

NORTH DAKOTA LAW REVIEW CONSTITUTION

(WORKING VERSION)

Adoption Pending Before the Dean and the Faculty

Article I. Name

The name of this Association shall be the North Dakota Law Review (Law Review).

Article II. Purpose

1. The purpose of this Constitution shall be to publish a periodical entitled the North Dakota Law Review.
2. One volume of the Law Review shall be published in each academic year. Each volume shall be published in four (4) issues at various times throughout the academic year. More than four (4) issues can be published at the discretion of the Board of Editors and as funding is available.
3. This Constitution shall establish certain policies outlining the responsibilities and structure of the membership of the Law Review.

Article III. Membership

1. *Classes of Participants.* There shall be four classes of participants of the Law Review: “Candidates,” “Members,” “Associate Editors,” and the “Board of Editors.”
2. *Board of Editors.* The Board of Editors is the governing body of the Law Review and should consist of the editor in chief, managing editor, outside articles editor, symposium editor, managing associate editor, and student articles editor. The Board of Editors shall consist of no less than five (5) editors and no greater than eight (8) editors.
 - a. The duties of each editor are defined by the respective Board of Editors manual.
 - b. The editor in chief shall also define the duties of each editor.
3. *Vacancy.* The Board of Editors shall fill any vacancy on the Board of Editors by a process of nomination and election. Only current members of the Board of Editors

and Associate Editors are eligible to apply for the vacant position. That selected individual shall remain in office for the unexpired term of that position.

4. Any second- or third-year student of the University North Dakota School of Law is eligible for selection as a Member in his or her first semester as a Member of Law Review as defined in Article IV, section 2.
5. Any third-year student of the North Dakota School of Law is eligible for selection as an Associate Editor in his or her second semester as a Member of Law Review as defined in Article IV, section 3.

Article IV. Candidate; Membership Eligibility; Associate Editor Eligibility; and the Board of Editors.

1. *Candidate.* A “Candidate” is an eligible student who has submitted the write-on requirement, but whose status as a Member has not yet been decided.
2. *Membership.* To become a Member of the Law Review, a second- or third-year student shall participate in the write-on requirement.
 - a. Completion of the write-on requirement is an indication by the student that:
 - i. If the student is a second-year student, he or she will:
 1. complete all editing assignments satisfactorily;
 2. complete both writing projects satisfactorily; and
 3. serve as an Associate Editor, or serve on the board of editors.
 - ii. If the student is a third-year student, he or she will:
 1. complete all editing assignments satisfactorily; and
 2. complete both writing projects satisfactorily.
 - b. The write-on requirement is a brief writing exercise that is to be administered by the Board of Editors.
 - c. The rules and expectations of the write-on requirement shall be determined by the Board of Editors.
 - d. To maintain Member status, the student must satisfactorily complete various editing assignments throughout the year. To maintain Member

status, a student must also satisfactorily complete two writing projects: a case comment and a note.

- e. One of the writing projects shall be completed in the Fall semester, and the other shall be completed in the Spring semester. The specific dates of completion shall be set by the Board of Editors.
 - f. *Revocation*. Member status will be revoked if a student does not complete a writing project or if a student does not complete a writing project satisfactorily.
 - g. *Masthead – Designation as staff*. Each member will be designated as staff on the masthead of each law review issue after the board of editors has deemed the members writing projects and other assignments satisfactory.
3. *Associate Editors*. To become an Associate Editor, a second-year Member must satisfactorily complete all assigned editing assignments, the Fall semester writing project, and the Spring semester writing project.
 - a. To maintain Associate Editor status, the Associate Editor must satisfactorily complete editing assignments throughout the academic year and satisfactorily complete the tasks assigned by the Board of Editors.
 - b. The term of office for an Associate Editor shall coincide with the term of office of the Board of Editors that makes the selection.
 4. *Quality Threshold*. “Satisfactorily” and “satisfactory” means that a student’s work has met a minimum quality threshold as determined by the Board of Editors.
 5. *Vote Requirement*. A supermajority of the Board of Editors must deem a student’s work satisfactory to become a Member, to retain membership, and to become an Associate Editor.
 6. *Board of Editors*. Once a second-year student has maintained the Member status, the student may be eligible to serve on the Board of Editors. The outgoing Board of Editors shall provide an application and conduct interviews to select the incoming Board of Editors. The following criteria may be used in selecting the Board of Editors:
 - a. Law school grades and scholastic ranking;
 - b. Demonstrated legal writing ability;

- c. Demonstrated staff contributions;
- d. Ability to work effectively with others;
- e. Standing at the school of law; and
- f. Any other relevant factors deemed appropriate for consideration by the Board of Editors.

