

The Scholar: St. Mary's Law Review on Minority Issues **BY-LAWS**

ARTICLE I

Name of Organization

This organization shall be known as *The Scholar: St. Mary's Law Review on Minority Issues*. Its short name shall be *The Scholar*.

ARTICLE II

Purpose

The Scholar is designed to be a cooperative effort through which students, faculty, and members of the legal community work together to produce a legal publication that expands society's knowledge and understanding of the legal issues that touch the lives of disenfranchised people. *The Scholar's* Mission Statement (Appendix A) is, therefore, incorporated into these by-laws.

The Scholar Members are governed by the St. Mary's University School of Law Student Handbook, these by-laws, and the internal rules adopted by the Editorial Board pursuant to Article XIII.

ARTICLE III

Definitions

A. Quorum

A quorum is more than half of the following members: the Editor in Chief, the Managing Editor, the Executive Articles Editor, and the Executive Comments Editor. *See* ARTICLE IV; ARTICLE VI.

B. Writing Requirement

An original comment that is fit for publication and that satisfies the writing requirement criteria as set forth in the St. Mary's University School of Law Student Handbook, shall be sufficient and shall meet the writing requirement for completion of the Juris Doctor degree. The comment will be developed in stages through various drafts. The comment must be an original work by the writer that has not been previously published nor previously turned in for class credit.

C. Plagiarism

Plagiarism is the use of five (5) words or more without the use of quotation marks and appropriate footnotes, or the use of another writer's idea from any source without the use of the

appropriate footnote to the source. Plagiarism may be intentional, reckless, or negligent. Plagiarism is inappropriate at any stage of the drafting process. It may lead to the dismissal from *The Scholar* and any such occurrence shall be handled pursuant to the St. Mary's University Law School Code of Student Conduct.

D. Published Paper

A published paper is one that meets all of the writing requirements and is selected by the Editorial Board (with recommendations from the Faculty Advisors) to be published in *The Scholar*. The Editorial Board shall have absolute discretion in determining which papers shall become published papers and in what issue of *The Scholar* those published papers will appear. See Course Syllabus.

ARTICLE IV

The Structure

The Scholar consists of the Faculty Advisors, the Editorial Board, the Comment Advisors, the Staff Writers, and the Business Manager, defined in ARTICLES VI-IX.

The Editorial Board shall consist of the following positions: (1) one Editor in Chief; (2) one Managing Editor; (3) one Executive Articles Editor; (4) one Executive Comments Editor; (5) Articles Editors (the number of Articles Editors to be determined by the Editorial Board); and (6) Comments Editors (the number of Comments Editors to be determined by the Editorial Board) (7) one Symposium Editor (one Articles or Comments Editor will be the Symposium Editor). Each member's respective duties are defined in ARTICLE VI. Articles Editors, Comment Editors, and Associate Editors may, in light of the number of articles and comments expected to be written or published, be appointed at the discretion of the Editorial Board with the approval of the Faculty Advisory Committee.

ARTICLE V

The Writing Process

A. Overview

The Scholar process involves writing and re-writing. The process places an emphasis on the Staff Writer's own voice, and encourages Editors to allow Staff Writers to explore their own interests related to issues relevant to the purpose of *The Scholar*.

B. Topics

The Editorial Board shall contact each Staff Writer during the summer months to encourage him or her to choose a topic that is both of interest to the Staff Writer and relevant to the mission of *The Scholar*. At the beginning of the semester, the Editors shall take each topic through a preemption check to ensure that the topic has not already been exhausted by other legal writings.

Staff Writers are encouraged to explore different topics, but are asked to focus their drafts on one. If Staff Writers choose similar topics, the Editorial Board shall meet with and assist the Staff Writers in differentiating their respective topics.

C. Research

Staff Writers should begin researching their topics beginning in the Summer. The research shall include primary and secondary sources. This process enables each Staff Writer to find his or her own voice and style.

