FIU Law Review
Bylaws
Effective June 2024
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I. PREAMBLE


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,” “Board Members,” or “Editors.”
2. The Editorial Board (EB) consists of all Editors.
3. The Executive Editorial Board (EEB) consists of all Executive Editors.
4. “FIU Law Review” (Law Review) is the flagship legal scholarship journal of the FIU College of Law.
5. “Foundation Curriculum” is defined by the FIU Law Faculty Curriculum Committee.
6. “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 & Administrator (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.
7. Law Review Faculty Advisor & Administrator (hereinafter “LRFA”) are appointed by the Dean and serve as provided in the FIU Law Review Constitution.
8. “Student Comment” refers to any articles, comments, or notes produced by a Member as part of the writing requirement.

III. GUIDING PRINCIPLES AND DOCUMENTS

FIU Law Review Members must follow the following governing documents:

- Constitution,
- Bylaws,
• Syllabus,
• Student Handbook, and
• Credit Requirements Acknowledgment.

IV. JOINING THE LAW REVIEW

A. ELIGIBILITY

1. GENERALLY

   a. Students unable to commit to at least four (4) semesters of membership are not eligible for admission to Law Review, except for Advanced Standing and Transfer students.

   b. Students on Academic Probation are not eligible for admission to Law Review.

   c. Student program status is determined based on the program of acceptance at the time of first registration at FIU College of Law.

   d. The LRFA may deem students sanctioned for misconduct in accordance with FIU College of Law Student Handbook to be ineligible for admission to Law Review.

   e. The first ranked student in the full-time and part-time programs will be extended an invitation to FIU Law Review if they otherwise meet all eligibility requirements and satisfactorily complete the Training Program.

2. GPA AND CURRICULAR PREREQUISITES

   a. Students must have an overall 2.67 cumulative grade point average (GPA) based only on curved classes,

   b. a 2.67 GPA in their Legal Skills & Values I and II classes, and

   c. completed the FIU College of Law foundation curriculum.
3. **FULL-TIME STUDENTS EXCEPTION**

   a. 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 their GPA either (1) by the end of the summer semester (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 their GPA by the end of the Summer semester, they may participate in Law Review as a Staff Member beginning that Fall. If the student raises their GPA by the end of the Fall semester, they may participate in Law Review as a Staff Member beginning that Spring.

   b. Students must have completed the Foundation Curriculum. However, if a 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 to join Law Review.

4. **PART-TIME STUDENTS**

Part-time students are eligible to join Law Review after they have completed the Foundation Curriculum. Part-time students must have an overall 2.67 cumulative GPA (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. Part-time students must have the required GPA at the time of invitation.

5. **TRANSFER STUDENTS**

Full-time transfer students are eligible to join FIU Law Review during the Transfer Training Program. Part-time transfer students are eligible to join FIU Law Review during the Spring Training Program as members of the part-time student cohort.

Transfer student eligibility is altered as follows: Transfer students must have achieved a cumulative GPA of 3.25 at their prior school and received an A or A- grade in their prior school’s legal writing courses.

6. **ADVANCED STANDING STUDENTS**

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

1. TRAINING PROGRAM

Full-time students must participate in the FIU Law Review training program in the Spring of their first year of enrollment. Part-time students must participate in the Law Review training program in the Spring of their second year of enrollment. Transfer students in the full-time program must complete the training program before the start of Fall semester at FIU Law.

The LRFA will consult with the Director of the Legal Skills and Values program and create an index of scores from LSV II. Students will be offered invitations, provided they have completed the required training, in rank-order based on that index. The top full-time students as calculated at the end of the second (2nd) semester and top part-time students as calculated by the grades received in the Foundation curriculum will be extended an invitation provided they have completed the required training program.

2. TRANSFER STUDENTS

a) Generally

Transfer Students must be admitted and matriculated at FIU Law by July 15th of the year of application to FIU Law. FIU Law Review reaches out to transfer students eligible for membership.

b) Transfer Student Training Program

Full-time transfer students must complete the FIU Law Review Membership Training Program by the beginning of the Fall semester of their admission to FIU Law.

C. INVITATIONS

1. NUMBER

The EEB will determine the number of invitations extended based on the staffing requirements of FIU Law Review.

2. TIME

Invitations to join FIU Law Review will be extended as determined by the LRFA.
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 on the invitation. Students invited to become Staff Members who do not accept the invitation by the date indicated, or who do not respond to the invitation, will be presumed to decline the invitation to join FIU Law Review. The EEB has the discretion to allow a late acceptance.

V. **Credit Requirements**

All FIU Law Review members are required to take FIU Law Review courses and register for associated credits. Membership starts in the Fall semester; for full-time students in their 2L year and for part-time students in their 3L year. Students automatically will be registered based on their membership status. Members can choose, and are highly encouraged, to take the summer course. Executive Board Members are required to take summer credits.

