STETSON LAW REVIEW

Constitution

The Constitution of Stetson Law Review Association

ARTICLE I—PURPOSE

The purpose of Stetson Law Review Association is to advance legal education and practice through the publication of the Stetson Law Review.

ARTICLE II—DEFINITIONS

Whenever the following terms appear in this document, they will have the following meanings:

1. **Abuse of Discretion**: Failing to exercise sound and reasonable discretion; however, this failure does not infer misconduct, bad faith, or intentional action.

2. **Assistant Editor**: Any Member appointed by the Editor in Chief to perform duties commensurate of those of an elected Editor. Assistant Editors are appointed for one-semester terms; however, the appointment may be renewed. Assistant Editors are nonvoting members of the Executive Board.

3. **Associate**: A Member who is not an Editor and who has not received Law Review writing credit.


5. **Candidate**: (1) Any student who seeks membership through the write-on competition or Publication Committee. (2) Any Member seeking to obtain an Executive Board position through the slate approval process.

6. **Clearly Erroneous**: Demonstrating substantial error or unsupported by substantial evidence.

7. **Editor**: Any voting member of the Executive Board.
ARTICLE III—COMPOSITION

Law Review shall be composed of the Members.

ARTICLE IV—ASSOCIATE SELECTION

Section 1. A student may obtain an Associate position by successful participation in the write-on competition, by attaining a requisite grade point average, or by receiving an invitation after submitting a paper selected for publication by the Publication Committee. A Stetson student who submits a paper that is selected for publication by the Publication Committee may receive an invitation for membership at the discretion of the Executive Board.

Section 2. The Bylaws shall detail the procedures for Associate selection as provided for in Section (1) of this Article.

ARTICLE V—ASSOCIATE SELECTION THROUGH THE WRITE-ON COMPETITION
Section 1. Associates may be selected through the write-on competition.

a) Students may compete as Candidates in the write-on competition in a Semester of eligibility, which is defined as a Semester in which the student attains a cumulative grade point average of 2.90 following successful completion of Research and Writing II. All competing students must have three or more Semesters remaining during which they can meet the Standards for Measuring the Earning of Law Review Semester Credit.

b) Transfer students who have completed Research and Writing II or its equivalent (as determined by the Associate Dean) may compete in the first Semester of enrollment in which all other requirements of Section (1)(a) of this Article. Eligibility in the first Semester will be determined by looking at class rank at the prior institution. Students in at least the top one-third of the class at the prior institution will be eligible to compete. In all Semesters subsequent to a transfer student’s first Semester of enrollment at Stetson University College of Law, only grades received at Stetson will be considered for eligibility requirements.

c) Any student who is enrolled in at least sixteen non-elective hours in either the J.D. or J.D./M.B.A. curriculum, or at least eight hours during the summer Semester, and is selected as an Associate, may drop a required law course within two weeks of selection.

Section 2. Candidates shall participate in the write-on competition in the following manner:

a) All submissions and evaluations shall be anonymous.

b) At the conclusion of the write-on competition, the voting Editors shall select Candidates as Associates based on the quality of performance in the write-on competition.

c) Candidates not selected may petition for review within ten days after notifying the Candidates of selection through the write-on competition. A Candidate may not petition for review until he or she meets with the Research Editor or other designated Editors to discuss the Executive Board’s decision. Petitions shall be in writing, with two copies delivered to the Editor in Chief, who shall deliver one copy to the faculty advisor(s). The Editors shall review the petition, and the Editor in Chief will advise the faculty advisor(s) of their decision.

d) For the petition to be granted, a majority of votes must be in favor of granting the petition. When considering a petition, the Executive Board shall review the initial decision under the Clearly Erroneous standard of review. The Editor in Chief and other Editors who know the identity of the petitioner must abstain from voting.

e) Any petition rejected by the Executive Board shall be reviewed by the faculty advisor(s), who may reverse the Executive Board’s decision. The standard of review for the faculty advisor(s)
is whether the Executive Board's final decision about the paper constitutes an Abuse of Discretion. The decision of the faculty advisor(s) is final and binding.

Section 3. Following their selection, Associates shall be required to commence training sessions and administrative task hours immediately under such rules and procedures as the Executive Board may establish unless waived by the Editor in Chief and faculty advisor(s) for Good Cause.

