



ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW BYLAWS

ARTICLE 1: DEFINITIONS

- A. Editorial Board [herein Board] consists of all student editors of the *Arizona Journal of International and Comparative Law*. Student editors include the Editor-in-Chief, Senior Managing Editor, Senior Articles Editor, Managing Editors, Articles Editors, Research and Development Editor, Productions Editor, Business Editor, and Note & Comment Editors.
- B. A “Majority” means 51% or more of the total membership of the *Arizona Journal of International and Comparative Law*, as officially listed.
- C. “Handbook” means a compilation of orientation materials about the *Arizona Journal of International and Comparative Law* including a writers’ manual, copyworkers’ manual, board position descriptions, organization chart, production flow chart, production schedule, selected *Blue Book* rules, and selection procedures.
- D. “Good faith” means a state of mind denoting honesty of purpose, freedom from intention to defraud, or an intention to remain faithful to one’s duty or obligation.
- E. “Administrative powers and responsibilities” means those powers and responsibilities necessary to administer, manage, and direct the work of the *Arizona Journal of International and Comparative Law* in accordance with the general principles and goals established by the Board.
- F. “Policy powers and responsibilities” means those powers and responsibilities necessary to establish general principles and goals for the *Arizona Journal of International and Comparative Law*.

ARTICLE 2: BYLAWS ADOPTION AND REVISION

- A. The Bylaws of the *Arizona Journal of International and Comparative Law* [herein *Journal*] constitute the framework of procedures and policies for the governance of the *Journal*.
- B. The Bylaws may be revised, amended, or suspended by a majority of the total membership, as officially listed.

ARTICLE 3: CONFLICT OF AUTHORITIES

- A. If conflict exists among Constitution provisions, bylaw provisions, resolutions, or Handbook provisions, the order of authority among the various sources shall be as follows:
 - 1. Constitution
 - 2. Bylaws

3. Resolutions
4. Handbook

ARTICLE 4: MEMBERSHIP

A. Membership of the *Journal* includes:

1. Editors
2. Third Year Staff Writers
3. Second Year Staff Writers

B. Selection of Second Year Writers

1. Every February, the *Journal* in conjunction with the *Arizona Law Review* [herein *Review*] conducts a Write-On Competition for interested first year law students.
2. The Write-On Competition shall be conducted by the *Journal's* Research & Development Editor and the full *Journal* membership shall participate in the grading and selection process.
3. The selection grading process shall be anonymous.
4. A standard rubric shall be adopted before the Write-On Competition, and general information about the criteria to be applied in grading the submissions will be provided to participants at the beginning of the Write-On Competition.
5. No student may participate on the *Journal* without competing in the Write-On Competition.
6. A minimum of 15 students shall be invited to join the *Journal* as Second Year Staff Writers. A maximum of 30 students may be invited to join the *Journal* as Second Year Staff Writers.

C. Transfer Students

1. Interested transfer students may seek membership on the *Journal* by participating in the spring Write-On Competition during their second year.
2. Transfer students selected through the Write-On Competition for their third year fulfill the duties of a Second Year Staff Writer as established in the *Constitution* and are eligible for the credit awarded a Second Year Staff Writer as established by Article 6 of these Bylaws.
3. Transfer students invited to join *Journal* do not count towards the Second Year Staff Writer maximum established by Article 4 of these *Bylaws*.

ARTICLE 5: SELECTION OF EDITORS

- A. The incumbent Editorial Board shall be responsible for selecting a successor Editorial Board no earlier than February 1 and no later than March 30 of each Spring Semester.

- B. Selection shall be made through a combination of application and interview. The application shall request relevant information about the Second Year Staff Writer including, but not limited to:
 - 1. Past experience which may prove valuable to the Writer's participation on the Board,
 - 2. Past contributions to the *Journal*,
 - 3. Timeliness of the Writer's work product including the Writer's ability to meet Note & Comment deadlines and copywork assignments, and,
 - 4. The Writer's ability to work with other *Journal* members.
- C. An otherwise qualified Writer may be rendered unqualified for an Editorial Board position where the applicant:
 - 1. Has extensive outside commitments,
 - 2. Has failed to complete a publishable Note or Comment for the *Journal*,
 - 3. Plans on graduating before May of the third year of law school.
- D. Transfer students participating in the spring Write-On Competition to become *Journal* members for their third year are not eligible for Editorial Board positions.
- E. Each member of the incumbent Editorial Board shall review the application and participate in the interviewing process. Participation includes writing questions for the application, asking questions at the interview, and voting on each position.
- F. Each Board member shall have an equal vote in the decisional process.
- G. A quorum for selection purposes consists of $\frac{3}{4}$ of total members of the incumbent Board.
- H. In order to select an applicant for an Editorial position a majority of the quorum must approve. In cases of a tie between two or more candidates, another vote shall be taken. If the Board remains deadlocked after three votes, the Editor-in-Chief shall break the deadlock with another vote cast for one Writer.
- I. Vacated positions on the Editorial Board shall be filled in the same manner.

