

FIU LAW REVIEW
BYLAWS
EFFECTIVE JUNE 2022





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I. PREAMBLE

The FIU Law Review Bylaws implement the FIU Law Review Constitution and FIU Law Academic Policies and Procedure. The Constitution, Bylaws, FIU Law Student Code of Conduct, and FIU Law Academic Policies and Regulations should be read together consistently.

II. DEFINITIONS

The following definitions apply throughout the Bylaws:

1. The Editorial Board includes the Executive Editorial Board and Articles Editors; referred to as “Board” or “Board Members.”
2. The Executive Editorial Board (EEB) consists of all Executive Editors.
3. “Foundational Curriculum” is defined by the FIU Law Faculty Curriculum Committee.
4. “In consultation with” means that the body that is consulted will review the decision for abuse of discretion, unless academic credit is the resulting effect of such consultation. When this term regards consultation with the Law Review Faculty Advisor (LRFA), the LRFA shall have a veto power over the decision; however, such veto power shall be for abuse of discretion except when determining academic credit.
5. Law Review Faculty Advisor & Administrator (LRFA) are appointed by the Dean, and serve as provided in the FIU Law Review Constitution.
6. “Student Agreement” refers to the FIU Law Review Student Membership Agreement, which is incorporated by reference.
7. “Student Comments” refers to any articles, comments, or notes produced by a Member as part of the writing requirement.

III. GUIDING PRINCIPLES AND DOCUMENTS

Law Review Members must follow the following governing documents:

- Constitution
- Bylaws
- Syllabus



- Student Agreement
- Student Handbook
- Credit Requirements Acknowledgment

IV. JOINING THE LAW REVIEW

A. ELIGIBILITY

1. *GENERAL*

- a. Students on Academic Probation are not eligible for admission on to Law Review.
- b. The LRFA may deem students sanctioned for misconduct in accordance with § 7.01 of the College of Law Student Handbook to be ineligible for admission to Law Review.

2. *FULL-TIME STUDENTS*

- a. Students must have an overall 2.67 cumulative grade point average (based only on curved classes) and a 2.67 GPA in their Legal Skills & Values I and II classes. If a full-time student is extended an invitation to join Law Review but does not have the required overall GPA at the time of invitation, that student will be given the opportunity to raise his or her GPA either (1) by the end of the summer class period (computed using curved classes only); or (2) by the end of the fall semester immediately following the invitation (computed using curved classes only). If the student raises his or her GPA based on summer coursework, he or she may participate in Law Review as a Staff Member beginning that fall. If the student raises his or her GPA by the end of the fall semester, he or she may only participate in Law Review as a Staff Member in his or her 3L year. Part-time students must have the required GPA at the time of invitation.
- b. Students must have completed the Foundation Curriculum. However, if the student did not take a foundation course because he or she took Legal Reasoning in lieu of that foundation course, but that student has



otherwise completed the Foundation Curriculum, that student is eligible for Law Review.

3. *PART-TIME STUDENTS*

Part-time students are eligible if they have completed the Foundation Curriculum, an overall 2.67 cumulative grade point average (based only on curved classes), and a 2.67 GPA in their Legal Skills & Values I and II classes by the end of the fourth semester.

4. *TRANSFER STUDENTS*

Transfer students must have completed two semesters of legal writing and have earned at least 28 credit hours but are not required to have completed the Foundation Curriculum before participating on Law Review. The transfer student must have the required GPA, where the GPA from the legal writing courses from the previous institution will serve in lieu of the Legal Skills and Values I and II GPA.

5. *ADVANCED STANDING STUDENTS*

Advanced standing students are invited to Law Review on an ad hoc basis after review by the LRFA.

B. SELECTION

1. *TRAINING*

Full-time and part-time students who wish to join Law Review must participate in the required Law Review training during the Spring semester of their 1L year. Transfer students must complete the training before the start of their first semester at FIU.

2. *GRADE-ON*

The Faculty Advisor will consult with the Director of the Legal Skills and Values program and create an index of scores from LSVII. Students will be offered invitations, provided they have completed the required training, in rank-order based on that index. The top day and night students will be extended an invitation provided they have completed the required training.



