

PACE LAW REVIEW
CONSTITUTION AND BYLAWS

(Adopted and Ratified April 4, 1983; Amended May 10, 2018)

Article I: Name; Location; Purpose

- A. This organization shall be known as the Pace Law Review (hereinafter the “Review”).
- B. The Review is located at the Elisabeth Haub School of Law at Pace University, 78 North Broadway, White Plains, New York 10603.
- C. The purpose of the Review is to further the art of scholarly writing, and to advance the study of development of the law by preparing and publishing a professional periodical known as the PACE LAW REVIEW.
- D. The Review is edited and managed by students of Elisabeth Haub School of Law at Pace University. The Editors of the Review accept the responsibility for operation of the Review as an integral part of the educational mission of the School of Law. To that end, they will regularly consult with the Faculty Advisor and such other members of the Faculty as may be appropriate. Except for those matters which require determination by individual Editors, the normal decision making process will strive for collegial consensus of all Editors and consultation with the Faculty Advisor on issues of institutional concern.
- E. The Review shall publish, on a regular schedule, at least two issues per year. The two required publications shall be designated as the Fall Issue and the Spring Issue.

Article II: Junior Associates and Senior Associates

- A. Associates
 - a. The number of first year Junior Associates will be limited to twenty-five (25) students, or a number deemed necessary and appropriate by the Editor-in-Chief.
 - b. Students of Elisabeth Haub School of Law at Pace University may become Associates of the Review in the following way:
 - i. Participation in the Writing Competition
 - 1. Those students who have completed their first year, are ranked in the top 40% of their class, and have completed the writing competition, may be invited to join Pace Law Review. The Editor-in-Chief, in consultation with the editorial board, has discretion to determine how to weigh a prospective candidate’s class rank and writing competition score.
 - 2. To be eligible for the write-on competition, a student must have 28 credits and the student must be able to commit to Law Review for a minimum of two years. The Editor-in-Chief may waive these requirements in exceptional cases.
 - 3. Standards of Academic Honesty
 - a. All submissions to the Review must comply with the Elisabeth Haub School of Law at Pace University Honor Code.

B. Junior Associates

- a. Those Junior Associates whose articles have been accepted by the Editors and who have successfully discharged all their responsibilities as set forth in the Handbook will be eligible for full membership. Selection of members by the Board of Editors shall be completed by the date of editorial interviews. Junior Associates who do not fulfill their duties in accordance with the timetables established for them by the Editors may lose their status as Junior Associates.

C. Senior Associates

- a. Junior Associates who have successfully completed all assigned work during their first year on the Review and who are not elected as officers are eligible to be selected as Senior Associates for their second year on the Review. Senior Associates designation is not a matter of right, but is, rather, recognition of substantial contribution to the Review. Senior Associates shall be responsible for such duties as the Editor-In-Chief shall direct.

D. Duties of Junior Associates and Senior Associates

- a. The Review requires a two-year commitment. The two-year commitment may be waived by the Board of Editors, at its sole discretion, for students who indicate early in their Review tenure that they intend to participate in the Pace London Program or similar study abroad program in the spring semester of their second year of law school, or to participate in a joint degree program. Such waiver must be accompanied by a program for making up the work that would be missed, if appropriate and necessary.

E. Duties of Junior Associates and Senior Associates involve at least the following:

1. Writing of articles and other pieces for publication;
2. Weekly and vacation-time office work;
3. Sub and Cite Checking;
4. Checking the Review Bulletin Board and personal mailbox as directed by the Managing Editor;
5. Attending all meetings;
6. Completing any other tasks assigned by the Editor-in-Chief or his/her designate.

Article III: Officers

A. Board of Editors

- a. The Board of Editors of the Review shall include an Editor-in-Chief, Managing Editor, Executive Production Editor(s), Executive Acquisitions Editor, Executive Promotions Editor, Articles Editor(s), and Casenote and Comment Editor(s), and any other officers as may be elected from time to time by the Board of Editors.