ARTICLE 6: ACADEMIC CREDIT

- A. The provision for academic credit for *Journal* members is dependent on policies established by the faculty of the College of Law [see §4-402; College of Law Bylaws].
- B. Board Members
 - 1. Each Board member may be awarded three academic credits for the year. The credits may be taken in any combination, in any semester during the academic year following selection to the Board.
- C. Staff Writers

1. Each Third Year Staff Writer may select to receive one (1) academic credit for the year. For each hour of credit the *Journal* may expect to receive 30 hours of service from the Third Year Staff Writer.
 2. Each Second Year Staff Writer may select to receive three (3) academic credits provided that they complete all requirements of Second Year Staff Writers as defined by the *Journal* Constitution.
- D. The Editor-in-Chief will assign grades for academic credit at the end of each academic year.
1. For Board members, a grade of “P” [for Pass] shall be recorded for each semester if all *Journal* related duties unique to that Editor’s position have been completed. Such duties include, but may not be limited to, the duties outlined by the *Journal* Constitution and Handbook. A grade of “I” [for Incomplete] shall be recorded if the Editor in question made a good faith effort to complete such duties with the result that such duties are substantially completed. An Editor who fails to substantially complete assigned duties or who fails to make a good faith effort to complete such responsibilities may receive a grade of “F” [for Fail].
 2. If Second and Third Year Staff Writers have completed all required duties as described in the *Journal* Constitution, a grade of “P” [for Pass] shall be recorded for each semester. A grade of “I” [for Incomplete] shall be recorded if the Staff Writer in question made a good faith effort to complete all such duties with the result that such duties are substantially completed. A Staff Writer who fails to substantially complete assigned duties or who fails to make a good faith effort to complete such responsibilities may receive a grade of “F” [for Fail].
- E. In accordance with current University of Arizona policy, any “I” [for Incomplete] that remains outstanding for one year or more automatically becomes an “F” [for Fail].

ARTICLE 7: DUTIES

- A. All *Journal* members have various duties and obligations as outlined in, but not limited to, the *Journal* Constitution. Such responsibilities are expected to be diligently and professionally dispatched.
- B. Other commitments, including school commitments, barring emergency, are not considered an excuse for failure to fulfill *Journal* responsibilities.
- C. Failure to perform the duties and obligations undertaken as a *Journal* member may give rise to sanctions pursuant to Article 8, including removal from the *Journal* or loss of academic credit.

ARTICLE 8: COMPLAINTS AGAINST MEMBERS/SANCTIONS

- A. Staff Writers

1. Sanctions are required if a Second or Third Year Staff Writer:
 - a. Fails to meet deadlines twice per manuscript without a reasonable written excuse and prior notice to the applicable editor,
 - b. OR, fails to submit a draft at any stage of the writing process, which in the determination of the Research & Development Editor and the Editor-in-Chief, is of substantial quality,
 - c. OR, fails to complete adequate copy and production work when assigned.
2. If sanctions are required, the Editor-in-Chief, Research & Development Editor, and Note & Comment Editor shall meet with the writer within seven days of the Editor-in-Chief receiving such notice.
3. The Editor-in-Chief shall give the Writer written notice of an immediate thirty (30) day probationary period. The probationary notice is solely within the discretion of the Editor-in-Chief. No further termination proceedings shall take place if the Editor-in-Chief fails or refuses to issue such notice to the Writer.
4. During the thirty (30) day probationary period, the Writer shall:
 - a. Show tangible evidence of progress on any deficient work product or submit a draft of substantial quality, and/or
 - b. Meet deadlines that the Editor-in-Chief shall establish for the Writer during the probationary period, and/or
 - c. Comply with writing procedures, and/or
 - d. Complete copy or production work within a reasonably established time period.
5. Upon completion of the thirty (30) day probationary period, the Editor-in-Chief, Research & Development Editor, and Note & Comment Editor shall meet with the Writer to discuss the Writer's progress. If the Writer has fulfilled the conditions of probation, the probationary period shall terminate. If the Writer has failed to fulfill the conditions of probation, the Editor-in-Chief shall select/designate a five (5) Editor panel within seven (7) days to consider termination of the Writer or other sanctions.
6. The Writer, Editor-in-Chief, Research & Development Editor, and Note & Comment Editor may all be heard before the panel of five. The panel shall vote by secret ballot, in the Writer's absence, whether to terminate or otherwise sanction the Writer. Termination shall result only if four (4) of the five (5) panel members vote for termination. In lieu of termination, the panel shall prescribe a probationary period within which the writer must meet certain criteria.
7. In the event that a Writer, previously on probation, fails to comply with subsequent writing deadlines or duties, a panel of five (5) Editors shall be