Section 4. A student extended Associate status under Section (1) of this Article at the beginning of a summer Semester may be granted a deferral until the next fall Semester if such student is enrolled in a summer academic study-abroad program.

Section 5. Additionally, a student extended Associate status under Section (1) of this Article at the beginning of a summer Semester may be granted a deferral until the fall Semester under the following circumstances:

a) the student is not enrolled in J.D. or M.B.A. classes at Stetson during the regular summer Semester; and
b) the student is working outside the greater Tampa Bay area and will continue to hold an out-of-town position for substantially all of the summer Semester; and
c) the student will have at least three Semesters remaining after the summer Semester; and
d) the student receives the written approval of the Editor in Chief, who will consult with the faculty advisor(s).

Section 6. Any student granted a deferral under this Article will not be considered a Member until the Semester in which work is actually performed for Law Review.

Section 7. Any Candidate who competes unsuccessfully for an Associate position under this Article may compete in another Semester, so long as all other eligibility requirements are met as set forth in the Bylaws.

**ARTICLE VI—ASSOCIATE SELECTION THROUGH THE GRADE-ON PROCESS**

Section 1. Without competing in the write-on competition, students may be invited to join Law Review as described in this Article.

a) Students who rank in the top five percent of their class in the Semester in which Research and Writing II is completed will be offered Associate standing in Law Review.

b) Any student who ranks in the top five percent of his or her class in subsequent Semesters, and who still has three or more Semesters of enrollment before graduation, will also be offered Associate standing in Law Review.
c) Students who rank in the top two percent of their class in the Semester in which they complete Research and Writing I and who earn a grade of at least 3.25 in Research and Writing I will be offered Associate standing in *Law Review*. For purposes of this paragraph only, those students ranked in a class cohort of less than 50 students will be offered Associate standing in *Law Review* in the Semester in which they complete Research and Writing I if they earn a grade of at least 3.25 in Research and Writing I and if their cumulative GPA is equal to or exceeds the lowest cumulative GPA of any other student who was offered Associate standing in *Law Review* that academic year based on ranking in the top two percent of their class. The student will be permitted to defer his or her acceptance until he or she has completed Research and Writing II.

d) Any transfer student who ranks in the top two percent of his or her class after his or her second Semester enrolled at Stetson will be invited to join *Law Review*. It is the student's responsibility to inform the Editor in Chief within seven calendar days of final grades being due to the registrar.

e) Members extended Associate status by virtue of their grades as provided in subsections (a), (b), (c), or (d) of this Article shall have the same duties as all other Members as outlined in Article VII.

f) Associate status will not be revoked if the student falls below the top five percent in subsequent Semesters. Associate status will be revoked if the student fails to maintain a cumulative grade point average of 2.90.

**Section 2.** A student extended Associate status under Section (1) of this Article at the beginning of a summer Semester may be granted a deferral until the next fall Semester if such student is enrolled in a summer academic study-abroad program.

**Section 3.** Additionally, a student extended Associate status under Section (1) of this Article at the beginning of a summer Semester may be granted a deferral until the fall Semester under the following circumstances:

a) the student is not enrolled in J.D. or M.B.A. classes at Stetson during the regular summer Semester; and

b) the student is working outside the greater Tampa Bay area and will continue to hold an out-of-town position for substantially all of the summer Semester; and

c) the student will have at least three Semesters remaining after the summer Semester; and

d) the student receives the written approval of the Editor in Chief, who will consult with the faculty advisor(s).
Section 4. Any student granted a deferral under this Article will not be considered a Member until the Semester in which work is actually performed for *Law Review*.

**ARTICLE VII—SUBMISSION OF A PAPER FOR PUBLICATION**

Section 1. Any Stetson student who is interested in publication in the *Law Review* may submit a student-written paper to the Publication Committee in the following manner:

a) Any Stetson student may submit a paper for publication to the Executive Editor. The Publication Committee will consider the paper's publishability. A majority vote of all Publication Committee members is required. The decision regarding publication is final and not subject to appeal or review and may be withdrawn in accordance with the then-current publication agreement.

b) The opportunity afforded by this Article shall be published in a reasonable manner to the Stetson student body at the start of each Semester in which the Publication Committee will meet to encourage submissions of student papers.