B. Duties and Powers of Editors

a. Editor-in-Chief

- i. The Editor-in-Chief shall coordinate and take full responsibility for the work of all members of the Review. The ultimate decisions as to which student and professional pieces are in publishable form and when such pieces should be published shall be made by the Editor-in-Chief, in consultation with the Executive Articles Editor and, when necessary, the Faculty Advisor. The Editor-in-Chief must submit a list of eligible Editors to the Registrar at the start of the Fall and Spring semesters so that Editors may register for academic credit, and must submit “pass” or “fail” grades for each Editor upon

the completion of every semester. The Editor-in-Chief shall be finally responsible to the Dean and Faculty for all aspects of publication. The Editor-in-Chief is the sole official student voice of the Review, although such responsibility may be delegated as the Editor-in-Chief deems appropriate.

b. Managing Editor

- i. The Managing Editor shall assign associate candidates to office hours and keep track of all office hours for the Editor-in-Chief with day to day administrative duties; shall arrange meetings on a regular basis or as directed by the Editor-in-Chief; shall coordinate citation trainings for incoming Associates; shall arrange and coordinate editorial board interviews at the end of the semester; shall collect evaluation forms from Articles Editors on the performance of their Associate Candidates at the conclusion of every semester; shall maintain the Pace Law Review subscription list; shall keep records of payments received and deposited in university accounts; shall be responsible for billing, payment collection and expenditures of the Review; acts as liaison with maintenance and the law school administration; shall be accountable directly to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in-Chief shall direct.

c. Executive Production Editor

- i. The Executive Production Editor shall be responsible for all stages of publication, including distribution of articles to Articles Editors, and collection of sources, including inter-library loan, in communication with Articles Editors; shall format articles for camera-ready submission to the publisher using publisher macros and Adobe Acrobat; shall coordinate and direct the mechanical preparation of all publications and is authorized to communicate directly with the printer to this end; shall manage accounts and business relations with the printer in consultation with the Editor-in-Chief; maintains communication with Articles Editors to ensure that all publication deadlines are met and oversees the editing process; shall be accountable directly to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in-Chief shall direct.

d. Executive Acquisitions Editor

- i. The Executive Articles Editor shall have the primary duty of selection and preparation of professional articles, and selection of student pieces for publication for the Spring semester of the Executive Articles' tenure, and the fall semester immediately following. The Executive Articles Editor performs a cursory review of all incoming articles and secures the authors' credentials. The Executive Articles Editor may create and oversee article evaluation committees to assist in the article selection process. Initial decisions as to which professional pieces are in publishable form and when such pieces should be published shall be made by the Executive Articles Editor. The Executive Articles Editor is the primary liaison between the Review and authors. This includes communicating offers of publication or rejections, obtaining executed Grants of License and offprint order requests, and distributing red-lined articles to authors for approval prior to final publication. The Executive Articles Editor shall be responsible for obtaining executed Grants of License from the authors whose articles have been selected for publication. The Executive Articles Editor, in conjunction with the Executive Production Editor, will request unobtainable sources from authors. The

Executive Articles Editor is responsible for performing regular pre-emption checks (*e.g.*, through Lexis) on all selected articles. If problems arise related to pre-emption, plagiarism, or technical errors, the Executive Articles Editor will communicate these problems to the Editor-in-Chief and to authors. The Executive Articles Editor is also responsible for maintaining the Note to Prospective Authors web page. The Executive Articles Editor shall be accountable to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in- Chief shall direct.

e. Executive Promotions Editor

- i. The Executive Promotions Editor shall have the primary duty of handling public relations and improvements for the Review. The Executive Promotions Editor shall be responsible for managing efforts to increase subscribers to the Review; for undertaking a targeted solicitation drive for high quality articles from noteworthy members of the legal community, and working with the Executive Articles Editor to ensure space in upcoming volumes for publication and to secure contracts for publication; and for maintenance of the Pace Law Review web site. The Executive Promotions Editor shall be responsible for improving relations and unity among members of the Review, and between members and the faculty. This may include organizing volume-release events and notifications, writing articles about the Review for school publications, organizing first-year citation workshops in conjunction with the Editorial Board, and organizing social events. The Executive Promotions Editor shall coordinate the Pace Law Review Symposium and/or the Unified Writing Competition, the Unified Recruitment Program, or the Fall Unified Law Review Orientation Session based on the yearly rotation with Pace Law Review, Pace Environmental Law Review, and Pace International Law Review; shall handle all invitation lists and be primarily responsible for sending out all invitations to the outside legal community for Pace Law Review events. The Executive Promotions Editor shall be accountable to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in-Chief shall direct.

f. Articles Editors

- i. The Article Editors shall be primarily responsible for editing the professional articles selected for publication; shall be responsible for supervising Junior Associates and Senior Associates during office hours; shall report status of all professional articles to the Executive Production Editor on a weekly basis; shall be responsible for certifying to the Editor-in-Chief that all members and associate candidates in the office hours group have sufficiently contributed to the group and the Review as a whole, to be granted full membership or credits as applicable; shall be accountable directly to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in-Chief shall direct.