B. Editors Other than the Editor-in-Chief

1. Editors shall be subject to removal from their editorial position for failure to perform the duties required by their respective functions or for lack of due diligence in performing the general responsibilities of a *Journal* Editor.
2. When a problem regarding an Editor's performance is brought to the attention of the Editor-in-Chief, or the Editor-in-Chief perceives such a problem to exist, the Editor-in-Chief will meet privately and informally with the Editor to discern if there is a problem and if so, the nature of the problem and how to remedy it. If necessary, the Editor-in-Chief will also meet individually with other Editors or writers to clarify the problem.
3. After meeting once, at a minimum, with the Editor in question in an informal setting and after determining a problem exists, the Editor-in-Chief shall have the authority to:
 - a. Bring the matter directly before the Board through a Special meeting if the Editor-in-Chief deems the problem is of sufficient magnitude, or
 - b. Put the Editor on notice that his or her performance must improve significantly within a specified and reasonable time. If the Editor-in-Chief sees no significant improvement in the Editor's performance within the specified time, the Editor-in-Chief shall call a special meeting of the Board to address the problem.
4. If a Special Meeting of the Board is called, written notice shall be given to all Editors specifying the purpose of the meeting at least one (1) week in advance of the scheduled date of the meeting. Such notice shall not disclose the identity of the Editor whose conduct is under review. However, the particular Editor must be given written notice by the Editor-in-Chief that his or her conduct is the subject of the meeting.
 - a. 3/4 of the Editorial Board must be present for the Special Meeting to be valid and binding. The Editor whose conduct is the subject of the special meeting shall be counted for purposes of establishing such a quorum.
 - b. The Editor in question, Editor-in-Chief, and any other interested parties may have the opportunity to be heard at the Special Meeting.
 - c. The Editorial Board shall vote by secret ballot, in the Editor's absence, whether to remove that Editor from his or her position on the Board. A majority of the quorum is necessary to remove an Editor from his or her position. In lieu of removal the Board shall proscribe certain criteria that the Editor is required to meet in order to retain his or her position.

C. Editor-In-Chief

1. If the Editor-in-Chief is an interested party the Senior Managing Editor shall be appointed to perform the duties as described under subsection (B) of this section.

ARTICLE 9: PUBLICATION OF STUDENT WRITTEN NOTES

A. There is no guarantee that participation on the *Journal* will result in publication.

B. Student Notes

1. The *Journal* publishes a maximum of six student notes per year, for a maximum of three student notes per Fall and Spring issue. There is no mandated minimum for the number of published student notes, but Articles Editors are encouraged to publish the maximum number as long as each note meets established note selection criteria and quality standards.
2. The Articles Editors will consider five (5) main points when selecting notes for publication:
 - a. Quality of writing, including grammar and punctuation,
 - b. Footnotes,
 - c. Timeliness and interest of the topic,
 - d. Whether the note is sufficiently international and/or comparative in scope, and
 - e. Conformity with guidelines established by the Articles Editors at the beginning of the writing process.
3. Only student notes submitted by *Journal* members are considered for publication.
4. Spring issue student notes are chosen no later than September 31st by a committee comprised of all Articles Editors. Fall issue student notes are chosen no later than April 30th by a committee of all Outgoing Articles Editors and the Incoming Articles Editors who will serve during the subsequent term.
5. Upon entering office at the end of the spring semester, the Incoming Articles Editors will compile guidelines for the selection of student notes to be published in the Fall and Spring Issues. This set of guidelines will be used immediately during the student note selection process that occurs in the spring semester for the Fall Issue. Incoming Articles Editors will also meet with the Incoming Research and Development Editor before the end of the academic

year in which they were appointed to present and discuss these guidelines so that they can be included in the Second Year Writers Manual.