VI. **Selection of Editorial Board**

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 three (3) semesters 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 often exceeds the time contemplated by the number of class credits taken.

3. **CURRICULAR AND EXTRACURRICULAR COMMITMENTS**

Editors are permitted to participate in curricular and extracurricular activities. However, those commitments shall not conflict or supersede the Editor’s responsibilities and duties to the FIU Law Review. Editors cannot hold an editorial position on any other journal.

C. **ELIGIBILITY**

1. To be eligible for an editorial position, a candidate must be a Staff Member of FIU Law Review in good standing who has successfully completed at least one (1) semester on the FIU Law Review and has met such qualifications as may be specified by the EEB, in consultation with the LRFA.

2. Staff Members who are also members of other journals are not eligible for any editorial position.

3. Staff Members on Academic Probation are not eligible for any editorial position.

4. Staff Members sanctioned for misconduct in accordance with §7.01 of the FIU College of Law Student Handbook are not eligible for any editorial position. No member may hold more than one editorial position.

D. **SELECTION**

Incoming editors will be selected by the following process:

1. The Board Application Assignment will be published in the Fall semester containing that year’s application requirements and procedure.

2. Interested Staff Members must submit the requested documents: a cover page, a resume, cover letter, a list of two (2) faculty references, and a list of the editorial positions they are interested in, indicating the order of their preference. Interested Staff Members must also sign up for an interview. Interested Staff
Members must also request a waiver from the FIU Office of Student Conduct & Academic Integrity.

3. The EB must complete interview best practices training before voting on the incoming positions.

4. The EB will then meet and review all applications and interview each applicant.

5. The EB will then elect the new EB by secret ballot. Appointment to any position requires a majority vote of those Editors who participated in the selection and interview process.

E. NOTIFICATION OF APPOINTMENT RESULTS

1. The Editor in Chief (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 EB takes office on the last day of classes during the Spring semester. The incoming EB will work with the outgoing EB 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 EB, the incoming and outgoing EB will meet to discuss operation of FIU Law Review for the upcoming year. The new EB is expected to work closely with the outgoing EB 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 FIU 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 FIU Law Review.
2. **Vacancies**

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

### VII. **Sanctioning Members**

**A. Generally**

Staff Members must not permit employment activities or other co- or extra-curricular activities to adversely affect or otherwise interfere with their ability to complete their required duties in an efficient, effective, and timely manner.

All Staff Members must attend all required meetings and events. Exceptions may only be granted by, and at the sole discretion of, the LRFA due to medical emergencies or other extraordinary circumstances, or religious holidays with sufficient notice as provided in the course Syllabus.

**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 Staff Member on Academic Probation or sanction for misconduct by FIU or FIU Law during a Staff Member’s tenure on FIU Law Review 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 Staff 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 Member Handbook; the FIU 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 Staff Member’s first strike, the EIC must speak in person or telephonically with the Staff Member to explain the strike system generally and the reason for the specific strike.

   d. The EIC may, in their 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 Member Handbook; the FIU Law Review Constitution, Bylaws, and Executive Handbook; and the FIU College of Law Student Code of Conduct to determine whether the Staff 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 their responsibilities as enumerated above;
4. Unethical or dishonest conduct;
5. Conduct that adversely affects FIU Law Review or the editing process;
6. Insubordination;
7. Violation of the Student Code of Conduct; and
8. Academic probation or sanction for misconduct by the FIU College of Law administration.

b) Procedure

(1) **Initiation**

Any Staff Member on the EEB may initiate proceedings to sanction any Staff Member for exceptional failure to meet standards. The EEB must also initiate sanction proceedings for any Staff 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 Staff 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 Editor will assume the EIC’s role during proceedings if the EEB seeks to sanction the EIC. The Staff 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 (10) 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 Staff Member. Any sanction, including those less severe than suspension or dismissal, are authorized at these hearings. The Staff Member will be given 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 Staff Member, current FIU 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 Staff Member is placed on probation, the Staff Member shall have one (1) 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 Staff Member. If the Staff 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 WORKS

A. STAFF MEMBER COMMENTS

All Staff Members are required to submit a comment of publishable quality as part of their membership requirements.

B. OTHER FIU LAW STUDENT WORKS

Student-authored works written for an FIU Law seminar course may be considered for publication upon the recommendation of the professor. These works will be evaluated with the Staff Member comments as described above.

C. PUBLICATION SELECTION PROCEDURE AND CRITERIA

Comments will be reviewed and selected for publication through a process as determined by the LRFA. Comments will be evaluated using the students’ blind IDs. The evaluation criteria are: quality of writing; contemporaneity of the area of interest; novelty of argument; and likelihood of being referenced by those in the field.

D. RIGHT OF FIRST REFUSAL

The FIU Law Review retains the right of first refusal for all Comments submitted for publication consideration.

IX. AMENDMENTS

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