



The Review of Intellectual Property Law (“RIPL”)  
The University of Illinois at Chicago John Marshall Law School

**The UIC Review of Intellectual Property Law Organizational  
Procedures**

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## **1.00 ORGANIZATIONAL PROVISIONS.**

### **1.01 NAME OF ORGANIZATION.**

(a) Official Name. The organization shall be named “The UIC Review of Intellectual Property Law.”

(b) Acronym. Throughout these bylaws and within the UIC John Marshall community generally, The UIC Review of Intellectual Property Law may be referred to in acronym form: RIPL (pronounced ripple).

### **1.02 PURPOSE OF ORGANIZATION.**

RIPL is a student-operated organization created in order to:

(a) Publish the scholarly journal entitled The UIC Review of Intellectual Property Law in accordance with the provisions of Article 3.00; and

(b) Provide its members with training in the arts of scholarly legal research and writing with a focus on areas of law pertaining to intellectual property (“IP”). Such areas of law included, but are not limited to, patent law, trademark law, copyright law, trade secret law, entertainment law, art law, unfair competition law, antitrust law, information technology law, and privacy law.

### **1.03 COMPOSITION OF ORGANIZATION.**

RIPL shall be comprised of three distinct classes of student members: (a) The Editorial Board (pursuant to Article 2.00);

(b) Staff Editors (pursuant to § 7.01(c)); and

(c) Candidates (pursuant to Article 6.00).

(d) Neither Staff Editors nor Candidates are considered members of the Editorial Board; as such, Staff Editors and Candidates shall not have any of the powers of authority provided to Editorial Board members under these bylaws.

## **2.00 GOVERNING BODY.**

### **2.01 THE RIPL EDITORIAL BOARD.**

The governing body of RIPL is an entity known as the Editorial Board (“Board” or “RIPL Board”).

### **2.02 BOARD POSITIONS.**

(a) The Board shall comprise members elected pursuant to Article 8.00 and holding at least the following positions:

- (1) Editor-in-Chief;
- (2) Managing Editor;
- (3) Lead Articles Editor;
- (4) Candidacy Editor;
- (5) Administrative Editor;
- (6) Production Editor;
- (7) Executive Development Editor; and/or
- (8) Symposium Editor;
- (9) Social Media Editor.

(b) In addition, because the total number of Board members likely will fluctuate on an annual basis, to the extent possible, each of the following positions should be filled by the number of members indicated:

- (1) Lead Articles Editor; two (2) and
- (2) Articles Editor; five (5).

(c) The Editor-in-Chief shall have the authority to create a temporary hybrid position. The hybrid position shall expire once the term of the Editor-in-Chief ends.

### **2.03 DUTIES OF THE BOARD GENERALLY.**

(a) The following duties are the responsibility of the Board as a whole:

- (1) The Board is responsible for publishing The John Marshall Review of Intellectual Property Law in accordance with Article 3.00.
- (2) The Board is responsible for maintaining the RIPL solicitation database. The solicitation database is a database of practitioners, judges and law school professors and/or administrators to whom solicitation letters are sent. The purpose of this database is to provide future Boards with a resource from which to generate quality articles.

(i) The solicitation database should be updated as soon as practicable after the Board obtains new information pertaining to potential sources of articles; and

(ii) The solicitation database should be maintained in a sufficiently current electronic format such that it is reasonably accessible and updatable.

(3) The Board is responsible for maintaining the RIPL subscription database. The subscription database is a database of practitioners, judges and law school professors and/or administrators who shall be notified whenever a new issue of The UIC Review of Intellectual Property Law is published. The purpose of this database is to ensure the continued dissemination of The UIC Review of Intellectual Property Law to those who are interested in receiving it.

(i) The subscription database should be updated as soon as practicable after the Board learns of a party interested in becoming a subscriber;

(ii) The subscription database should be maintained in a sufficiently current electronic format such that it is reasonably accessible and updatable;

(iii) The subscription database should contain at least the name and email address of each subscriber and all additional information reasonably necessary to notify each subscriber of publication as required under this subsection; and

(iv) Although the subscription database should be the primary method through which The UIC Review of Intellectual Property Law is disseminated, other means of dissemination also are permitted. Such means may include, but are not limited to, links from websites other than those listed in § 3.03(b)(1) (which would pertain specifically to electronic versions of The UIC Review of Intellectual Property Law published under Article 3.00), email lists that provide abstracts of law journals and the sending of printed copies via the United States Postal Service or other carriers.

(4) The Board is responsible for maintaining the RIPL alumni database. The alumni database is a database of past RIPL Board members. The purpose of this database is to ensure continued contact and a continued relationship between past RIPL Board members and the current Board and RIPL generally.

(i) The alumni database should be updated as soon as practicable after the current Board learns of a past RIPL Board member who is not part of the alumni database but who would like to be added or the current Board learns of new information pertaining to a past RIPL Board member already listed in the alumni database;

(ii) The alumni database should be maintained in a sufficiently current electronic format such that it is reasonably accessible and updatable; and

(iii) The alumni database should contain at least the name of each known past RIPL Board member, the name of each past member's current employer, the email address of each past member, an indication of whether each past member held a Board position and any position(s) held, whether each past member had his or her comment published, including the volume and issue of publication, and all additional information reasonably necessary to identify, contact and maintain a continued relationship with each past member as required under this subsection.

(5) The Board is responsible for selecting student-written comments for publication.

(6) The Board is responsible for maintaining, tracking and, as necessary, updating all of the electronic and printed documents necessary for RIPL's day-to-day and long-term operations.

(7) At the time that a subsequent Board takes office, the predecessor Board is responsible for ensuring that a smooth transition takes place according to § 8.04.

(b) Unless specified otherwise in another part of these bylaws, no one Board member is specifically obligated to perform any or all of the duties listed in this section. However, depending upon the knowledge, talents and/or special skills possessed by a particular member or members, the Editor-in-Chief personally or the Board may, by mutual agreement with the member or members, delegate to that member or members one or more of the aforementioned responsibilities. Any delegation by the Board under this subsection must comply with the relevant provisions of Article 5.00.

#### **2.04 POSITION--SPECIFIC DUTIES OF THE BOARD: JOB DESCRIPTIONS.**

(a) Editor-in-Chief. The Editor-in-Chief carries the responsibility for all RIPL affairs. The Editor-in-Chief works closely with the Managing Editor, Faculty Advisor(s) and Alumni Advisor(s), and consults with the Board in making all major decisions affecting RIPL. The Editor-in-Chief is the liaison between the Board and the John Marshall faculty and administration. The Editor-in-Chief works closely with the Managing Editor and Administrative Editor to set the yearly budget for RIPL. On a day-to-day basis, the Editor-in-Chief generally oversees the candidacy program and the website content, assists in the solicitation of articles and ensures that the other Board members are fulfilling their duties as described in subsections (b)–(i); as necessary or convenient, the Editor-in-Chief may assist with or usurp any of the duties of

another Board member. Finally, the Editor-in-Chief ensures that the duties of the Board generally under § 2.03 are being fulfilled.

(b) Managing Editor. The Managing Editor generally oversees the branch of RIPL dealing with articles and publication. The Managing Editor works with the Lead Articles Editor to ensure that quality articles are solicited and published. Once lead articles have been secured for publication, the Managing Editor assigns the Articles Editors with the task of preparing each for publication, and the Managing Editor oversees that preparation. The Managing Editor also coordinates the transition of candidates to staff editors. The Managing Editor also is responsible for keeping and maintaining these bylaws, including the making and execution of any physical changes required as a result of amendments made pursuant to § 5.10. In addition, the Managing Editor coordinates the Board's responsibility pursuant to § 2.03(a)(6) to maintain, track and, as necessary, update the electronic and printed documents necessary for RIPL's day-to-day and long-term operations. In addition to these individual requirements, the Managing Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc. The Managing Editor will assign and oversee the source pulling tasks given to Staff Editors. The Managing Editor will also work with the Social Media Editor to facilitate the Staff Editor RIPL Blog Series writing process.

(c) Lead Articles Editor(s). The Lead Articles Editor(s) is the liaison between the authors of lead articles and the Board. The primary duty of the Lead Articles Editor(s) is to solicit and secure lead articles to publish. This requires that the Lead Articles Editor(s) contact and build rapport with potential authors, including practitioners, law school professors and judges. Such contact may involve face-to-face conversations, telephone or other electronic conversations and/or various written means of communication, especially solicitation letters. In particular, the Lead Articles Editor(s) will make significant efforts to obtain lead articles by authors of the highest quality through specific and individualized solicitation. Some authors, however, likely will submit potential lead articles without first having been solicited to do so. The Lead Articles Editor(s) or the Board will respond to any unsolicited submissions. However, to the extent that lead articles are required to complete a given issue of The John Marshall Review of Intellectual Property Law, it is the responsibility of the Lead Articles Editor(s) to obtain the requisite number of lead articles. Furthermore, the Lead Articles Editor(s) is responsible for attending various Intellectual Property Conferences and organizing special issues including symposiums and

dedications. The Lead Articles Editor(s) is responsible for securing authors' agreement to and signatures on any contractual, copyright-release or other similar documents necessary to effectuate publication under Article 3.00. In addition to these individual requirements, the Lead Articles Editor(s) is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(d) Candidacy Editor. The Candidacy Editor coordinates the candidacy program and is the liaison between the Candidates and the Board. The Candidacy Editor's responsibilities include approving topic proposals; scheduling mandatory activities; monitoring deadlines, cite-checking and other assignments; as well as coordinating the comment-evaluation and rewrite processes including organizing editor training for comment evaluation. The Candidacy Editor assigns Board members to provide editorial assistance to the Candidates while writing their comments and additional Board members to evaluate the comment at the completion of the appropriate stages. The Candidacy Editor also administers the write-on program, which includes the responsibility of generating the closed memorandum packet required for the program, if necessary under § 6.02(b)(3). The Candidacy Editor also procures and manages all documents necessary for determining qualifying candidates. After determining the qualifying candidates, the Candidacy Editor maintains consistent communications with those who qualify, including organizing events. Once the candidate class is determined, the Candidacy Editor arranges an orientation, which includes Bluebook, Lexis, Westlaw and library training. In addition to these individual requirements, the Candidacy Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(e) Executive Development Editor. The Executive Development Editor, through coordination with the Candidacy Editor, works with candidates both individually and as a group on issues of writing style and compliance with the BLUEBOOK. The Executive Development Editor arranges for candidate group meetings to review portions of the Style Guide and BLUEBOOK with which compliance has proven problematic. The Executive Development Editor also works with candidates to properly delineate the various sections of their comments. The ultimate goal of the Executive Development Editor is to minimize the number of REWRITE and REJECT grades assigned during the comment grading process. As such, the Executive Development Editor is barred from participating in the grading of comments, but is to be available to candidates throughout the grading and rewrite processes. In addition to these individual

