



THE
JOHN MARSHALL
LAW REVIEW

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BYLAWS
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ARTICLE I: GENERAL PROVISIONS

§ 1-101: Name of Organization and Publication

The Law Review (“Law Review”) is a student-operated John Marshall Law School (“Law School”) academic honors organization that publishes the scholarly journal entitled The Law Review.

§ 1-102: Purposes of Organization

The purposes of the organization are to:

- (1) Publish one volume annually, consisting of four issues; and
- (2) Train Law Review members in the art of scholarly research and writing.

§ 1-103: Purpose of Publication

The purpose of the Law Review is to provide the American and international legal communities with scholarly articles that will contribute to the development of the common law as well as the development and promulgation of statutes, codes, ordinances, rules, regulations, and treaties.

ARTICLE II: INFRASTRUCTURE

PART 1: GOVERNANCE

§ 2-101: Governing Body

The governing body of the Law Review is a thirteen-member entity known as the Editorial Board.

§ 2-102: Editorial Board Positions

The Editorial Board is comprised of the following positions:

- (1) Editor-in-Chief;
- (2) Managing Editor;
- (3) Candidacy Editor;
- (4) Production Editor;
- (5) Administrative Editor;
- (6) Executive Lead Articles Editor;
- (7) Lead Articles Editor (4);
- (8) Executive Student Publications Editor; and
- (9) Student Publications Editor (2).

§ 2-103: Editing Duties of Editorial Board

All members of the Law Review Editorial Board are responsible for editing lead articles, student articles, and/or any other written works at the Editor-in-Chief's request.

§ 2-104: Editor-in-Chief

The Editor-in-Chief has final responsibility for and over all Law Review affairs. The Editor-in-Chief oversees all aspects of the publication process and has full discretion in decisions concerning all Law Review matters, including but not limited to: the candidacy program, the publications department, solicitation of articles, and disciplinary matters. The Editor-in-Chief reserves the right to veto any decision regarding any Law Review matter, and to remove any Board member, Staff member, or Candidate upon cause (after consultation with the Board). The Editorial Board can override any veto of the Editor-in-Chief by a 2/3 vote.

It is the duty of the Editor-in-Chief to maintain good relations with the faculty and administration of the John Marshall Law School. It is also the duty of the Editor-in-Chief to (1) consult with the Board in making all major decisions and (2) consult with the Faculty Advisor(s) before making major decisions affecting the Law Review.

§ 2-105: Managing Editor

The Managing Editor is responsible for maintaining the subscription mailing list and following up on missing issues and sending invoices to the subscribers on a yearly basis. The Managing Editor is also responsible for coordinating the publication's accounts payable and receivable. The Managing Editor must also read the summer write-on applications and is responsible for final edits.

§ 2-106: Candidacy Editor

The Candidacy Editor is responsible for the summer write-on program and the candidacy orientation program. The Candidacy Editor is responsible for overseeing the candidacy process throughout the fall and spring semesters. These duties include approving topic proposals, scheduling mandatory activities, monitoring deadlines and cite-checking assignments, administering the strike system, coordinating the comment evaluation process and the rewrite process, and organizing candidate privileges.

§ 2-107: Production Editor

The Production Editor is responsible for building, maintaining, and providing content for the Law Review's website, LinkedIn account, Facebook account, Twitter account, and all other relevant Internet and/or social media. The Production Editor is also responsible for templating articles from their original version into publishing form, distributing copies for final edits.

§ 2-108: Administrative Editor

The Administrative Editor is responsible for managing the Law Review budget and all other financial matters, arranging all Law Review social functions, ordering all Law Review office supplies, and any other administrative tasks that the Law Review requires.

§ 2-109: Executive Lead Articles Editor

The Executive Lead Articles Editor solicits lead articles for publication, negotiates publication agreements with authors, communicates with authors about article changes, oversees all aspects of the cite-checking of lead articles, and edits articles for publication. The Executive Lead Articles Editor also recommends to the Editor-in-Chief which lead articles the Law Review should publish.

§ 2-110: Lead Articles Editor

Lead Articles Editors assist the Executive Lead Articles Editor in preparing lead articles for publication. Lead Articles Editors oversee the cite-checking of the articles assigned to them, enter cite-checking changes, communicate directly with the authors about editorial changes, and prepare the articles for the publication process.

§ 2-111: Executive Student Publications Editor

The Executive Student Publications Editor is responsible for leading the student publications division of the Law Review. Responsibilities include overseeing the selection of student comments for publication, coordinating cite-checking responsibilities, communicating with Student Publications Editors regarding student comments, and reporting to the Editor-in-Chief regarding the status of student comments. After student comments have been selected for publication, the Executive Student Publications Editor takes on the role of a Student Publications Editor for the rest of the year.

§ 2-112: Student Publications Editor

Student Publications Editors assist the Executive Student Publications Editor with the selection of student comments for publication. After that process is complete, Student Publications Editors prepare student comments for publication by overseeing the cite-checking of the comments assigned to them, entering cite-checking changes, communicating directly with the authors about editorial changes, and preparing the comments for the publication process.

§ 2-113: Academic Credit for Board Members

Each Editorial Board member may receive two credits for the summer semester, two credits for the fall semester, and two credits for the spring semester.

§ 2-114: Scholarship for Board Members

Scholarships are available for Editorial Board members for the fall and spring semesters of the year they serve. The Editor-in-Chief will receive a tuition waiver of \$5000 per semester, the Managing Editor will receive a tuition waiver of \$3750 per semester, and all other Board members will receive a tuition waiver of \$2500 per semester.

§ 2-115: Duty to Exercise Care

Each Editorial Board member has the duty to exercise due care in all Law Review matters, remembering that their primary concern is the best interests of the Law Review.

