

## Vermont Law Review Bylaws

*Adopted May 21, 1980. As Amended 1994; February, 1997; August, 1999; April, 2001; March, 2002; November, 2002; February 2004; June 2007.*

### PREAMBLE

**V**ermont Law Review is a journal of legal scholarship published by Vermont Law School students in consultation with the faculty and administration of Vermont Law School. *Vermont Law Review's* main objectives are to present readers with timely, topical information concerning the legal profession and legal scholarship; and to afford *Vermont Law Review* members an educational experience which will hone their skills in research, writing, legal analysis, and leadership. In the interest of accomplishing these objectives, the members of *Vermont Law Review* have adopted the following Bylaws.

### ARTICLE I: STRUCTURE

The responsibility for the publication of *Vermont Law Review* is vested in its membership, as defined below, under the direction of the Editor-in-Chief.

#### A. Membership

There shall be two types of membership on *Vermont Law Review*.

##### 1. Staff

The Staff shall consist of second-year students qualified as provided in Article II § A(2).

##### 2. Editors

The Editorial Board shall consist of those third-year students qualified as provided in Article II § A(1).

## **BYLAWS**

### **a. Elected Editors**

Elected Editorial positions shall include one Editor-in-Chief, one Senior Managing Editor, three Managing Editors, one Senior Notes Editor, three Head Notes Editors, one Senior Articles Editor, five Articles Editors, one Business Manager, one Environmental Editor, one Vermont Editor, and at least one Symposium Editor.

### **b. Senior Editorial Board**

The Senior Editorial Board shall consist of the Editor-in-Chief, the Senior Articles Editor, the Business Manager, the Senior Managing Editor, and the Senior Notes Editor. The Senior Editorial Board's duties shall include: (1) meeting regularly to ensure the efficient operation of the *Vermont Law Review*; (2) evaluating articles selected for publication by the articles editors; (3) assisting with final editing of manuscripts prior to publication; (4) approving exceptions to the residency requirements in accordance with Article III § B; (5) evaluating Notes in accordance with Article III § D; and (7) advising the Editor-in-Chief on matters of policy.

New editorial positions may be created as provided in this section.

## **B. Description of Duties**

### **1. Editor-in-Chief**

The Editor-in-Chief has the overall responsibility for the functioning of *Vermont Law Review* and determines policy. The Editor-in-Chief is responsible for final review of unsolicited manuscripts. She determines the status of each submission, determines the respective procedures for handling each one, oversees all the activities of the Articles Vetting Committee, and makes the final determination as to what pieces will be published. She is the last person to review, both for form and substance, all articles and student work prior to submission to the printer. The Editor-in-Chief also advises the Business Manager.

### **2. Senior Managing Editor**

The Senior Managing Editor has the primary responsibility to review materials to be published. The Senior Managing Editor shall appoint Production Coordinators for each article accepted for publication, assign a Managing Editor to each article, plan the production schedule in conjunction with the Senior Notes Editor, conduct production training sessions as needed, assist in Final Production with the Editor-in-Chief, and perform special tasks assigned as needed by the Editor-in-Chief.

### 3. Managing Editors (3)

The Managing Editors have a responsibility to review the materials to be published as assigned to each of them by the Senior Managing Editor. They, in conjunction with the Production Coordinators, make all administrative assignments (including citation checking, editing, and proofing of all manuscripts) to staff members. Each Managing Editor is responsible to oversee the editing undertaken by the Production Coordinator and staff members assigned to that Managing Editor's article(s). This oversight includes reviewing edits entered by Production Coordinators, requesting Interlibrary loan materials, and making additional edits as necessary before turning the article over to the Senior Managing Editor and the Editor-in-Chief for Final Production. In addition, the Managing Editors perform special tasks assigned as needed by the Editor-in-Chief.

### 4. Senior Notes Editor

The Senior Notes Editor has the primary responsibility for overseeing and managing the staff writing program and the write-on competition as outlined in Art. II, § A(2)(b). The Senior Notes Editor shall assign each Head Notes Editor to supervise approximately one-third of the Notes written by staff members, assign a Personal Note Editor from the 3L members to work collaboratively with a staff member in writing his or her Note as outlined in Art. III § C(3), plan the Note writing schedule in conjunction with the Senior Notes Editor, plan the write-on competition schedule and format in conjunction with the Editor-in-Chief, conduct training sessions as needed, and perform special tasks as needed by the Editor-in-Chief.

### 5. Head Notes Editors (3)

Each Head Notes Editor is responsible to oversee and manage approximately one-third of the notes written by staff members in fulfillment of the writing requirement outlined in Art. III § C(3). These notes are assigned to each Head Note Editor by the Senior Notes Editor. The Head Notes Editors shall supervise the Personal Note Editor assigned to work with each Staff writer during the writing requirement process, and, when they deem it appropriate, shall work directly with the Staff writers to ensure a successful writing program. The production schedule of each Staff writer is developed in conjunction with and approval by the Head Notes Editors and the Senior Note Editor. The Head Notes Editors participate in the substantive review of draft notes and case comments and also perform special tasks assigned as needed by the Editor-in-Chief.

**6. Senior Articles Editor**

The Senior Articles Editor has primary responsibility for soliciting lead articles from law professors, attorneys and other professionals. She will carefully read and evaluate submitted articles before presenting them to the Senior Editorial Board. The Articles Editor coordinates the Associate Articles Editors, the Vermont Editor, and the Environmental Editor. The Articles Editor also performs special tasks assigned as needed by the Editor-in-Chief. The Articles Editor will chair the Articles Vetting Committee once the committee is formed pursuant to Art. V §§ B and E. The Articles Editor will retain the responsibility for contacting authors and signing publication contracts on behalf of the Vetting Committee. The Articles Editor must keep the Editor-in-Chief informed of all Vetting Committee issues and decisions.