requirements, the Executive Development Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(f) Administrative Editor. The Administrative Editor schedules rooms for meetings, acquires office and other supplies for use in the RIPL office and arranges for photocopying and printing of documents. The Administrative Editor also schedules and plans social events and RIPL photographs. The Administrative Editor is also the liaison between the Board and The John Marshall student body. Therefore, the Administrative Editor plans various RIPL sponsored school events, such as open houses, alumni roundtables, philanthropy events, class visits, etc. In addition, the Administrative Editor is in charge of maintaining the several documents that are disseminated over the course of each year to the Board members and Candidates. Such documents include solicitation letters, internal memoranda to Candidates and guidelines that are promulgated by the Board. The Administrative Editor generally is in charge of RIPL marketing along with the requisite materials and documents, including the list of potential Candidates to be utilized in pre-candidacy recruiting. The Administrative Editor works with the Production Editor to ensure that the solicitation, subscription and alumni databases each comply with the relevant provisions of § 2.03(a). In addition, the Administrative Editor is responsible for maintaining the RIPL website and social media, and coordinating the Board's responsibility pursuant to § 2.03(a)(6) to maintain, track and, as necessary, update the electronic documents necessary for RIPL's day-to-day and long-term operations. The Administrative Editor also coordinates the process of choosing new Board members. Finally, after the Editor-in-Chief finalizes RIPL's budget, the Administrative Editor is responsible for accounting for RIPL spending. This includes handling all reimbursement/purchase request forms, maintaining documentation and records of spending, and ensuring RIPL spending stays within its budget. In addition to these individual requirements, the Administrative Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(g) Production Editor. The Production Editor acts as the RIPL webmaster and is the liaison between the Board and John Marshall's Computer Services department. In addition, the Production Editor oversees the process of converting authors' original document files into the necessary format(s) for electronic publication on the RIPL website and, if necessary, publication to electronic databases and/or publication in hardcopy. The Production Editor then coordinates a

process by which the Editor-in-Chief, Managing Editor and one or more Articles Editors review the post-conversion article to ensure that it is error-free and in publishable form. Furthermore, the Production Editor keeps an internal and external database of all articles and comments, in both Word and PDF format, published by RIPL. The Production Editor also works with the Administrative Editor to ensure that the solicitation, subscription and alumni databases each comply with the relevant provisions of § 2.03(a). This position may be filled at a time prior to the election of other positions due to the technical aspects of the position in order to facilitate a smooth transition between Boards. This is not mandatory and at the discretion of the Board. The Production Editor also converts authors' original document files into the necessary format(s) for electronic publication on the RIPL website and, if necessary, publication to electronic databases and/or publication in hardcopy. Where HTML or XHTML format is utilized to facilitate electronic publication, the Production Editor(s) is/are responsible for inserting HTML or XHTML tags, respectively, such that the endnote reference numbers in the body text are hyperlinked to the relevant endnote text and vice versa. Moreover, the Production Editor is responsible for coordinating production and mailing of hardcopies. This includes working with the Lead Articles Editors to write a thank you letter to each author to send with hardcopies. The Production Editor, working with the Candidacy Editor, is also responsible for technical grading of candidate submissions. In addition to these individual requirements, the Production Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(h) Articles Editors. The Articles Editors have the task of preparing lead articles and Candidate-written comments for publication. This includes checking all citations for compliance with the BLUEBOOK; using best efforts to find and insert any missing citations; ensuring that the citations are still "good" law and actually state the propositions for which they were cited; and checking all prose for proper grammar, spelling and readability. The Articles Editors assist the Lead Articles Editor in corresponding with the authors to inform them of changes that are made to their articles. Finally, the Articles Editors are responsible for overseeing any other RIPL members assigned to assist the Articles Editors with any of the aforementioned duties. In addition to these individual requirements, the Articles Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(i) Symposium Editor. The Symposium editor is responsible for planning the Board's symposium, as needed. This entails researching possible symposium topics and presenting such topics to the rest of the Board. The Symposium Editor will coordinate with the John Marshall event staff, advertising, marketing, Intellectual Property Center, and administration. The Symposium Editor also manages the symposium budget and will be responsible for obtaining sponsorship for the event. A main responsibility of the symposium editor is to solicit authors and speakers for the symposium, which requires working closely with the Lead Articles Editors. The Symposium Editor will also aid the Lead Articles Editors in finding articles for the remaining three issues, if necessary. In addition to these individual requirements, the Symposium Editor is also responsible for contributing to any Board responsibilities, including, but not limited to, cite-checking, reading student comments, etc.

(j) Social Media Editor. The Social Media Editor is responsible for managing all social media accounts associated with RIPL. The Social Media Editor will work with the Administrative Editor and Editor-in-Chief to maintain all of RIPL's usernames, passwords, and other pertinent account information. The Social Media Editor will also work with the Administrative Editor to manage the RIPL website and for posting blogs, updates, and other announcements and materials to the website. The Social Media editor will work with the Managing Editor to oversee the Staff Editor's blog series writing process. The Social Media Editor will also work with the Managing Editor and the Editor-in-Chief to coordinate the publication of Staff Editor blogs.

## **2.05 BOARD MEETINGS.**

(a) The Board shall meet on a regular basis throughout the academic year. The Board also shall meet periodically during the summer, as practicable. All Board members are required to attend each meeting, unless they have notified the Editor-in-Chief of their inability to attend prior to the date/time of the meeting.

(b) The Editor-in-Chief may require any other RIPL members, especially Staff Editors, to attend any meeting of the Board. However, pursuant to § 1.03(b), Staff Editors generally should not be permitted to attend meetings involving the selection of student-written comments pursuant to § 2.03(a)(5), Board elections pursuant to Article 8.00 or other meetings held in regard to matters concerning only the Board pursuant to Article 5.00.

## **2.06 DUTY TO EXERCISE CARE.**

Each Board member has the duty to exercise due care in all RIPL matters. Each Board member, in his or her capacity as a Board member, must bear in mind that his or her primary concern always should be the best interests of RIPL, and each Board member is required to discharge his or her specified duties accordingly.

### **3.00 PUBLICATION**

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#### **3.01 NAME AND FREQUENCY OF PUBLICATION.**

(a) RIPL shall publish annually at least two (2) issues of The UIC Review of Intellectual Property Law. At least one (1) issue shall be published during the fall semester of a given academic year, and at least one (1) issue shall be published during the spring semester of that same academic year. One or more additional issues may be published within a given academic year as deemed appropriate by the RIPL board.

(b) Issues and Volumes. All issues of The UIC Review of Intellectual Property Law published in a single academic year shall comprise a single volume of the publication.

(c) For purposes of this section, a single academic year begins on the first day of regular classes in the fall semester and ends on the first day of regular classes in the following fall semester

#### **3.02 PURPOSE OF PUBLICATION.**

The primary purpose of The UIC Review of Intellectual Property Law is to provide the United States and international legal communities with scholarly articles on timely subjects based on issues arising in the areas of law as defined in § 1.02(b). A second purpose of The UIC Review of Intellectual Property Law is to provide a forum in which law professors, practitioners, judges and RIPL members can publish their articles. A third purpose of The UIC Review of Intellectual Property Law is to assist in maintaining and increasing the overall visibility and ranking of The UIC John Marshall Law School in the fields of IP, Information Technology, and Privacy law.

#### **3.03 FORMAT OF PUBLICATION.**

(a) Articles, Comments, & Case Notes.

(1) Articles. Any issue of The John Marshall Review of Intellectual Property Law published under this Article shall include one or more articles, also known as lead articles, which are defined as follows:

- (i) Scholarly written works authored by law professors, practitioners, and/or judges; or
- (ii) Conferences proceedings involving speeches and/or other works by law professors, practitioners and/or judges.

(2) Comments. Any issue of The John Marshall Review of Intellectual Property Law published under this Article may include comments, which are scholarly works authored by RIPL

members. RIPL does not use the “note” or other special designations for student works discussed in the BLUEBOOK.

(3) Case Notes. Any issue of the UIC Review of Intellectual Property Law published under this Article may include case notes, which are scholarly works authored by RIPL members. Upon publication, these works shall be referred to as ‘Notes’ or ‘Case Notes.’

(b) Electronic Format.

(1) Website. The UIC Review of Intellectual Property Law shall be located in electronic format on the internet at one or more of the following addresses:

(i) <http://www.jmls.edu/ripl>,

(ii) <http://ripl.jmls.edu/> and/or

(iii) In lieu of or addition to the “.com” extension, other extensions may be used with this domain name, such as “.org,” “.net” or “.us.”

(2) File Format. Electronic versions of The UIC Review of Intellectual Property Law may be published in any format suitable for an online publication, but preferably in PDF format.

(3) Electronic Databases. The UIC Review of Intellectual Property Law also may be published in electronic databases, such as LexisNexis and Westlaw.

(c) Hardcopy Format.

(1) As time and funding permit, The UIC Review of Intellectual Property Law may be published in hardcopy form.

(2) If publication of The UIC Review of Intellectual Property Law in hardcopy form becomes feasible on a permanent basis, such publication is to be done in conjunction with the electronic publication specified in subsection (b). However, in no event should The John Marshall Review of Intellectual Property Law be published exclusively in hardcopy format.

(d) Masthead. Each issue of The UIC Review of Intellectual Property Law published under this Article shall include a masthead page. The masthead page shall include at least:

(1) The names and positions of the Board and other RIPL members responsible for the issue’s publication;

(2) Pursuant to the provisions of § 4.01(e), an acknowledgement of the Faculty Advisory Board; and

(3) Pursuant to the provisions of § 4.02(d), an acknowledgement of the Alumni Advisory Board.

### **3.04 CITATION FORMAT.**

(a) Articles. In accordance with the most recent edition of THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION, all citations to articles published in The UIC Review of Intellectual Property Law should appear in the following form:

[Author], [Title], [Vol #] UIC REV. INTELL. PROP. L. [PAGE #] ([YEAR]).

(b) Comments & Case Notes. In accordance with the most recent edition of THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION, all citations to comments published in The John Marshall Review of Intellectual Property Law should appear in the following form:

[Author], Comment/Case Note/Note, [Title], [Vol #] UIC REV. INTELL. PROP. L. [Page #] ([Year]).

(c) The citation formats listed in this subsection should be prominently identified and displayed in any issue of The UIC Review of Intellectual Property Law published under this Article.

#### **4.00 FACULTY AND ALUMNI ADVISORY BOARDS.**

##### **4.01 FACULTY ADVISORS AND FACULTY ADVISORY BOARD.**

(a) The RIPL Board shall be assisted by one or more Faculty Advisors comprising a Faculty Advisory Board.

(b) Faculty Advisor Eligibility. Any professor, associate professor, adjunct professor or other faculty or staff member of The UIC John Marshall Law School, including the Center for Intellectual Property Law, is eligible to be considered for the position of a Faculty Advisor.

(c) Selection of Faculty Advisors. Faculty Advisors should be selected by the RIPL Board in view of the following criteria:

- (1) The Advisor must be eligible as provided under § 4.01;
- (2) The Advisor should be associated with the undergraduate or graduate IP programs at The UIC John Marshall Law School or the University of Illinois at Chicago, including those administered by the Center for Intellectual Property Law;
- (3) The Advisor should be known to be well-respected and highly regarded among his or her peers at The UIC John Marshall Law School or the University of Illinois at Chicago and in the legal community generally, to the extent reasonably ascertainable;
- (4) The Advisor should be known to be well-respected and highly regarded among the students at The UIC John Marshall Law School or the University of Illinois at Chicago, to the extent reasonably ascertainable; and
- (5) The Advisor should be a person known to have previously defended the actions of a student or students in the face of criticism from faculty members, students or other persons and who likely would be willing to do so again in the future.

No single criterion listed in subsections (2)–(5) is per se more important— or carries greater weight—than any other individual criterion listed in those subsections. While a Faculty Advisor candidate who meets all four criteria should be considered a more desirable candidate than another candidate who does not, the relevant inquiry in a given instance is first whether and to what extent each criterion can be met and only then whether the existence of a given criterion or certain criteria should be permitted to outweigh the nonexistence of the remaining criterion or criteria.