D. Drafts

Staff Writers shall write their drafts as “parts” or “sections” of the final product. The sections will consist of a(n) Topic Proposal, Outline, Introduction, Legal Background, Legal Analysis I, Legal Analysis II, and Conclusion. Each section further explores the Staff Writer’s topic, while improving on transitions and organization. Any and all assertions that need support shall be end-noted according to The Bluebook: A Uniform System of Citation, Eighteenth Edition (“Bluebook”) and Texas Law Review’s Texas Rules of Form, 10th Edition (“Greenbook”).

Each section shall be turned in separately. Each stage is considered part of the comment writing process, and the rules on plagiarism apply to each section.

(1) Topic Proposal: This section is an informal summary of the Staff Writer’s intended topic. This is to be turned in to the Executive Comments Editor, who will ensure that another Staff Writer has not already chosen that topic in particular, for approval prior to beginning the writing process. Commencement of the writing process shall be determined and announced by the Executive Comments Editor and shall be either (1) by Orientation or (2) the first day of the semester, whichever may come first.

(2) Outline: This section is a brief overview of the Comment as a whole by highlighting the main points the Staff Writer will make in each section of the Comment. This will assist in organizing the Staff Writer’s argument.

(3) Introduction: This is an introduction to the general subject matter of the Comment. Staff Writers are encouraged to explore the structure of their comment at this point. The Introduction shall be 3-5 pages with a minimum of 10 sources.

(4) Legal Background: This section will provide a historical context of the issue and/or of the legal concepts to be discussed. The Legal Background shall be 6-8 pages with a minimum total of 20 sources.

(5) Legal Analysis I: This section will discuss/attack the issue using a critical analysis of the law and how it applies to the issue. The proposed or suggested solution to the issue should be discussed in full and should make practical and logical sense. The Staff Writer shall address any and all weaknesses or fallacies in the proposed solution. The Staff Writer shall also counter the opposing argument but not focus on it. The Legal Analysis I section shall be 6-12 pages with a minimum total of 35 sources.

(6) Legal Analysis II: This section will further discuss/attack the issue using a critical analysis of the law and how it applies to the issue. The proposed or suggested solution to the issue should be discussed in full and should make practical and logical sense. The Staff Writer shall address any and all weaknesses or fallacies in the proposed solution. The Staff Writer shall also counter the opposing argument but not focus on it. The Legal Analysis II section shall be 6-12 pages with a minimum total of 45 sources.

(7) Conclusion: This section will summarize all the above sections. The Staff Writer shall restate the proposal as well as review its implications. This section shall be 3-5 pages with a minimum total of 50 sources. At this point, the Staff Writer's comment shall meet the graduating writing requirement.

(8) Optional Turn-in: The Staff Writers shall be given an optional turn-in date after the conclusion is due, but before the Final Draft is due. This will be an additional opportunity to have the Staff Writer Comment evaluated as a whole before the Final submission for Publication Selection Review.

(9) Final Draft Submission: The date of the final turn-in shall be determined by the Editorial Board. Included in the submission is a Master Source List. Refer to Internal Rules for additional turn-in procedures.

E. Comment Advisors

Members of the Editorial Board may serve as Comment Advisors. Each Comment Advisor shall be assigned to a specific group of Staff Writers and guide those Staff Writers through each stage of the writing process in accordance with this Article, and any internal rules existing or adopted pursuant to ARTICLE XIII.

Because *The Scholar's* goal is to allow each Staff Writer to find his or her voice through the writing process, each Comment Advisor shall undergo editing training sessions conducted by the Faculty Advisors or guest lecturers at the discretion of the Editorial Board.

Each Comment Advisor shall discuss the writing process with his or her group, collectively and individually. Individual meetings shall be conducted at least one time between deadlines during the writing process. With respect to these meetings, Comment Advisors shall, when relevant, address the following:

(a) Content Problems: These problems include gaps in logic, structure, organization, clarity, style, and voice. Comments regarding these problems shall be phrased as **suggestions** in order to allow the Staff Writer to grow with his or her paper.

