

HASTINGS LAW JOURNAL BYLAWS*

ARTICLE I

NAME AND PURPOSE

These are the bylaws of the HASTINGS LAW JOURNAL (hereinafter referred to as the JOURNAL). The JOURNAL is composed of and governed by students of Hastings College of the Law. The JOURNAL is dedicated to publishing an annual volume of legal scholarship of the highest quality and of the greatest use to legal scholars, judges, and practitioners.

ARTICLE II

DEFINITIONS

1. A "Member" refers to any student who may receive academic credit for JOURNAL work during the current academic year, or received credit the prior year as a 2L and fulfills the requirements of membership as a 3L.
2. The "Editor-in-Chief" is the chief official of the JOURNAL. There will be one Editor-in-Chief per volume.
3. The "Board of Editors" or "Board" refers to the governing body of the JOURNAL. The Board of Editors is selected by the Editor-in-Chief and includes the Editor-in-Chief.

ARTICLE III

MEMBERSHIP SELECTION

1. In General: Members of the JOURNAL shall be selected in accordance with the Membership Selection Policy adopted by the JOURNAL and included within these bylaws. This Membership Selection Policy shall remain in effect and govern the selection of members to the JOURNAL.
2. Membership Selection Policy
 - a. General Membership Policy: The JOURNAL is devoted to contributing to contemporary legal scholarship and to providing a valuable learning experience to its members and editorial staff. The JOURNAL encourages all Hastings students to join by way of grade selection, the writing competition, the special admissions application, and the self-submittal program. The JOURNAL shall actively promote participation by minority and disadvantaged students. The JOURNAL does not discriminate on the basis of race, color, religion, national origin, ancestry, disability, age or sexual orientation. Membership is only open to full-time Hastings College of the Law students. All members are required to pay annual dues to the JOURNAL, which are determined annually by the Board of Editors.
 - b. Methods of Gaining JOURNAL Membership:
 - A. Grade Selection
 1. Rationale: A limited number of participants should be selected on the basis of their outstanding academic performance. In assessing academic performance, first-year section rank is generally presumed to be a more reliable indicator than overall grade point average.

2. Process

- a. After the Registrar has established class rankings for first-year students, the JOURNAL will, in the event there are four first-year sections, invite the top four (4) students from each of the four (4) first-year sections, for a total number of sixteen (16). In the event there are five first-year sections, the JOURNAL will invite the top three (3) students from each of the five (5) sections, for a total number of fifteen (15). Students invited to join based on their class rankings will nonetheless be required to participate in the writing competition, as described in section B, below.
- b. In the event of a tie for the final spot in any one section, invitations will be extended to all students who are tied.
- c. The invitees will have until the fifth day of class to accept their invitations. Failure to accept their invitations within that time, without sufficient justification for the delay, will automatically result in a revocation of the invitation.
- d. Should the JOURNAL become aware, prior to the fifth day of class, that certain invitees have declined their invitations or will be unable to participate because of transfer to another school, the JOURNAL may extend an offer to the next ranking student in the section. These offers shall remain open until the eighth day of class.
- e. On the sixth day of class, the JOURNAL will determine which offers have not been accepted, and the JOURNAL may make offers to the next ranking student(s) from the section(s) from which the offers have not been accepted. These offers shall remain open until the eighth day of class.
- f. On the ninth day of class, additional offers may be made if the Editor-in-Chief deems this necessary. Such offers must be accepted by the tenth day of class. Offers from all journals must be accepted by the tenth day of class.
- g. This timeline may be amended at the discretion of the Editor-in-Chief, as circumstances require.
- h. Nothing in this grade selection policy shall preclude the JOURNAL from making an offer of membership simply because the student has gained membership to another journal on the basis of non-grade criteria.
- i. Nothing in this grade selection policy shall preclude any student from attempting to gain membership on the JOURNAL by self-submittal or by appropriate application.
- j. In addition to the criteria discussed in (a) through (f) above, offers will be extended by this process only to students within the upper ten percent of their section. Thereafter, an offer will be extended to the student with the next highest grade point average, regardless of section.