6. If any of the Articles Editors have a conflict of interest, such as they submitted their own note for consideration, that Editor is recused from the selection committee and a board member shall be designated by the Senior Articles Editor to take his or her place.
7. The note selection process is anonymous. The Articles Editors, at the time of selection, shall not know who authored each note.
8. The note selection process is confidential. Submitting students may request and receive individual feedback about the content of their own paper for the purpose of providing helpful editing suggestions for possible future re-submission. However, Articles Editors or Board members involved in the student note selection process are not allowed to discuss or disclose details concerning any individual student notes to others not involved in the process. The only exception allows for discussion between the Articles Editors and the Editor in Chief in order to preserve an open line of communication.
9. Should the Articles Editors select less than the maximum of three students notes for either the Fall or Spring issue, the Articles Editors, in conjunction with the Editor in Chief and Senior Managing Editor, may pursue a supplemental selection process in order to achieve the maximum publishing quota. The goal of this supplemental selection process is to afford *Journal* writers the fullest possible opportunity to publish, while maintaining established selection criteria and quality standards. Fairness should be the primary factor in determining what format to use so that all students have equal opportunity to submit their notes for publication. Examples of such supplemental selection processes include, but are not limited to, those outlined in the following subsections of 9(a), 9(b) and 9(c). This following list is by no means exhaustive and is for purely illustrative purposes. The decision of what supplemental selection process to implement is entirely within the discretion of the Articles Editors, in conjunction with the Editor in Chief and Senior Managing Editor, in order to fit the characteristics and meet the needs of an individual *Journal* membership:
 - a. The Articles Editors may make a secondary call for student note submissions. All students whose notes have not previously been selected for publication may submit. This may include students who did not submit their note for consideration in the standard round of review and also those who are re-submitting for additional consideration.
 - b. The Articles Editors may provide feedback and suggestions for improvement to all students who submitted their notes in the standard round. The feedback may be as general or specific as the Articles

Editors deem appropriate. After a period of time, to be determined by the Articles Editors in conjunction with the Editor in Chief and the Senior Managing Editor, the Articles Editors may reconsider the notes that have been edited according to their provided feedback. If any of the edited notes then meet the established selection criteria and quality standards, the Articles Editors may select which will fill the remaining student publication slots.

- c. The Articles Editors may choose among submitted student notes those that, with a limited amount of work, may be brought in line with publication criteria and quality standards. After choosing those student notes, the Articles Editors will provide feedback to help the student authors improve their notes. An appropriate amount of time to allow for such note improvement may be a week, but it is ultimately up to the Articles Editors, Editor-in-Chief and Senior Managing Editor to work out a suitable period of time while being mindful of maintaining a reasonable production schedule. If the improved notes meet the established selection criteria and quality standards, the Articles Editors will choose which will fill the remaining student publication slots.

10. The above alternatives described as “supplemental selection processes” may or may not result in publishing the maximum number of student notes per Fall or Spring issue. The alternative processes are intended to provide students with ample opportunity to publish in the *Journal*, but the selection of student notes for publication, including the number selected, ultimately remains the prerogative of the Articles Editors.

C. Case Notes

1. The *Journal* may elect to publish between zero (0) – three (3) case notes in the Fall and Spring issues.
2. Only case notes submitted by *Journal* members are considered for publication.
3. The focus of the case note shall be prescribed by the Articles office.
4. Notice will be given at least two (2) months in advance that the Articles office is soliciting case note submissions.
5. Case notes are chosen by a committee comprised of all the Articles Editors.
6. If any of the Articles Editors have a conflict of interest, such as they are submitting their own case note, that Editor is recused from the selection committee and a board member shall be designated by the Senior Articles Editor to take his or her place.
7. The case note selection process is anonymous. The Articles Editors, at the time of selection, shall not know who authored each case note.

ARTICLE 10: FINANCES

A. Approval of Requisitions and Expenditures

1. All requests for budgeted and non-budgeted expenditures and requisitions from *Journal* members must be submitted to the Business Editor. Requests for non-budgeted items must be brought before the Editorial Board by the Business Editor and approved by the majority of the Board.

B. Recordation of Income and Expenditures

1. Records of all income and expenditures shall be submitted to the Editor-in-Chief by the Business Editor on a monthly basis.

ARTICLE 11: RESIDUAL POWERS

A. All residual administrative powers and responsibilities shall vest in the Editor-in-Chief.

B. All residual policy powers and responsibilities shall vest in the Editorial Board.

C. The Editor-in-Chief shall have the power to appoint advisory committees to suggest policies and procedures for the *Journal*. These committees shall have no vested authority. Nothing in this provision shall be construed to limit or restrain the Editor-in-Chief from delegating power to a committee.

D. If an unforeseen policy problem arises and the Constitution, Bylaws, or Handbook do not suggest a solution, the Editorial Board may resolve the problem by a majority vote of the present voting members.

These Bylaws were revised and adopted by a majority of the 2008-2009 membership, as officially listed, of the Arizona Journal of International and Comparative Law on 2-26-09.