**7. Business Manager (1)**

The Business Manager is responsible for all business aspects of *Vermont Law Review*, including sales, advertising, accounting, mailing, coordinating work with the printer, and developing procedures and suggesting policies to meet the needs of a growing journal. The Business Manager is also responsible for ensuring the efficient functioning of the *Vermont Law Review* office, including the scheduling of membership office hours. The Business Manager performs special tasks assigned as needed by the Editor-in-Chief.

**8. Associate Articles Editors (5)**

The Associate Articles Editors have a primary responsibility to assist the Articles Editor with solicitation tasks, performing initial review of articles received for publication, and recommending review of articles to the Articles Editor for publication. Associate Articles Editors may also contact authors about publishing with *Vermont Law Review*. The Associate Articles Editors shall be responsible for developing and implementing a preemption and plagiarism program. All five Associate Articles Editors must ensure that each and every article, essay, and note published in the *Vermont Law Review* has been checked for preemption and plagiarism. This program shall be supervised by the Articles Editor and may be delegated to a single Associate Articles Editor. The Associate Articles Editors also perform special tasks assigned as needed by the Editor-in-Chief.

**9. Vermont Editor**

The Vermont Editor has primary responsibility for soliciting articles from law professors, attorneys, and other professionals regarding issues in Vermont. The Vermont Editor works closely with the Articles Editor in developing solicitation strategy and in deciding which Vermont manuscripts to recommend to the Senior Editorial Board. The Vermont Editor will poll Vermont practitioners on an annual basis as to their ideas on noteworthy

topics. The Vermont Editor also performs special tasks assigned as needed by the Editor-in-Chief.

#### **10. Environmental Editor**

The Environmental Editor has primary responsibility for soliciting articles from law professors, attorneys, and other professionals regarding developments in environmental law. The Environmental Editor works closely with the Articles Editor in developing solicitation strategy and in deciding which environmental and natural resource manuscripts to recommend to the Senior Editorial Board. The Environmental Editor performs special tasks assigned as needed by the Editor-in-Chief.

#### **11. Symposium Editors**

The Symposium Editors have the primary responsibility of organizing the annual *Vermont Law Review* symposium, including choice of a topic, soliciting speakers, and accepting articles for publication. Articles may be published at the discretion of the Articles Editor and the Editor-in-Chief.

#### **12. Technology Editor**

The Technology Editor is primarily responsible for web page editing and development, but she also assists in evaluating the production and publication processes from a technical standpoint. The Technology Editor shall maintain the articles index described in Article VI § E.

#### **13. Summer Executive Editor**

The Editor-in-Chief and the Senior Editorial Board are authorized to select an Editor to act as Summer Executive Editor. The Summer Executive Editor will be on campus at Vermont Law School a designated number of hours per week during the summer to assist with all aspects of the operation of the *Vermont Law Review*, including the write-on competition and the evaluation of unsolicited manuscripts submitted for publication. When necessary to ensure efficient operation of the Law Review, the Summer Executive Editor may be authorized by the Editor-in-Chief and the Senior Editorial Board to perform the functions of an elected editor in that editor's absence, except that overall responsibility for the functioning of the *Vermont Law Review* shall remain vested in the Editor-in-Chief.

#### **14. Other Editors**

Responsibilities of persons selected for newly created editorial positions shall be defined and adopted in conjunction with the amendment establishing the position. The responsibilities of all members of the Editorial Board are delineated in Article III §§ A and B.

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### 15. Grievance Board Members

Grievance Board Members have the responsibility of hearing grievances brought by and against *Vermont Law Review* members.

### 16. Staff

The responsibilities of all Staff members are delineated in Article III §§ A and C.

## C. Alteration of Structure

### 1. Altering Structure of Current Editorial Board

Changes to the structure of the Editorial Board of *Vermont Law Review* for the current school year shall be made by the following amendment procedures and not by the procedures contained in Article VII.

- a. Should the Editorial Board find it necessary to change the structure of the current Editorial Board by creating, adding, or deleting editorial positions, a member of the Editorial Board shall present her/his recommendation to the entire *Vermont Law Review* membership. A majority vote of the entire *Vermont Law Review* membership is required to create, add, or delete any positions. Once a position is created or added, a majority vote of the entire *Vermont Law Review* membership shall decide election or appointment procedures to fill the position. If a position which is recommended for deletion is already held by an Editor, that Editor may veto the elimination of the position.
- b. Once a *Vermont Law Review* structure is approved, the Bylaws should contain a detailed description of that structure and the description should be made available to any member who requests it.

### 2. Altering Structure of Editorial Board for Following School Year

The structure of the Editorial Board of *Vermont Law Review* for the following school year shall be determined by the following amendment procedures and not by the procedures of Article VII.

- a. Altering the structure of the Editorial Board of *Vermont Law Review* for the following year shall require two-thirds vote of those *Vermont Law Review* Staff members present at the vote and participating in the vote.
- b. In order for a vote to be valid, at least 3/4 of the *Vermont Law Review* Staff must be present at the vote.

- c. A detailed description of any proposed structure, or alteration thereof, of the Editorial Board of *Vermont Law Review* must be presented to all *Vermont Law Review* members at least one week prior to any vote.
- d. This vote shall be taken before publishability is determined under Article III § D.
- e. If there is no vote taken prior to one week before the date scheduled for elections pursuant to Article II § B(1), the structure from the previous year will be carried forward.

