

Bylaws of the *Texas Law Review*

Volume 88

RULES AND PROCEDURES of the *Texas Law Review*

MISSION STATEMENT

The Texas Law Review seeks to advance legal scholarship by publishing an academic journal of the highest quality. This journal shall feature Articles, Essays, Notes, and Reviews relevant to a national and international audience of legal scholars and practitioners. Each issue shall display unparalleled excellence in content and style.

The Texas Law Review fosters the academic and professional development of its members through participation in the editorial process and the submission of a Note of publishable quality advancing legal scholarship. Each member shall display the highest standards of integrity and professional excellence in every endeavor.

ARTICLE I EDITORIAL BOARD

SECTION 1. EDITORIAL BOARD MEMBERS

1. The Editors of the Review shall be:
 - A. Editor in Chief (EiC).
 - B. Managing Editor (ME).
 - C. Chief Articles Editor (CAE).
 - D. Articles Editors (AE).
 - E. Chief Notes Editor (CNE).
 - F. Notes Editors (NE).
 - G. Book Review Editor (BRE).
 - H. Administrative Editor (AdE).
 - I. Research Editor (RE).
 - J. Online Content Editor (OCE).

Each of these Editors is an Editorial Board Member, and together these Editors shall constitute the Editorial Board. No person may hold more than one editorial office.

2. The Review also may have Associate Editors with duties as may be determined by the Editorial Board.

SECTION 2. EDITOR IN CHIEF

1. General Duties. The Editor in Chief (EiC) shall be the chief executive officer of the Review and shall, subject to the direction of the TLRA Board of Directors, have general supervision, direction, and control of the business and affairs of the Review and of the Editorial Board. The EiC shall serve 42 days of Summer Duty. The EiC has the authority to preside at all meetings of the members and/or Editorial Board; shall be an ex-officio member of all standing committees; shall have the general powers and duties of management usually vested in the office of EiC of a law review; and shall have such other powers and duties as may from time to time be prescribed by the Editorial Board, the TLRA Board of Directors, or these Rules and Procedures. The EiC has final authority to determine the content of the *Review* and all affiliated publications.

2. Specific Duties.

- A. Selection of Articles. The EiC shall read within one week each Article that receives a recommendation of acceptance from the Articles Office, unless the EiC and the CAE agree to a different time frame, and shall decide whether to extend an offer of publication on the Article within that same time frame.
- B. Revised Proof (RP) Edits. The EiC may perform approximately one-half of the RP edits but may assign RP edits to other editors with the approval of the ME.
- C. Assignment of Edits. The EiC shall have the authority to assign all edits. Additionally, the EiC shall have the authority to reassign edits that have already been assigned. The EiC shall assign edits under the following guidelines:
 - (1) The EiC shall ensure that the editing load of the ME, the CAE, the AEs, the CNE, and the NEs are balanced and that no office or board member is overburdened with editing duties. All editors shall be available to

perform any edit as required in order to publish quality Articles, Notes, and Book Reviews on time.

- D. Bluebook Cite Checks (BCCs). The ME and the EiC shall be jointly responsible for scheduling BCCs.
- E. Selection of Notes. The EiC shall read the ME's Note, if recommended for publication by the Notes Office, and shall decide whether to extend an offer of publication.
- F. Recruitment of Associate Editors. The EiC, or a designee, shall be responsible for recruiting and selecting Associate Editors, subject to Editorial Board approval. The EiC shall determine the responsibilities of Associate Editors.
- G. Management of Staff. The EiC shall be responsible for the management of paid staff, including, but not limited to, the editorial assistant of the Review.

SECTION 3. MANAGING EDITOR

1. General Duties. The Managing Editor (ME) directs the daily operations of the Review and has responsibility for assigning work to Members. The ME shall serve 42 days of Summer Duty. In the absence or disability of the EiC, the ME shall perform all the duties of the EiC and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the EiC. The ME shall have such other powers and perform such other duties as may from time to time be prescribed by the Editorial Board, the TLRA Board of Directors, or these Rules and Procedures. The ME shall have the authority to assign penalty hours to members for failure to meet assigned deadlines, subject to review by the EiC. The ME shall be responsible for directing the acquisition, storage, and return of all library and research materials necessary for the editing process.