(b) Performance Problems: These questions include time- and task-management, effort, and intellectual development.

The primary focus of the editing process shall be on transforming an idea into a well-researched, well-written legal analysis that effectively promotes the purpose of *The Scholar*.

ARTICLE VI

Editorial Board

The role of the Editorial Board is to facilitate the overall operation of *The Scholar*. The Editorial Board shall consist of the positions referenced in Article IV, and shall be comprised of a number of Board Members sufficient to effectively and efficiently promote the purpose of *The Scholar*.

A. The Editor in Chief

1. **General Duty.** The Editor in Chief shall oversee the direction of *The Scholar*.
2. **Specific Duties.** The Editor in Chief shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:
 - a. **Editing Process.** Finalizing all corrections made during the editing process.
 - b. **Correspondence.**
 - (i) Serving as a liaison to the faculty advisors and law school administration with respect to any questions relating to the business and operation of *The Scholar*.
 - (ii) Serving as the primary contact person with respect to any questions relating to the business and operation of *The Scholar*.
 - c. **Board Meetings.**
 - (i) Directing the order and operation of Board meetings.
 - (ii) Finalizing the agenda, minutes, and resolutions of Board meetings.
 - d. **Board Supervision and Internal Disputes.** Reporting any violations of the student code of conduct, these bylaws, and any internal rules adopted pursuant to Article XIII to the appropriate personnel, and using his or her best efforts to minimize internal disputes.
 - e. **Emergency Member Assistance.** Assuming or delegating the responsibilities of any Board Member who is unable to perform his or her duties until the Member becomes able to perform or until a replacement is duly appointed.
 - f. **Monthly Report.** Submitting a monthly progress report to the Chair of *The Scholar* Faculty Committee and to the Dean of St. Mary's University School of Law.

B. The Managing Editor

1. **General Duty:** The Managing Editor shall oversee the administration of *The Scholar*.
2. **Specific Duties:** The Managing Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:
 - a. **Staff Writer Files.** Keeping an accurate and current record of the Staff Writers' grades on a weekly basis.
 - b. **Performance Records.** Keeping an accurate and current record of each member's performance of duties, as determined by internal rules adopted pursuant to Article XIII.
 - c. **Orientation.** Organizing and directing Fall Orientation, procure speakers, and prepare the Orientation binders.
 - d. **Weekly Class Meetings.** Organizing and directing the content and procedure of the weekly class meetings.
 - (i) Formally invite speakers to come lecture during class.

- (ii) Maintain a record of attendance for Board Members and Staff Writers.
- (iii) Arrange for any copies/handouts/AV setup the speakers may need.

e. **Rules.**

- (i) Periodically reviewing the efficacy of these bylaws and internal rules, and proposing changes when reasonably necessary.
- (ii) Giving notice of any changes or additions to the internal rules to the members of *The Scholar*.

f. **Banquet.** Organizing and directing the end-of-year Banquet. Keep Business Manager informed and updated.

- (i) Make arrangements at a suitable location.
- (ii) Make arrangements for speakers.
- (iii) Prepare mailing list of all potential invitees.

g. **Fundraising.** Fundraising for *The Scholar*. Ensuring that there are adequate funds in the budget to cover yearly expenses, especially for the Banquet. In order to efficiently manage the funds, it is necessary to work with the Business Manager who controls the budget. All fundraising is subject to faculty approval.

h. **Editing Process.** The Managing Editor shall assist the Editor in Chief in editing.

i. **Computers and Technology.** Keeping current, as much as practicable, all operating procedures involving computers and technology. This duty includes maintaining a relationship with Westlaw and LexisNexis.

j. **Business Managing Duties.** If for any reason, there is no Business Manager or the Business Manager is only available in a limited capacity, the Managing Editor will assume the duties of the Business Manager.

C. The Symposium Editor

1. **General Duty.** The Symposium Editor shall oversee the direction and management of the Annual Symposium and all the corrections made in the editing process to any student or nonstudent-written publication that are to be published in *The Scholar* Symposium Edition.