Ultimate responsibility for the publication of *Vermont Law Review* must be vested in some specific individual or group of individuals, and the Bylaws must be amended consistent with the new structure. These amendments must be made in the same meeting at which the structure changes are made, and the same voting and notice requirements apply as apply to the structural changes themselves. Such amendments will take effect at the beginning of the following academic year along with the new editorial structure.

Once a *Vermont Law Review* structure is approved, the Bylaws should contain a detailed description of that structure and the description should be made available to any member who requests it.

## **ARTICLE II: SELECTION AND ELIGIBILITY**

### **A. Selection**

#### **1. Editors**

- a. Eligibility for membership during the third year will be based upon successful completion of the responsibilities outlined in Article III §§ A and C. Fulfillment of Article III § A responsibilities is a matter to be determined by the Editor-in-Chief and the Managing Editors. In the absence of formal grievance warnings, it will be strongly presumed that a member has satisfied these responsibilities. Fulfillment of Article III § C responsibilities is determined pursuant to Article III § D. If the Editor-in-Chief and the Managing Editors determine that a Staff member is ineligible for failure to complete his or her responsibilities under Article III § A, that Staff member may appeal to the Editorial Board. When such an appeal is made, a meeting of at least 3/4 of the Editorial Board shall be held within a reasonable time. The Staff member, members of the Senior Editorial Board, and any other interested parties may make oral or written presentations to this meeting. The Staff member must receive a vote of two-thirds of those Editors present and voting to override the decision of

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the Editor-in-Chief and the Managing Editors. Vote shall be by secret ballot.

- b. Any member who has accepted an invitation to return to *Vermont Law Review* for his/her third year shall be eligible for election to an elected editorial position. The nomination of candidates for elected positions shall be open to both third year Editor and returning second year Staff members. Any member who receives two or more nominations for any one position shall have her name placed on the election ballot for that position. An individual may be nominated to any of these editorial positions even though her writing has been preempted or recent decisions or legislation have made a substantial rewrite necessary.
- c. Elections shall be held as soon as possible after the final determinations of Editorship. Candidates for each elected position shall be elected by a majority vote of the new Editorial Board. The positions of Editor-in-Chief, Senior Articles Editor, Business Manager, Senior Managing Editor and Senior Notes Editor must be elected by a majority of votes cast. If no candidate receives a majority of votes cast for any of these positions, there will be an immediate run-off election between the two candidates receiving the most votes.
- d. No person shall hold more than one Elected Editor position as listed in Art. I § B. As soon as a member is elected to an editorial position and accepts that position, that member must withdraw their nominations for all other positions or refuse to accept the position. If the member is elected to more than one position, that person shall immediately give up the additional office(s). A person may serve as an Elected Editor and as a member of the Grievance Board.
- e. Candidates for the position(s) of Symposium Editor(s) must present a proposal for the next year's symposium at the time of their election. The proposal shall contain a theme, a brief description, a list of potential attendees, whether the program will generate articles for an issue of the *Vermont Law Review*, a description of how the symposium will enrich Vermont Law School and raise the profile of the *Vermont Law Review* in the legal community, and any other information that members may request in advance. The election of Symposium Editor(s) may be postponed during the initial election if two-thirds of the members, eligible for membership during their third year, vote to postpone the election. The newly elected Editor-in-Chief will be responsible for collecting and disseminating proposals for the position and conducting the election process. Symposium Editor(s) must be elected before the last day of classes in the Spring Semester.

## 2. Staff

Thirty-two students shall qualify for membership on the Staff of *Vermont Law Review*. Students shall qualify through class rank, writing competition, or through transfer eligibility.

### a. Class Rank

The five highest ranking students in the first year class shall be offered membership on the basis of class rank. In the event any of the five highest ranking students have been selected on the basis of the writing competition, or decline membership, the Editorial Board shall extend invitations to those students next in order of class rank until five Staff positions have been filled. In addition, should a sufficient number of students not qualify on the basis of the writing competition, the Editorial Board shall extend invitation to those next in order of class rank until all positions have been filled. If more than thirty-two students qualify because the final grade-on position is one where two or more persons share the same class rank, the newly elected Senior Editorial Board has the discretion to determine how to break the tie. Notice of the tie-breaking procedures must be provided along with notice of the writing competition in paragraph (b).

### b. Writing Competition

Students wishing to be considered for membership on *Vermont Law Review*, irrespective of class rank, may participate in a writing competition, the exact nature of which is to be determined by the new Editorial Board. From the students participating in the writing competition, the new Editorial Board shall select no more than twenty-five students who, in the new Editorial Board's opinion, have demonstrated the ability to make significant contributions to *Vermont Law Review*.

- i. If *Vermont Law Review* receives four to seven good faith submissions, then at least one will be accepted; if eight to eleven good faith submissions, then at least two will be accepted; if twelve or more good faith submissions, then at least three will be accepted.
- ii. Evaluation and selection of new Staff members by the writing competition shall be completed within eight weeks after the last first-year exam of the spring semester. Once the write-on selection process is completed, if any of the people selected on this basis are on academic probation following the spring semester of their first year, the Editorial Board shall deny membership to such person(s).

**c. Transfer Students**

If a transfer student has been invited to become a member of the law review at the student's original law school, that student may be eligible to become a member of *Vermont Law Review*. The number of transfer students permitted to join *Vermont Law Review* under this section shall be limited to two per year and shall be limited to students entering their second year of school. The Senior Editorial Board shall determine who will receive invitations. The Board shall consider, but not be restricted to, such factors as class rank, grade point average and writing samples.