2. Specific Duties.

- A. Selection of Notes. The ME shall read within one week each Note that receives a recommendation of acceptance from the Notes Office, unless the ME and the CNE agree to a different time frame, and shall decide whether to extend an offer of publication within that same time frame. Unless the ME and CNE otherwise agree, the ME shall extend the offer of publication, if any, to the author of the Note and shall similarly report the acceptance or rejection of such offers to the CNE. The ME shall not be involved in the selection of his or her own Note for publication.
- B. Revised Proof (RP) Edits. The ME may perform approximately one-half of the RP edits, unless the EiC assigns RP edits to other editors.
- C. Assignment of Work to Members. The ME shall have the authority to assign duties to Members, including administrative duty, office duty, and vacation duty. The ME shall also be responsible for monitoring the hours of Members and Associate Editors.
- D. Bluebook Cite Checks (BCCs). The ME and the EiC shall be jointly responsible for scheduling BCCs.
- E. Office Duty. The ME, the EiC, or a designee shall have exclusive authority to assign tasks to those performing office duty.
- F. Recruitment of Note Advisors. The ME, or a designee, shall be responsible for recruiting and assigning Note Advisors.

SECTION 4. CHIEF ARTICLES EDITOR

1. General Duties. As the head of the Articles Office, the Chief Articles Editor (CAE) shall have all of the duties of an Articles Editor and shall in addition be responsible for notifying authors of the status of their Articles. The CAE shall perform edits as requested by the EiC, except that, in consultation with the EiC, the CAE may perform a reduced number of edits until all or most articles are selected. The CAE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Article Selection. The CAE shall establish the general procedure for reviewing submitted Articles and recommending them to the EiC. The CAE shall assign Articles to the AEs to review for publication. The CAE shall call articles meetings to vote on articles for publication. When an Article is recommended to the EiC, the CAE shall inform the EiC of the deadline for deciding on whether to accept or decline the Article for publication and the number of AEs recommending the Article for publication.
 - (1) It is suggested that a minimum of five AEs, including the CAE, attend every articles meeting, although all nine AEs may attend. The CAE may require the attendance of any AE at an articles meeting.
 - (2) The CAE must attend every articles meeting, unless the CAE and the EiC agree otherwise.

- B. Author Notification. The CAE shall be responsible for notifying authors of the receipt of their Articles and notifying authors whose Articles have been rejected without expedited review. The CAE shall also be responsible for notifying authors whose articles have been accepted for publication.

SECTION 5. ARTICLES EDITORS

1. General Duties. Each Articles Editor (AE) is responsible for reviewing Articles submitted for publication as assigned by the CAE. The AEs also have the responsibility for ensuring that each Article published by the Review conforms to the *Bluebook*, *Texas Rules of Form*, and grammar and style conventions. The AE shall perform edits as requested by the EiC and shall perform other editing duties as may be required. Each AE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Article Assignments. Each AE shall be responsible for reading all Articles assigned by the CAE to determine if the Article is suitable for publication.
- B. Article Selection. Each AE shall read each assigned Article that has been recommended for publication by either the CAE or one of the other AEs. Each AE shall attend articles meetings to which the AE has been assigned and shall vote on whether to recommend publication.
- C. Edits. Each AE shall do an equal share of the edits, unless the EiC assigns edits to other editors.
- D. Revision of MOUS and TROF. When the Board decides to issue a new edition of *The Manual on Usage & Style (MOUS)* or *Texas Rules of Form (TROF)*, the AEs shall be responsible, with other selected board members, for updating those books.