(d) Duration of Faculty Advisor Positions. The duration of all Faculty Advisor positions shall be indefinite, unless or until a Faculty Advisor chooses to resign his or her position or ceases to be employed by The UIC John Marshall Law School or the University of Illinois at Chicago.

(e) Acknowledgement of Faculty Advisory Board. The name of each current Faculty Advisor on the Faculty Advisory Board, as well as his or her position at The UIC John Marshall Law School, the University of Illinois at Chicago, or the Center for Intellectual Property Law, is to be included on the masthead for each issue of The UIC Review of Intellectual Property Law published under Article 3.00.

(f) Removal of Faculty Advisors. Under these bylaws and this section, it currently is against RIPL policy for the RIPL Board to request that a Faculty Advisor resign his or her position or to act to remove a Faculty Advisor from his or her position.

#### **4.02 ALUMNI ADVISORS AND ALUMNI ADVISORY BOARD.**

(a) The RIPL Board may be assisted by one or more UIC John Marshall alumni who, during their tenure as UIC John Marshall students, were RIPL Board members in good standing; such alumni shall constitute an Alumni Advisory Board.

(b) Eligibility. Any former RIPL Board member as described in subsection (a) and who graduated UIC John Marshall in good standing shall be eligible to become a member of the Alumni Advisory Board.

(c) Duration of Alumni Advisor Positions. The duration of all Alumni Advisor positions shall be indefinite, unless or until an Alumni Advisor chooses to resign his or her position or fails to meet any requirements that may be determined by the Alumni Advisory Board as necessary for an Alumni Advisor to retain his or her position.

(d) Acknowledgement of Alumni Advisory Board. The name of each current Alumni Advisor on the Alumni Advisory Board, as well as his or her position on the Alumni Advisory Board, if any, is to be included on the masthead for each issue of the UIC Review of Intellectual Property Law published under Article 3.00.

(e) Removal of Alumni Advisors. Under these bylaws and this section, it currently is against RIPL policy for the RIPL Board to request that an Alumni Advisor resign his or her position or to act to remove an Alumni Advisor from his or her position; rather, if it occurs at all, removal shall result only at the discretion of the Alumni Advisory Board or under the applicable provisions of any governing documents adopted by the Alumni Advisory Board.

(f) In no event shall the RIPL Board or any one of its members be bound by any request, decision or statement of the Alumni Advisory Board unless the Editor-in-Chief and/or the RIPL Board approves such request or decision as provided under Article 5 of these bylaws.

## **5.00 AUTHORITY AND VOTING.**

### **5.01 VOTING RIGHTS.**

(a) Except as provided in subsections (b)–(e), each Board member, regardless of position held, has one (1) equal vote in all matters voted on by the Board. However, each Board member also has the express right to withhold his or her vote for any reason; i.e., each Board member may abstain from casting a vote in any matter or may recuse himself or herself for any reason(s) from the pool of Board members eligible to cast a vote in any matter.

(b) Board members should avoid acquiring a personal or other interest in matters related to RIPL, if reasonably possible. Any Board member who has a personal or other interest in the outcome of a matter voted on by the Board shall recuse himself or herself from the pool of Board members eligible to cast a vote in the matter.

(1) If, after the Board has voted on a matter, it is determined that such a recusal should have taken place prior to the vote but did not in fact occur, and if the outcome of the vote was favorable to the member who failed timely to recuse himself or herself from the pool of Board members eligible to cast a vote in the matter, then the result of the vote shall be null and void; or

(2) Alternately, the result of the vote shall be reevaluated after discounting the vote of each Board member who, prior to the vote, should have recused himself or herself from the pool of Board members eligible to cast a vote in the matter but failed to do so.

(3) As used in this subsection, a “personal or other interest” means any interest unique to one or more Board members and not shared by the Board as a whole. The following is a non-exclusive list of examples of the type of “personal or other interest” defined under this subsection:

(i) One prominent example would arise in instances where a Board member submits to the Board his or her comment to be considered for publication; and

(ii) Another example would arise in instances where a Board member is related to or romantically involved with a prospective Board member whose Board membership must be approved by the Board under Article 8.00.

(c) Additional Voting Provisions Relating to Editor-in-Chief’s Transfer and Removal Authority under § 5.06.

(1) Any Board member who is identified to the Board as potentially being the subject of the Editor-in-Chief’s transfer and removal authority under § 5.06 shall not be eligible to cast a vote in the matter if the matter is put to a Board vote as provided by § 5.06(c); and

(2) The Editor-in-Chief shall not be eligible to cast a vote in the matter except as provided by § 5.06(b).

(d) Additional Voting Provisions Relating to Board Override of the Editor-in-Chief's Exercise of Veto or Transfer and Removal Authority under § 5.07.

(1) In the event that the Board exercises its authority under § 5.07 to vote to override the Editor-in-Chief's exercise of his or her veto authority under § 5.05 or transfer and removal authority under § 5.06, the Editor-in-Chief shall not be eligible to cast a vote in the matter; and

(2) In the specific instance where the Board chooses to exercise its authority under § 5.07 to vote to override the Editor-in-Chief's exercise of his or her transfer and removal authority under § 5.06, any Board member who was the subject of the Editor-in-Chief's exercise of his or her transfer and removal authority in the matter shall not be eligible to cast an override vote.

(3) Where a Board-override procedure under § 5.07 is initiated by the existing Board pursuant to any provision of § 5.02(b), then, except for the incoming Editor-in-Chief, no incoming Board member, including the incoming Managing Editor, shall be eligible to cast a vote in the matter.

(e) Additional Voting Provisions Relating to the Board's Removal Authority under § 5.08.

(1) Any Board member who is identified by the Board as potentially being the subject of the Board's removal authority under § 5.08 shall not be eligible to cast a vote in the matter.

## **5.02 QUORUM REQUIRED FOR VOTE.**

(a) Except as provided in subsection (b), the Board may vote on a matter only if a majority of the Board members who are eligible under § 5.01 to cast a vote in the matter are present at the meeting at which the vote is to be taken.

(b) Special Quorum Requirements.

(1) The Board's Exercise of its Removal Authority.

Any vote by the Board to exercise its removal authority as provided in § 5.08 requires that at least three-fourths (3/4) of the Board members who are eligible under § 5.01 to cast a vote in the matter be present at the meeting at which the vote is to be taken.

(2) Amendments to these Bylaws.

(i) Any vote by the Board to amend these bylaws pursuant to § 5.10(a) requires that at least two-thirds (2/3) of the Board members who are eligible under § 5.01 to vote in the matter be present at the meeting at which the vote is to be taken; and

(ii) Any vote by the Board to amend these bylaws pursuant to §§ 5.10(b) or 5.10(c) requires that at least three-fourths (3/4) of the Board members who are eligible under § 5.01 to cast a vote in the matter be present at the meeting at which the vote is to be taken.

### **5.03 MAJORITY VOTE REQUIRED.**

(a) Providing that the quorum requirements of § 5.02(a) are met, any RIPL decision put to a Board vote, other than a vote to override the Editor-in-Chief's veto as provided in § 5.07, a vote to remove a Board member as provided in § 5.08 or a vote to amend these bylaws as provided in § 5.10, must be ratified by a majority vote of the Board members.

(b) In the event of a "tie" vote of the Board, the Editor-in-Chief shall have the authority to cast the dispositive vote regardless of whether he or she previously cast a vote in the matter. However, if, under § 5.01, the Editor-in-Chief was ineligible to cast a vote in the matter, the authority to cast the dispositive vote shall pass to the Managing Editor, regardless of whether he or she previously cast a vote in the matter. Similarly, if, under § 5.01, the Managing Editor was ineligible to cast a vote in the matter, the authority to cast the dispositive vote shall pass to the Lead Articles Editor, regardless of whether he or she previously cast a vote in the matter.

### **5.04 METHOD OF VOTING.**

(a) Except as specified otherwise in these bylaws, votes of the Board under this section may be taken by any means appropriate in view of the matter to be voted upon; e.g., oral ballot, non-secret written ballot, secret written ballot, etc.

(b) In no event shall a vote of the Board otherwise valid under §§ 5.01–5.04 be nullified because of disagreement as to the voting means used.

### **5.05 EDITOR--IN--CHIEF'S VETO AUTHORITY.**

(a) Subject to subsection (b), the Editor-in-Chief shall have the right and authority to veto any decision regarding any RIPL-related matter, with the exception of the vote of the Editorial Board regarding the election of the incoming Editor-in-Chief under § 8.03(b)(1).

(b) In the event that the Editor-in-Chief was ineligible pursuant to § 5.01(b) to cast a vote in a matter voted on by the Board, the veto authority granted by subsection (a) to the Editor-in-Chief shall pass to the Managing Editor. Similarly, if, under § 5.01, the Managing Editor was ineligible to cast a vote in the matter, the veto authority granted by subsection (a) to the Editor-in-Chief shall pass to the Lead Articles Editor.

## **5.06 EDITOR--IN--CHIEF'S TRANSFER AND REMOVAL AUTHORITY.**

(a) Removal. Subject to the requirements of subsections (c)–(d), the Editor-in-Chief shall have the right and authority to remove any Board member for cause; and

(b) Transfer. Subject to the requirements of subsections (c)–(d), the Editor-in-Chief shall have the right and authority to reassign any Board member to a Board position different from that which the Board member currently holds.

(c) Consultation Required. The Editor-in-Chief only can take the action specified in subsections (a) or (b) after consultation with the Board and at least one (1) Faculty Advisor. In such a case, it is recommended, but not required under these bylaws, that the Editor-in-Chief receive the opinion of the Board in the matter by way of a Board vote under §§ 5.01–5.04. If it is determined that a vote under this subsection will take place:

(1) At least twenty-four (24) hours prior to the date and time of the Board meeting at which the vote will be taken, the Editor-in-Chief and/or the Board must provide to the Board member(s) at issue a written statement of the reason(s) for which the Editor-in-Chief and/or the Board finds it necessary to take such a vote;

(2) The Board member(s) at issue must be notified of the date and time of the Board meeting at which the vote will be taken; and, while the provisions of § 5.01(c)(1) must be adhered to, prior to any vote under this subsection, the Board member(s) at issue shall have the right to be heard at such Board meeting; and

(3) The Editor-in-Chief must comply with the provisions of § 5.01(c)(2).

(d) Written Statement Required. If the Editor-in-Chief takes the action specified in subsections (a) or (b), the Editor-in-Chief must provide to the Board member(s) at issue a written statement of the reason(s) for which the Editor-in-Chief found it necessary to take such action. The Board also may draft such a statement if it, too, has reasons for which it found appropriate to back the Editor-in-Chief's decision after the consultation required by subsection (c).

(e) A Board member removed pursuant to subsection (a) must remove RIPL from his or her résumé and shall be subject to § 9.02(c)(1). In no event shall such a removed individual be eligible or re-eligible for Board membership as provided in § 8.01.

(f) The sole recourse for any Board member dissatisfied with a decision made in accordance with this section shall be an appeal of the matter to The UIC John Marshall Law School

administration in accordance with the procedure(s) set forth in The UIC John Marshall Law School Student Handbook.