§ 2-116: Board Office Hours

Board members will be required to complete one (1) office hour per week, or fifteen (15) office hours over the course of both the fall and spring semesters in which they serve on the Board.

PART 2: AUTHORITY AND VOTING

§ 2-201: Equal Vote

Each Editorial Board member has one equal vote in all matters voted on by the Editorial Board.

§ 2-202: Quorum Required for Vote

The Editorial Board may vote on a matter only if at least seven Editorial Board members are present except for amendments of these bylaws as provided in § 2-207.

§ 2-203: Majority Vote Required

Any Law Review decision put to an Editorial Board vote, other than a vote to amend these bylaws, to invoke the imposition of disciplinary action, or override the Editor-in-Chief's veto, must be ratified by a majority vote of the Editorial Board members present.

§ 2-204: Editor-in-Chief's Veto Authority

The Editor-in-Chief reserves the right to veto any decision regarding any Law Review related matter.

§ 2-205: Transfer and Removal

The Editor-in-Chief reserves the right to transfer any Editorial Board member at his or her discretion to a different Editorial Board position. The Editor-in-Chief may only remove a board member upon a two-thirds (2/3) vote from the remaining eleven (11) members of the Editorial Board.

§ 2-206: Overriding the Editor-in-Chief's Exercise of Veto or Transfer Authority

The Editorial Board may override the exercise of the Editor-in-Chief's veto or transfer authority if two-thirds of the entire Editorial Board vote to override the exercise of such authority by the Editor-in-Chief.

§ 2-207: Amending These Bylaws

Any Editorial Board member, Staff Editor, Law Review member, or Law Review candidate may propose an amendment to these bylaws. Any such proposal must be presented to the Editorial Board in writing. Any amendment proposed by someone other than an Editorial Board member must be accompanied by a request for time during an Editorial Board meeting to explain the reasoning for the proposed amendment. The Editor-in-Chief must provide the Faculty Advisor(s) with advanced notice of a Board meeting in which amending the Bylaws will be considered. The Faculty Advisor(s) may attend, observe, and participate in the deliberations regarding the proposed amendment, though voting on the proposed amendment is limited to the Board members.

If greater than two-thirds of the entire Editorial Board vote to adopt a proposed amendment when voted on, such proposed amendment shall be incorporated into these bylaws. With respect to

amending the Bylaws regarding the Editor-in-Chief's veto or transfer or removal powers, all Editorial Board members must be present and all must vote unanimously, except the Editor-in-Chief.

PART 3: EDITORIAL BOARD ELECTIONS

§ 2-301: Editor-in-Chief Elections

The Editorial Board shall elect a new Editor-in-Chief in February or March of every year. The election shall take place at least one week prior to the NCLR (National Conference of Law Reviews) Conference.

Members who have successfully complied with the requirements of the candidacy process, and who are interested in the position, shall submit thirteen copies of an application and resume to the current Editor-in-Chief. Each applicant must give a speech to the entire Law Review membership, participate in a debate with the other Editor-in-Chief applicants, and interview with the Editorial Board.

The existing Editorial Board shall then select one applicant as the new Editor-in-Chief. The candidacy class shall have, collectively, one vote in the election of Editor-in-Chief. The candidate who obtains a plurality vote secures this collective vote. In addition, each member of the current Editorial Board has one vote. The applicant who receives a plurality of the votes shall become the new Editor-in-Chief. The new Editor-in-Chief will appoint another Law Review member from his or her class to the position of Managing Editor before the selection of the rest of the Editorial Board.

§ 2-302: Board Elections

Candidates who have complied with the requirements of candidacy process and who are interested in a position on the Editorial Board shall submit one hard copy and one PDF copy of an application and a resume to the Editorial Board, and shall interview with the Editorial Board. Each member of the current thirteen-member Editorial Board and the new Editor-in-Chief and new Managing Editor shall have an equal vote and shall fill the remaining board positions for the new Editorial Board. These elections shall take place no later than three weeks following the Editor-in-Chief's election.

§ 2-303: Length of Term and Editorial Board Positions for January Graduates

All Editorial Board positions shall be held for a term of one year, except that one Lead Articles Editor position and one Student Publications Editor position may be held for a term of one semester. No Editorial Board member may serve for more than one year. These six-month positions are available in order to provide an opportunity to January graduates to participate on the Editorial Board. If a January graduate is elected to one of these positions, the Editorial Board will hold elections in November to fill the spring semester vacancy or vacancies. However, it is not mandatory that a January graduate be placed in either position.

§ 2-304: Board Eligibility

All Editorial Board positions are to be filled with J.D. candidates. Any student that has completed his/her J.D. requirements is not eligible for an Editorial Board position. Students enrolled in the LL.M. program are not eligible for an Editorial Board position. In the event that a selected Board member fails to have his or her comment accepted, that Board member shall be removed. The existing Editorial Board, including the incoming Editor-in-Chief and Managing Editor, shall then select a replacement Editorial Board member from the existing pool of applicants.

PART 4: STAFF EDITORS AND LAW REVIEW MEMBERS

§ 2-401: Staff Editors

All members who have successfully completed the Candidacy Program are encouraged to continue their Law Review participation as a Staff Editor. Staff Editors may be assigned by the Editor-in-Chief and Candidacy Editor as editors for Comment writers. Staff Editors may also be responsible for editing articles or comments for publication and for performing plagiarism checks on student comments.

Based upon their level of participation, Staff Editors will earn one credit hour each semester of participation and will be recognized on the masthead as a Staff Editor. A staff editor's failure to meet two deadlines prescribed by the Editorial Board may subject that staff editor to removal from the position. The Editor-in-Chief or Candidacy Editor can submit a staff member for disciplinary proceeding enumerated in §3-402. These proceedings may result in withdrawal of credit and removal from the masthead.

