

HASTINGS LAW JOURNAL BYLAWS*

ARTICLE I

NAME AND PURPOSE

These are the Bylaws of the HASTINGS LAW JOURNAL (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” refers to the 3L Members of the JOURNAL. The Board of Editors are appointed to positions by the Editor-in-Chief and includes the Editor-in-Chief. The “Executive Board” includes the Editor-in-Chief and shall be created and defined by the Editor-in-Chief.
4. A “quorum” refers to the minimum number of individuals necessary to conduct the business of the JOURNAL, and shall consist of a simple majority of the entire membership.

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 the Inter-Journal Writing Competition (“IJWC”), including grade selection, the writing score, composite score, and special admissions application; the self-submittal program; or through the L.L.M. admissions 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 Executive Board.
 - b. Methods of Gaining JOURNAL Membership through the IJWC:
 - A. Overview
 1. Rationale: The writing competition is designed to test writing and

* Revised April, 2010.

- 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 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. Consistent with the policies of Hastings College of the Law, the JOURNAL should participate in formulating the writing competition problem.
 - a. The JOURNAL should have one (1) or two (2) representatives on the Inter-Journal Writing Competition Committee (“IJWCC”).
 - b. In the event the JOURNAL decides not to participate in formulating the problem, it may nevertheless use the problem to select Members.
 4. Only students who have completed the first year of law school are eligible to enter the JOURNAL’s writing competition.
 5. Honor Code: Each student must work independently and abide by all rules set forth in the writing competition problem packet. All students will be admonished not to discuss the problem, either generally or specifically, with any other person or to engage in online or other outside research.
 6. Grading Procedure
 - a. Grading criteria will be established by the IJWCC. 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 Executive Board may direct that Members make variations in the grading criteria to ensure fair and accurate evaluation of the competition papers.
 - c. All rising 3L JOURNAL Members are required to participate in the grading of writing competition entries, including a meeting regarding the grading process. The Editor-in-Chief shall have the discretion to exempt a limited number of Members 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.
- B. 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. Procedure
 - a. After the Registrar has established class rankings for first-year students, the JOURNAL will, in the event there are four (4) 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 (5) 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).

- b. Students invited to join based on their class rankings will nonetheless be required to participate in the writing competition, as described in section A, above.
- c. In the event of a tie for the final spot in any one section, invitations will be extended to all students who are tied.
- d. 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.
- e. In the event that an invitation extended through the grade selection process is declined, additional offers will be extended only to students within the top ten percent (10%) of their section. Thereafter, an offer will be extended to the student with the next highest grade point average, regardless of section.

C. Writing Score Selection

1. 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 sixteen (16) scores.
- c. If a tie occurs at the sixteenth (16th) 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.

D. Composite Score 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.

2. Procedure

- a. An invitation will be extended to the student with the highest-ranked grade point average ("GPA") (not already chosen under Method B or C) whose writing competition entry ranked within the top twenty-five percent (25%).
- b. An invitation will be extended to the student with the highest-ranked writing competition entry (not already chosen under Method B or C) whose GPA ranked within the top twenty-five percent (25%).
- c. This selection process shall alternate between (a) and (b) until sixteen (16) participants are chosen.
- d. If a tie occurs at the sixteenth (16th) 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.

E. 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. Member applications through the Special Admissions Program shall be reviewed by the Special Admissions Committee (“SAC”). The deliberations and decisions of the SAC will be kept strictly confidential.
 - b. The SAC shall consist of two (2) to five (5) JOURNAL Members appointed by the Editor-in-Chief.
 - c. The SAC shall select students for membership on the JOURNAL in strict accordance with the policies and procedures set forth herein.
 - d. The SAC 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 to the Manager of Scholarly Publications at the same time as, and bundled with, the writing competition entries.
 - f. The SAC 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, the SAC shall remove any student invited on the basis of his or her grades, performance in the writing competition, or composite score from its applicant pool.
 - h. The SAC shall meet and evaluate the Special Admissions Applications. The SAC shall then select students for membership on the JOURNAL. The SAC 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 challenges and obstacles that the applicant faced and the impact of those obstacles and challenges on their academic preparation. These obstacles or challenges may be cultural, economic, educational, familial, geographic, linguistic, or social in nature. Applicants must identify and describe these obstacles