g. Case Note and Comment Editors

- i. The Case Note and Comment Editor shall coordinate topic development and dissemination and shall develop and edit student pieces. The Case Note and Comment editors shall prepare sample documents to assist associate candidates in the writing process; shall offer plagiarism training to Associates in conjunction with the Editor-in-Chief and other Editors as necessary; shall perform extensive preemption checking on all allocated topics; shall schedule conferences with students to keep track of the status of student pieces; shall

arrange a meeting where faculty can interact with associate candidate to discuss potential topics if necessary; shall review and evaluate research memoranda and outlines; shall ensure deadlines are met; shall report the status of all student articles to the Editor-in-Chief; shall comprehensively read the first, second, and final draft of student articles and comment in detail on the strengths and flaws; shall edit a professional article should the need arise. Initial recommendations as to which student pieces are in publishable form, and if such pieces should be published shall be made by the Case Note and Comment Editor, who must conduct pre-emption checks upon the direction of the Executive Articles Editor prior to final decisions on student publication offers. The Case Note and Comment Editor shall be accountable directly to the Editor-in-Chief and shall be responsible for such other duties as the Editor-in-Chief shall direct.

h. Other Officers

- i. The duties and powers of any other officer(s) elected, by the Board of Editors shall be determined by the Board of Editors.

C. Election of Officers

- a. The Board of Editors shall meet to elect officers for the next year by April 1. From April 1 through the last day of classes the incoming board and outgoing board will meet and exchange information about the operations of Pace Law Review. The newly elected Board of Editors shall take office on the last day of classes in the spring semester.
- b. An application period of at least ten days for new officers will be established and announced prior to the Board of Editors' meeting to elect officers for the next year. During this period, any interested candidate must file an application form with the Board of Editors. The Board of Editors may consult with the Faculty Advisor as to the qualifications of the applicants.
- c. Interviews of applicants may be conducted by the Board of Editors.
- d. The qualifications of any applicant for a given position will be based on the following criteria, listed in order of importance:
 - i. An evaluation of the applicant's performance on the Review, including writing and citation ability.
 - ii. Time commitment the applicant is willing and able to make.
 - iii. Evaluation of any interview conducted.
 - iv. Comments and suggestions from the membership at large.
 - v. To be elected as a new officer, an applicant must receive two-thirds of the votes of the outgoing Board of Editors.

D. Removal of Officers

- a. An editorial officer may be removed from his or her position only for good cause, upon the vote of two-thirds of the entire Board of Editors, with the officer who is subject of the removal proceeding not voting and not counted. An officer removed from office remains a member of the Review.

E. Vacancies

- a. Only the Board of Editors shall have the power to fill any vacancy that may occur among its members. A vote of two-thirds shall be necessary to fill the vacancy. Only Senior Associates or current members of the Board of Editors are eligible to fill vacancies. Applicants must file an application form with the Board of Editors.

Article IV: Academic Credit

To maintain the highest quality of work on the Review, the School of Law has made available academic credit for Editors. Upon successful completion of their duties and responsibilities, Editors shall be eligible to receive four academic credits for work on the Review, with a maximum of two credits per semester. Academic credit for Senior Associates may be authorized by the Faculty Advisor upon certification by the Editor-in-Chief in certain circumstances.

Academic credit for work on the Review shall be awarded based upon the work and duties performed during the period for which the Editor or Senior Associate has registered for such academic credits; poor performance in the Fall semester may result in failure to receive approval for Spring semester credits. The work demanded for the fulfillment of such credits shall involve at least the same requirements as a typical course of the same number of credits. Editors or Senior Associates wishing to register for credit shall first obtain approval of the Editor-in-Chief.

Article V: Discipline

- A. Each Review member is affirmatively obligated to maintain the highest ethical standards of the profession of law. For the purpose of this Article, the word "member" shall include Junior Associates, Senior Associates, and members of the Board of Editors.
- B. The Editor-in-Chief and Board of Editors shall be obligated to insure that due process and fundamental fairness are accorded to any member involved in a disciplinary proceeding. All members shall be provided with reasonable notice and the opportunity to be heard.
- C. Disciplinary proceedings may be convened only for offenses defined and proscribed hereinafter by this Article.
- D. The following offenses are defined and proscribed for all members of the Review:
 - a. Academic dishonesty, including:
 - i. Plagiarism. Plagiarism is the use, without attribution, of the material (language or ideas) of another by one who, by direct claim of credit or by implication, indicates that the material is his/hers.
 - ii. Intentional misuse of research resources. Intentional misuse of research resources is the deliberate violation of the policies or rules of the Pace Law Library or any other research resource.
 - iii. Honor Code Violation. All submissions to the Review must comply with the Elisabeth Haub School of Law at Pace University Honor Code.
 - b. Unprofessional Conduct. Unprofessional conduct is any deliberate or negligent conduct by which a Review member fails to carry out adequately his/her duties. Unprofessional conduct includes:
 - i. Willful refusal to obey the proper directions of duly constituted Review officers.
 - ii. Willful refusal to assume or complete properly assigned tasks.
 - iii. Two or more incidents of submitting grossly deficient writing assignments.
 - iv. Two or more incidents of negligently performing assigned tasks in any academic semester or summer vacation period.
 - v. A pattern of disruptive or uncooperative behavior consisting of three or more incidents.