§ 2-402: Law Review Members

All Law Review members who choose not to become Staff Editors upon completion of candidacy will be recognized as Law Review members. However, unlike Staff Editors, law review members' names will not be recognized on the masthead of the publication.

ARTICLE III: MEMBERSHIP

PART 1: ELIGIBILITY TO PARTICIPATE IN CANDIDACY PROGRAM

§ 3-101: Grade-On/Write-On

Law School students who:

(1) have successfully completed between twenty-six (26) and forty-one (41) semester credit hours (determined at the first instance of falling within that range) and who are ranked in the top fifteen percent (15%) of their class are eligible to participate in the Law Review Candidacy Program; or

(2) have successfully completed between twenty-six (26) and forty-one (41) semester credit hours (determined at the first instance of falling within that range) and who are ranked in the top 33% of their class (other than the top fifteen percent (15%) as provided for in § 3-101(1)) are invited to participate in the Write-On Program as provided for in § 3-102 in an effort to earn eligibility to participate in the Law Review Candidacy Program.

§ 3-102: Write-On Program

The Write-On Program will occur only once a year over a ten-day period during the month of July. Students who qualify to participate in the Write-On Program pursuant to § 3-101(2) must attend the designated write-on meeting(s) or make arrangements with the Candidacy Editor to have the write-on packet sent to them.

The Candidacy Editor will prepare a closed memorandum that will usually be based on an area of law that the write-on candidates have not yet covered in their studies. The write-on candidates must compose a persuasive memorandum consisting of 10-12 pages of text and 10-12 pages of endnotes. The write-on papers will be evaluated by all Editorial Board members. Upon its discretion, the Law Review will then invite the most qualified writers to participate in the Candidacy Program.

Participants in the law review Write-On Program may defer grade-on acceptance to the other journals contingent on their acceptance to the law review.

The write-on program may be deferred, but only by written consent of the Editor-in-Chief, Candidacy Editor, and/or Academic Services.

§ 3-103: Transfer Students

A student transferring from another law school to the Law School who:

(1) has successfully completed between twenty-six (26) and forty-one (41) semester credit hours (determined at the first instance of falling within that range) and is ranked in the top fifteen percent (15%) of their class at the former law school is eligible to participate in the Law Review; or

(2) has successfully completed between twenty-six (26) and forty-one (41) semester credit hours (determined at the first instance of falling within that range) and is ranked in the top 33% of their class at the former law school are invited to participate in the Write-On Program as provided for in § 3-102 in an effort to earn eligibility to participate in the Law Review Candidacy Program.

§ 3-104: Deferral of Candidacy

(1) A student who chooses to defer participation in the Candidacy Program may defer their Candidacy until the start of the next Candidacy Program in accordance with § 3-201 provided that:

(a) Before the due date specified in the letter inviting the student to participate in the Candidacy Program, the student notifies the existing Candidacy Editor in writing of the student's intent to defer participation; and

(b) Prior to the beginning of the student's deferred candidacy with the Law Review, the student notifies the new Candidacy Editor of the student's intent to participate in the next Candidacy Program by July 1 of the summer preceding the next candidacy term.

(2) Notwithstanding § 3-104(1), a student may defer participation in the Candidacy Program after the time specified in § 3-104(1)(a) upon written consent of the Editor-in-Chief and in accordance with the following:

(a) this provision is intended only for the most exceptional of circumstances. Circumstances that may fall within the purview of this provision include, but are not limited to, major medical emergencies.

(b) this provision shall not permit deferment for mismanagement of time, a burdensome course load, lack of time, or personal decisions that do not fall within § 3-104(2)(a).

(c) a written request for deferment under this § 3-104(2) must be sent to the Editor-in-Chief prior to the deadline for the Analysis Section of the comment. Under no circumstances may deferment be granted where a written request for deferment is received after the deadline for the Analysis section of the comment.

(d) deferment under this § 3-104(2) is available irrespective of whether the student received a Law Review invitation in the Fall or Spring semester.

(e) In the interest of fairness to all candidates, candidates who defer under §3-104(2) may be subject to further restrictions on their deferred candidacy set by the current or future Editor-in-Chief.

i. these conditions may include, but are not limited to, having to choose a new topic or refraining from researching their topic until their deferred candidacy begins.

(3) The Law Review Editorial Board reserves the right to revoke a candidacy deferral for

behavioral, legal, or academic reasons, or for any other reason. Such a decision must be ratified by a two-thirds majority vote by the entire Editorial Board.

§ 3-105: Accepting a Candidacy with Other Journals

A student who accepts an invitation to participate in the Candidacy Program of any other journal of The Law School automatically voids his or her offer or deferral to participate in the Law Review candidacy program, regardless of whether the student successfully completes their candidacy with the other journal.

PART 2: CANDIDACY INVITATION PROCESS

§ 3-201: Notification of Candidacy

Upon the Registrar's release of rankings, the Candidacy Editor must notify all individuals eligible for grade-on of such eligibility.

§ 3-202: Delivery of Notification

Electronic and physical delivery of the notification is ideal, but in the event only an electronic delivery is provided, such delivery must be made with a delivery and/or read receipt to ensure proper notification

§ 3-203: Time Frame for Candidacy Process

In the notification, the Candidacy Editor must provide a reasonable time frame by which the candidates must accept or reject their candidacy.

§ 3-204: Contents of Notification

This notification must disclose the individual's eligibility, offer for candidacy, and time frame by which the candidate must respond. This notification must also include a copy of the most current Law Review Bylaws. Furthermore, the notification must contain a disclaimer. This disclaimer must explain that failure to timely accept Candidacy is tantamount to declining the invitation and that the Editorial Board may operate under the presumption that the invitation was declined. If a candidate does respond after the provided deadline, he or she may be deemed to have accepted his or her candidacy—absent a showing of bad faith in the late acceptance—but may be subject to a demerit deemed reasonable by the Editorial Board.