B. Writing Competition

1. Rationale: The writing competition is designed to test writing and analytical ability, two of the most valuable skills used by a JOURNAL participant.
2. The writing competition will be based on a challenging legal problem. The competition should require factual analysis as well as application, comparison, and distinguishing of the legal materials supplied.
 - a. The form of the writing problem will emphasize balance (e.g., a memorandum) rather than advocacy (e.g., a brief).
 - b. The students will be provided with research materials sufficient to complete the problem. Outside research is not to be permitted.
 - c. The subject matter of the writing problem will concern an issue as to which none of the first-year sections is likely to have knowledge or experience.
3. The cooperation of the other journals will be solicited in formulating the writing competition problem.
 - a. Each journal should have one or two representatives on the committee formulating the writing problem.
 - b. A journal choosing not to participate in the formulation of the problem may nevertheless use the problem in selecting participants.
4. Only first-year students are eligible to enter the JOURNAL'S writing competition.
5. Honor Code: Each student must work independently. All students will be admonished not to discuss the problem, either generally or specifically, with any other person.
6. Grading Procedure
 - a. Grading criteria will be established by the committee responsible for formulating the writing competition problem. These criteria should be designed to allow independent evaluation of each writing competition paper by different JOURNAL members and should result in the awarding of a numeric score.
 - b. The Board of Editors may direct that variations be made in the grading criteria to ensure fair and accurate evaluation of the competition papers.
 - c. All second-year JOURNAL participants are required to participate in the grading of writing competition entries, including a training session in the grading process. In recognition of the extreme importance of this function, the Editor-in-Chief shall have the discretion to exempt a limited number of second-year participants who feel that they cannot participate with the necessary degree of competence or seriousness. Those exempted are required to complete an alternative project, determined by the Editor-in-Chief.
7. Selection Procedure
 - a. After all papers have been graded, they will be ranked according to their scores.
 - b. Offers of membership will be extended to the students earning the highest scores (16 scores).

- c. If a tie occurs at the sixteenth rank, the Editor-in-Chief shall select from among the tied papers.
 - d. Offers of membership shall remain open until the date determined by the Manager of Scholarly Publications.
 - C. Composite Selection
 1. In addition to the participants chosen solely on the basis of the writing competition and the participants chosen solely on the basis of grades, sixteen (16) participants will be chosen on the basis of a composite of writing and grades in the following manner:
 - a. An invitation will be extended to the student with the highest ranked GPA (not already chosen under Method A or B) whose writing competition entry ranked within the top 25%.
 - b. An invitation will be extended to the student with the highest ranked writing competition entry (not already chosen under Method A or B) whose GPA ranked within the top 25%.
 - c. This selection process shall alternate between (a) and (b) until sixteen participants are chosen.
 - d. If a tie occurs at the sixteenth rank, the Editor-in-Chief shall select from among the tied papers.
 - e. Offers of membership shall remain open until the date determined by the Manager of Scholarly Publications.
 - D. Student Hardship Selection
 1. Rationale: An effective student hardship policy will increase the quality of the JOURNAL by diversifying membership, by increasing interest in the JOURNAL among those who have effectively been denied participation in the past, and by producing a broader spectrum of perspectives on legal scholarship. Hastings has officially recognized the great individual effort required to overcome economic and social disadvantage. It is appropriate that the JOURNAL show its support of this realistic assessment of individual accomplishment and participate in it.
 2. Policy
 - a. The Student Hardship Program shall be made up of the Special Admissions Application and Admissions Review Committee Selection (ARC). The deliberations and decisions of the Admissions Review Committee will be kept strictly confidential.
 - b. ARC shall consist of two to five JOURNAL members appointed by the Editor-in-Chief.
 - c. ARC shall select students for membership on the JOURNAL in strict accordance with the policies and procedures set forth herein.
 - d. ARC shall make its membership selections from among those first-year students submitting applications and participating in the writing competition.
 - e. Special Admissions Applications shall be due in the JOURNAL office at the same time as, and bundled with, the writing competition entries.
 - f. ARC shall append to each application information regarding the applicant's performance in the writing competition as soon as such information is available.

- g. Once class ranks have been established, ARC shall delete from its applicant pool any student invited on the basis of his or her grades, performance in the writing competition, or combination of both.
- h. ARC shall meet and evaluate the Special Admissions Applications. ARC shall then select students for membership on the JOURNAL. ARC may consider the following factors in making its decisions:
 - (1) Academic achievement as reflected in GPA, performance in the writing competition, and the Legal Writing and Research Grade; and
 - (2) Factors included in the applicant's personal statement which relate to the JOURNAL's need for a diverse perspective on legal scholarship, its desire to compensate for demonstrated economic and social disadvantage, or its desire to recognize personal academic achievement and which for some reason are not adequately addressed by the articulated factors.
 - (3) The criteria for selection will be based on those of the Legal Education Opportunity Program (LEOP). Applicants must identify and describe in detail the challenges and obstacles which they faced and the impact of these on their academic preparation. The obstacles may be cultural, economic, educational, familial, geographic, linguistic, or social in nature. Applicants must provide specific information on what they have done to meet and/or overcome these challenges.
- i. ARC's decision shall be made by consensus if possible and by majority vote only if a stalemate occurs.
- j. ARC shall time its selection process to coincide with the ongoing grade selection process.