**B. Residency Requirements**

**1. Editors**

**a. Members of the Senior Editorial Board**

Members of the Senior Editorial Board shall not be eligible for participation in any full-time clinic program, internship, externship, or any other program requiring absence from the Vermont Law School campus more than two weekdays per week during the academic year. Members of the Senior Editorial Board may be eligible for participation in a clinic program for six (6) or fewer credit hours in a semester, or for a program requiring absence from the Vermont Law School campus no more than two weekdays per week, but only with the unanimous approval of the other members of the Senior Editorial Board, and approval of a 3/4 vote of all members present and voting. A quorum of seventy-five percent of all members is required. Prior to the vote, all members present and voting shall have an opportunity to question the Editor regarding the program and its impact on the fulfillment of his/her duties as an Editor. Also, the membership shall discuss the Editor's participation in the program with the Editor out of the room. Following such a discussion, a vote shall be taken by secret ballot.

**b. Other Elected Editors**

The Elected Editors who are not members of the Senior Editorial Board shall not be eligible for participation in clinic programs for more than six credit hours in a semester, or any program requiring absence from the Vermont Law School campus more than two weekdays per week, without the unanimous approval of the Senior Editorial Board and approval of a 3/4 vote of all members present and voting. A quorum of seventy-five percent of all members is required. Prior to the vote, all members present and voting shall have an opportunity to question the Editor regarding the program and its impact on the fulfillment of his/her duties as an Editor.

Also, the membership shall discuss the Editor's participation in the program with the Editor out of the room. Following such a discussion, a vote shall be taken by secret ballot.

Any Editor who is not available for Law Review duties on campus at Vermont Law School for at least one semester of his/her third year shall not be considered to be a member of *Vermont Law Review* for that year without the unanimous approval of the Senior Editorial Board and approval of a 3/4 vote of all members present and voting. A quorum of seventy-five percent of all members is required. Prior to the vote, all members present and voting shall have an opportunity to question the Editor regarding the program and its impact on the fulfillment of his/her duties as an Editor. Also, the membership shall discuss the Editor's participation in the program with the Editor out of the room. Following such a discussion, a vote shall be taken by secret ballot.

**2. Second Year Members**

**a. First Semester**

First semester second year members are not eligible for a non-resident program as defined by the Registrar of Vermont Law School, Externships, Internships, or Clinic Programs.

**b. Second Semester**

(1) Local Non-Resident Programs

Second semester, second year members may participate in Externships, Internships, or Clinic Programs if they are within a reasonable driving distance from Vermont Law School (defined as 85 highway miles, e.g., Burlington, Concord, and Montpelier). Each member participating in a local non-resident program must attend all mandatory law review meetings and be available to meet on-campus with their production teams, Production Coordinators, and Managing Editors throughout the second semester.

(2) Distant Non-Resident Programs

Students are strongly encouraged to undertake distant, non-resident programs during their third year.

No more than four students may participate in distant, non-resident programs during the second semester of the second year. If more than four members of the second year staff intend to be off-campus during the second semester, a random lottery shall be used to select the names of the four students who may participate in distant, non-resident programs.

## **ARTICLE III: RESPONSIBILITIES OF MEMBERS**

### **A. General Responsibilities of All Members**

All members of *Vermont Law Review* shall:

1. complete in good faith all citation checking, editing and proofing of articles and student-written materials as assigned by the Managing Editors;
2. attend all meetings called by the Editor-in-Chief, or obtain an excused absence from the Editor-in-Chief; and
3. complete all reasonable duties in good faith, as assigned.

### **B. Responsibilities of Editors**

In addition to the general duties enumerated in § A of this Article, each third-year member of *Vermont Law Review* shall:

1. Conscientiously supervise Staff members through all phases of the note or the case commentaries writing process by serving as a Personal Note Editor.
  - a. The Senior Notes Editor will determine a note evaluation schedule that the Personal Note Editors must follow.
  - b. Personal Note Editors are expected to evaluate Staff progress at each stage of the note production process.
  - c. Personal Note Editors are expected to provide written feedback to their assigned Staff member at each stage of the note production process.
  - d. The Senior Notes Editor may select times during the note production process where the Personal Note Editor and the Staff member must meet. During these times, Editors shall meet in person (or on the phone if necessary) with Staff members to discuss the Staff member's progress.
  - e. Personal Note Editors must adhere to the schedule established by the Senior Notes Editor. Editors are expected to meet these deadlines and are expected to meet personally with Staff members when assigned to do so.
    - i. A Personal Note Editor who misses a scheduled deadline or fails to hold an assigned meeting without an acceptable reason, approved in advance by a Head Notes Editor or the Senior Notes Editor, shall receive a grievance letter (letter of warning) as defined in Article V.

- ii. A Personal Note Editor who misses a deadline shall negotiate a new deadline date with his/her Head Notes Editor.
    - iii. A Personal Note Editor who misses a deadline or fails to hold an assigned meeting and misses a second deadline or fails to hold a second assigned meeting must appear before the Grievance Board as set out in Article V.
  - f. Personal Note Editors must evaluate Staff progress thoroughly and thoughtfully. Work that falls below this standard shall result in the filing of a grievance as set out in Article V. Should a Personal Note Editor continue to perform below the required level a second grievance will be filed and the Editor must appear before the Grievance Board as set out in Article V.
- 2. Serve as a Production Coordinator as assigned by the Managing Editors.
  - a. Production Coordinators must complete in good faith all production responsibilities. Work that falls below the required standard shall result in the filing of a grievance as set out in Article V. Should a Production Coordinator continue to perform below the required level, a second grievance will be filed and the Editor must appear before the Grievance Board as set out in Article V.
  - b. Production Coordinators must complete all work according to the deadlines established by the Managing Editors or the Senior Managing Editor.
    - i. Any Production Coordinator who misses a scheduled deadline without an acceptable reason, approved in advance by the assigning Managing Editor or Senior Managing Editor, shall receive a letter of warning as defined in Article V.
    - ii. A Production Coordinator who misses a deadline shall negotiate a new deadline date with his/her Managing Editor or the Senior Managing Editor.
    - iii. A Production Coordinator who misses a deadline and subsequently misses a second deadline will receive a second warning and must appear before the Grievance Board as set out in Article V.