PART 3: CANDIDACY PROGRAM

§ 3-301: General

The Law Review Candidacy Program is a two-semester program, beginning in the fall semester and concluding in the spring semester. Any student earning eligibility to participate in the Candidacy Program at the end of the fall semester will take part in the Candidacy Program commencing in the following fall. There will be only one (1) Candidacy Program each academic year.

§ 3-302: General Candidacy Program Requirements

Law Review membership status will be conferred upon all Law Review candidates who successfully complete the Candidacy Program. To successfully complete the Candidacy Program, candidates must, over the course of two concurrent semesters:

- (1) sign “The Law Review Conditions of Membership” at the beginning of the candidacy;
- (2) write a comment accepted by the Editorial Board;
- (3) complete all cite-checking assignments to the satisfaction of the Editorial Board;
- (4) complete all office hours to the satisfaction of the Editorial Board;
- (5) participate in mandatory Law Review activities; and,
- (6) fully comply with these Bylaws.

§ 3-303: Comment

- (1) Each candidate will write a comment that extensively covers an original topic in a particular area of law. Each candidate is responsible for choosing his or her respective topic. The comment must be no less than 21 pages of text, supported by at least 18.5 pages of endnotes, for a minimum of 39.5 pages. Failure to meet these requirements may result in the termination of the individual’s candidacy. The endnotes must consist of appropriate legal authority, and all citations must conform to the most recent edition of The Bluebook. Each comment will consist of at least the following sections: Introduction, Background, Analysis, Proposal, and Conclusion.
- (2) Students shall follow the template that the Editorial Board provides.
- (3) The writing schedule is structured to make the process as manageable as possible. The schedule consists of a Scope Outline, three draft deadlines, and one final deadline. The candidate will have a set amount of time to complete each step of the schedule—the amount of time given for each deadline is dependent upon the amount of work (cite-checking and comment writing) to be completed. The candidate must meet all deadlines.
 - a. The Scope Outline is an outline, which includes the general structure of the candidate’s comment along with appropriate sections and sub-parts. The Scope Outline must indicate authority to be used in the various sections in the comment.
 - b. The first comment deadline requires that the Introduction and Background be completed in draft form with 9 pages of text and 9 pages of endnotes.
 - c. The second comment deadline requires that the Analysis be completed in draft form with 16 pages of text and 16 pages of endnotes. The Analysis itself must be at least 7 pages of text and 7 pages of endnotes.
 - d. The third comment deadline requires that the entire comment to be completed in draft form with 21 pages of text and 18.5 pages of endnotes. The Proposal/Conclusion must be

at least 5 pages of text and 2.5 pages of endnotes.

- e. The fourth and final deadline requires that the entire comment be completed in finished form with a minimum of 21 pages of text and 18.5 pages of endnotes.

(4) Failure to meet any of the above requirements may result in the termination of the individual's candidacy.

§ 3-304: Strike System and Termination of Candidacy

In the event a candidate turns in unsatisfactory work of any task during candidacy, the candidate will be subject to a "three strike" system of discipline. The Candidacy Editor will give the first and second strike at his or her discretion. The Candidacy Editor must provide the candidate in writing notice of and rationale for the strike.

With the third strike, the candidate will be issued a written notice. If the Candidacy Editor or the Editor-in-Chief believes that the candidate should be removed from candidacy, they will refer the issue to the entire Editorial Board. Any candidate facing the possibility of removal has a right to present his or her case to the Editorial Board. The Editorial Board will then vote on terminating the candidate by a majority vote. If the Editorial Board decides to terminate the candidate, the candidate is terminated. The Editorial Board must put the termination in writing, stating the grounds for termination. If the Editorial Board decides not to terminate the candidate, the candidate shall remain in the candidacy program. Any subsequent strike against this candidate must go before the Editorial Board.

Upon termination, the particular candidate's credit for the semester in which the offense occurred is revoked, and the particular candidate's name will be removed from the masthead.

§ 3-305: Comment Evaluation

The Editorial Board will evaluate each candidate's comment within a reasonable time after the final deadline. Four groups of three Editorial Board members will be assigned comments for evaluation. At least two Editorial Board members will read each comment and submit a detailed evaluation recommending one of the following grades: accept, reject, or rewrite. A comment is accepted after receiving at least two acceptance grades.

§ 3-306: Anonymous Evaluation

Candidates must keep the topics of their comments confidential. So that all comments may be evaluated with the identity of the Candidate remaining unknown, evaluating Editorial Board members must not know what topic any Candidate is writing on. This policy does not pertain to the Editor-in-Chief, the Candidacy Editor, or the Editorial Board member assigned to work with a particular candidate.

§ 3-307: Rejection of Comment

A student whose Comment receives three grades of rejection is no longer eligible to become a member of the Law Review. The student will receive no academic credit for the program. The

student's transcript will reflect an incomplete for Law Review. A student may appeal his or her rejection to the Editorial Board. If the Editorial Board votes to override the rejection by a two-thirds (2/3) votes, the student proceeds to the re-write program.

§ 3-308: Comment Rewrite

(1) A student whose comment receives less than two grades of acceptance and at least one grade of rewrite must successfully complete the Rewrite Program.

(2) The Rewrite Program takes place over a two-week period commencing within 10 days of comment Evaluations.

(3) Each student given a rewrite will meet with the Editorial Board members who evaluated the comment. One of the Board Members who evaluated the comment is assigned as Rewrite Editor. The editors will recommend areas that the comment writer must address for the candidate's comment to be accepted. After the two-week rewrite period, Candidates assigned the rewrite will submit their comments for evaluation.