SECTION 6. CHIEF NOTES EDITOR

1. General Duties. As the head of the Notes Office, the Chief Notes Editor (CNE) shall have all of the duties of a Notes Editor and shall have general control, direction, and supervision of the Note submission and selection process, including determining the duties of notes advisors. The CNE shall recommend guidelines for the Note submission process, and the Editorial Board shall vote on those guidelines. The CNE shall perform edits on Notes as requested by the EiC, and shall perform other editing duties as may be required. The CNE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Note Submission. The CNE shall determine, with the approval of the Editorial Board, the appropriate timelines and dates for the submission of Notes for review.
- B. Note Selection. The CNE shall establish the general procedure for reviewing submitted Notes and recommending them to the ME. The CNE shall assign Notes to the NEs to review for publication. When a Note is recommended to the ME, the CNE shall inform the ME of the deadline for deciding on whether to accept or decline the Note for publication and the number of NEs recommending the Note for publication.
- C. Edits. The CNE shall perform edits on Notes, unless the EiC assigns such edits to other editors.

SECTION 7. NOTES EDITORS

1. General Duties. The Notes Editors (NEs) shall supervise the Note-writing process for Members and recommend student Notes for publication. The NEs also have the responsibility for ensuring that each Note published by the Review conforms to the *Bluebook*, *Texas Rules of Form*, and grammar and style conventions. The NEs shall perform edits on Notes as requested by the EiC and shall perform other editing duties as may be required. The NEs shall also perform Development Edits as assigned by the CNE with the approval of the EiC. The NEs shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Note Selection. The NEs shall read all Notes submitted for publication and shall recommend Notes for publication to the ME according to procedures developed by the CNE. No NE shall be involved in the selection of his or her own Note. If chosen, the ME's Note shall be recommended to the EiC.
- B. Note Writing. The NEs shall be responsible for establishing and enforcing a schedule of deadlines for the timely completion of a Note by each Member.
- C. Editing. NEs shall perform edits on Notes, unless the EiC assigns such edits to

other editors.

SECTION 8. BOOK REVIEW EDITOR

1. General Duties. The Book Review Editor (BRE) shall solicit and select Book Reviews. The BRE shall also be responsible for preparing the write-on packet for new members. The BRE also has the responsibility for ensuring that each Book Review published by the Review conforms to the *Bluebook*, *Texas Rules of Form*, and grammar and style conventions. The BRE shall perform edits on Book Reviews as requested by the EiC and shall perform other editing duties as may be required. The BRE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Selection of Book Reviews. The number of book reviews accepted for publication shall be determined by the BRE in consultation with the EiC. The BRE shall be responsible for selecting the books to be reviewed as well as soliciting reviewers.
- B. Editing of Book Reviews. The BRE shall also perform edits on Book Reviews, unless the EiC assigns such edits to other editors.
- C. Book Auction. In the spring semester, the BRE shall organize and conduct an auction of excess books received by the Review.
- D. Write-on Procedure. The BRE shall be responsible for selecting a topic for the write-on packet for new Members in consultation with the EiC and ME. The topic shall be disclosed only to the EiC, the ME, and the BRE, along with any Associate Editor engaged in developing the packet. The BRE shall be responsible for compiling the materials for the write-on packet and for overall production of that packet.

SECTION 9. ADMINISTRATIVE EDITOR

1. General Duties. The Administrative Editor (AdE) shall keep detailed records of the properties and business transactions of the Review and shall organize the annual banquet for all Members at the end of the academic year. The AdE shall serve as the Executive Director of the TLRA and shall sit on the TLRA Loans & Scholarships Committee. The AdE shall be responsible for the orientation and training of Members. The AdE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Keeping Minutes. The AdE shall arrange for minutes to be kept at all meetings of Members and all meetings of the Editorial Board. The AdE shall arrange notice of all meetings.
- B. Maintenance of Accounts. The AdE shall deposit monies and other valuables in the name of the Review and shall disburse such funds in payment as required by the EiC, ME, or TLRA.
- C. Fundraising. The AdE shall be responsible for soliciting cash or in-kind donations for the Review from sources outside of the University of Texas.
- D. Annual Banquet. The AdE shall organize the annual banquet for all members of the Review and the TLRA.
- E. Scope Notes. The AdE shall coordinate its publication and distribution.
- F. Training of Second-Year Members. The AdE shall organize an orientation session for the training of incoming Members. The AdE is responsible for updating the TLR Handbook for the instruction and guidance of Members.
- G. Symposium. The AdE shall organize any symposium that the Editorial Board may elect to hold. This duty shall not impinge upon the editorial control of the content of the *Review*, as reserved to the EiC.