E. Grievance Committee

- a. The Grievance Committee shall consist of the Editor-in-Chief and an even number of Editors, no less than two (2), no more than six (6), that the Board of Editors selects pursuant to subsection B within one month of the first general meeting.
- b. The procedures for selecting Editors to serve on the Grievance Committee shall be by a vote of the Board of Editors. The Board of Editors shall elect from amongst its members Editors to serve on the Grievance Committee. Any member of the Board of Editors may ask to be considered for the Grievance Committee. After a member asks to be considered for the Grievance Committee the remaining members of the Board shall vote to determine if the member will be placed on the Grievance Committee. To be placed on the Grievance Committee the member must receive two-thirds of the vote of members present, so long as there is a quorum. The Editor-in-Chief is ineligible to be a member of the Grievance Committee. If an Editor on the Grievance Committee is the subject of an alleged violation made pursuant to subsection D, then the Editor in Chief shall replace that Editor on the Grievance Committee for the duration of the matter.
- c. The disciplinary procedure shall be as follows:
 - i. Whenever a member believes that another member is in violation of Article V, subsection D, and it cannot be informally resolved, the member shall report such belief, in writing, to the Editor-in-Chief.
 - ii. Upon receiving the allegation, the Editor-in-Chief shall meet with the accused member and informally seek a resolution. Either party may request the presence of the Faculty Advisor. The Editor-in-Chief shall explain the rule that the member is accused of violating and shall offer advice on how to comply with the rule. The Editor-in-Chief shall not reveal the name of the member who has made the accusation, nor shall the Editor-in-Chief inform the Board of Editors as to the names of the members involved.
 - iii. If the Editor-in-Chief's informal resolution is unsuccessful, then the matter shall go before the Review's Grievance Committee. The Committee shall request and receive written statements from both members setting forth their version of the events leading up to the alleged violation.
 - iv. Within ten days of receiving the written statements from the members, the committee shall deliver its findings to the entire Board of Editors along with its recommended resolution.
 - v. Any Committee recommendation, aside from expulsion from the Review, shall be presumed highly persuasive on the Board. However, in instances where two-thirds of the Board votes that a harsher penalty is justified, then this presumption will not apply.
 - vi. If the Committee recommends expulsion from the Review, then the entire Board of Editors shall vote on the matter with two-third of the Board needed for expulsion. The member that is subject to the decision of the Board of Editors will not participate in the vote.
 - vii. A member may request a Review of the Board's decision by the Faculty Advisor. If requested by the Faculty Advisor, the Board shall reconsider, but need not alter, its decision.

Article VI: Meeting and Quorum Requirements

- A. Board of Editors
 - a. The Board of Editors shall meet at such times as the Editor-in-Chief directs. A quorum shall consist of a majority of the Board of Editors. No meeting may proceed unless a quorum is present. In each matter where a vote is required at a meeting, each Editor shall have one vote. A majority vote of the Editors present (provided there is a quorum) shall be required for action on any item of business unless otherwise provided for in these by-laws. The Editor-in-Chief may veto any actions, except that two-thirds of the entire Board of Editors may override such veto, the Editor-in-Chief not voting and not counted.
 - b. The Editor-in-Chief or any three Editors may call a meeting, by giving twenty-four hours' notice. Notice may be waived by unanimous consent of the Board of Editors.
- B. General Meetings
 - a. General meetings of the entire Review shall be held as the Editor-in-Chief directs. Such general meetings may be called upon forty-eight hours' notice.
 - b. Upon receipt of a petition for a general meeting signed by one-fourth of the Review, the Editor-in-Chief must call a meeting within a reasonable time.

Article VII: Adoption and Amendment to the Constitution and By-laws

- A. This Constitution and Bylaws shall be effective when adopted by three-fourths of the Board of Editors and ratified by two-thirds of those members of the Review voting.
- B. The Constitution and Bylaws may be amended by a vote of three-fourths of the Board of Editors. Such vote must be ratified at a general meeting by a majority of those members voting.
- C. Proposals to amend the Constitution and Bylaws may be originated by petition signed by one-fourth of all Associates and members of the Board of Editors. Upon receipt of such a petition, the Editor-in-Chief must submit it to the Board.