**5.07 BOARD OVERRIDE OF THE EDITOR-IN-CHIEF'S EXERCISE OF VETO OR TRANSFER AND REMOVAL AUTHORITY.**

(a) Override. Once the Editor-in-Chief's veto authority under § 5.05 has been properly exercised pursuant to either § 5.05(a) or § 5.05(b), or once the Editor-in-Chief's transfer and removal authority under § 5.06 has been properly exercised, subject to the relevant provisions of § 5.01(d), the Board may override any such exercise of the Editor-in-Chief's veto or transfer and removal authority if two-thirds (2/3) of the entire Board vote to override the Editor-in-Chief's exercise of such authority. When the Editorial Board is at capacity, thirteen (13) members, then eight (8) members are needed to override the exercise of such authority.

(b) Special Meeting. In order for the Board to exercise its authority under subsection (a), a special meeting of the Board should be held, and the quorum requirement of § 5.02(a) must be met; however, if a sufficient number of Board members are present at the special meeting to satisfy § 5.02(a), any Board member eligible under § 5.01 to cast a vote in the matter but not present at the special meeting may cast his or her vote in the matter via telephone, email, other electronic means or written proxy. All votes provided orally must be duly recorded upon receipt by the Board.

(c) The sole recourse for any Board member (e.g., the Editor-in-Chief) dissatisfied with a decision made in accordance with this section shall be an appeal of the matter to The UIC John Marshall Law School administration in accordance with the procedure(s) set forth in The UIC John Marshall Law School Student Handbook.

**5.08 THE BOARD'S REMOVAL AUTHORITY.**

(a) Subject to the requirements of subsections (b)–(e), the Board shall have the right and authority to remove any Board member for cause, including the Editor-in-Chief.

(b) Pre-Removal Requirements.

(1) Where the Board desires to exercise its removal authority under subsection (a) as to any member not the Editor-in-Chief, the Board only may do so after consultation with at least one (1) Faculty Advisor; and

(2) Where the Board desires to exercise its removal authority under subsection (a) as to the Editor-in-Chief, the Board only may do so after consultation with at least three (3) Faculty

Advisors; without the approval of at least two (2) of those Faculty Advisors, any such exercise by the Board is hereby prohibited. Any proposed amendment to this subsection shall be subject to the special heightened adoption requirements of § 5.10(c).

(c) In order to exercise its removal authority under subsection (a), provided that the requirements of subsection (b) previously were met, three-fourths (3/4) of the entire Board must vote to exercise such authority. Because the required approval ratio under this section (three-fourths) is the same as that specified in § 5.07, the Editor-in-Chief's veto authority under § 5.05 automatically is nullified if the Board votes to remove the Editor-in-Chief in accordance with this section. This section is subject to the quorum requirements of § 5.02(b)(1).

(d) If it is determined that a vote under this section will take place:

(1) At least twenty-four (24) hours prior to the date and time of the Board meeting at which the vote will be taken, the Board must provide to the Board member(s) at issue a written statement of the reason(s) for which the Board finds it necessary to take such a vote; and

(2) The Board member(s) at issue must be notified of the date and time of the Board meeting at which the vote will be taken; and, while the provisions of § 5.01(e) must be adhered to, prior to any vote under this section, the Board member(s) at issue shall have the right to be heard at such Board meeting.

(e) Written Statement Required. If the Board exercises its removal authority under subsection (a), the Board must provide to the Board member(s) at issue a written statement of the reason(s) for which the Board found it necessary to take such action. Any Faculty Advisor consulted under this section also may draft such a statement if he or she, too, has reasons for which he or she found appropriate to back the Board's decision after the consultation required by subsection (b).

(f) A Board member removed pursuant to subsection (a) must remove RIPL from his or her résumé and shall be subject to § 9.02(c)(1). In no event shall such a removed individual be eligible or re-eligible for Board membership as provided in § 8.01.

(g) The sole recourse for any Board member dissatisfied with a decision made in accordance with this section shall be an appeal of the matter to The UIC John Marshall Law School administration in accordance with the procedure(s) set forth in The UIC John Marshall Law School Student Handbook.

## **5.09 RESIGNATION.**

(a) A Board member has the right to resign his or her Board position, and thus his or her RIPL membership, at any time.

(b) Any resignation pursuant to subsection (a) shall permanently enjoin any removal proceedings under § 5.06(a) or § 5.08, or dismissal proceedings under § 10.02 as to the resigned Board member.

(c) A Board member who resigns his or her position pursuant to subsection (a) must remove RIPL from his or her résumé and shall be subject to § 9.02(c)(1). In no event shall such an individual be eligible or re-eligible for Board membership as provided in § 8.01.

## **5.10 AMENDING THESE BYLAWS.**

(a) Any RIPL Board member, Staff Editor, Faculty Advisor or Alumni Advisor may propose an amendment to these bylaws. Any such proposal must be presented to the Board in writing. Any amendment proposed by other than a Board member must be accompanied by a request for time during a scheduled Board meeting to explain the reasoning behind the proposed amendment.

Except as provided in subsection (b), if greater than two-thirds ( $2/3$ ) of the entire Board vote to adopt a proposed amendment, such proposed amendment shall be adopted and incorporated into these bylaws. This subsection is subject to the quorum requirements of § 5.02(b)(2)(i).

(b) In the event that the Board desires to amend these bylaws in a way that would, if the amendment were to be adopted, eliminate or in any way limit the Editor-in-Chief's veto authority under § 5.05 or the Editor-in-Chief's transfer and removal authority under § 5.06, three-fourths ( $3/4$ ) of the entire Board must vote to adopt any such amendment; if such a majority is garnered in favor of the proposed amendment, then it shall be adopted and incorporated into these bylaws.

(1) In all matters falling under this subsection, the Editor-in-Chief's right under § 5.01 to cast a vote in the matter shall be preserved. However, because the required approval ratio under this subsection (three-fourths) is the same as that specified in § 5.07(a), the Editor-in-Chief's veto authority under § 5.05 automatically is nullified if the Board votes in accordance with this subsection to adopt the amendment; and

(2) This subsection is subject to the quorum requirements of § 5.02(b)(2)(ii).

(3) Special Execution Procedure for Amendments under this Subsection. Because the Editor-in-Chief's veto authority under § 5.05 and the Editor-in-Chief's transfer and removal authority under § 5.06 generally are important powers for the Editor-in-Chief to possess, if the Board eliminates or in any way limits those powers by way of an amendment under this subsection, the effected provisions (of § 5.05 or § 5.06) shall not be removed from these bylaws; rather, such an amendment only shall apply to the individual who holds the position of Editor-In-Chief at the time of the amendment and that individual's name should be appended to the effected provision(s) along with language indicating that he or she has lost his or her powers under the provision(s). Thus, at the time that a subsequent Editor-in-Chief takes office, the effected provisions automatically will be reincorporated into these bylaws and be available to the subsequent Editor-in-Chief. Any proposed amendment to this subsection shall be subject the special heightened adoption requirements of subsection (c).

(c) Special Heightened Adoption Requirements for Amendment of Sensitive Provisions. Any proposed amendment to one or more of the following sections shall require three-fourths (3/4) of the entire Board to vote in favor of the proposed amendment. Any such vote to adopt a proposed amendment to one or more of the following sections is subject to the quorum requirements of § 5.02(b)(2)(ii) and, prior to being executed, shall require consultation with at least three (3) Faculty Advisors; without the approval of at least two (2) of those Faculty Advisors, any such proposed amendment to one or more of the following sections shall not be adopted. If any proposed amendment to one or more of the following sections is adopted in accordance with this subsection, then the proposed amendment(s) shall be incorporated into these bylaws. The following sections fall under this subsection's special heightened requirements for adoption of amendments:

- (1) § 5.08(b)(2);
- (2) § 5.10(b)(3); and
- (3) § 5.10(c).

(d) Whenever a proposed amendment of these bylaws is adopted in accordance with any part of this section, the "amended version," date and copyright lines of the cover page, as well as the header portion of each numbered page, shall be updated accordingly, as follows:

- (1) Cover Page. On the cover page, the "amended version" line shall be updated to reflect the number of the new amended version (e.g., fourth, fifth, sixth etc.), the date line shall be updated

to reflect the date on which the amendment was adopted and the copyright line shall be updated to reflect the year of the amendment if different from the year of the previous amendment.

(2) Page Header. The header portion of each numbered page shall be updated to reflect the number of the new amended version (e.g., fourth, fifth, sixth etc.).

(e) All proposed amendments to these bylaws adopted in accordance with any part of this section and requiring physical changes to these bylaws shall be made and executed by the Managing Editor.

## **6.00 ELIGIBILITY FOR CANDIDACY, CANDIDATE EQUALITY AND DEFERRAL.**

A RIPL “Candidate” is a UIC John Marshall J.D. student who is invited to become a member of RIPL in accordance with this Article. RIPL deems it instrumental to the long-term success of our publication that we identify and attract to participate as Candidates talented and motivated students who are at the top of their respective classes. In addition, we think it important that we identify and attract those students who have come to The UIC John Marshall Law School specifically to study IP, Information Technology, or Privacy law and who have therefore planned their studies to focus on IP, Information Technology, or Privacy law. This policy will ensure that RIPL will continue to be run by groups of students who are not only talented academically, but motivated by an interest in the subject matter of the publication. Finally, attracting students having IP, Information Technology, or Privacy Law as a career goal will help to ensure that those individuals will remain interested in the RIPL program throughout their careers.

### **6.01 CANDIDACY PROGRAM “GRADE--ON” PROCEDURE.**

(a) The Board will consider students for the candidacy program upon successful completion of at least twenty-four (24) semester hours. For purposes of this section, “student” is defined as including full-time, part-time and evening students enrolled in a J.D. program at The John Marshall Law School.

(b) In the fall and spring, the Board shall invite to “grade-on” to the candidacy program no more than the top twenty-five percent (25%) of the first-year class.

(c) Any student who transfers to The UIC John Marshall Law School from another law school and who is interested in joining RIPL as a Candidate shall not be eligible to grade-on under this section; rather, he or she may only join RIPL as a Candidate if he or she satisfies the eligibility and other criteria of § 6.02.

### **6.02 CANDIDACY PROGRAM “WRITE--ON” PROCEDURE.**

(a) Eligibility Criteria.

(1) Subject to subsection 6.02(a)(4), any UIC John Marshall student who has completed twenty-four (24) semester credit hours and,

(i) who is ranked in the top fifty percent (50%) of his or her class;

or

(ii) who is not ranked in the top fifty percent (50%) and receives a written endorsement recommending that student to the UIC Review of Intellectual Property Law from an intellectual

property law professor at The UIC John Marshall Law School shall be invited to participate in the write-on program;

(2) Subject to subsection 6.02(a)(4), any student who transfers to The UIC John Marshall Law School from another law school, who completed between twenty-four (24) and thirty-eight (38) semester credit hours at his or her previous law school and who can provide proof acceptable to the Board (e.g., an official transcript) that he or she was ranked in the top fifty percent (50%) of his or her class at the previous law school, and who remains in the top fifty percent (50%) after his or her first semester at The UIC John Marshall Law School, may be invited to participate in the write-on program.

(3) Subject to subsection 6.02(a)(4), any student who receives a written endorsement recommending that student to the UIC Review of Intellectual Property Law from the Editor-in-Chief where such endorsement has been approved by at least one (1) faculty advisor may be invited to participate in the write-on program.

(4) A student who otherwise meets the criteria specified in subsections 6.02(a)(1), 6.02(a)(2), or 6.02(a)(3) shall not be eligible to participate in the write-on program unless that student also meets the academic requirements of § 10.02(a).