Section 2. A Candidate whose paper is selected for publication may also be invited to join *Law Review* in the following manner:

a) Any Candidate who submits a paper for publication to the *Law Review* as provided by Section (1)(a) of this Article, which is selected for publication, may be invited to be an Associate of *Law Review*. A three-fourths vote of all Editors is required. This vote must be separate from the vote on publishability.

b) The Candidate must have three remaining Semesters to fulfill Associate membership requirements and at least a 2.90 cumulative grade point average.

**ARTICLE VIII—GENERAL DUTIES**

Members of *Law Review* will:

1. publish original material;
2. keep abreast of current developments in the law and assist in the evaluation, selection, and revision of articles, digests, and student notes and comments;
3. assist in technical editing and other administrative work necessary for the production and publication of the *Law Review*;
(4) perform other tasks assigned by any Executive Board member consistent with the general purpose of Law Review;
(5) serve on any special committee to Law Review as appointed by the Editor in Chief in extraordinary circumstances;
(6) carry out all position-specific duties and responsibilities, as set forth in the Bylaws;
(7) complete required weekly office hours; and
(8) attend all mandatory functions and meetings.

ARTICLE IX—WRITING REQUIREMENT

All Members shall complete a note or comment of publishable quality before graduation from Stetson. The Bylaws shall set forth specific deadlines and requirements.

ARTICLE X—EXECUTIVE BOARD

Section 1. The Executive Board shall govern Law Review.
Section 2. The decisions made by Editors are governed by majority vote unless indicated otherwise. Any time a vote of the Editors is required in carrying out its obligations under this Constitution, the Editor in Chief shall have the authority to break a tie by casting a second vote.
Section 3. The Executive Board shall be composed of an Editor in Chief, an Executive Editor, a Managing Editor, Research Editor(s), Marketing Editor(s), Articles & Symposia Editors, Notes & Comments Editors, Recent Developments Editor(s), Online Issue Editor(s), and any Assistant Editors as appointed by the Editor in Chief.
Section 4. The number of Editors of the Executive Board shall not exceed the maximum limit specified in the Bylaws.
Section 5. The Executive Board shall, upon approval of the faculty advisor(s), have the discretion to modify the number of any Editor positions other than the Editor in Chief, the Executive Editor, and the Managing Editor.
Section 6. Subject to the limitations of Section (4) of this Article, the Executive Board shall, upon approval of the faculty advisor(s), have the discretion to create new Editor positions other than those listed in Section (3) of this Article.
Section 7. Any Member serving as part of the Executive Board must serve a minimum of three consecutive Semesters unless the Editor in Chief approves otherwise. Any Member who can fulfill
the full term of the Editor position before his or her graduation is eligible for election to the Executive Board.

Section 8. The Bylaws shall set forth all responsibilities of individual Editors.

Section 9. Editors begin their term on the day of the next graduation following their election. Until that time, the Member is an Editor-Elect. It is the responsibility of each outgoing Editor to train the appropriate Editor-Elect before such Editor-Elect begins his or her term. It is the responsibility of each Editor-Elect to become familiar with the obligations and duties of the position prior to assuming his or her term.

Section 10. If any vacancy exists or is created after an Executive Board election, the vacancy shall be filled by a majority vote of the Editors. The Executive Board may choose the manner in which it solicits Candidates. Voting shall be by secret ballot. Editors selected under this Section shall fulfill the remainder of the vacant position's term.

ARTICLE XI—SLATING

Section 1. The Editors shall slate Candidates for Executive Board positions in the following manner:

a) Each Candidate who wishes to be considered for an Editor position shall submit a resume and an application, as required by the Editor in Chief, and appear before the Editors for an interview.

b) Before the end of any Semester during which any Editor(s) will vacate a position(s), the Editor in Chief shall call a meeting for the purpose of selecting a slate of Candidates to fill such position(s).

c) All Editors should be present for interviews and slating unless interviewing for another position.

d) Immediately following the completion of all interviews, a slate of recommended Candidates shall be prepared by the Editors in a closed, confidential meeting. Any Candidate receiving the recommendation of at least fifty-one percent of the Editors present shall be slated. If no Candidate for a position receives a recommendation from at least fifty-one percent of the Editors present, no one shall be slated for that position.

e) The Editor in Chief shall have the authority to break a tie by casting a second vote.

f) A list of all slated Executive Board Candidates shall be e-mailed to Members at least seventy-two hours before submitting the slate for approval at a meeting of all the Members described in Article XII.
Section 2. To ensure continuity and to enable the Executive Board to continue the publication process throughout the year, the Editor slating will be staggered.