SECTION 10. RESEARCH EDITOR

1. General Duties. The Research Editor (RE) shall be responsible for all of the sources required to edit articles, Notes, and Reviews. The RE shall serve 21 days of Summer Duty and shall be available for proofreading whenever requested by the EiC or ME.

2. Specific Duties.

- A. Acquisition of Source Material. The RE shall direct the acquisition, record, storage, and return of all source materials.
- B. Interlibrary Loans, Recalls, and Searches. The RE shall be responsible for requesting Interlibrary Loans (ILLs), recall requests, and search requests as required to obtain source materials.
- C. Bookpulls. When the EiC or ME schedules a BBCC, the RE shall be

- responsible for gathering all sources necessary for the BBCC.
- D. Return of Library Materials. The RE shall be responsible for ensuring that library materials are returned in a timely fashion. The RE shall be responsible for responding to any overdue notices or recall requests from libraries.

SECTION 11. ONLINE CONTENT EDITOR

1. General Duties: The Online Content Editor (OCE) shall be responsible for all content published by the Review on the Internet, both via *See Also* and any other outlets as they arise. The OCE shall serve 21 days of Summer Duty, shall be available for proofreading whenever requested by the EiC or ME, and shall perform any other general editing duties that may be necessary.

2. Specific Duties.

- A. See Also. The OCE shall oversee all *See Also* operations. This includes soliciting and selecting content (subject to EiC approval), editing all content, supervising any associate editors or members assigned to assist with these tasks, and performing any other duties that arise in the course of running *See Also*.
- B. Web sites. The OCE shall be responsible for overseeing the upkeep and maintenance of all TLR Web sites.
- C. General Internet Duties. The OCE shall be responsible for all other aspects of the Review's Internet presence, including promotional work, posting of print-volume proofs and summaries, and managing any affiliated blogs or commenting systems. Should the Review join any other Internet-based publications such as Legal Workshop, the OCE will also be responsible for managing those relationships.

ARTICLE II

DECISIONMAKING WITHIN THE REVIEW

SECTION 1. DELEGATION OF POWER

1. The Editorial Board of the Review shall exercise sole power to perform the duties of editors, to communicate to the public or individuals on behalf of the Review, to determine hours and duty requirements for non-Board Members, to make any decisions explicitly delegated by the membership to the Editorial Board, and to make any decisions necessary and proper for carrying out these powers.

2. The membership of the Review retains the right to amend the bylaws or change or adopt a method of member selection, by voting on recommendations made by the Editorial Board.

SECTION 2. PROCEDURE FOR BOARD DECISIONS

1. Call, Notice, and Holding of Meetings. Regular meetings of the Editorial Board shall be held on such schedule as shall be announced by the EiC. Unless otherwise specified herein, special meetings of the Editorial Board may be called by the EiC or any combination of three other editors. Special meetings of the Editorial Board shall be held upon four days notice by mail (including electronic mail), or forty-eight hours notice delivered personally or by telephone or telegraph.

2. Quorum and Board Action. A quorum for all meetings of the Editorial Board shall be three-fifths (3/5) of the total number of board members. A quorum may be formed through attendance at the meeting or by representation at the meeting through written proxy. The act of a majority of the editors shall be the act of the Editorial Board, unless a greater number is required by law or provision of these rules and procedures.

SECTION 3. PROCEDURE FOR MEMBERSHIP DECISIONS

1. Call, Notice, and Holding of Votes. Decisions of the membership can be made at a meeting called for that purpose or by a vote by secret ballot to take place over a two-day period. A meeting or referendum can be called by the EiC. Such meetings or votes shall be held upon four days notice by mail (including electronic mail), or forty-eight hours notice delivered personally or by telephone or telegraph to all members. A Member's attendance at a meeting shall constitute a waiver of notice of the meeting, except where the Member attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened. A Member's vote in a referendum shall constitute a waiver of notice of a referendum.