**C. Responsibilities of Staff**

- 1. In addition to the general duties enumerated in § A of this Article, each second-year member of *Vermont Law Review* shall:
  - a. complete weekly office hours;
  - b. produce one note or two case comments that satisfy the editorship criteria established by the Editorial Board. These criteria shall be published prior to the deadline for the Preliminary Memo; and

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- c. complete all production assignments in good faith.

### 2. Note and Case Comment Production

- a. Each Staff member shall be assigned a Head Note Editor and Personal Note Editor. The Note Editors have a continuing responsibility to closely monitor the progress of their note writer(s).
- b. Staff members should develop a note topic as early as possible. Staff members who have not chosen a note topic by the deadline determined by the Head Notes Editors shall be assigned a topic by their Head Notes Editor.
- c. The Senior Notes Editor has responsibility for forming a procedure to determine a note production schedule for note writers.
- d. Staff members must adhere to the schedule established in paragraph (c). Staff members shall make substantial progress at each stage of the note production schedule and are expected to meet these deadlines
  - i. Any Staff member who misses a scheduled deadline without an acceptable reason approved by the Head Notes Editor shall receive a letter of warning as defined in Article V.
  - ii. A Staff member who misses a deadline shall negotiate a new deadline date with his/her Head Notes Editor.
  - iii. A Staff member who misses a deadline and subsequently misses a second deadline shall receive a second letter of warning and must appear before the Grievance Board as set out in Article V.
- e. Staff members must complete in good faith all writing assignments. Work that, after a meeting between the Staff member and the Personal Note Editor, Head Note Editor, or Senior Note Editor, continues to fall below the required standard shall result in the filing of a grievance as set out in Article V. Should a Staff member continue to perform below the required level a second grievance will be filed and the Staff member must appear before the Grievance Board as set out in Article V.

Any Staff member who does not submit one note or two case comments by the final deadline determined by the Editorial Board shall not be invited onto *Vermont Law Review* for his/her third year.

**3. Production Responsibilities**

Each Staff member must complete in good faith all production responsibilities.

- a. Any Staff member who misses a scheduled deadline without an acceptable reason approved by the assigning Production Coordinator, assigning Managing Editor or Senior Managing Editor shall receive a letter of warning as defined in Article V.
- b. A Staff member who misses a deadline shall negotiate a new deadline date with her Production Coordinator and the Managing Editor.
- c. A Staff member who misses a deadline and subsequently misses a second deadline shall receive a second letter of warning and must appear before the Grievance Board as set out in Article V.
- d. Staff members must complete in good faith all production responsibilities. Work that, after a meeting between the Production Coordinator, Managing Editor, or Senior Managing Editor and Staff member, continues to fall below the required standard shall result in the filing of a grievance as set out in Article V. Should a Staff member continue to perform below the required level a second grievance will be filed and the Editor must appear before the Grievance Board as set out in Article V.

**D. Editorship Review Procedures**

- 1. Four members of the Editorial Board shall determine whether each Staff member’s note or two case comments satisfy the editorship standard. If possible, the four members shall be:
  - i. the Editor-in-Chief,
  - ii. either the Senior Managing Editor, the Senior Articles Editor, the Senior Notes Editor, or the Business Manager.
  - iii. one of the Head Notes Editors, and
  - iv. the Staff Member’s Personal Note Editor.

If the Staff member’s Personal Note Editor is any one of the first three, then another of the first three Editors shall be the remaining Editor.

- 2. The Staff member must receive a minimum of two positive votes to qualify as a third year editor.

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3. If the Staff member receives less than two positive votes and does not receive reinvitation for her third year, the Staff member may request a review of her note by a minimum of two-thirds of the Editorial Board. Each Editor participating in the review shall receive the last two drafts of the note or case comments within a reasonable time. The Staff member may present, in writing only, any mitigating circumstances for consideration in the review. All Editors participating in the review may vote. The Staff member must receive a vote of two-thirds of those Editors participating in the review to determine to override the initial four member Editorial Board decision.

### **E. Academic Credit**

1. Every Editor who conscientiously completes the responsibilities outlined in §§ A and B of this Article shall receive two academic credits at the end of the third year.
  - a. Every Staff member who satisfactorily completes the responsibilities outlined in Article III § A as determined under Article II § B(1)(a) shall receive two academic credits.
  - b. Every Staff member who satisfactorily completes the responsibilities outlined in Article III § C as determined under Article III § D shall receive two academic credits.

## **ARTICLE IV: THE EDITORIAL PROCESS FOR STUDENT NOTES**

When students have accepted invitations to join the Staff of the *Vermont Law Review*, all of their subsequent *Vermont Law Review* work will be governed by the protocols of the editorial process. It is important for all new Staff members to understand how this process works in order to participate successfully on *Vermont Law Review*.

At the beginning of the semester, new Staff members will be assigned a Personal Note Editor who will have primary responsibility for the supervision of the Staff member's written work. The Staff member must submit two copies of each written draft to this Editor for advice and approval. Although the Senior Editorial Board will have the ultimate responsibility for setting deadlines, the Personal Note Editor will have primary supervision of the development of the Staff member's project until such time as the piece is ready to be considered by the whole Senior Editorial Board.