(4) Rewrite Evaluation:

(a) The Rewrite Editor shall review the submitted comment. That Editor, alone, shall make a recommendation that the comment be accepted or rejected.

(b) If the Rewrite Editor accepts the comment then the comment is considered acceptable and the Rewrite process ends.

(c) If the Rewrite Editor rejects the comment, then a three-member panel to review the comment will be commenced. The panel shall consist of the Editor-in-Chief, the Managing Editor, and the Executive Student Publications Editor. In the event the Rewrite Editor or the Candidate's Editor is the Editor-in-Chief, the Managing Editor, or the Executive Student Publications Editor, the Candidacy Editor will evaluate the Rewrite comment. To be accepted, the comment must receive a grade of acceptance from two of the three evaluators.

(5) A candidate who does not successfully complete the Rewrite Program is rejected and is no longer eligible to become a member of the Law Review. The student will receive no academic credit for the program.

(6) A rejected student has the right to appeal the rejection to the Editorial Board. If the Editorial Board votes to override the rejection by a majority vote, the student's comment is deemed accepted.

§ 3-309: Cite-Checking

In addition to Comment writing, candidates must cite-check for both semesters of their candidacy. There is no minimum or maximum number of cite-checking assignments that candidates must complete.

Cite-checking consists of citation verification and editing. Each candidate will work closely with an Editorial Board member on an article or Comment selected for publication. The candidate has three primary duties: read the entire text of the assigned portion of their article checking for grammatical errors, read each accompanying footnote and verify that the authority adequately and appropriately supports the cited contention, and verify that each citation conforms to the most recent edition of The Bluebook.

§ 3-310: Office Hours

All Candidates must complete a total of fifteen (15) office hours per semester of the Candidacy Program. A student shall receive a strike, pursuant to the system established in § 3-304, at the end of each semester in which he or she fails to complete fifteen (15) office hours. All students interested in running for an Editorial Board position are required to complete two hours of office hours a week during the semester in which the election is held—for a total of thirty (30) hours. No student may run for the Editorial Board if he or she has not made satisfactory progress to completing thirty (30) hours of office hours during such semester.

Any candidate who will not be able to attend a scheduled office hour must notify the Candidacy Editor beforehand. Additionally, the candidate must arrange a make-up time. Candidates who are in the Law Review office during their office hours may be asked to assist the Editorial Board in various projects associated with the Law Review process.

§ 3-311: Failure to Complete Office Hours

The Candidacy Editor will issue written warnings to all students who miss a scheduled office hour and who fail to make-up that time. The Candidacy Editor will then submit a copy of the warning to the Editor-in-Chief. Completion of office hours will be a factor in determining whether a candidate has qualified for permanent Law Review membership.

§ 3-312: Academic Credit

Candidates will receive one credit for each semester of the two-semester Candidacy Program after successful completion of all Law Review requirements.

§ 3-313: Resumes

A student may list the Law Review on his or her resume from the inception of the Candidacy Program. If the student withdraws, is rejected or is expelled from Law Review, the student must remove any reference to the Law Review from his or her resume.

PART 4: DISCIPLINARY & GRIEVANCE PROCEDURES

§ 3-401: Disciplinary Proceedings – General

The Editorial Board must ensure that due process and fundamental fairness are accorded to any member involved in a disciplinary proceeding of the Law Review. Any member accused of

conduct subject to Law Review discipline shall be provided with reasonable notice and the opportunity to be heard, including the opportunity to present evidence, refute evidence, and cross-examine any witnesses.

Actions which may subject a candidate to disciplinary proceedings include academic dishonesty, such as cheating, plagiarism, or misuse of a library resource as determined by the law school administration or the Law School Code of Conduct.

Unprofessional conduct may also be subject to discipline, as determined by the Editorial Board. Any deliberate or negligent conduct by which a Law Review member fails to adequately carry out his/her duties may subject a candidate to discipline. Such actions include but are not limited to:

- (1) willful refusal to assume or complete duly assigned tasks;
- (2) two or more incidents of submitting grossly deficient writing or editing assignments;
- (3) two or more incidents of negligently performing assigned tasks in any academic semester or summer vacation period;
- (4) a pattern of disruptive or uncooperative behavior consisting of three or more incidents; or
- (5) any other egregious conduct that is detrimental to the Law Review.

§ 3-402: Disciplinary Proceedings Procedure

The disciplinary procedure shall be as follows:

- (1) Whenever a Law Review member or candidate believes that a member or candidate commits any of the acts listed in § 3-401, the member or candidate shall report such belief, in writing, to the Editor-in-Chief.
 - a. The report shall describe the actions of the accused member or candidate that gave rise to the violation.
- (2) Upon receiving the allegation, the Editor-in-Chief must randomly select three (3) members of the Editorial Board. These three members will meet and determine whether there is probable cause supporting a § 3-401 violation.
 - a. If any member of the Editorial Board is a party to the disciplinary action, the Editorial Board member shall not be eligible for the probable cause determination.
 - b. For purposes of this section, probable cause is defined as reason to believe a violation was committed.
- (3) If the three-member panel finds probable cause, the panel shall deliver its written findings of fact supporting its probable cause determination to the member or candidate accused of the violation.