3. *TRANSFER STUDENTS*

a) Generally

To be eligible for an invitation, Transfer Students must be admitted to FIU Law by August 1st of the year of application to FIU Law and application for membership on FIU Law Review. Transfer Students must notify the Law Review EIC, Faculty Advisor and Faculty Administrator within ten (10) days of admission regarding their interest in Law Review membership.

b) Transfer Student Competition

If you have received the highest grade available in the second semester of for the legal writing class program at the previous law school and complete the FIU Law Review Membership Training Program by the beginning of the Fall semester of their admission.

c) Transfer Student Waiver

The Law Review will honor invitations from the transfer student's previous law school to join the law review of that school. The Law Review will honor conditional invitations from the transfer student's previous law school if those invitations are conditioned on post-competition requirements.

C. INVITATIONS

1. *NUMBER*

The EEB will determine the number of invitations to extend based on the staffing requirements of the Law Review.

2. *TIME*

Invitations to join Law Review will be extended no later than one week after Spring semester grades are posted.

3. *ACCEPTANCE*

Students invited to become Staff Members shall notify the EEB of their decision to accept the invitation no later than the date indicated in the invitation. Students invited to become Members who do not accept the invitation by the date indicated, or who do not respond to the invitation, will be presumed to have declined the invitation to participate on Law Review. The EEB has the discretion to allow a late acceptance.



V. SELECTION OF EDITORS

A. QUALIFICATIONS

All Editors must exemplify the following qualities: excellent command of grammar and composition; excellent editorial and citation skills; attention to detail; good understanding of the current state of the law in many subjects; an ability to work with fellow students and faculty members; strong organizational skills; strong time management skills; honesty and integrity; and a strong devotion to producing an excellent Law Review. Additionally, Editors should have the ability to: supervise others; work with outside authors who are writing articles for the Law Review; set and enforce deadlines; and offer constructive criticism.

B. EXPECTATIONS

1. *TIME*

Each Editor must be able to serve a term of one year beginning the last day of classes in the spring semester. Staff Members selected to become Editors are expected to serve for the full academic year.

2. *ENGAGEMENT*

An Editor must be readily available and must engage in substantial Law Review editorial work and production during the summer, fall, and spring semesters. The work level of an editorial position is comparable to that found in a demanding legal job and often exceeds the time contemplated by the number of credits taken.

C. ELIGIBILITY

1. To be eligible for an Editor position, a candidate must be a Member of the Law Review in good standing who has successfully completed at least two semesters on the Law Review and has met such qualifications as may be specified by the EEB, in consultation with the LRFA. Transfer students are eligible for an editorial position during the students' second year of participation.
2. Members on Academic Probation are not eligible to be elected to any editorial position.
3. Members sanctioned for misconduct in accordance with §7.01 of the College of Law Student Handbook are not eligible to be elected to any editorial position.



4. No Member may hold more than one editorial position.

D. SELECTION

The incoming EEB will be selected by the following process:

1. Interested Members must submit the requested documents: a cover page, a resume, cover letter, a list of two faculty references, and a list of the editorial positions indicating the order of their preference, and sign up for an interview.
2. The EEB and Articles Editors must complete diversity and inclusion training before voting on the incoming positions.
3. The EEB and Articles Editors will then meet and review all applications. The EEB and Articles Editors then interviews each applicant.
4. The EEB and Articles Editors will then elect the new EEB and Articles Editors by secret ballot. Appointment to any position requires a majority vote of those EEB and ARTicles Editors who participated in the selection and interview process.

E. NOTIFICATION OF APPOINTMENT RESULTS

1. The EIC will notify the LRFA of the appointment results before publicizing.
2. The LRFA may veto any appointment.
3. The EIC will then notify the applicants of the position they have been appointed. The appointed Members must accept or reject the position by the date indicated in the appointment offer.