(5) The Editor-in-Chief shall have the right and authority for any reason to deny any request brought by a student pursuant to this subsection that he or she be allowed to participate in the write-on program.

(b) Operation of the Write-on Program.

(1) The write-on program shall occur each summer between the months of May and August. The specific date on which each write-on program will begin shall be determined by the Candidacy Editor in consultation with the Board.

(2) Special Provisions Relating to Transfer Students. If the circumstances are found appropriate by the Candidacy Editor after consultation with the Editor-in-Chief, transfer students eligible to write on under subsection 6.02(a)(2) may write on at a time later than that specified for all other eligible write-on Candidates providing that all other relevant requirements of this section are met.

(i) The specific period during which the write-on will occur shall be determined either by the Candidacy Editor or the Editor-in-Chief in view of any special circumstances identified by the transfer student; and

(ii) Both the Candidacy Editor and the Editor-in-Chief shall have the right and authority for any reason to deny any request by an otherwise eligible transfer student that he or she be allowed to write on at a later time pursuant to this subsection.

(3) Writing Problem. The Candidacy Editor will prepare a “closed” writing problem—including all necessary legal sources. Write-on Candidates shall be given at least ten (10) days to complete the problem.

(4) The write-on Candidates must compose a persuasive memorandum addressing the issue(s) set forth in the problem. The submissions will be anonymously graded and evaluated by the Board. Based on its evaluations, the Board will invite the most qualified writers to participate in the candidacy program.

(5) There is no set number of write-on Candidates that the Board must invite to participate in the candidacy program. As such, it is entirely at the discretion of the Board to accept as many or as few writers as it determines appropriate.

(c) Special Override for Universal “Write-on” Problem. If the several law journals in existence at The UIC John Marshall Law School come to an agreement to utilize a single, “universal” problem for write-on purposes, and if and whenever RIPL chooses to use such a problem in the conduct of its write-on program, the provisions of the agreement between the several journals shall govern where the provisions of subsections 6.02(a)–6.02(b) conflict with or are different than the provisions of the agreement between the several journals. In any semester where RIPL does not choose to participate in the universal write-on program, the provisions of subsections 6.02(a)–6.02(b) shall govern, and this subsection shall have no effect.

### **6.03 EQUALITY OF CANDIDATES.**

Each Candidate, regardless of whether that Candidate is invited to join RIPL after grading on or writing on, shall be considered equal in merit and no Candidate shall be given more favorable or less favorable treatment than any other Candidate because of the means by which that Candidate was invited to join RIPL.

### **6.04 DEFERRAL.**

(a) Under appropriate circumstances, a Candidate who is invited to join RIPL after having been accepted either by way of the grade-on procedure specified in § 6.01 or the write-on procedure specified in § 6.02 may request a deferral and, at the discretion of the Editor-in-Chief after

consultation with the Candidacy Editor, defer the start time of his or her candidacy one academic year. Any such request under this subsection must:

- (1) Be written;
  - (2) Set forth the reason(s) for which the deferral is being requested; and
  - (3) Be submitted to both the Editor-in-Chief and the Candidacy Editor.
- (b) If a deferral request is granted in accordance with this section, then, at the deferred start time of the requesting Candidate's candidacy, he or she need not re-satisfy the eligibility requirements of §§ 6.01 or 6.02.
- (c) A student shall not be allowed to defer their candidacy for a period of time less than or greater than one academic year.
- (d) The Editor-in-Chief shall have the right and authority for any reason to deny any deferral request brought pursuant to this section.
- (e) As it pertains to this section, "academic year" is defined as the fall to the fall of the following year (ex. August 2020 – August 2021). Students are not allowed to defer their candidacy to a spring semester (January – May) or summer semester (June – August). Thus, under this section, students invited to join RIPL in the fall semester of one year may be permitted to defer until the fall semester of the year immediately following the year they were initially invited to join RIPL.

## **7.00 CANDIDACY REQUIREMENTS, SUCCESSFUL COMPLETION & DISCIPLINE.**

### **7.01 SUCCESSFUL COMPLETION, CANDIDATES AND STAFF EDITORS.**

(a) Successful Completion. The candidacy program comprises two distinct portions: a candidacy portion as specified in subsection 7.01(b) and a staff-editorial portion as specified in subsection 7.01(c). To successfully complete the candidacy program, an individual must meet all applicable requirements of subsections 7.01(b) and 7.01(c).

(b) Candidates. To successfully complete the candidacy portion of the candidacy program, a Candidate must, over the course of a single academic semester or other period set by the Board, do the following:

- (1) Write a comment or case note that is accepted by the Board (see §§ 7.02 and 7.04);
- (2) Complete all cite-checking, editorial and other assignments to the satisfaction of the Board (see § 7.05–7.06);
- (3) Participate in any mandatory RIPL activities for which an excuse for nonattendance was not granted; and
- (4) Avoid each of the following:
  - (i) Termination from the candidacy program as provided for under § 7.07;
  - (ii) Exercising his or her right to resign as provided for under § 7.08; and
  - (iii) Dismissal from RIPL membership as provided for under § 10.02(c).

(c) Staff Editors. Upon successful completion of the candidacy portion of the candidacy program, a Candidate will begin the staff-editorial portion of the candidacy program and thus become a RIPL Staff Editor.

(1) To successfully complete the staff-editorial portion of the candidacy program, a Staff Editor must do the following:

- (i) Work with the Articles Editor(s) or other Board members to prepare articles for publication. Under the direction of the Articles Editor(s) or other Board members, Staff Editors are responsible for the completion of assignments similar to those listed under §§ 7.05 and 7.06;
- (ii) At a minimum, Staff Editors must continue to participate as RIPL members for the duration of the single academic semester or other period set by the Board which immediately follows the

Staff Editor's candidacy period. Any Staff Editor who does not meet this requirement will not receive academic credit for the candidacy program pursuant to § 9.01;

(iii) Participate in any mandatory RIPL activities for which an excuse for nonattendance was not granted; and

(iv) Avoid each of the following:

(A) Termination from the candidacy program as provided for under § 7.07;

(B) Exercising his or her right to resign as provided for under § 7.08; and

(C) Dismissal from RIPL membership as provided for under § 10.02(c).

(2) Subject to the approval of the Editor-in-Chief, a Staff Editor under this subsection may elect to continue his or her RIPL membership as a Staff Editor beyond the minimum period specified in subsection 7.01(c)(1)(ii). Any such Staff Editor shall be subject to each of the requirements of subsection 7.01(c)(1) except subsection 7.01(c)(1)(ii).

(3) All Staff Editors under this subsection shall be subject to the disciplinary and termination provisions of § 7.07 and the dismissal provisions of § 10.02(c).

## **7.02 REQUIREMENTS FOR STUDENT—WRITING COMMENTS / CASE NOTES AND WRITING SCHEDULE.**

(a) Each Candidate shall write a comment or a case note addressing an original topic or specific case within the fields of law defined in § 1.02(b). In order to proceed with a particular comment topic or case, the Candidate must abide by the procedures laid out in subsection 7.02(b) for comment topic selection and 7.02(c) for case note case selection.

(b) Candidates who chose to write a comment will be required to have their comment topic approved first by a panel consisting of the Editor-in-Chief and Candidacy Editor. If the panel approves the Candidate's topic, then the Candidate must present their topic to RIPL's faculty advisors for approval. The faculty advisors or Editor-in-Chief may choose to have another professor, practitioner, or legal professional be involved in the approval process.

(1) The Candidate will present their proposed topic by whatever procedure, process, or manner the Candidacy Editor or Editor-in-Chief prescribes. The Candidacy Editor will determine the timeline the Candidate has to go through the Comment Topic approval process.

(2) The criteria the board member panel and faculty advisors will use to evaluate each topic proposal will include but not be limited to: how novel the topic is, its recency, and the relevance to the areas of law defined in section 1.02(b).

(3) If the Candidate completes the approval process outlined in section 7.02(b) and the topic is approved, the Candidate will be permitted to write a comment, instead of a case note, during their Candidacy process.

(c) Candidates who choose not to write a comment will have the option to write a case note instead. The Candidate may select a particular case to write about from the bank of pre-approved cases compiled by the Candidacy Editor. If the Candidate selects a pre-approved case, they will not have to go through any consultation or approval procedure.

(1) If a Candidate wishes to write about a case that is not included in the bank of pre-approved cases, then the Candidate must have their case approved by a panel of the Editor-in-Chief and Candidacy Editor. If the panel approves the Candidate's topic, then the Candidate must present their topic to RIPL's faculty advisors for approval. The faculty advisors or Editor-in-Chief may choose to have another professor, practitioner, or legal professional be involved in the approval process.

(2) The Candidate will present their proposed case by whatever procedure, process, or manner the Candidacy Editor or Editor-in-Chief prescribes. The Candidacy Editor will determine the timeline the Candidate has to go through the Comment Topic approval process.

(3) The criteria the board member panel and faculty advisors will use to evaluate each topic proposal will include but not be limited to: the novelty of the case's issue, the novelty and pertinence of the student's thesis surrounding the case, its recency, and relevance to the areas of law defined in section 1.02(b).

(d) The comment or case note as a whole must meet the following technical requirements:

(1) Sections. The comment or case note must contain a text section and an endnote section;

(2) Page Numbering. The text and endnotes must be numbered separately;

(3) Pages. All page-length requirements specified in subsections 7.02(g)(2)-7.02(g)(5) and 7.02(j)(2)-7.02(j)(5) must be met;

(4) Margins. There must be one and one-half inch (1.5") margins on all

- four sides of each page in the text and endnotes;
- (5) Font. The font used must be Courier New, 12-point;
- (6) Spacing. There must be double spacing on every page in the text and endnotes, with the exception of block quotes; and
- (7) Additional Pages and Endnotes. For Comments, there must be one and one-half (1.5) additional pages of endnotes per each additional one (1) page of text beyond the page-length requirements specified in subsections 7.02(g)(2)-7.02(g)(5) and 7.02(j)(2)-7.02(j)(5). For Case Notes, there must be one additional page of endnotes per each additional one (1) page of text beyond the page-length requirements specified in subsections 7.02(g)(2)-7.02(g)(5) and 7.02(j)(2)-7.02(j)(5).
- (7) Additional Pages and Endnotes. There must be one and one-half (1.5) additional pages of endnotes per each additional one (1) page of text beyond the page-length requirements specified in subsections 7.02(g)(2)-7.02(g)(5) and 7.02(j)(2)-7.02(j)(5).
- (e) The endnotes within the endnotes section of the comment must meet the following requirements:
- (1) The endnotes must consist of citations to and/or discussions of an appropriate legal authority or authorities; and
- (2) All citations must conform to the most recent edition of THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION.
- (f) Each comment will consist of at least the following sections: (1) Introduction;
- (2) Background;
- (3) Analysis;
- (4) Proposal; and
- (5) Conclusion.
- (g) Schedule. The writing schedule shall be structured to make the writing process as manageable as possible for the Candidates. The writing schedule incorporates the following five (5) sections, each having a deadline later than that of immediately preceding item:
- (1) Topic Proposal. The comment topic proposal shall constitute the first item due. The Candidacy Editor must approve all topic proposals before the candidate can begin writing the comment. The candidate must abide by the comment selection procedures outlined in section 7.02(b) before continuing with writing their case note.