E. Self-submittal program

- 1. Rationale: A high degree of individual motivation, scholarship, and writing excellence are required of all JOURNAL members. Students who manifest these qualities by self-submitting a Note of publishable quality will be invited to join the JOURNAL.
- 2. To gain JOURNAL membership, a self-submittal candidate's Note must actually be published in the JOURNAL or satisfy the preemption exception set out in the College's academic regulations. The Note submitted must not be based on, or serve as the basis, of a Note written in conjunction with membership on another journal, or as part of a seminar.
- 3. Procedure for self-submittal candidates:
 - a. To maintain anonymity, the self-submittal candidate will register with the Manager of Scholarly Publications and receive an entry number.
 - b. A candidate will submit three copies of a 5-10 page Note prospectus to the Manager of Scholarly Publications by the last weekday in January, using only the entry number as identification.
 - c. All prospecti will be reviewed by the Senior Notes Editors, who will forward the best entries to the Managing Editor and the Editor-in-Chief.

- d. Authors of the best entries will then be invited to submit a draft note, no longer anonymously, which will be due the same date as Notes written by second-year members.
 - e. If the draft Note is of sufficient quality, authors will be invited to submit a finished Note, due by the last day of the first-year Writing Competition.
 - f. The Board of Editors will evaluate the Notes using the same selection criteria used in selecting Notes for publication in the current Volume.
 - g. Board Members should not participate in evaluation of any Note where such Board Member has a personal relationship with the self-submittal candidate.
 - h. Compliance with the final deadline is a prerequisite to gaining membership through the self-submittal program. However, students may bypass the first two deadlines and submit only a completed note.
4. Candidates accepted for membership will then be required to complete the same requirements as second-year members, and will have the title "Third-Year Editor."

F. Continuing Students

Students in joint degree programs and on academic leave of absence will be offered deferred membership on the JOURNAL; i.e., students who obtain membership through the methods described in (A)–(D) above will be participants during the year they return to school.

G. Transfer Students

1. Second-year transfer students may gain membership in either of the following ways.
 - a. Through the self-submittal program.
 - b. By submitting, before the start of the academic year, a writing entry based on the most recent writing competition problem. The problem should be administered and conducted according to all the rules and regulations that applied to the spring writing competition and as are outlined in article III(3)II(B). The Editor-in-Chief shall select a committee of two to five members to evaluate these entries. The committee shall recommend for membership the students whose entries demonstrate a degree of excellence equivalent to the entries from the spring writing competition that received offers of membership under III(2)(B). The Editor-in-Chief shall then decide which of those students should be extended offers of membership; however, offers shall be extended to no fewer than two of the qualifying transfer students.
 - c. By submitting writing competition entries and a supplemental personal statement. The ARC shall consider the writing competition entry and factors that demonstrate personal achievement in the face of social, economic, or educational disadvantages in determining whether to recommend that the Editor-in-Chief offer membership.
2. The JOURNAL shall send a letter out in the transfer student admissions packet describing the membership for transfer students.

H. LL.M. Students

1. Rationale: Participation of LL.M. students in HLJ will provide HLJ with a broader perspective on legal issues. It will benefit LL.M. students by allowing them an opportunity to participate in student-run journals which are not available in their home countries.
2. Application to the LL.M. Admissions Program shall be by essay and interview, as organized annually by those journals that allow LL.M. membership and shall be organized in conjunction with the head of the LL.M. Program at Hastings.
3. LL.M. Members will be selected by the Editor-in-Chief through the LL.M. Admissions Program.
4. LL.M. Members will appear as "LL.M. Editors" on the masthead.
5. Once selected, LL.M. Editors will participate in 2L events and will be required to fulfill the hours requirement set for L.L.M. Editors by the Board of Editors.
6. The Board of Editors may forgo the LL.M. Admissions Program in a particular year if circumstances warrant such a decision.