Article V. Duties

1. The powers and duties of the Board of Editors are described in their respective Law Review Board of Editor's manuals.
2. The Board of Editors, Associate Editors, and Members shall work under the direction of the editor in chief, who has final decision making power.
3. Members and Associate Editors shall be assigned work as determined by the Board of Editors.
 - a. Members and Associate Editors shall commit to working to fulfill both their individual writing responsibilities and those assigned by the Board of Editors for the purpose of publishing one volume of the Law Review.
 - b. Assignments include editing, citing and sourcing footnotes, proofreading page proofs, read aloud editing, and ensuring cited authority as precedent.
4. *Summer Work.* During the summer, the incoming editor in chief, managing editor, and outside articles editor shall begin work on Law Review projects for the upcoming academic year.
5. *Summer Staff.* The incoming editor in chief and the managing editor shall select three (3) summer staff to assist with the editing process. Their duties include editing, citing and sourcing footnotes, proofreading page proofs, read aloud editing, and ensuring cited authority as precedent.
6. *Faculty Advisor.* The Law Review shall have a faculty advisor, who shall provide non-binding guidance to the Board of Editors.
7. *Publication.* The Board of Editors is vested with the power to select articles for publication. The Board of Editors has full discretion in deciding the criteria to be used in the selection of an article for publication.

8. *Editor in Chief.* The final decision making power on all matters is vested in the editor in chief of the Law Review.

Article VI. Non-discrimination Policy and Disciplinary Action

1. *Non-discrimination Policy.* The Law Review practices a policy of non-discrimination in soliciting student and outside authors, hiring employees, awarding scholarships and fellowships, selecting Members, and in any other personnel actions. The Law Review is committed to administering all personnel actions without regard to race, color, national origin, religion, sexual orientation, gender, age, creed, marital status, veteran's status, political belief or affiliation, or physical, mental, or medical disability unrelated to the ability to satisfactorily engage in activities involved with Law Review.
2. *Outside Commitments.* Any member of the Law Review Board of Editors may participate in an internship for which the student receives academic credit, may serve as faculty research assistant, or may serve as a Burtness Scholar. The individual may also accept or continue an outside clerkship or other employment for pay. But outside commitments, whether for credit or for pay, are permissible only to extent that they do not interfere with Law Review duties and responsibilities.
3. *Disciplinary Policy.* The Law Review employs a "three strike" policy, to which the Board of Editors, Associate Editors, and Members must comply. Failure to complete non-writing project assignments, including cite and source editing, satisfactorily earns a strike. Upon the receipt of three strikes, approved by the editor in chief, the student loses Law Review Member status.

Article VII. Recognition, Scholarships, and Credits

1. *Recognition.* The Board of Editors, at a designated time during the semester prior to graduation, shall be awarded a certificate recognizing their service to the Law Review.

2. *Tuition Waivers.* Each member of the Board of Editors may receive a tuition waiver during each semester. Such waivers and their amount shall be determined and approved by the Dean of the University of North Dakota School of Law.
3. *Scholarship.* The editor in chief and managing editor may receive a scholarship during each semester. Such scholarships and their amount shall be determined and approved by the Dean of the University of North Dakota School of law.
4. *Credit.* Members, Associate Editors, and the Board of Editors shall receive academic credit at the discretion of the Board of Editors, the Law Review faculty advisor, and the Dean of the University of North Dakota School of Law.

Article VIII. Amending the Constitution

1. Amendments to this Constitution shall be made by a two-thirds vote of all Members present at an official meeting, provided that more than fifty percent of the Members are present at the meeting.
2. An official meeting shall be any meeting designated for the purpose of amending this Constitution, and *actual* notice of such a meeting must be by the editor in chief at least seven days in advance of such meeting date, not including Saturdays, Sundays, and holidays.
3. The changes to the constitution should also be approved by the full-time law faculty and the Dean of the University of North Dakota School of Law.

Article IX. Citing This Document

This document may be cited as N.D. L. REV. CONST.

Article X. Effective Date.

This Constitution shall be effective from midnight on the day it has been formally approved by the membership of the Law Review, the full-time law faculty, and by the Dean of the School of Law.

Article XI. Formal Approval

I, editor in chief of the North Dakota Law Review, formally certify that this Constitution was approved by the Members of the Law Review, by the full-time law faculty, and by the Dean of the School of Law.