(2) Introduction and Background. The introduction and background sections collectively shall constitute the second item due. At the time of this deadline, the introduction and background sections are to be completed in draft form. Collectively, these sections must consist of at least ten (10) pages of text supported by at least fifteen (15) pages of endnotes, for a total of at least twenty-five (25) pages. Each additional page of text beyond ten pages must be supported by at least one and a half pages of additional endnotes;

(3) Analysis. The analysis section—in conjunction with the introduction and background sections—shall constitute the third item due. At the time of this deadline, the analysis section is to be completed in draft form. The analysis section must consist of at least ten (10) pages of text supported by at least twelve (12) pages of endnotes. Each additional page of text beyond ten pages must be supported by at least one and a half pages of additional endnotes. Thus, at the time of this deadline, the Candidate must submit at least twenty (20) pages of text and at least twenty-seven (27) pages of endnotes, for a total of at least forty-seven (47) pages;

(4) Proposal and Conclusion. The proposal and conclusion sections—in conjunction with the introduction, background and analysis sections—shall constitute the fourth item due. At the time of this deadline, the proposal and conclusion sections are to be completed in draft form. Collectively, the proposal and conclusion sections must consist of at least seven (7) pages of text supported by at least seven (7) pages of endnotes. Each additional page of text beyond seven pages must be supported by at least one page of additional endnotes. Thus, at the time of this deadline, the Candidate will submit in draft form his or her complete comment which must consist of at least twenty-seven (27) pages of text and at least thirty-four (34) pages of endnotes, for a total of at least sixty-one (61) pages; and

(5) Final Comment. The final comment shall constitute the fifth and final item due. The final comment comprises finished versions of each of the items listed in subsections 7.02(e)(2)-7.02(e)(4). Thus, at the time of this deadline, the Candidate will submit in finished form his or her complete comment which must consist of at least twenty-seven (27) pages of text and at least thirty-four (34) pages of endnotes, for a total of at least sixty-one (61) pages. Each additional page of text beyond twenty-seven pages must be supported by at least one and a half pages of additional endnotes. The internal ratios of 7.02(e)(2)-7.02(e)(4) do not apply for the final comment submission.

(h) The Candidacy Editor, in consultation with the Board, shall determine the deadline dates for each of the items listed in subsections 7.02(e). In general, the deadline date established for each item listed in subsections 7.02(e) should be no closer than three (3) weeks to the deadline date established for the next item listed in that subsection; however, a time of four (4) weeks between deadline dates is strongly recommended.

(i) Each Case Note will consist of at least the following sections:

(1) Introduction;

(2) Background;

(3) The Case or Summary of the Decision

(4) Analysis

(5) Conclusion

(j) Schedule. The writing schedule shall be structured to make the case note writing process as manageable as possible for the Candidates. The writing schedule incorporates the following five (5) sections, each having a deadline later than that of immediately preceding item:

(1) Case Note Proposal. The case note proposal shall constitute the first item due. The candidate must abide by the case note case selection procedures outlined in section 7.02(c) before continuing with writing their case note. The Candidate must also have their case note thesis approved by the Candidacy Editor.

(2) Introduction, Background, and The Case. The introduction, background, and the case sections collectively shall constitute the second item due. At the time of this deadline, the introduction and background sections are to be completed in draft form. The Candidacy Editor will prescribe the main text and endnote page length expectations for this assignment.

(3) Analysis. The analysis section—in conjunction with the introduction and background sections—shall constitute the third item due. At the time of this deadline, the analysis section is to be completed in draft form. The Candidacy Editor will prescribe the main text and endnote page length expectations for this assignment.

(4) Conclusion. The conclusion section—in conjunction with the introduction, background and analysis sections—shall constitute the fourth item due. At the time of this deadline, the conclusion sections are to be completed in draft form. The Candidacy Editor will prescribe the main text and endnote page length expectations for this assignment.

(5) Final Case Note. The final case note shall constitute the fifth and final item due. The final case note comprises finished versions of each of the items listed in subsections 7.02(i)(1)-(4). Thus, at the time of this deadline, the Candidate will submit in finished form his or her complete case note which must consist of at least twenty-five (25) pages of text and at least twenty-five (25) pages of endnotes, for a total of at least sixty-one (50) pages.

(k) The Candidacy Editor, in consultation with the Board, shall determine the deadline dates for each of the items listed in subsections 7.02(j). In general, the deadline date established for each item listed in subsections 7.02(j) should be no closer than three (3) weeks to the deadline date established for the next item listed in that subsection; however, a time of four (4) weeks between deadline dates is strongly recommended.

### **7.03 ASSIGNED EDITORS AND EDITORIAL PROCEDURE.**

Each Candidate shall be assigned a Board member and/or Staff Editor to serve as an editor to assist the Candidate with his or her comment.

(a) A Board member or Staff Editor may be assigned to assist more than one Candidate.

(b) Editorial assignments under this subsection shall last until the assigned Candidate(s) have completed his or her (or their) final comment(s) or case note(s) as defined in § 7.02(g)(5) and 7.02(j)(5); § 7.04 provides the evaluation procedure for a Candidate's final comment.

(c) Each Board member or Staff Editor assigned under this subsection shall evaluate each section of his or her assigned Candidate's comment as it is completed. The sections to be evaluated are those set forth in § 7.02(g)(2)-7.02(g)(4) and 7.02(j)(2)-7.02(j)(4).

(d) Each Board member or Staff Editor assigned under this subsection shall be reasonably responsive to the needs of his or her assigned Candidate(s); such responsiveness includes, but is not limited to, answering questions; providing structural, grammatical, citation and topic-related advice and as well as addressing general editorial or RIPL-related concerns of the Candidate(s).

(e) Each Board member or Staff Editor assigned under this subsection shall establish contact with his or her assigned Candidate(s) and shall initiate at least one (1) "one-on-one" editorial meeting with his or her assigned Candidate(s) at which time each Candidate's prior work and progress on his or her comment should be discussed and reviewed.

(f) The Candidacy Editor, in consultation with the Board or the Board members or Staff Editors to be assigned, shall coordinate the assignment of editors to Candidates.

#### **7.04 FINAL COMMENT EVALUATION PROCEDURE.**

(a) Each final comment or case note as defined in § 7.02(g)(5) or 7.02(j)(5) will be read and evaluated by three (3) RIPL members who are Board members or Staff Editors. This will be referred to as the Rounds of Three.

(1) It is suggested that the Rounds of Three take place over a two-week period during Winter Break. However, the EIC, in consultation with the Candidacy Editor, has discretion as to when the Rounds of Three can take place and for how long.

(2) At the conclusion of the Rounds of Three, each evaluator shall submit a detailed evaluation of the comment or case note recommending one of the following grades pursuant to subsection 7.04(b): accept, reject or rewrite. The evaluation will be performed pursuant to Section 7.04(c).

(3) The evaluation procedure must be anonymous; as such, the identity of the Candidate shall not be disclosed to the Board members or Staff Editors performing the evaluation. Rather, the Candidacy Editor must implement a system of anonymous evaluation. In addition, the Board member or Staff Editor assigned under § 7.03 to assist a Candidate with his or her comment or case note shall not evaluate for a grade that Candidate's comment or case note in either evaluation round.

(4) The Candidacy Editor, in consultation with the Board or the Board members or Staff Editors to be assigned, shall coordinate the assignment of the requisite number of evaluators for each comment or case note.

(b) Accept, Rewrite or Reject Evaluations for Final Comments and Case Notes.

(1) Accept. A comment or case note shall be accepted if it receives grades of the types and in the quantities listed as follows:

(i) Three (3) grades of accept; or

(ii) Two (2) grades of accept and one (1) grade of either rewrite or reject.

(2) Rewrite. A comment or case note will require a rewrite if:

(i) It receives grades of the type and in the quantities listed as follows:

(A) Three (3) grades of rewrite;

(B) Two (2) grades of rewrite and one (1) grade of either accept or reject; or

(C) One (1) grade of accept, one (1) grade of rewrite and one (1) grade of reject; or

(ii) It fails to meet the technical requirements referred to by § 7.02(b).

In the event that a comment or case note is selected for a rewrite as provided under this subsection, the Candidacy Editor shall select a rewrite editor to assist the Candidate in working the comment or case note into an acceptable form. Because under subsection (a)(3) the comment-evaluation and case note-evaluation procedure must be anonymous, the rewrite editor should provide the Candidate with copies of the evaluations and discuss the changes that are required in order for the Candidate's comment or case note to be accepted. Thereafter, the Candidate will have at least two (2) weeks to complete the rewrite; however, the precise length of the rewrite period shall be determined at the discretion of the Candidacy Editor. Upon resubmission at the end of that period, the Editorial Board shall evaluate the comment for acceptability.

(3) Reject. A comment or case note shall be rejected if it receives grades of the types and in the quantities listed as follows:

(i) Two (2) grades of reject and one (1) grade of either accept or rewrite; however, if this occurs, the Editor-in-Chief shall have the option of saving the comment or case note from rejection upon the recommendation of the Candidacy Editor; or

(ii) Three (3) grades of reject.

(iii) A grade of rewrite given under subsection 7.04(b)(2)(ii) for failure to comply with the technical requirements set forth in § 7.04(b) will not save a comment or case note that otherwise should be rejected.

If rejected in accordance with this subsection and upon the recommendation of the Candidacy Editor, the Editor-in-Chief shall have the right and authority to drop the Candidate from the candidacy program. In such a case, the Candidate in question shall be subject to the termination provisions of § 7.07(g).

(c) Final Comment and Case Note Evaluation Criteria

(1) Candidate-written comments and case notes are to be evaluated according to the criteria specified in the "RIPL Student Comment Evaluation Form" and "RIPL Student Case Note

Evaluation Form,” which shall be located in a directory on the RIPL website identified in § 3.03(b)(1) and in the latest version of the Candidacy Manual.

(2) The “RIPL Student Comment Evaluation Form” and “RIPL Student Case Note Evaluation Form.”

(i) Shall contain the technical requirements set forth in § 7.02(d) with which each Candidate-written comment or case note must comply; and

(ii) May be updated as necessary without amending these bylaws.

(d) Comment and Case Note Publication Rights

(1) An accepted comment or case note is the result of a collaborative effort between the candidate and editorial board. Therefore, RIPL reserves the right to, or not to, publish the comment or case note at its sole discretion.

(2) Should, at the end of the candidate’s first year, RIPL choose not to publish a student’s comment or case note, the candidate can at that time submit his/her comment or case note to other publications. While in the Board’s discretion, recommended dates for allowing a candidate to submit his/her comment or case note to other publications are:

(i) June 1 for a candidate beginning his/her candidacy in the Fall semester;

(3) If an exigent circumstance arises where a candidate needs to submit his/her comment or case note to other publications prior to the end of his/her first year, the candidate must provide the Editor-in-Chief a written statement detailing the reasons waiver of RIPL’s rights are appropriate. The Editor-in-Chief, after consultation with the Board, can waive this requirement in writing.

#### **7.05 CITE CHECKING AND EDITORIAL WORK ASSIGNMENTS.**

(a) Cite checking consists of verifying and editing citations. Editorial work consists of verifying the accuracy of the main text and citation text in terms of structure, spelling, grammar, clarity, readability and BLUEBOOK formatting, where appropriate. Each Candidate will work closely with a Board member or Staff Editor to cite-check and/or edit one or more articles, comments, or case notes selected for publication. Under this section, each Candidate must:

(1) Read the entire text of the assigned article, comment, or case note and check for structural, spelling, grammatical, clarity, readability and BLUEBOOK formatting errors;

(2) Read all accompanying footnotes and verify that the cited authority or authorities adequately and appropriately support the cited assertion;

(3) Verify that each citation conforms to the most recent edition of THE BLUEBOOK, A UNIFORM SYSTEM OF CITATION; and

(4) Complete any cite-checking and/or editorial verification documents designated for use as such by the Board.