ARTICLE IV

MEETINGS

1. Meetings: Meetings of the general membership of the JOURNAL shall be held not less than two (2) times during the academic year. The number of meetings may be changed by a vote of the majority of the membership, or by the Editor-in-Chief. The Board of Editors may require attendance at regular meetings and may give membership credit for attendance.
2. Special Meetings: A special meeting may be called by the Editor-in-Chief, by two (2) or more Board members, or by at least twenty-five percent (25%) of the membership by a petition in writing submitted to the Editor-in-Chief. The special meeting shall be held as soon as possible but in no event later than fourteen days after a request as described above is received by the Editor-in-Chief.
3. Quorum: No general meeting of the JOURNAL membership may conduct official business unless a quorum of majority of the membership is present.
4. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the organization may adopt.

ARTICLE V

VOTING PROCEDURES

1. Voting: The percentage vote needed to pass a motion or elect an official is based on the votes actually cast, unless these bylaws or the applicable rules state otherwise. Thus, a "majority" is more than half of those voting; abstentions and blank ballots are disregarded.
2. Voting on the following items must be conducted as follows:
 - a. Elections for Editor-in-Chief, in accordance with Article VI § 4;
 - b. Voting on Membership Policy, in accordance with Article V § 3 (Voting at a Meeting) or Article (Voting Outside of a Meeting);



LexisNexis



LexisNexis



LexisNexis™

- c. Amendment of the Bylaws, in accordance with Article V § 3 or Article V § 4;
 - d. Suspension of the Bylaws, in accordance with Article V § 3, Article V § 4, or Article V § 5.
 - e. Any matter referred to such a vote by a motion, which passed by a majority of those voting, made at a meeting of the membership, in accordance with Article V § 3 or Article V § 4;
 - f. Any matter submitted to the Editor-in-Chief for a vote by the written request of 25% of the membership, in accordance with Article V § 3 or Article V § 4;
 - g. Any matter referred to a vote by the Editor-in-Chief, in accordance with Article V § 3, Article V § 4, or Article VI § 5.
3. Voting at a Meeting
- a. A vote taken at a regular or special meeting shall bind the membership if one of the following conditions is satisfied:
 - (1) a quorum is present and a majority of those voting favor the motion, or
 - (2) a quorum was present when the meeting was called to order, less than a quorum is present when the vote is taken and the number of votes in favor of the measure at least equals a majority of a quorum, and the matter was listed on the agenda posted prior to the meeting.
 - b. A vote at a meeting may be conducted in any of the following ways:
 - (1) If there is no objection to the decision, general consent may be used to avoid a formal vote on routine matters.
 - (2) Voice vote may be taken where only a majority is needed to pass the measure.
 - (3) A show of hands may be used.
 - (4) If unsure of the result, the presiding member(s) will order an actual count.
 - (5) A secret written vote can be made if the bylaws do not already require one.
4. Voting Outside of a Meeting
- a. Voting outside of a meeting shall be conducted by secret written ballot.
 - b. Except as otherwise provided, approval by the majority of the membership is required to pass any item voted on outside of a meeting.
 - c. Voting outside of a meeting shall take place during regular school hours for two consecutive days, either Tuesday and Wednesday or Wednesday and Thursday unless these bylaws provide otherwise.
 - d. Notice of the voting shall be given at least seven (7) days before the balloting by posting the information in a prominent place.
 - e. Members who will not be at school during a voting period may vote by proxy, absentee ballot, or by telephone or e-mail if arrangements to do so are made with the Editor-in-Chief at least five (5) days prior to the date on which voting begins. The requirement of prior notice may be waived at the discretion of the Editor-in-Chief in the event of illness or emergency.
5. Voting of the Board of Editors
- a. A vote taken by the Board of Editors shall allow the JOURNAL to temporarily suspend the Bylaws or take other action as requested by the Editor-in-Chief if the following conditions are satisfied:
 - (1) a quorum is present and two-thirds of the Board of Editors votes in the affirmative, or
 - (2) an email is sent to the Board of Editors from the Editor-in-Chief notifying the Board of the desired action, and no members of the Board object via email,

phone or in person within 48 hours of the initial email being sent, while school is in session, or within 7 days, while school is not in session.