- and challenges in detail and provide specific information on what they have done to meet and/or overcome them.
- i. The SAC's decisions shall be made by consensus if possible and by majority vote only if a stalemate occurs.
 - j. The SAC shall time its selection process to coincide with the ongoing grade selection process.
- F. Invitation Process Based on Article III, §§ 2(A)-(E)
1. Based on the processes provided above, the JOURNAL may extend fifteen (15) (or sixteen (16) in the case of four (4) sections) offers based on section rank, sixteen (16) offers based on writing competition score, sixteen (16) offers based on the composite scoring process, and those offers made by the SAC.
 - a. The Editor-in-Chief shall have the discretion to extend either additional or fewer offers of membership.
 2. A master list of invitees should be submitted to the Manager of Scholarly Publication by the date that the Manager specifies.
 3. The Manager of Scholarly Publications will publicize the invitation list to the incoming 2L class.
 4. After the list is posted, individuals offered a 2L editor position on the JOURNAL can accept or decline the offer.
 - a. When an invitee declines their offer to join the JOURNAL, the Editor-in-Chief (or the person to whom s/he delegates control of the IJWC processes), should determine how that student was offered membership on the JOURNAL (via Grade Selection, Writing Score Selection, or Composite Score Selection), and extend an offer to the individual next in line for that same method. If the individual who declines an offer gained that offer from the Grade Selection criteria, an offer shall be extended to the person with the next highest GPA in the same section, in accordance with the procedure set forth in Article III, § 2(B)(e).
 - A. Offers of membership based on Grade Selection may be extended earlier to account for those students' likelihood of transferring to another law school before the bulk of offers are extended.
 5. The Manager of Scholarly Publications will set the deadline for acceptance. If s/he does not, the Editor-in-Chief shall set the deadline for the JOURNAL. In any event, after the posting of the invitation list, the Editor-in-Chief should contact the invitees and notify them of a deadline by which their offers for membership on the JOURNAL must be accepted. This date should be no later than the first day of the Fall Semester (except in the case of transfer students). Failure to accept by the date provided by the Editor-in-Chief may result in automatic revocation of the offer and the JOURNAL shall follow the process in § E(4)(a) to extend another offer. The Editor-in-Chief may make allowances in his/her discretion or as provided by the Bylaws.
 6. Nothing in this Membership Selection Policy shall preclude the JOURNAL from making an offer of membership simply because the student has

gained membership to another journal.

G. Continuing Students

- I. Students in joint degree programs or on academic leave of absence who obtain membership through the methods described in (A)–(E) may be offered deferred membership on the JOURNAL at the Editor-in-Chief's discretion. Those students must comply with all applicable deadlines set forth in (A)–(F) above. Students obtaining membership in this method will participate on JOURNAL in the year they return to school.

H. Transfer Students

- I. Rising 2L transfer students may gain membership in any 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 by the Manager of Scholarly Publications. The transfer applicants should abide by all of the rules that apply to the general writing competition.
 - A. The Editor-in-Chief (or individual to whom the Editor-in-Chief has delegated control of the membership selection process) shall select a committee of two (2) to seven (7) Members to evaluate these entries. The committee Members shall grade the transfer entries based on the same grading criteria as the general writing competition. The results of the transfer grading should be compiled and applicants ranked in order of their numeric score. Offers of membership should be extended based on these rankings.
 1. The Editor-in-Chief shall then decide how many students should be extended offers of membership; however, offers shall be extended to no fewer than two (2) of the qualifying transfer students.
 2. Transfer students should receive invitations if their scores equal at least the fifteenth-ranked (15th) regular entry in the writing competition. However, the number of offers may be increased or decreased as the Editor-in-Chief sees fit.
 - c. Special Admissions: By submitting a writing competition entry and a supplemental personal statement. The SAC 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.

c. Self-Submittal Program

- A. 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.
- B. To gain JOURNAL membership, a self-submittal candidate's Note must actually be published in the JOURNAL and 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 for, a Note written in conjunction with membership on another journal, or as part of a seminar.