(b) Because the number and frequency of cite-checking and editorial work assignments will depend on the particular needs of the Board, there is no set number of either types of assignment that each Candidate will be required to perform. Therefore, the decision as to how many such assignments each Candidate will be required to perform is exclusively at the discretion of the Board.

(c) Assignments under this section generally will be assigned to the Candidates by way of a communication from the Candidacy Editor but also may be assigned by another Board member or the Board generally, as the situation requires.

#### **7.06 OTHER ASSIGNMENTS.**

(a) From time to time, the Board may find it necessary to require that Candidates complete assignments other than cite checking as described in § 7.05. Such assignments may include, but are not limited to, gathering information necessary for RIPL's successful operation, tasks necessary for the maintenance of RIPL or work related to publication where cite checking and/or editorial work is involved only to a minimal extent or not at all.

(b) Because the number and frequency of assignments under this section will depend on the particular needs of the Board, there is no set number of such assignments that each Candidate will be required to perform. Therefore, the decision as to how many such assignments each Candidate will be required to perform is exclusively at the discretion of the Board.

(c) Assignments under this section generally will be assigned to the Candidates by way of a communication from the Candidacy Editor but also may be assigned by another Board member or the Board generally, as the situation requires.

#### **7.07 DISCIPLINARY SYSTEM FOR CANDIDATES AND STAFF EDITORS.**

(a) This section shall apply to all RIPL members who qualify as Candidates or Staff Editors under § 7.01.

(b) In the event that a Candidate or Staff Editor turns in work assigned under either §§ 7.05 or 7.06 which is unsatisfactory to the Board and/or fails to satisfactorily meet assigned deadline(s) and/or commits or case note an egregious lapse of judgment that negatively impacts the conduct

of RIPL business, the Candidate or Staff Editor shall be subject to a “three strikes” system of discipline. Any combination of one or more strikes may result from deficiencies arising from a single incident or a combination of unrelated incidents.

(c) Only the Editor-in-Chief, Managing Editor and Candidacy Editor may issue a strike under subsection (b) to a Candidate. Only the Editor-in-Chief and Managing Editor may issue a strike under subsection (b) to a member of the Editorial Board. Within a reasonable amount of time after issuing the strike, the Board member who issued the strike must inform the Editor-in-Chief that the strike was issued and the circumstances under which the strike was issued.

(d) Except in the case of a third strike under subsection (e)(3), only the Editor-in-Chief shall have the ability to negate any strike issued under this section.

(e) The “three strikes” system of discipline.

(1) First Strike. When the first strike is issued, the issuing Board member shall convey to the Candidate or Staff Editor in question an oral or written warning making specific references to the deficiencies under subsection (b) which resulted in the issuance of the strike. Thereafter, the issuing Board member and either the Editor-in-Chief or the Managing Editor will conduct an informal interview with the Candidate or Staff Editor in question to determine the source of the deficiencies. The Candidate or Staff Editor in question shall have forty-eight (48) hours to cure the deficiencies; but if the Candidate or Staff Editor in question fails to do so, then he or she shall receive a second strike.

(2) Second Strike. When the second strike is issued, the issuing Board member shall convey to the Candidate or Staff Editor in question an oral or written warning making specific references to the deficiencies under subsection (b) which resulted in the issuance of the strike. Thereafter, the Candidate or Staff Editor in question shall be required to meet with a panel of the Board. Such panel shall comprise the Editor-in-Chief, the Managing Editor and one of the following Board members: the Candidacy Editor, the Executive Development Editor or the Board member who issued the second strike. The goal of the panel shall be to determine the source of the continued deficiencies and advise the Candidate how best to avoid a third strike. The Candidate or Staff Editor in question shall have forty-eight (48) hours to cure the deficiencies; but if the Candidate or Staff Editor in question fails to do so, then he or she shall receive a third strike.

(3) Third Strike. When the third strike is issued, the Editor-in-Chief shall convey to the Candidate or Staff Editor in question a written statement which clearly indicates that the

Candidate or Staff Editor in question is subject to removal from RIPL pursuant to the procedure outlined under subsection (f).

(f) Removal of a Candidate or Staff Editor Who Has Received Three Strikes.

(1) When a Candidate or Staff Editor receives a third strike under subsection (e)(3), the Board shall have the right and authority to terminate the RIPL membership of the Candidate or Staff Editor in question by way of a Board vote under §§ 5.01-5.04. A vote under this subsection shall take place as follows:

(i) At least twenty-four (24) hours prior to the date and time of the Board meeting at which the vote will be taken, the Editor-in-Chief and/or the Board must provide to the Candidate or Staff Editor in question a written statement of the specific deficiencies that lead to each of the three strikes he or she received and a full reproduction of this section of the RIPL Bylaws.

(ii) At least twenty-four (24) hours prior to the date and time of the Board meeting at which the vote will be taken, the Candidate or Staff Editor in question must be notified of the date and time of such meeting. Prior to any vote under this subsection, the Candidate or Staff Editor in question shall have the right to be heard at such Board meeting; however, this right shall be deemed waived if the Candidate or Staff Editor in question fails to attend such Board meeting after the receiving the notice required by this subsection.

(iii) Prior to the date and time of the Board meeting, the Editor-in-Chief and Managing Editor will meet with the faculty advisor(s) concerning the pending vote. The faculty advisor(s) will not have a vote in the matter, but will be available for input.

(2) If the Board votes in favor of terminating the RIPL membership of the Candidate or Staff Editor in question, then he or she shall be subject to the termination provisions of subsection (g).

(3) If the Board votes against terminating the RIPL membership of the Candidate or Staff Editor in question, he or she shall be permitted to resume his or her RIPL membership; however, he or she will retain on his or her RIPL record the first and second strikes that he or she received; in addition, the Board may stipulate that its vote is contingent upon the Candidate or Staff Editor in question acting to cure any outstanding deficiencies to the satisfaction of the Board. If any such Candidate or Staff Editor later receives a third strike, the Editor-in-Chief shall have the right and authority to terminate the RIPL membership of the Candidate or Staff Editor in question without a vote of the Board under subsection 7.07(f)(1), and he or she shall be subject to the termination provisions of subsection (g).

(g) Result of Termination. A Candidate or Staff Editor whose RIPL membership is terminated under this section must remove RIPL from his or her résumé and shall be subject to § 9.01(d)(1). In no event shall such a Candidate or Staff Editor be eligible for Board membership as provided in § 8.01.

**7.08 RESIGNATION BY CANDIDATES AND STAFF EDITORS.**

(a) A Candidate or Staff Editor has the right to resign his or her RIPL membership at any time.

(b) Any resignation pursuant to subsection (a) shall permanently enjoin any disciplinary or removal proceedings under § 7.07 or dismissal proceedings under § 10.02 as to the resigned individual.

(c) A Candidate or Staff Editor who resigns his or her RIPL membership pursuant to subsection (a) must remove RIPL from his or her résumé and shall be subject to § 9.01(d)(1). In no event shall such an individual be eligible for Board membership as provided in § 8.01

## **8.00 EDITORIAL BOARD ELECTIONS.**

### **8.01 ELIGIBILITY TO RUN FOR ELECTION TO A VACANT BOARD POSITION. (a)**

Any RIPL Staff Editor under § 7.01(c) shall be eligible to run for election to any vacant Board position; and

(b) Any RIPL member who is an existing Board member at the time that a Board position becomes vacant shall be eligible to run for election to the vacant position. Also, any existing Board member interested in occupying a position on the subsequent academic year's Board shall be eligible to run for election to such position.

### **8.02 NOTIFICATION OF ELECTIONS AND INTENT TO RUN.**

(a) Notification of Elections. At an appropriate time prior to the date on which the election(s) will be held, the RIPL Board shall notify by appropriate means the members of the Faculty Advisory Board, the Alumni Advisory Board and all RIPL members eligible under § 8.01 of the date on which the election(s) will take place. The RIPL Board also must specify which RIPL Board positions are available to be filled.

(b) Notification of Intent to Run for a Board Position. Upon receiving the notification specified in subsection (a), each RIPL member interested in running for one or more of the specified positions must notify the Board of such interest in a manner acceptable to the Board no later than one (1) day prior to the date on which elections are to be held.

(c) RIPL members eligible to run for a Board position under § 8.01 may run for one or more Board positions. However, no Board member may be elected to or hold more than (1) Board position at any given time. Some positional overlap is permissible in cases where the Editor-in-Chief exercises his or her authority under § 5.06(b) to reassign a given Board member to a different Board position or where a given Board member runs for and is elected to a different Board position in accordance with this section.

### **8.03 ELECTIONS.**

(a) Method of Election. Board elections shall take place as described in subsections (b)-(c); and, except as provided in those subsections, no affirmative vote of the Board is required in order for a member to be “elected” to a position for which that member chose to run. However, in cases where the Board cannot reach agreement as to how to fill a given position, the Board may put the matter to a vote.

(b) Annual Elections. The Board shall hold annual elections the first week of February, or as soon as practicable, but beginning no later than the first week of March, to determine the members of the subsequent academic year’s Board. During annual elections, certain position-specific requirements must be met:

(1) Editor-in-Chief. A new Editor-in-Chief is to be elected by a vote of the existing Board pursuant to Article 5.00. Prior to the time of election, each member running for the position of Editor-in-Chief must:

- (i) To the extent practicable as determined by the RIPL Board, schedule interviews with each of the Faculty Advisors who comprise the Faculty Advisory Board;
- (ii) To the extent practicable as determined by the RIPL Board, schedule interviews with one or more of the Alumni Advisors who comprise the Alumni Advisory Board;
- (iii) Submit to an interview conducted by the existing RIPL Board; and
- (iv) At least one (1) day prior to the scheduled date of the interview, submit to the existing RIPL Board at least one (1) copy of his or her résumé as well as a written proposal for maintaining and improving RIPL.

(2) Managing Editor. A new Managing Editor is to be selected and appointed by the incoming Editor-in-Chief after consultation with the existing Board. However, the incoming Editor-in-Chief has the final authority in the selection and appointment of the new Managing Editor. The new Managing Editor must be selected and appointed prior to the other Board positions then remaining to be filled. Any decision by the incoming Editor-in-Chief under this subsection shall be subject to the Board-override provisions of § 5.07 and thus the additional voting limitations of § 5.01(d)(3). Prior to the time of the election, each member running for the position of Managing Editor must, at the discretion of the existing Board:

- (i) Submit to an interview conducted by the existing Board and the incoming Editor-in-Chief;
- and

(ii) If the Board requires that such an interview take place, at least one (1) day prior to the scheduled date of the interview, submit to the existing Board at least one (1) copy of his or her résumé.

(3) All Other Positions. Decisions concerning how to fill the remaining Board positions are to be made by the incoming Editor-in-Chief after consultation with the incoming Managing Editor and the existing Board. However, the incoming Editor-in-Chief has the final authority in the selection and appointment of a member or members to fill each position. Any decision of the incoming Editor-in-Chief under this subsection shall be subject to the Board-override provisions of § 5.07 and thus the additional voting limitations of § 5.01(d)(3). Prior to the time of the relevant election, each member running for one of the remaining Board positions must, at the discretion of the existing Board:

(i) Submit to an interview conducted by the existing Board, the incoming Editor-in-Chief and the incoming Managing editor; and

(ii) If the Board requires that such an interview take place, at one (1) day prior to the scheduled date of the interview, submit to the existing Board at least one (1) copy of his or her résumé.