Section 3. During the fall Semester, the positions available for election shall be as follows:
   a) Marketing Editor(s);
   b) at least two Articles & Symposia Editors;
   c) and at least two Notes & Comments Editors.

Section 4. During the spring Semester, the available positions for election shall be as follows:
   a) Editor in Chief;
   b) Executive Editor;
   c) Managing Editor;
   d) Research Editor(s);
   e) Articles & Symposia Editors;
   f) Notes & Comments Editors;
   g) Recent Developments Editor(s); and
   h) Online Issue Editor(s).

Section 5. The Editor in Chief will produce a list of the Editor positions that will be available in a given Semester. The Editor in Chief will distribute this list to all Members as soon as is practicable at the beginning of each Semester. Elections should be held as early in the Semester as possible to afford maximum overlap and training time between the Editor-Elect and the outgoing Editor. However, the election should not be held so early as to preclude new Associates from running for Editor positions. Consequently, no Editor election process will begin before the write-on competition appeals process is concluded for that Semester.

ARTICLE XII—APPROVAL OF EXECUTIVE BOARD SLATE

Section 1. At least two-thirds of the general membership, at a meeting of all Members, must be present to approve the slate. Each Member shall have one vote. Voting shall be by secret ballot. A majority of those voting are required to approve the slate.

Section 2. Editors selected under this Article shall be subject to the approval of the faculty advisor(s) who shall for Good Cause have the authority to reject any Candidate, but shall not have the power of substitution.

ARTICLE XIII—FACULTY ADVISOR(S)
Section 1. The Dean of Stetson University College of Law shall appoint one or more faculty advisor(s) to assist and advise Law Review.

Section 2. The Editor in Chief shall meet at regular intervals with the faculty advisor(s) for review and evaluation of Members' performance and overall Law Review affairs.

ARTICLE XIV—MEETINGS

Section 1. There shall be a general meeting of all Members at least three times each Semester, excluding the summer Semester. The Editor in Chief may call additional meetings as necessary.

Section 2. The Executive Board shall meet once a week throughout the fall and spring Semesters and as is necessary throughout the summer Semester. At such meetings there shall be reports on and discussion of work done and being done by Members, methods of improving the structure of and internal operation of Law Review, and the content of future issues of the Law Review.

ARTICLE XV—ACADEMIC CREDITS

Section 1. Upon recommendation of the faculty advisor(s), who will consult with the Editor in Chief, each Associate and Senior Associate will earn one unit of academic credit for each Semester of Satisfactory Service.

Section 2. Upon recommendation of the faculty advisor(s), who will consult with the Editor in Chief, each Editor and Assistant Editor will earn two units of academic credit for each Semester of Satisfactory Service.

Section 3. An Editor-Elect will receive credits as an Editor for successfully completing formal Editor training as provided for in Section (2) of this Article in the Semester in which the person is elected.

Section 4. In addition to academic credit(s) received as outlined in Sections (1) and (2) of this Article, a Member will receive one or two additional units of academic credit in the Semester in which the faculty advisor(s) determines that the Member has submitted an article of publishable quality. The faculty advisor(s) will consider criteria including the difficulty and originality of the topic, the quality of research and writing, and the length of the paper.

Section 5. Each academic credit earned for Law Review participation shall be graded using the College of Law's satisfactory/unsatisfactory grading scale.

ARTICLE XVI—DISCIPLINE
The publication titled "Procedure 020" governs the disciplinary procedure of Law Review. This publication is incorporated herein by reference.

ARTICLE XVII—DISMISSALS

Section 1. Subject to the requirements of "Procedure 020," the Editors may vote to dismiss any Member (including any Executive Board member) for failing to perform the duties and obligations set forth in this Constitution and the Bylaws, for violating any disciplinary procedures or policies, or for other Good Cause.

Section 2. The Editor in Chief shall furnish any Member subject to dismissal under this Article with written notice of intent to dismiss. Such notice shall contain a brief statement of the basis for the proposed dismissal and of that Member's right to address the Editors and be heard before a vote on his or her dismissal.