C. Procedure for Candidates:

1. To maintain anonymity, the self-submittal candidate will register with the Manager of Scholarly Publications and receive an entry number.
2. A candidate will submit three copies of a five (5) to ten (10) page Note prospectus to the Manager of Scholarly Publications by the last weekday in January, using only the entry number as identification.
3. All prospecti will be reviewed by the most senior editor of the Notes staff of the outgoing Board of Editors, who will forward the best entries to the Editor-in-Chief and the Member in charge of membership selection.
4. Authors of the best entries will then be invited to submit a draft Note, no longer anonymously, which will be due on the same date that current 2L Members submit their Notes for publication consideration. The Editor-in-Chief shall then assign the candidate an identifying number, consistent with those assigned to Members, before submitting the draft to the Notes staff.
5. The editors of the Notes staff will evaluate the Notes using the same selection criteria, policies, and processes used in selecting Notes submitted by current 2L Members for publication.

D. In the event that the candidate's Note is selected for publication, an offer of membership shall be extended immediately. In the event the candidate declines membership, their Note shall not be published.

E. Candidates accepted for membership will then be required to complete the same requirements as 2L Members, and will serve as a Member of the 2L Editorial Staff in the next year.

d. LL.M. Students

A. Rationale: Participation of LL.M. students in the JOURNAL will provide the JOURNAL 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.

B. 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.

C. LL.M. Members will be selected by the Editor-in-Chief through the LL.M. Admissions Program.

D. 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 Executive Board.

E. The Executive Board may forgo the LL.M. Admissions Program in a particular year if circumstances warrant such a decision.

ARTICLE IV

MEETINGS

- I. Meetings: Meetings of the general membership of the JOURNAL shall be held at least 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 Executive Board 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 Members of the Board of Editors, 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 (14) days after a request as described above is received by the Editor-in-Chief.
 3. Quorum: No meeting of the JOURNAL membership may conduct official business unless a quorum is present, as defined in Article II, § 4.
 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 § 5;
 - b. Voting on Membership Policy, in accordance with Article V § 3 or Article V § 4;
 - 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 twenty-five percent (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, 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 (2) 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.
 - 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 and Executive Managing Editor (or Member in an equivalent position) 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 either of the following conditions are satisfied:
 - (1) a quorum is present and two-thirds ($2/3^{\text{rd}}$) of the Board of Editors votes in the affirmative; or
 - (2) the Editor-in-Chief notifies the Board of Editors, via email, of the desired action, and no members of the Board of Editors object via email, phone or in person within forty-eight (48) hours of the initial email being sent, when school is in session, or within seven (7) days, when school is not in session.

ARTICLE VI

ELECTIONS, REMOVAL, AND VACANCY

1. Nominations and Election of the Editor-in-Chief
 - a. Eligibility Requirements: Any 2L JOURNAL 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 (1) 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 non-official candidates will not appear on the ballot. However, write-in votes are permitted for non-official candidates.
4. Candidates' Forum: The candidates' forum, 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 (2) 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 fifty percent (50%) of the votes cast plus one (1), 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 fifty percent (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 (1) candidate receives more than fifty percent (50%) of the votes.
 - b. The Executive Board will run and monitor the voting. The Executive Board shall 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 the new Board of Editors, the candidate with the second (2nd) most votes shall become the Editor-in-Chief.
6. Board of Editors
 - a. Following the election, the Editor-in-Chief-Elect shall appoint the Board of Editors as he or she sees fit from the current membership.
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 ($2/3^{\text{rd}}$) of the total JOURNAL membership or two-thirds ($2/3^{\text{rd}}$) of the Board of Editors.
 - b. All Members who do not complete the membership requirements established by the Executive Board 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, and grading writing competition entries. Members may also be removed for failing to pay dues.
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 (1) of its Members to fill the position for the remainder of the term. The Board of Editors may also select a third-year Member to fill the resulting vacancy.

ARTICLE VII

COMMITTEES

The Editor-in-Chief may establish committees as are necessary and shall appoint Members to such committees. Committees shall deal with any aspect of JOURNAL management or organization. Membership on a standing committee shall continue for its designated purpose.

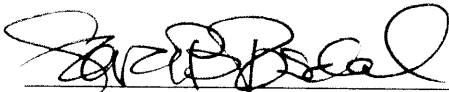
ARTICLE VIII
OUTLINE BANK

There will be an Outline Bank, comprised of outlines created and submitted by Members, for exclusive use of the membership. The Outline Bank will be stored on the Hastings computer network and be accessible only to JOURNAL 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 shall be taken in accordance with the rules promulgated in Article V herein.

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.



SARA B. TOSDAL, EDITOR-IN-CHIEF

20 August 2010
DATE