- a. The written findings of fact shall also include the disciplinary remedy or remedies the panel would suggest The Editorial Board take if the accused member or candidate were not to contest the allegations.
- (4) If the accused member of candidate contests any of the allegations set out in the panel's written findings, the member shall within ten (10) days of receiving the probable cause determination, notify the Editor-in-Chief.
- a. If the member or candidate does not notify the Editor-in-Chief within ten (10) days, the Board shall proceed to paragraph (6) of this section.
- (5) Upon receipt of the accused's intention to contest, a hearing will be scheduled within a reasonable amount of time. At the hearing the accuser and the accused will both be allowed to set forth their accounts of the events leading up to the alleged violation.
- a. At least 10 members of the Editorial Board must be present for the hearing to take place
 - i. If a member of the Editorial Board is a party to the disciplinary action, or is called to participate in the presentation of a party's account of the events, the Editorial Board member shall not be allowed to sit for the hearing.
 - ii. The number of required Editorial Board members will decrease by 1 for each member who participates in the presentation of the hearing.
 - b. The accuser will be allowed to present his/her account of the events first.
 - c. The accused will then be allowed to present his/her account of the events.
 - d. The accuser will then be allowed to rebut the accused's account.
 - e. Presentation of the events includes but is not limited to
 - i. A solo oral presentation
 - ii. The calling of witnesses for the sole purpose of corroborating the presenter's account
 1. Such witnesses shall be subjected to cross-examination by the opposing party
 - iii. Submission of documents
- (6) Within ten (10) days of the conclusion of the hearing, the members of the Editorial Board who sat for the hearing shall deliver written findings of fact, whether they find a violation beyond a preponderance of the evidence, and issue the Disciplinary Remedy or Remedies.
- a. For the purposes of this section, beyond a preponderance of the evidence is defined as more likely than not.
 - b. Violation need only be found by a simple majority vote.
 - c. The Disciplinary Remedy or Remedies shall be chosen after a simple majority vote, unless the Remedy is Expulsion which requires a three-fourths vote
 - i. Editorial Board members who were parties to or participated in the presentation of evidence may not vote in Expulsion proceedings.
 - ii. Editorial Board members who were not present for the hearing, may still participate in an Expulsion vote
- (7) A member may request a review of the Editorial Board's decision by the Faculty Advisor(s) within (10) days of the Board's issuance of findings. If requested by the Faculty Advisor(s), the Editorial Board shall reconsider, but need not alter, its decision.

- (8) Any final disciplinary decision by the Editorial Board may be appealed the Dean of the Law School.
- (9) If the Editor-in-Chief is the subject of the disciplinary proceeding, the Managing Editor shall perform the Editor-in-Chief's disciplinary duties outlined in this Section.

§ 3-403: Disciplinary Remedies

If the Editorial Board finds that a member or candidate committed any of the acts set out in § 3-401, the Editorial Board may take any, or a combination, of the following disciplinary actions:

- (1) No action;
- (2) Informal consultation;
- (3) Private written reprimand;
- (4) Additional or remedial assignments;
- (5) Removal of credit;
- (6) Temporary removal from the masthead; and
- (7) Initiation of expulsion proceedings pursuant to § 3-406.

§ 3-404: Grievances Procedure

- (1) The Editor-in-Chief and Editorial Board shall be obligated to ensure that due process and fundamental fairness are accorded to any member who files a grievance with the Law Review.
- (2) If a Law Review member believes that a procedure of these Bylaws or Policies and Procedures has not been fulfilled in good faith, that member shall file a grievance in accordance with the following procedures:
 - (a) The grievance must be filed in writing with the Editor-in-Chief.
 - (b) Upon receiving the grievance, the Editor-in-Chief shall conference with the aggrieved member and informally seek a resolution.
 - i. The Editor-in-Chief and all parties involved shall make a good faith effort to maintain confidentiality of names and events.
 - ii. Upon informal resolution of the grievance, the Editor-in-Chief shall report to the Editorial Board of the grievance and its outcome.
 - (c) If the Editor-in-Chief's informal resolution is unsuccessful or not agreeable to the aggrieved party, then the matter shall go before the Editorial Board.
 - i. The Editorial Board shall request and receive written statements from the parties involved with the grievance.
 - ii. Within ten (10) days of receiving the written statements from the parties, the Editorial Board shall render judgment and issue the resolution to the affected parties.
 - iii. If any member of the Editorial Board is a party to the grievance, that Editorial Board

member shall not vote in the resolution of the grievance. If a majority of the Editorial Board is conflicted, the Editorial Board shall hear and decide the matter, which decision becomes effective upon review and ratification by the Faculty Advisor(s).

(d) A party to the grievance may request a Review of the Editorial Board's decision by the Faculty Advisor(s). If requested by the Faculty Advisor(s), the Editorial Board shall reconsider, but need not alter, its decision.

(e) Any final grievance decision by the Editorial Board may be appealed to the Dean of the Law School, or his/her designee.

(3) If the Editor-in-Chief is the subject of the grievance proceeding, the Managing Editor of Administration shall perform the Editor-in-Chief's grievance duties outlined in this Section.

§ 3-405: Grievance Remedies

(1) In resolving a grievance, the Editorial Board may take such actions as may be necessary to ensure fundamental fairness.

(2) The Editorial Board may initiate a disciplinary proceeding when warranted from the facts arising out of a grievance.

§ 3-406: Requirement for Expulsion

(1) Any member of the Law Review who has been recommended for expulsion pursuant to the disciplinary procedures of §3-401 and §3-402 of this Article shall be expelled after a three-fourths vote of the Editorial Board.

(2) A member expelled from Law Review shall not receive credit for any Law Review related course and will be held ethically responsible to completely remove their membership off their resume and to inform any potential employer receiving a resume listing their membership that they have been removed from Law Review.

PART 5: PLAGIARISM

§ 3-501: Plagiarism

Law Review follows the Law School's policy on plagiarism. Plagiarism is a serious academic offense that may result in disciplinary actions. All candidates, staff editors, members, and Editorial Board members are bound by these policies and procedures and shall follow them in the event of plagiarism.

