appeal that decision, and no Judicial Board member shall disclose the Judicial Board's decision until the entire appeals process has been exhausted.
 - ii. That adjudicated member shall notify a Judicial Board member of his or her decision to appeal within three school days.
 - iii. The appellate panel shall consist of the Editor in Chief and the two current *Review* Faculty Advisors.
 - iv. In the event of an appeal from a Judicial Board decision, the Judicial Board shall provide a written decision to the appellate panel. That decision shall include findings of fact and the relevant section of these Bylaws that provide the basis for the adjudication.
 - v. Any appellate panel decision is final.