2. Quorum and Member Action. A quorum for all meetings of the Members shall be three-fifths (3/5) of the total number of Members. A quorum may be formed through attendance at the meeting or by representation at the meeting through written proxy. There need be no percentage of Members voting for a referendum to be valid. A measure passes if it receives a majority of the votes cast and the votes of not less than one-third of the full membership.

ARTICLE III

EDITORIAL BOARD—POWERS & PROCEDURES

SECTION 1. NUMBER

The authorized number of Editors composing the Editorial Board shall be no fewer than fifteen (15) and no more than nineteen (19).

SECTION 2. ELECTION AND TENURE OF OFFICE

The Editorial Board shall be elected at a special meeting of the preceding Board prior to Spring Break and shall hold office from the date of their election until the end of the following academic year. Two Editorial Boards will serve concurrently from the date of the election of the new Board until the end of the academic year. The newly elected Board will be considered in training during this period and will have authority within the scope of their offices over all Second-Year Members, Third-Year Members, and Associate Editors, although the outgoing Board shall retain superior authority for all matters concerning its volume. Each outgoing Editorial Board Member shall be responsible for training and instruction of his or her replacement regarding the scope and duties of the office.

SECTION 3. SPENDING

1. The EiC, ME, and AdE shall have the authority to make purchases for the Review. These Editors may delegate this authority to another member of the Review.

2. Purchases of \$500 or more require the approval of two of the Editors with the authority to make purchases.

SECTION 4. COMPENSATION

No salary shall be paid to members of the Editorial Board for their services but, by resolution, the Editorial Board may allow expenses to be paid for attendance of conventions and other meetings. Nothing contained herein shall prevent an editor from serving the Review in any other capacity and receiving compensation therefor.

The amount and timing of any stipends, scholarships, or other honorarium shall be at the sole discretion of the TLRA Board of Directors. The AdE shall notify the Secretary of the TLRA within five days of any death, resignation, or removal of editors. The impact of such death, resignation, or removal on any stipends or scholarships, paid or unpaid, shall be determined by the TLRA.

SECTION 5. REMOVAL AND RESIGNATION

1. An editor may resign at any time upon written notice to the Editorial Board, the EiC, or the AdE of the Review. Any such resignation shall take effect on the date of receipt of such notice or at any other time specified therein. The acceptance of a resignation shall not be necessary to make it effective.

2. Removal by the Editorial Board

a. An Editorial Board Member may be removed by the Editorial Board for:

- (1) Failure to meet the enumerated requirements of his or her position,
- (2) Failure to maintain good academic standing within the University of Texas School of Law, or
- (3) Conduct that reflects poorly on the Review.

b. Procedure

- (1) Any Editorial Board Member may recommend the removal of any other member of the Editorial Board. No other member of the Review may officially recommend removal of an Editorial Board Member.
- (2) When an Editorial Board Member wishes to recommend removal of an Editorial Board Member, he or she shall report to the EiC in writing the name of the person recommended for removal and the reasons for the removal.
- (3) Upon receiving a recommendation for removal, the EiC shall call a meeting for removal to be held within one week from the day of receipt of the recommendation.
- (4) The Editorial Board Member who has been recommended for removal has the right to attend the meeting for removal to present his or her side of the case, but the Editor recommended for removal may not participate in or be present for any votes by the Editorial Board on his or her removal.
- (5) Every Editorial Board Member shall be notified of the time and place of the meeting for removal no fewer than four days prior to such meeting.
- (6) To remove an Editorial Board Member for either (1) failure to meet the enumerated requirements of his or her position or (2) failure to maintain good academic standing, at least two-thirds of the Editorial Board must approve the removal. To remove an Editorial Board Member for (3) conduct that reflects

poorly on the Review, at least three-fourths of the Editorial Board must approve the removal.