2. **Specific Duties.** The Symposium Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Solicitations.** Instituting and directing a program to solicit speakers/authors relevant to *The Scholar's* purpose and the issue being discussed in the Annual Symposium

b. **Speaker/Author Correspondence.** Serving as the primary contact person with regards to any questions the speakers/authors of the Annual Symposium may have, and periodically providing the speakers/authors with progress reports of the Annual Symposium and the Symposium Edition.

c. **Editing Process.** Making any alterations necessary to the written publications that are to be published in *The Scholar* Symposium Edition. The Symposium Editor shall coordinate with the entire Editorial Board in determining the editing schedule for the Symposium Edition and when, if at all, cite packets for the Symposium Edition will be distributed to the staff writers and/or Comment/Article Editors.

d. **Annual Symposium.** Organizing and directing the Annual Symposium. Keep Business Manager informed and updated.

(i) Make arrangements at a suitable location.

(ii) Make arrangements for speakers/authors.

(iii) Apply for CLE Accreditation with the State Bar of Texas.

(iv) Prepare mailing list of all potential invitees.

(v) Properly advertise the event to the public by all necessary means.

3. **General Editing Duties.** The Symposium Editor shall also be a(n) Comments or Articles Editor.

D. The Executive Articles Editor.

1. **General Duty.** The Executive Articles Editor shall oversee the direction and management of all corrections made in the editing process to any Articles, Dedications, Reflections, or any other non-student-written publication.

2. **Specific Duties.** The Executive Articles Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Editing Process.** Making any alterations necessary to the Articles Editor's corrections.

b. **Author Correspondence.** Serving as the primary contact person with regard to any questions authors may have, and periodically providing authors with progress reports.

c. **Solicitations.** Instituting and directing a program to solicit works relevant to *The Scholar's* purpose.

E. The Executive Comments Editor.

1. **General Duty.** The Executive Comments Editor shall oversee the direction and management of all corrections made in the editing process to any student comments that are to be published in *The Scholar*.

2. **Specific Duties.** The Executive Comments Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Editing Process.** Making any alterations necessary to the Comments Editor's corrections.

b. **Student Comment Author Correspondence.** Serving as the primary contact person with regard to any questions student-comment writers (that will be published) may have, and periodically providing them with progress reports.

c. **Staff Writers' Topic Proposals.** Review all topic proposals by Staff Writers before the commencement of the writing process. Avoid multiple Staff Writers writing on the same or substantially similar topics. All topics must be approved by the Executive Comments Editor.

d. **Staff Writers' Writing Requirement Approval.** Advising student-comment Staff Writers concerning their writing requirement and expected final due date. Confirming all Staff Writers understand and complete the requirements of their comment in accordance with their graduation writing requirement.

F. The Articles Editor.

1. **General Duty.** The Articles Editor shall oversee the direction and management of all corrections made by the Staff Writers to Articles, Dedications, Reflections, or any other nonstudent-written publication.

2. **Specific Duties.** The Articles Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Editing Process.** Making any alterations necessary to the Staff Writers corrections.

b. **Staff Writer Oversight.**

(i) Reporting any violations of the student code of conduct, these bylaws, or any internal rules adopted pursuant to Article XIII to the appropriate personnel.

(ii) Preparing a progress report detailing any errors made by the Staff Writer during the editing process. A print-out of changes made to the Staff Writer's corrections that shows errors made by the Staff Writer in Track Change form is a sufficient progress report.

G. The Comments Editor.

1. **Primary Duty.** The Comments Editor shall oversee the direction and management of all corrections made by the Staff Writers to comments that are to be published in *The Scholar*.

2. **Specific Duties.** The Comments Editor shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Editing Process.** Making any alterations necessary to the Staff Writers corrections.

b. **Staff Writer Oversight.**

(i) Reporting any violations of the student code of conduct, these bylaws, or any internal rules adopted pursuant to Article XIII to the appropriate personnel.