§ 3-502: Examples of Plagiarism

Plagiarism, in its simplest form, is using the words or ideas of another without citing or properly notifying the reader that the words/ideas are not your own. Intent is *not* required to commit plagiarism. Examples of plagiarism include, but are not limited to:

- (1) Directly copying another's published or unpublished words and failing to properly cite or include quotations that clearly indicate that the words belong to the original author;
- (2) Paraphrasing another's words or ideas and failing to properly cite or include quotations that clearly indicate that the words or ideas belong to the original author;
- (3) Simply changing a few words in a sentence or phrase and substantially leaving the main idea unchanged, so that the idea communicates the same message that the original author conveyed;
- (4) Using the ideas of another without proper acknowledgement;
- (5) Buying the use of another's words or ideas and passing them off as your own;
- (6) Knowingly allowing your work to be passed off as the work of another;
- (7) Using, without permission, the content of a computer file prepared by another;
- (8) Using the structure of another's argument without giving proper acknowledgement.

§ 3-503: Procedure of Prosecution

- (1) **Reporting Plagiarism:** Any member of Law Review, whether Editorial Board, Staff Editor, Member, or Candidate, suspecting plagiarism must immediately notify the Editor-in-Chief directly in writing. For purposes of writing, an email is acceptable. Plagiarism may be reported anonymously by written letter to the Editor-in-Chief or delivered anonymously to the Law Review Editorial Board office. A written notification of suspected plagiarism should include as much detail as possible, including but not limited to:
 - a. The name of the suspected plagiarizer;
 - b. The name of the suspected comment;
 - c. Information detailing how the Law Review member came to suspect plagiarism; and
 - d. Any attachments or citations to the original author's work so that the Editor-in-Chief and Plagiarism Review Panel may adequately investigate the allegations.
- (2) **Notice:** Once notified, the Editor-in-Chief must follow up, in writing, with the Law Review member alleging plagiarism. The purpose of having the Editor-in-Chief follow up is:
 - a. to maintain a written record of the alleged plagiarism, and
 - b. to inform the Law Review member who brought the plagiarism complaint that their allegation is under review.
- (3) **Plagiarism Review Panel:** Next, the Editor-in-Chief must randomly appoint a three-member Plagiarism Review Panel.
 - a. This Panel shall consist of three randomly selected Editorial Board members, not including the Editor-in-Chief.
 - b. The purpose of the Plagiarism Review Panel is to conduct fact-finding and determine whether plagiarism has, in fact, been committed.
 - c. A verdict of guilty or not-guilty is the sole determination for the Plagiarism Review Panel to make. The Plagiarism Review Panel shall not directly communicate with the accused,

nor shall they consider mitigating circumstances, as defined in § 3-304 in these bylaws, in making their conclusion.

- d. The three randomly selected Editorial Board members should conduct their fact-finding independently without disclosing their opinions or findings directly or indirectly with anyone, except the Editor-in-Chief. It is the duty of the Editor-in-Chief to inform the members of the Plagiarism Review Panel of this requirement at the time of their appointment.
- e. All three members are required to render a verdict of either guilt or not-guilty.
- f. After concluding their independent investigations, each member of the Plagiarism Review Panel shall submit their findings to the Editor-in-Chief, in writing. The purpose for this requirement is to aid the Editor-in-Chief in maintaining an accurate written record of the plagiarism investigation.
- g. The Plagiarism Review Panel is free to submit a detailed report on their findings; however, this is not required. The only requirement is that they each submit a verdict of guilty or not guilty.

(4) **Informing the Accused:** If 2/3 of the Plagiarism Review Panel concludes through their independent investigations that plagiarism has occurred, then the Editor-in-Chief shall inform the accused of the allegations against him/her and the Plagiarism Review Panel's guilty verdict. Notice should be provided in writing in order to maintain an accurate record.

(5) **Editorial Board Review:** If 2/3 of the Plagiarism Review Panel concludes through their independent investigations that plagiarism has occurred, then the Editor-in-Chief must call upon the Editorial Board to convene within a reasonable time. The Editorial Board must review the findings of the Plagiarism Review Panel and determine the appropriate disciplinary actions. For purposes of convening, it is not required that all Editorial Board members are present. A quorum, as defined under § 2-202 of these bylaws, is sufficient to vote.

(6) **Hearing the Accused:** At this point, after the Plagiarism Review Panel has rendered their verdict, before the Editorial Board has cast their final votes, but no sooner, the accused should be provided the opportunity to speak on their behalf and explain any mitigating circumstances which lead to the plagiarism as defined in § 3-304 of these bylaws.

(7) **Determining Guilt:** Each present Editorial Board member shall have one equally weighted vote. The present Editorial Board members shall anonymously cast their votes by secret ballot only after due consideration of all the facts and circumstances, including the accused's explanation and any mitigating circumstances.

(8) **Guilty Verdict:** If 2/3 of present Editorial Board members vote for a finding of guilty, then they must immediately determine the appropriate sentencing. A simple plurality is all that is needed to determine the appropriate sentencing under the circumstances.

(9) **Sentencing:** Sentencing depends on the severity of the offense under the circumstances and may range from:

- a. Mandatory revisions accompanied by a strike; to

- b. Automatic rejection of candidate's comment accompanied by further proceedings by John Marshall Faculty.

(10) **John Marshall Faculty Review:** If the Editorial Board determines that candidacy suspension or comment rejection is appropriate, then they must report these findings to the Law Review Faculty Advisors. The Editorial Board may request specific action is taken by the Law Review Faculty Advisors; however, it is the Faculty Advisors' sole discretion on how to proceed, which may include formal proceedings before the John Marshall Law School Disciplinary Committee resulting in expulsion or official reports on the students' permanent record.

(11) **Disciplinary Committee Proceedings:** If Law Review Faculty Advisors determine that formal disciplinary proceedings are required before the John Marshall Disciplinary Committee, then any and all Editorial Board Members involved in these Plagiarism Proceedings shall fully cooperate with any and all instructions of the Disciplinary Committee.