F. TRANSITION

1. The new EEB and Articles Editors take office on the last day of classes during the spring semester. The incoming EEB and Articles Editors will work with the outgoing EEB and Articles Editors in a transition and training period from the time of appointment until the end of the spring semester.
2. Following the appointment of the incoming EEB and Articles Editors, the incoming and outgoing EEBs will meet to discuss operation of the Law Review



for the upcoming year. New EEB Members are expected to work closely with the outgoing EEB during the Spring semester.

G. RESIGNATIONS AND VACANCIES

1. *RESIGNATIONS*

Editors may resign their position and thereby return to the status of Staff Member on the Law Review. The nature and timing of the resignation will be evaluated by the LRFA when the LRFA decides whether to grant academic credit for the Member's participation on Law Review.

2. *VACANCIES*

If an EEB position becomes vacant, the appropriate selection provisions above apply.

VI. CREDIT REQUIREMENTS

All FIU Law Review members are required to take credits for Law Review. Students will be registered automatically based on their status in their track through Law Review. Staff Members can choose, and are highly encouraged, to take summer credits as Outlined in the Tracks. Executive Board Members are required to take summer credits as outlined in the Tracks.

VII. SANCTIONING MEMBERS

A. GENERALLY

Members must not permit employment activities or other co-curricular activities (including other student groups, such as the Student Bar Association or the Board of Advocates) to adversely affect or otherwise interfere with their ability to complete their required duties in an efficient, effective, and timely manner.

All Members must attend all mandatory meetings and events. Exceptions may only be granted by, and at the sole discretion of, the EIC, due to medical emergencies or other extraordinary circumstances, or religious holidays with sufficient notice.

B. STAFF MEMBERS

Staff Members who fail to complete assignments, fail to submit assignments in a timely manner, or otherwise fail to comply with the requirements of membership may be sanctioned.



C. ARTICLES EDITORS

Articles Editors who fail to complete their editorial responsibilities, fail to submit assignments in a timely manner, or otherwise fail to comply with the requirements of membership may be sanctioned.

D. EXECUTIVE EDITORS

Executive Editors who fail to execute their editorial responsibilities in a timely or complete manner or otherwise fail to comply with the requirements of membership may be sanctioned.

E. ACADEMIC PROBATION OR STUDENT MISCONDUCT

Placement of any Member on Academic Probation or sanction for misconduct by the FIU Law Administration during a Member's Law Review tenure may result in sanctions. These cases will be referred directly from the FIU Law Administration to the LRFA for consideration under a hearing authorized to impose suspension or dismissal.

1. *MINOR VIOLATIONS*

- a. Any Member on the EEB may recommend to the EIC that he or she issue a "strike" for any Member for a minor violation. A strike is appropriate to document a failure to meet standards that does not alone warrant formal sanctions, and a strike is not a sanction for purposes of awarding credit as described in the Constitution.
- b. Following a strike recommendation, the EEB should consult the Student Agreement; the Member Handbook; the Law Review Constitution, Bylaws, and Executive Handbook; and the FIU College of Law Student Code of Conduct to determine whether the Member has failed to meet standards.
- c. Prior to issuing a Member's first strike, the EIC must speak in person or telephonically with the Member to explain the strike system generally and the reason for the specific strike.
- d. The EIC may, in his or her discretion, issue a strike by notifying the Member in writing of the strike and internally recording the strike.
- e. Members may not appeal strikes.



2. *FORMAL SANCTIONS*

Formal sanctions include, but are not limited to, oral or written admonition or reprimand, demotion from position of responsibility to Staff Member, suspension, or dismissal. The decision by the LRFA to not award academic credit as described in the Constitution is not a sanction within the meaning of this section.