Section 3. When voting to dismiss, all Editors (except for an Editor subject to dismissal) must be present.

Section 4. A two-thirds vote of Editors present (including the vote of the Editor in Chief) is required to dismiss any Member other than the Editor in Chief. A three-fourths vote of Editors present is required to dismiss the Editor in Chief.

Section 5. Any dismissed Executive Board member may not regain his or her former position or any other Editor position. The Editors shall have the option to reinstate a dismissed Executive Board member as an Associate or Senior Associate or to dismiss that Executive Board member from Law Review. A dismissed Associate or Senior Associate may not be reinstated.

Section 6. Any Member who fails to maintain at least a 2.90 cumulative grade point average shall be dismissed from Law Review. Any Member dismissed under this Section may seek reinstatement following any Semester in which he or she attains a cumulative grade point average of 2.90, so long as the Member can accumulate a total of three Semesters of service on Law Review. Any reinstated Member dismissed under this Section shall be reinstated as an Associate or Senior Associate.

Section 7. Members dismissed under this Article may appeal to the faculty advisor(s). The standard of review will be Abuse of Discretion. The decision of the faculty advisor(s) is final and binding.

ARTICLE XVIII—RESIGNATION
Any resignation must be in writing, signed, and submitted to the Editor in Chief with copies given to the faculty advisor(s). Any Member who resigns shall forfeit any right to be reinstated. Resignations are final after being accepted in writing by the Editor in Chief. There will be no appeals under this Article.

**ARTICLE XIX—LEAVES OF ABSENCE**

Section 1. A leave of absence requested by a Member must be approved by two-thirds of the Editors. A leave of absence will be granted for Good Cause, such as compelling financial or personal hardships. The Dean, Vice Dean, or Associate Dean will determine whether a documented medical condition warrants a leave of absence.

Section 2. A Member shall not receive credit for the Semester of the absence, but will not lose any writing credit or academic credit earned before the leave.

**ARTICLE XX—CERTIFICATES**

Section 1. Upon the recommendation of the faculty advisor(s), who will consult with the Editor in Chief, each student who satisfactorily completes the duties and obligations of a Member from the time of selection to the time of graduation will be awarded a certificate indicating Satisfactory Service to *Law Review*.

Section 2. Any Member dismissed under Article XVII or resigned under XVIII will not receive a certificate.

**ARTICLE XXI—NONDISCRIMINATION POLICY**

*Law Review* is committed to a policy of equal opportunity and does not discriminate in employment, admission, promotion, or retention on the basis of sex, sexual orientation, sexual identity, age, race, color, creed, religion, national origin, or disability.

**ARTICLE XXII—AMENDMENTS**
Section 1. Amendments to the Constitution of Law Review may be proposed in any of the following ways:
   a) by recommendation of the Editor in Chief;
   b) by a majority vote of the Editors;
   c) by petition of the Members (such petition shall require a minimum of twenty-five percent of Member signatures, which shall be verified by the Editor in Chief); or
   d) by recommendation of the faculty advisor(s).

Section 2. All proposed amendments shall be submitted to the faculty advisor(s) and are subject to veto by the faculty advisor(s) or the Dean of Stetson University College of Law.

Section 3. If no veto occurs within ten days of submission to the faculty advisor(s), the proposal and a statement of substance of that proposal shall be sent to Members via e-mail at least two weeks before any scheduled vote.

Section 4. After the two-week period provided for in Section (3) of this Article, the Editor in Chief shall submit the proposed amendments for approval at a meeting of the Members at which two-thirds of the Members must be present. A two-thirds vote of the Members present during the meeting is required to approve the proposed amendments.

Section 5. Within ten days of approval by Law Review, proposed amendments shall be submitted to the faculty. Within ten days of submission to the faculty, three members of the faculty may submit a written request to the faculty advisor(s) that the proposed amendments be voted upon at the next regular meeting of the faculty. If three such requests are not submitted, the proposal shall become effective at the end of the ten-day period. If three such requests are submitted, the faculty may veto the proposed amendments by a majority vote. If the veto fails to receive a majority of the vote of the faculty, the amendments will take effect at the adjournment of the meeting.

History:
   Amended 1996.
   Amended 2001.
   Amended 2008.
   Amended 2010.
   Amended 2016.
   Amended 2018.