(c) Interim Election(s). Except as provided in § 8.05, if it becomes necessary for any reason to have an election to fill one or more vacated Board positions prior to the conclusion of the spring semester, the Board may hold such an election at any appropriate time prior to the annual elections specified in subsection (a). Interim elections are to be conducted in accordance with the position-specific requirements set forth in subsection (b).

#### **8.04 BOARD TRANSITION.**

(a) Training. It shall be the responsibility of the outgoing Board to begin training the incoming Board immediately following elections, or as soon as practicable. In performing this duty, the outgoing Board must ensure that the incoming Board members are properly trained in their respective job duties and provided with any materials necessary to effectively carry out those duties. As such, each outgoing Board member holding a position listed in § 2.02, with the exception that the Articles Editor(s) may work collectively, shall draft and provide to his or her successor a statement detailing the following:

(1) His or her duties as described in § 2.04;

(2) The current, best practice to perform his or her duties; and

(3) Any information related to important aspects of his or her duties about which his or her successor should be aware, including but not limited to, contacts, logins, email addresses, passwords, location of computer files, location of supplies, and deadlines.

(b) Responsibility and Control During Transition.

(1) Outgoing Board. In addition to training under subsection (a), the outgoing Board shall continue to carry on its duties specified in § 2.03 after election of the incoming Board. The outgoing Editor-in-Chief, and the outgoing Board, shall retain control over all matters within their control prior to the election of the incoming Board. In the event there is a summer issue, the outgoing Board shall work on the summer issue simultaneously with the incoming Board until the date of graduation.

(2) Incoming Board. In addition to training under subsection (a) and continuing to fulfill any candidacy requirements under Article 7.00, the incoming Board shall begin after elections, or as soon as practicable, carrying out its duties with respect to matters related to the successive academic year. The incoming Board shall have control over all such matters, which include:

(i) The successive year's symposium;

(ii) Obtaining articles and soliciting authors for the subsequent fall issue; and

(iii) Recruiting prospective candidates for the successive fall semester, which includes administering the write-on problem according to § 6.02(b).

(3) Summer Issue. In the event there is a summer issue, the incoming Board shall assist the outgoing Board with everything required to complete publication, and shall assume full responsibility for publishing the summer issue if such publication has not occurred prior to the date of graduation.

(c) Duration of Term – Transfer of Full Control. Upon graduation, the outgoing Editor-in-Chief, the outgoing Managing Editor, and all other outgoing Board members, shall have no further obligations to RIPL, and shall cease to possess any and all powers and authority granted under these bylaws, and all such powers and authority shall immediately vest in the incoming Editor-in-Chief, the incoming Managing Editor, and all other incoming Board members, respectively.

#### **8.05 BOARD APPOINTMENTS TO FILL VACATED BOARD POSITIONS.**

If it becomes necessary for any reason to fill one or more vacated Board positions prior to the conclusion of the spring semester, the Board may ignore the requirements of § 8.02(a)-8.02(c)

and vote to appoint any RIPL member eligible under § 8.01. However, such an appointment only shall take effect with the consent of the appointee.

**8.06 LIMITATION OF SERVICE.**

No RIPL member is permitted to be a Board member for more than two (2) consecutive academic years.

## **9.00 ACADEMIC CREDIT AND TUITION WAIVERS FOR RIPL MEMBERS.**

### **9.01 CANDIDATES AND STAFF EDITORS.**

(a) A Candidate is not entitled to receive academic credit for his or her participation in the candidacy program until he or she meets all the applicable requirements of § 6.01 or § 6.02. A candidate will not receive academic credit during their first semester on RIPL but will have the option receive credit during their second semester on RIPL.

(b) No RIPL member who is either a Candidate or Staff Editor shall be entitled to receive a tuition waiver for his or her participation with RIPL.

(c) Subject to the provisions of subsection (d), and as a result of RIPL's status as an honors program at UIC John Marshall, students may be awarded academic credit for RIPL participation subject to the following limits: Staff editor – 1 to 2 credits per semester with a maximum of 2; Board members – 1 or 2 credits per semester with a maximum of 4. Academic credit for participation in any JMLS honors program is limited to a total of eight hours. Students may participate in, but may not receive credit for more than one major honors program activity (e.g., competition or comment) in a single semester. All credit hours must be awarded in the semester in which they are earned. Students must document that they have completed forty-two and one-half hours of academic work per credit hour.

(1) Candidates participating in their first semester on RIPL writing a Case Note or Comment will not be able to receive honors credit during that first semester. Although, Candidates will be able to rollover the hours spent working on their comment or case note and apply it to the honors credits for the spring semester as Staff Editors. Candidates will be able to receive up to 2 credit hours during their second semester on RIPL as Staff Editors.

(d) Consequences of Removal: Loss of Applicable Academic Credit(s).

(1) A Candidate or Staff Editor who is removed from his or her position as a RIPL member pursuant to § 7.07, or who resigns pursuant to § 7.08, shall not be entitled to receive any academic credits under subsections (c) and 1.01(a) for the academic semester during which he or she was removed; and

(2) A Candidate or Staff Editor who is removed from his or her position as a RIPL member pursuant to § 10.02(c) shall not be entitled to receive any academic credits under subsections (c) and 1.01(a) for any academic semester beyond the academic semester which constituted the probationary period specified in § 10.02(b).

(e) Enforcement. The Editor-in-Chief shall have the power, authority and responsibility to enforce all awards of academic credit under this section, as well as the revocation of the same.

## **9.02 BOARD MEMBERS.**

(a) Subject to the provisions of subsection (c), and as a result of RIPL's status as an honors program at UIC John Marshall, students may be awarded academic credit for RIPL participation subject to the following limits: Staff editor – 1 or 2 credits per semester with a maximum of 2; Board members – 1 or 2 credits per semester with a maximum of 4. Academic credit for participation in any JMLS honors program is limited to a total of eight hours. Students may participate in, but may not receive credit for more than one major honors program activity (e.g., competition or comment) in a single semester. All credit hours must be awarded in the semester in which they are earned. Students must document that they have completed forty-two and one-half hours of academic work per credit hour.

(b) Subject to the provisions of subsection (c), and as a result of RIPL's status as an honors program at UIC John Marshall, RIPL Board members shall be entitled to receive from UIC John Marshall tuition waivers as follows:

(1) The Editor-in-Chief shall be entitled to receive from John Marshall an annual tuition waiver in the amount of \$10,000.00;

(2) The Managing Editor shall be entitled to receive from John Marshall an annual tuition waiver in the amount of \$7,500.00; and

(3) All other Board members holding a position listed in § 2.02 shall be entitled to receive from UIC John Marshall an annual tuition waiver in the amount of \$5,000.00. The total number of tuition waivers available for distribution under this subsection are limited according to the total number of positions specified and available under § 2.02.

It has been the common practice of UIC John Marshall to remit the tuition waivers specified under this subsection in two equal installments, one payable during the fall academic semester and the other payable during the spring academic semester. These tuition waivers will also only be awarded at the discretion and ability of the UIC John Marshall Law School and the University of Illinois at Chicago.

(c) Consequences of Removal: Loss of Applicable Academic Credit(s) and Tuition Waiver.

(1) A Board member who is removed from his or her position on the Board pursuant to §§ 5.06(a) or 5.08, or who resigns pursuant to § 5.09, shall not be entitled to receive academic credits under subsection (a) or the applicable tuition waiver under subsection (b) for the academic semester during which he or she was removed from the Board; and

(2) A Board member who is removed from his or her position as a RIPL member pursuant to § 10.02(c) shall not be entitled to receive academic credits under subsection (a) or the applicable tuition waiver under subsection (b) for any academic semester beyond the academic semester which constituted the probationary period specified in § 10.02(b).

(d) Enforcement. The Editor-in-Chief shall have the power, authority and responsibly to enforce all awards of academic credit and/or tuition waivers under this section, as well as the revocation of the same.

### **9.03 METHOD OF RECEIVING ACADEMIC CREDITS AND/OR TUITION WAIVERS.**

(a) All academic credits and/or tuition waivers allowed under this Article shall not be awarded unless such award is first approved by the Editor-in-Chief.

(b) Any RIPL member seeking to be awarded academic credits and/or tuition waivers under this Article shall complete any documentation necessary to effectuate such award.

## **10.00 ACADEMIC REQUIREMENTS FOR ALL RIPL MEMBERS.**

### **10.01 SCOPE.**

This Article applies to all RIPL members. A RIPL member is defined as any individual falling within one of the classes specified in § 1.03.

### **10.02 ACADEMIC REQUIREMENTS.**

(a) Minimum GPA. All RIPL members must maintain a cumulative grade-point average (“GPA”) of 2.50 on a 4.00 scale.

(b) Probationary Period. If the Editor-in-Chief is notified that a RIPL member has, after the conclusion of a given academic semester, failed to maintain the minimum GPA specified in subsection (a), then that RIPL member shall be granted one (1) academic semester of probation.

(1) As used in this subsection, “academic semester” is defined as the fall (August– December), spring (January–May) or the so-called “summer” semester (June– August).

(2) Generally, the probationary period will occur during the academic semester immediately following the semester in which the RIPL member’s GPA fell below the minimum GPA specified in subsection (a); however, if the spring semester was the academic semester after which the RIPL member’s GPA fell below the minimum GPA specified in subsection (a), the RIPL member in question may choose as his or her probationary period either the following summer semester or the following fall semester.

(c) Dismissal. Subject to subsections (d)-(e), if, at the end of the probationary period specified in subsection (b), the RIPL member in question has failed to raise his or her GPA to the minimum GPA specified in subsection (a), then that RIPL member shall be subject to dismissal from RIPL. In such case, the dismissed individual must remove RIPL from his or her résumé and shall be subject to the applicable consequences-of-removal provision of Article 9.00— Candidates and Staff Editors shall be subject to § 9.01(d)(2), and Board members shall be subject to § 9.02(c)(2). In no event shall such a dismissed individual be eligible or re-eligible for Board membership as provided in § 8.01.

(d) Editor-in-Chief’s Approval. No RIPL member shall be subject to Dismissal under subsection (c) unless such dismissal is approved by the Editor-in-Chief.

(e) Exigent Circumstances. If, during the probationary period specified in subsection (b), the RIPL member in question fails as a result of a specific set of exigent circumstances to raise his or her GPA to the minimum GPA specified in subsection (a), the Editor-in-Chief shall evaluate any

available proof of the alleged exigent circumstances. If the Editor-in-Chief agrees to the exigent nature of the alleged exigent circumstances, then the Editor-in-Chief may attempt to prevent the dismissal under subsection (c) of the RIPL member in question. Such attempts may include, but are not limited to, discussions with the Board and/or John Marshall faculty members and administrators and/or an amendment of these bylaws pursuant to § 5.10.

(f) In the event that the Editor-in-Chief becomes subject to dismissal pursuant to subsection (c), all powers and authority granted under this Article to the Editor-in-Chief shall pass to the Managing Editor. Similarly, in the event that both the Editor-in-Chief and the Managing Editor simultaneously become subject to dismissal pursuant to subsection (c), all powers and authority granted under this Article to the Editor-in-Chief shall pass to the Lead Articles Editor.