§ 3-504: Mitigating Circumstances

- (1) Although plagiarism may be committed intentionally as well as through negligently conducted research, citation and/or quotation, intent is not required for plagiarism to have occurred.
- (2) The Plagiarism Review Panel shall not consider mitigating circumstances in objectively determining whether plagiarism has in fact been committed.
- (3) Mitigating circumstances may only be considered by the Editorial Board while hearing the accused and determining guilt and sentencing.
- (4) The presence of mitigating circumstances may lessen the severity of sentencing or abrogate guilt altogether.
- (5) Mitigating circumstances include but are not limited to:
 - a. Lack of intent to commit plagiarism
 - b. Whether the accused has signed a plagiarism acknowledgement form stating that he/she understands the rules, regulations, and Procedure of Prosecution contained in § 3-303 of these bylaws.
 - c. Whether the plagiarism was contained in an initial section submission, a rough draft, a final rough draft, or a final submission. The closer to a final submission, the more severe the plagiarism.
 - d. Whether the board adequately informed the candidacy class about the rules and regulations regarding plagiarism. However, this applies to the candidacy class generally and as a whole, not to the individual accused of plagiarism, and only applies if the Editorial Board failed to adequately inform the candidacy class about the rules and regulations of plagiarism.
 - e. Circumstances generally accepted by the Editorial Board as mitigating factors on plagiarism.

§ 3-505 Duty to Inform

- (1) Despite the rules and regulations concerning plagiarism contained in the John Marshall Student Handbook, the Editorial Board recognizes that Law Review imposes higher standards of academic integrity and honesty than John Marshall.
- (2) This Editorial Board accepts a duty to adequately inform incoming candidates about Law Review's plagiarism policy as well as the procedures and implications of violating those procedures.
- (3) To ensure compliance with this self-imposed duty, the Editorial Board may:
 - a. Include specific information about plagiarism in the Bluebook Bootcamp;
 - b. Email incoming candidates copies of these bylaws, the John Marshall Student Handbook, or any other information the Editorial Board feels may help candidates understand plagiarism and how to avoid it;
 - c. Require all candidates to sign a plagiarism acknowledgement form, stating that they have read and understand the policies and procedures of the John Marshall Law Review concerning plagiarism, prior to drafting their comments.
 - d. Any other actions the Editorial Board believes appropriate.

ARTICLE IV: PUBLICATION PROCESS

§ 4-101: Selection of Lead Articles

The Lead Articles Department shall review all articles submitted to the Law Review for publication. Subsequent to such review, the Lead Articles Department shall select articles for publication, subject to the Editor-in-Chief's veto of such selection. The Editor-in-Chief will determine the number of articles to be published.

§ 4-102: Selection of Student Comments

The Student Publications Department shall review all Comments completed during the previous academic year for publication. Subsequent to such review, the Student Publications Department shall select Comments for publication. The comments will be selected by a simple majority of the Student Publications Editors. The Executive Student Publications Editor may submit up to three additional comments to be considered by the Editor-in-Chief along with the sixteen comments chosen by majority vote. The Editor-in-Chief may not be told which comments were chosen by vote and which were selected by the Executive Student Publications Editor. The Executive Student Publications Editor should exercise this power rarely and only when he or she believes that clearly publication worthy comments have been passed over for unpublishable comments. The Editor-in-Chief may veto any selection and direct the Student Publications Editors to select a replacement by simple majority vote. The Editorial Board, including the Student Publications Editors, may override the Editor-in-Chief's veto by a 2/3 vote.

§ 4-103: Production Process

Each article or Comment selected for publication is assigned to an editor (either from the Lead Articles or Student Publications Departments). Editors are responsible for editing the articles and Comments and ensuring that all cited authority is verified for support and proper citation. Candidates (performing cite-checking duties) assist editors in the production process by verifying all citations with a copy of the actual source. Editors then update the articles and Comments on an electronic file by incorporating all appropriate changes and recommendations made by the Candidates. At least two rounds of cite-checking and editorial changes are required for each article and Comment published.

Once all changes have been entered, the Production Editor will template each article and Comment. Templating produces a draft of the article or Comment in publication format known as "page proofs." The page proofs are distributed to the appropriate editors, as well as the article and Comment authors for review. Editors then review the page proofs, making any corrections directly on the hard copy along with any changes authors wish to make. The Production Editor enters all changes directly onto the electronic version of the page proofed articles and Comments. Articles and Comments become "book proofs" once the editors' and authors' changes have been entered.

§ 4-104: Final Reviews

The Editor-in-Chief, the Managing Editor, the Production Editor and the Administrative Editor must read each article and Comment several times to ensure that there are no errors in the final draft. The Editor-in-Chief has final authority on all changes. The Production Editor enters any final changes directly onto the electronic version of the book proofs. The articles and Comments are then sent to the publisher for final publication.

§ 4-105: Number of Issues to Be Published

The Editorial Board shall produce 4 issues during their tenure: summer (No. 4), fall (No. 1), winter (No. 2), and spring (No. 3). The Editorial Board must send its spring issue to the publisher by June 1st of the year in question.

If any outstanding issues are not sent to the publisher by that date, the incoming Editorial Board may, at its discretion, at that time take control of the publication of any unpublished issue left unfinished by the previous Editorial Board.

§ 4-106: Masthead

The masthead shall also contain the names of any Staff Editors, candidates, and Faculty Advisors who assisted in producing the issue. The masthead of the Editorial Board for any given academic year shall appear in 4 issues of the Law Review in the following order:

Summer: (Issue No. 4)

Fall: (Issue No. 1)

Winter: (Issue No. 2)

Spring: (Issue No. 3)