The contact between new Staff members and their respective supervising Note Editors will begin as soon as the new members join *Vermont Law Review*. This contact initially will concentrate on selecting a writing topic and producing a preliminary memorandum

outlining the topic. The preliminary memorandum must be approved by both the supervising note editor and the members of the Senior Editorial Board.

Once topics have been approved, the Personal Note Editors, in consultation with the Head Notes Editors and the Senior Notes Editor, will impose note production schedules on the new Staff members. Although the first draft should be carefully and thoughtfully written, invariably a number of technical and substantive changes will be required. Note writers must expect to do a substantial amount of rewriting, rearranging, and polishing in the course of completing their note writing requirement. It is for the Note Editors to decide when notes written under their supervision are ready for final review by the members of the Senior Editorial Board, using the procedures described in Article III, § D.

## **ARTICLE V: GRIEVANCES**

### **A. The Grievance Board**

1. The Grievance Board shall consist of three members of the Editorial Board, one Staff member, and the Editor-In-Chief.
2. The Board shall be elected from nominations at large as part of the election for the new Editorial Board in the spring of each year. Two alternates shall also be elected, and shall serve when a regular Board member is absent because of recusal or other reason. The alternates shall be designated “first alternate” and “second alternate” on the basis of total votes; the Editor-in-Chief shall designate a first and second alternate in the event of a tie. The alternates shall serve in the order of designation, for as long as they are needed.
3. The Staff member shall be elected from nominations at large during or shortly after the conclusion of the orientation sessions that precede the fall semester. One alternate Staff member shall also be elected, and shall serve when the regular Staff member is absent because of recusal or other reason.
4. Recusal is appropriate whenever a Board member believes that he or she cannot deliberate a matter fairly.

### **B. Grievance Procedure**

1. One or more members may file a grievance with the Grievance Board against another member who they believe has not conscientiously performed the duties required of members, as enumerated in Article III.
  - i. Grievances may be filed against Staff members for reasons including, but not limited to, missed deadlines, poor work quality, and missed office hours.

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- ii. Grievances may be filed against Editors for reasons including, but not limited to, missed deadlines and poor work quality.
  2. Grievances should clearly detail the nature of the alleged offense.
    - i. Warning letters for missed deadlines or poor work quality should detail:
      - a. the deadline date;
      - b. when and if the assigned work was handed in or completed;
      - c. a description of the quality of the work; and
      - d. a statement indicating that missing a second deadline or continuing to perform at a level below expectations can result in dismissal from the *Vermont Law Review*.
    - ii. Where a grievance arises for reasons other than a missed deadline or poor work quality, as a matter of policy, members are encouraged to work out problems without the formal grievance procedure in a manner that fosters camaraderie among the membership.
    - iii. All grievance notices must contain a statement informing the member that they are entitled to a hearing on the matter before the Grievance Board.
  3. The member against whom the grievance is filed shall be provided with a copy of the grievance. If the Grievance arose from a missed deadline or poor work quality this copy must be placed in the Staff member or Editor's Law Review mailbox within ten days of the missed deadline. For other types of grievances, a copy must be given to the appropriate member in writing and at least one week prior to the meeting of the Grievance Board.
  4. The member may respond to the grievance by sending a letter to the Board. The member may also request, in writing, a hearing before the Board, which shall be scheduled for a mutually convenient date.
  5. If, after considering any mitigating circumstances and the validity of the charge, three members of the Grievance Board vote that the grievance against the member is valid, the Board shall validate the grievance. The Board's validation is intended as a formal reminder to the member of the responsibilities to *Vermont Law Review*, and of the member's failure to meet them.
  6. If, within a single academic year, the Board validates two deadline or work quality grievances against a member, the Board must vote on whether or not the member should be dismissed from the *Vermont Law Review*. Dismissal requires unanimous approval of the Board. A dismissed member may request that the entire membership review the dismissal. Review shall consist of an

opportunity for the dismissed member to present mitigating circumstances in writing to the rest of the membership. A minimum of two-thirds vote of the membership shall be required to affirm the dismissal.

7. If within a single year, the Board validates two grievances for reasons other than missed deadlines or work quality and the Board validates a third grievance for any reason, that member may be removed from *Vermont Law Review*. The member shall be removed only through a two-thirds vote by secret ballot of the membership, at the next regular meeting or a meeting called especially of the removal vote. The vote may be taken only with a quorum of three-fourths of the total membership present. Prior to the vote, all parties shall have an opportunity to speak to the members present at the meeting at which the vote shall be taken.

## **ARTICLE VI: CONTENTS OF *Vermont Law Review***

All works published by *Vermont Law Review* shall be scholarly in quality. Each work shall document the ideas of others in conformance with The Bluebook. The *Vermont Law Review* shall publish four volumes each year, denoted as Fall, Winter, Spring, and Summer, beginning in the 1995-1996 school year, and each year thereafter.

### **A. Articles**

Submissions by judges, legislators, legal scholars, and practicing attorneys must account for at least one-third of each volume. Articles are solicited by the Articles Editor pursuant to Article I § A(4).

### **B. Notes & Case Comments**

Student-written notes and case comments shall be reviewed for publication in accordance with the procedures in Article I § A(4).

#### **1. Notes**

Notes shall be scholarly, substantial writings which clarify and contribute to the current state of the law.

#### **2. Case Comments**

Case Comments shall explain how recent court opinions alter or add to existing law.