(7) For purposes of this section, the term “two-thirds of the Editorial Board” and “three-fourths of the Editorial Board” refer to fractions of the entire Editorial Board, including those not present at the meeting for removal and including the Editorial Board Member who is being considered for removal.

(8) Proxies voting for the removal of a Board Member shall not be counted. Proxies voting against such removal shall be counted.

SECTION 6. VACANCIES ON THE EDITORIAL BOARD

1. A vacancy in any office because of death, resignation, removal, or other cause shall be filled by the Editorial Board.

2. Editorial Board Members, Associate Editors, and Members shall be eligible to fill vacant Board positions. An Editor elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor.

3. The EiC shall advertise to the Members and Associate Editors of the Review that a vacancy exists on the Editorial Board and shall solicit applications for the vacancy. The notice shall specify the vacant position and the deadline for submission of the application.

4. After the deadline for receiving applications has passed, the EiC shall call a meeting of the Editorial Board to vote on the applications for the vacant position.

5. To be elected for the vacant position, an applicant must receive votes from a majority of the Editorial Board.

6. If no applicant receives votes from an absolute majority of the Editorial Board, then the position shall remain vacant.

ARTICLE IV COMMITTEES

SECTION 1. COMMITTEE FORMATION.

An Editorial Board Member or group of Editorial Board Members may form any committee, so long as that committee exercises no power that the Board member or members cannot delegate. Unless otherwise indicated in this Article, members of all standing committees shall be appointed by the ME, subject to the approval of the EiC. However, a majority vote of the Editorial Board can remove a member of a committee.

SECTION 2. DISCIPLINARY COMMITTEE.

1. A committee shall be appointed to discipline Members and Associate Editors. This committee shall be composed entirely of Editorial Board Members. Members of the Editorial Board may not be disciplined by the Disciplinary Committee.

2. The EiC, ME, CNE, and NEs may not serve on the Disciplinary Committee.

3. Any person sent before the Disciplinary Committee shall be notified in writing of the time and place of the hearing and the reasons for the hearing at least four days before the hearing is scheduled to occur. He or she shall have an opportunity to appear at the hearing, but may not be present for any votes by the Committee.

4. The Disciplinary Committee's general discretion to assign appropriate punishments shall be determined by the Editorial Board at the time that the Committee is appointed. Any punishment involving a reduction in a member's status from Associate Editor to Member, however, must be approved by a majority of the Editorial Board. Any punishment involving a revocation of membership must be approved by two-thirds of the Editorial Board.

5. If a member of the Disciplinary Committee refers a Member of the Review to the Disciplinary Committee for disciplinary action, that committee member must recuse himself or herself from voting in that action. Should such a recusal occur, the ME shall appoint a Board Member to the Disciplinary Committee to substitute for the recused Committee member in that action.

SECTION 3. SOCIAL COMMITTEE.

A committee may be appointed to arrange social functions. Any Review Member may be a member of this committee.

SECTION 4. STYLE AND FORM COMMITTEE.

A committee shall be appointed to recommend revisions of *The Texas Manual on Usage & Style*, *The Texas Rules of Form*, and editorial conventions. It shall be composed of the EiC, CAE, and any other members the ME appoints.

SECTION 5. ORIENTATION AND OVERSIGHT COMMITTEE.

A committee may be appointed to plan orientation for Members and to develop recommendations for continuous improvement of the training and supervision processes of the Review. Any member of the Editorial Board may be a member of this committee.

**ARTICLE V
ACCESSIBILITY OF RULES AND PROCEDURES**

A copy of these Rules and Procedures shall be provided to every Member of the Review.

**ARTICLE VI
AMENDMENT OF RULES AND PROCEDURES**

These Rules and Procedures may be amended only by a vote of the membership of the Review, acting within the procedures set forth in Article II, § 3.

**ARTICLE VII
ADOPTION OF RULES AND PROCEDURES**

These Rules and Procedures shall be adopted and become effective upon a vote of the membership of the Review, acting within the procedures set forth in Article II, § 3.