Formal sanctions are appropriate for repeated, minor failures to meet standards or for major infractions. The EEB should consult the Student Agreement; the Member Handbook; the Law Review Constitution, Bylaws, and Executive Handbook; and the FIU College of Law Student Code of Conduct to determine whether the Member has failed to meet standards.

a) Good Cause for Formal Sanctions

Good cause for imposing sanctions includes but is not limited to:

1. Failure to complete an assignment in a timely and effective manner.
2. Failure to attend mandatory meetings and events.
3. Failure to fulfill his or her responsibilities as enumerated above.
4. Unethical or dishonest conduct.
5. Conduct that adversely affects the Law Review or the editing process.
6. Insubordination.
7. Violation of the Student Code of Conduct.
8. Academic probation or sanction for misconduct by the FIU College of Law administration.

b) Procedure

(1) *Initiation*

Any Member on the Executive Editorial Board may initiate proceedings to sanction any Member for exceptional failure to meet standards. The EEB must also initiate sanction proceedings for any Member issued a third strike. The EEB must notify the LRFA of any misconduct which could merit suspension or dismissal.



- (2) *Hearings not authorized to suspend or dismiss.*
- a) Proceedings must be initiated by written submission to the EEB and the Member facing sanction stating the reasons for sanction and the recommendation (e.g. demotion, probation, etc.).
 - b) The EIC will preside over any sanctions hearing. The Executive Managing Editors will assume the EIC's role during proceedings if the EEB seeks to sanction the EIC. The Member will be given an opportunity to present any relevant facts or circumstances as to the commission of the offense or the appropriate sanction.
 - c) The EEB must vote as to whether the offense occurred (by a preponderance of the evidence) and if the offense did occur, what the appropriate sanction should be. Both steps require a two-thirds vote of the EEB.
 - d) Members who are sanctioned may appeal that the EEB abused its discretion, in writing, within thirty days, to the LRFA.
 - e) Within ten days of the appeal, the LRFA will review evidence supporting the EEB's decision to impose sanctions as well as the appellant's evidence supporting the appeal. The LRFA will review the EEB's decision for abuse of discretion. Following this review, the LRFA will affirm the EEB's decision or direct the EEB to reverse the sanctions. The LRFA must notify the EEB and the appellant of its recommendation in writing, within ten days of the decision. The decision of the LRFA is final.
- (3) *Hearings authorized to suspend or dismiss.*
- a) The LRFA will preside over hearings authorized to suspend or dismiss a Member. Any sanction, including those less severe than suspension or dismissal, are authorized at these hearings. The Member will be given



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an opportunity to present any relevant facts or circumstances as to the commission of the offense or the appropriate sanction.

- b) The LRFA may take into consideration factors such as grade point average, unique circumstances of the Member, current Law Review work product, and any other relevant factor in determining the appropriate sanction.
- c) The LRFA must decide as to whether the offense occurred (by a preponderance of the evidence) and if the offense did occur, what the appropriate sanction should be. The decision of the LRFA is final.

c) Probation Status

If a Member is placed on probation, the Member shall have one semester to improve, remain free of violations, or both. After one semester on probation, the body that imposed the sanction may lift the probation with no further notice to the Member. If the Member has not improved or has committed additional violations, the body may pursue further sanctions consistent with these procedures listed above.

VIII. PUBLICATION OF STUDENT WORK

- A. Staff Members who would like to publish their Comments in the Law Review may submit their completed Comment for review by the EEB. The EEB will evaluate submissions using blind IDs. The EEB will review each 2L's Comment for quality of writing; for addressing an area of current interest; novelty of argument; and likelihood of being referenced by those in the field. The EEB will create an order of merit for publication and submit that list to the LRFA. The LRFA will contact the Student Comment Faculty Advisor for each recommended Comment to confirm suitability for publication and may remove a Comment based on that feedback.
- B. The Law Review retains the right of first refusal as to Member comments created under the supervision of the Executive Comments Editor until the EEB rejects their Comment for publication. Comments submitted after the deadline set for EEB review are still subject to the right of first refusal.



- C. Student-authored Comments written under the supervision a full-time faculty member as part of an FIU Law seminar may be considered for publication upon the recommendation of that faculty member. These Comments will be evaluated with the Staff Member comments as described above.

IX. AMENDMENTS

The policies established in these Bylaws are binding on the Law Review. Material provisions may be amended only by a majority vote of the members of a committee designated by the Dean for such a purpose. Non-material provisions may be amended by the LRFA. The EIC may recommend amendments to the LRFA.