### **C. Environmental Law**

There shall be a section in each volume of *Vermont Law Review* devoted exclusively to the area of environmental law. *Vermont Law Review* seeks to be at the forefront of environmental law publications and therefore actively solicits publication for this section. This section shall be called “Issues in Environmental Law” and may include

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articles, notes, and case comments devoted exclusively to the area of environmental law.

### **D. Vermont Law**

There shall be a section in each volume of *Vermont Law Review* devoted exclusively to the area of Vermont Law. *Vermont Law Review* seeks to be at the forefront of Vermont law publications and therefore actively solicits publications for this section. This section shall be known as “Issues in Vermont law” and may include articles, notes, and case comments.

### **E. Index**

#### **1. Maintenance**

The Technology Editor is responsible for maintaining an annual index of the articles published. The Technology Editor shall deliver an updated version of the index to the Technology Editor of the following year.

## **ARTICLE VII: AMENDMENTS TO THE BYLAWS**

### **A. Quorum and Passage Requirements**

For votes under this Article a quorum shall consist of seventy-five percent of those eligible to vote. Amendments to the Bylaws, except amendments to Article III § D, must be approved by a two-thirds vote of those eligible to vote and who are present at a *Vermont Law Review* meeting vote or who participate in a ballot box vote except as provided in § D of this Article. Amendments to Article III § D must be approved by a two-thirds vote of Staff members and a two-thirds vote of Editorial Board members.

### **B. Method**

All votes under this Article shall take place at a meeting of *Vermont Law Review* at which a quorum is present, except as provided in § C of this Article. Absentee voting is allowed and valid absentee ballots shall count toward the quorum. An absentee vote is valid if it is made in writing and presented to the Editor-in-Chief prior to the meeting.

### **C. Ballot Box**

In situations when a vote at a *Vermont Law Review* meeting fails to achieve a quorum or when time is of the essence, a vote may be taken by ballot box.

#### **1. Voting Period**

A ballot box vote shall take place for a period of five school days. At least two school days prior to the commencement of the voting period, the Editor-in-Chief must notify the entire *Vermont Law Review* membership, in writing, of the

starting date and time and the ending date and time of the voting period. Notice is sufficient if placed in each member's *Vermont Law Review* mailbox.

**2. Quorum**

In order for a ballot box vote to be valid a quorum must participate in the vote. The ballot for all ballot box votes shall include an option to require a vote at a *Vermont Law Review* meeting. Ballots so marked do not count toward a quorum.

**D. Suspension of Quorum**

Anytime a vote on an amendment fails due to lack of a quorum, the amendment may be passed at a subsequent *Vermont Law Review* meeting or by a subsequent ballot box vote if it is approved by two-thirds of the membership eligible to vote, regardless of the quorum requirement.

**E. Notice**

Notice of all proposed amendments to the Bylaws shall be made to the entire membership at least one week prior to a *Vermont Law Review* meeting or one week prior to the commencement of a ballot box voting period. Notice is sufficient if it is in writing, contains the language of the proposed amendment(s), contains the date, time, and place of the meeting, and is placed in each member's *Vermont Law Review* mailbox or sent to the member's school email account.

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### **F. Time for Amendment**

Amendments may be made during the period beginning one week after the first day of classes of the school year and ending on the last day of classes of the school year.

### **G. Voting Eligibility**

All members of the *Vermont Law Review* who are in good standing may vote on all proposed amendments except only members of the Editorial Board may vote on amendments concerning Article III § C.

## **ARTICLE VIII: VERMONT LAW REVIEW WRITING COMPETITIONS**

### **A. The Chase Paper Writing Competition**

*Vermont Law Review* established the Chase Paper Writing Competition, named for the late Jonathon B. Chase, third dean of Vermont Law School, to recognize excellence in writing. Commencing each second semester of each school year, the membership shall conduct the Chase Paper Writing Competition. Only third year law students, excluding law review members, may participate in the competition. The paper writing shall consist of only note-type submissions. Papers written for independent study projects and AWR's are eligible. *Vermont Law Review* members shall determine the exact rules and guidelines for the competition. A committee comprised of both second and third year *Vermont Law Review* members shall chose anonymously one submission to be the Chase Paper. The Chase Paper author may publish in *Vermont Law Review* if the piece satisfies the requirements enumerated in Article VI § B.

### **B. The Ballenger/Green Memorial Paper**

*Vermont Law Review* established the Ballenger/Green Memorial Paper, named for Vermont Law School students Chandra Ballenger and Orlando Green, to provide Vermont Law School students with a forum to explore issues of human diversity in the law through legal scholarship. Once per academic year, the membership shall conduct the Ballenger/Greene Memorial Paper Competition. All Vermont Law School students may participate in the competition. Submissions shall be of student-note quality and may include papers written for independent study projects and in satisfaction of the advanced writing requirement. Student notes written for the *Vermont Law Review*, *Res Communes*, or other Vermont Law School academic journals, or any other paper accepted for publication in any journal, are not eligible. The papers shall address issues of human diversity and the law, such as race, culture, religion, sexual orientation, environmental justice, and international human rights, among others. A committee of second and third year members, created and guided by the SEB, shall establish the exact rules and guidelines for the competition and shall choose anonymously one submission to be the Ballenger/Green Memorial Paper. The

*Vermont Law Review*, in conjunction with the Deans, shall provide the winner with a \$500 scholarship and award. The winning paper may be published in the *Vermont Law Review* if the paper satisfies the requirements of Article VI § B.

## **ARTICLE IX: SPECIAL COMMITTEES**

### **A. Articles Vetting Committee**

#### **1. Statement of Purpose**

To remedy the historical gap, which exists between the final selection of articles for the current volume and the election of the succeeding Senior Editorial Board, the Articles Vetting Committee exists to continue the article selection process. The Committee will review and procure manuscripts for publication in the next volume of the *Vermont Law Review*. The Committee also exists to expose staff members to the article selection process and educate them in the larger projects of article selection which they are not normally involved in.