ARTICLE VI

ELECTIONS, REMOVAL, AND VACANCY

1. Nominations and Election of the Editor-in-Chief
 - a. Eligibility Requirements: Any JOURNAL staff member may choose to run for Editor-in-Chief by announcing his or her candidacy.
 - b. Candidates for Editor-in-Chief must consent to the opening of their work evaluation file and a review of their Note, at whatever stage of completion, for examination by the membership prior to the election.
2. Statement of Official Candidacy: Official candidacy is obtained by submitting position statements to the Editor-in-Chief no later than one week before the election. The JOURNAL will copy and distribute, at its expense, any statement of candidacy submitted no later than two (2) weeks before the election. Such statements shall be limited to two (2) pages.
3. Unofficial Candidacy: Any member who does not become an official candidate but submits a position statement at any time before the day of the candidates' forum, or is nominated and accepts the nomination during the candidates' forum when the presiding member calls for such nominations, thereby becomes a non-official candidate. The names of nonofficial candidates will not appear on the ballot. However, write-in votes are permitted for non-official candidates.
4. Candidates' Forum: At the candidates' forum, which shall be held between the last week of January and the second week of February, each candidate will present a statement of his or her position and answer questions from the floor. Both official and non-official candidates may participate in the forum. The Editor-in-Chief will determine how the forum is to be conducted.
5. Voting for Editor-in-Chief: Voting will occur during the two weekdays following the candidates' forum, but not on a Friday. The voting will be held in accordance with the rules for voting outside of a meeting as described above. In the event that a candidate obtains 50% of the votes cast plus one, that candidate wins the election.
 - a. Each member will cast their vote by ranking on their ballot the candidates they favor for Editor-in-Chief in order of preference. If no candidate obtains more than 50% of the vote, the candidate with the lowest number of votes shall be crossed out of the ballots. The ballots shall then be re-counted using the highest ranking candidate still remaining on each ballot. This process shall repeat until one candidate receives more than 50% of the votes.
 - b. The Board of Editors will run and monitor the voting. The Board will not disclose specific vote counts to persons other than the candidates.
 - c. Due to the form of the instant run-off election, in the event of a tie the Editor-in-Chief shall cast an additional deciding vote.
 - d. In the event the elected Editor-in-Chief resigns from that position prior to selecting his/her Board, the candidate with the second most votes shall become the Editor-in-Chief.

6. Board of Editors
 - a. Following the election, the Editor-in-Chief-Elect shall appoint an Board of Editors as he or she sees fit from the current membership, with the advice of the outgoing Board of Editors.
 - b. All Members seeking a position on the Board of Editors must consent to the opening of their work evaluation file and a review of their Note for examination by the newly elected Editor-in-Chief prior to the appointment of the new Board.
7. Removal
 - a. Any JOURNAL Member, including the Editor-in-Chief and any other member of the Board of Editors, may be removed upon written request signed by two-thirds of the total JOURNAL membership or two-thirds of the Board of Editors.
 - a. All members who do not complete the membership requirements established by the Board of Editors will be removed. Such requirements may include, but are not limited to, completing a student-written note, performing Administrative Hours, assisting in the editing of articles and notes, grading writing competition entries, and fundraising. Members may also be removed for failing to pay dues determined by the Board of Editors.
8. Vacancies: A vacancy on the Board of Editors that occurs outside of the regular electoral process shall be filled with an Editor selected by the Editor-in-Chief. If the office of the Editor-in-Chief becomes vacant, the Board of Editors shall select one of its members or a third-year member to fill the position for the remainder of the term. If the Board selects one of its members, the Board may also select a third-year member to fill the resulting vacancy on the Board.

ARTICLE VII

COMMITTEES

Committees shall be designated by the Board or Editor-in-Chief as necessary. The Editor-in-Chief shall appoint members to such committees, which shall deal with any aspect of JOURNAL management or organization. Membership on a standing committee shall continue throughout one academic year.

ARTICLE VIII

OUTLINE BANK

There will be an Outline Bank, comprised of outlines created and submitted by HLJ members, for exclusive use of the membership. The Outline Bank will be stored on the Hastings computer network and be accessible only to HLJ members.

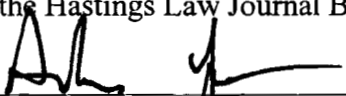
ARTICLE IX

BYLAW AMENDMENTS

These bylaws may be amended or repealed and new bylaws adopted by the vote of a majority of the general membership. They may also be temporarily suspended. Such votes may be taken in accordance with the rules promulgated in Article V herein.

HASTINGS LAW JOURNAL BYLAWS
PAGE II OF II

I hereby certify that I have reviewed the foregoing and that they constitute a true and correct copy of the Hastings Law Journal Bylaws as of this date.



ANDREW Z. LIPSON, EDITOR IN CHIEF

5/13/08
DATE