#### **2. Formation**

The Articles Vetting Committee may form at any time after the first draft of notes are due and the current Senior Articles Editor is finished selecting articles for the current volume of the Law Review. The most likely time for the Committee to form will be sometime in January or February.

#### **3. Dissolution**

The Articles Vetting Committee shall dissolve immediately after the Senior Articles Editor for the new editorial board is elected.

#### **4. Composition**

The Articles Vetting Committee shall be comprised of:

- a. the currently elected Senior Articles Editor; and
- b. up to five staff members of the second year class.

#### **5. Election of Second Year Article Vetting Committee Members**

- a. After the requirements of § A(2). of this Article are met, the Senior Articles Editor shall call for nominations of staff members for the Articles Vetting Committee. The nomination period shall last for at least one week. After the close of the nominating period, the Senior Articles Editor shall hold a vote limited to the second year staff members, if there are more than five nominees. The staff members shall be allowed to vote for up to three nominees. The five nominees receiving the most votes shall comprise the Articles Vetting Committee. If there are less than five nominees, all the

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nominees will become members of the Articles Vetting Committee and no vote needs to be held.

- b. Once the members of the Articles Vetting Committee are selected, a quorum of second year staff members must vote by a two-thirds majority to approve the committee.

### **6. Functions of Committee Members**

Each member of the committee shall:

- a. review manuscripts as assigned by the Senior Articles Editor;
- b. discuss the manuscripts with other members of the committee;
- c. critique each manuscript;
- d. provide the Senior Articles Editor with their review of the manuscript; and
- e. recommend manuscripts for publication to the Senior Articles Editor.

### **7. Limitations on Authority**

- a. The Committee's Purpose is to solicit, review, and recommend manuscripts for publication. The Committee is not a vehicle for higher elected office. While it is likely that some Committee members will become elected editors, a person's membership on the committee does not give them any inherent right to an elected position.

### **8. Grievances and Removal of Committee Members**

Members who fail to complete their tasks, or exceed or attempt to exceed their authority, are subject to the grievance procedures in Article V.

## **B. Writing Competition Committee**

### **1. Statement of Purpose**

To allow for an appropriate amount of time to perform the research necessary to select a writing competition topic, develop the structure of the annual writing competition, and develop grading criteria for the writing competition. The Committee will evaluate potential problems for the writing portion of the competition if there is to be one and will discuss the type, difficulty, and length of the skills tests if there are to be any. The Committee also exists to expose staff members to the process of developing evaluation criteria for legal writing.

### **2. Formation**

The Writing Competition Committee may form at any time after staff members meet the deadline for handing in the first draft of their note or case comments. The most likely time for the Committee to form will be sometime in January or early February.

**3. Dissolution**

The Writing Competition Committee shall work with the incoming Senior Notes Editor to apprise him/her of the progress the Committee has made. Once the Senior Notes Editor has met with the Committee, the Committee will dissolve immediately.

**4. Composition**

The Writing Competition Committee shall be comprised of:

- a. the currently elected Senior Notes Editor who will act in an advisory capacity only; and
- b. up to five staff members.

**5. Election of Second Year Writing Competition Committee Members**

- a. After the requirements of § B(2) of this Article are met, the Senior Notes Editor shall call for nominations of staff members for the Writing Competition Committee. The nomination period shall last for at least one week. After the close of the nominating period, the Senior Notes Editor shall hold a vote in which only the second year Law Review members are permitted to vote. The staff members shall be allowed to vote for up to three nominees. The five nominees receiving the most votes shall comprise the Writing Competition Committee. If there are less than five nominees, all the nominees will become members of the Writing Competition Committee and no vote needs to be held.

**6. Functions of Committee Members**

Each member of the committee shall:

- a. perform research that aids in selecting a topic for the writing portion of the competition if there is to be a writing portion;
- b. discuss possible competition topics with other members of the committee;
- c. work to formulate the skills portion of the writing competition if there is to be a skills portion; and
- d. select an overall structure for the writing competition.

**7. Limitations on Authority**

- a. While the Committee may bind the incoming Editorial Board to a particular writing competition structure, the incoming Editorial Board does retain the ability to modify the competition with the framework selected by the Committee.
- b. The Committee does not have the power to elect not to have a writing competition.

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- c. While it is likely that some Committee members will become elected editors, a person's membership on the Committee does not give them any inherent right to an elected position.

### **8. Grievances and Removal of Committee Members**

Members who fail to complete their tasks, or exceed or attempt to exceed their authority, are subject to the grievance procedures in Article V.

## **APPENDIX**

### **USE OF VERMONT LAW REVIEW OFFICES AND EQUIPMENT**

The *Vermont Law Review* offices may be used 24 hours per day for all academic pursuits. Because there is a limited number of computers and printers, Editors and Staff working on law review matters have priority at all times.

All books must be re-shelved after each use; the tables must be kept clear of all material not being currently used.

The *Vermont Law Review* offices may be used for research, consultation with Editors, production work, and other general law review pursuits. Because it is essential that the Editors have a quiet place to work, Staff members must try to keep noise in the Editorial offices to a minimum.

Absolutely no non-members may utilize computer equipment without obtaining the approval of the Editor-in-Chief. No individual is permitted to load application files onto the computers, particularly not in the root/parent directory. Files created for personal use should be confined to the appropriate sub-directory in the personal directory. Files stored elsewhere will be removed without warning.