(ii) Preparing a progress report detailing any errors made by the Staff Writer during the editing process. A print-out of changes made to the Staff Writer's corrections that shows errors made by the Staff Writer in Track Change form, along with an electronic note or comment stating the applicable rule in the Bluebook, is a sufficient progress report.

H. The Business Manager.

1. **General Duty:** The Business Manager shall assist with the administration of *The Scholar*.

2. **Specific Duties:** The Business Manager shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

a. **Budget and Expenditures.**

(i) Keeping an accurate and current record of *The Scholar's* budget.

(ii) Facilitating all purchases made on behalf of *The Scholar*.

b. **Office Supplies.** Ensuring that the office supplies and materials are sufficient for operation.

c. **Administrative Records.** Keeping accurate and current files, both in electronic form and in hard-copy form, relating to the administration of *The Scholar*. These files shall include, in addition to others adopted by the Managing Editor or by internal rule pursuant to Article XIII:

- (i) publisher information and correspondence;
- (ii) subscriber information and correspondence;
- (iii) Faculty Advisors and law school administration correspondence;
- (iv) author correspondence; and
- (v) any other correspondence.

I. Collective Board Member Rights and Duties.

1. **Board Meetings Attendance.** All members of the Board are required to attend all Board Meetings.

a. **Frequency.** Board meetings shall be conducted weekly. Upon the consent of the majority of the Board Members, meetings may be held more than one time every two weeks.

b. **Time and Place.** Board meetings shall be conducted in *The Scholar* Office or another location that Board Members deem appropriate.

c. **Absences.** No Board Member may be inexcusably absent from a Board Meeting more than three (3) times per semester.

2. **Class Attendance.** Each Board Member shall attend every class. All absences are governed by St. Mary's University School of Law Student Handbook.

3. Voting.

a. **Board Members.** Editorial Board Members are the only voting members of *The Scholar*.

b. **Allocation of Voting Power.** The positions of Editor in Chief, Managing Editor, Executive Articles Editor, and Executive Comment Editor shall have two votes per position. Each Articles Editor and each Comment Editor shall have one vote. All ties in voting shall be resolved in favor of the vote of the Editor in Chief.

c. **No Absentee Voting.** Absentee voting shall not be allowed. However, a voting member may be present at a Board Meeting via speakerphone.

4. **Selection of a Community Relations Chair.** All members of the Board shall vote to select a Community Relations Chairperson. No executive board member may be selected to the Community Relations Chair. The chairperson shall either be an Articles Editor or a Comments Editor.

a. **General Duty:** The Community Relations Chair shall oversee programs that promote campus and community development. There are three general audiences that the Chairperson shall focus on: 1) the law school community, 2) the legal community in Texas (including St. Mary's law professors), and 3) the general public of the Greater San Antonio community.

b. **Specific Duties:** The Community Relations Chair shall have, in addition to any other duties stated in these bylaws or in internal rules adopted pursuant to Article XIII, the following duties:

(i) **Campus and Community Outreach.** When practicable, overseeing programs that promote campus and community development, such as speakers series and community service.

(ii) **Scholar Subscription.** Advertise and solicit *The Scholar* alumni, law students, law faculty, law schools, libraries, and any other parties that might be interested in subscribing to this scholarly publication.

(iii) **Miscellaneous.**

(a) General marketing promotions to boost interest in *The Scholar* as an institution and as a scholarly publication.

(b) Assist Managing Editor with any duties involving community outreach and solicitation of donation or fundraising.

(c) Initiate campaigns to encourage a sense of pride for being a member of *The Scholar*. This applies to raising awareness and general esteem of staff writers and fellow board members.

J. Prohibitions

1. Board Members shall not engage in any activities that interfere with Editorial Board duties.

2. No Board Members shall register for the February Bar Exam. However, the MPRE may be taken at any time by a Board Member.

3. Board Members may engage in outside employment that does not interfere with Editorial Board duties.

K. Academic Credit for Editors

1. **Two Credit Hours.** Each Board Member shall register for two credit hours per semester, which will be graded by the Chair of the Faculty Advisory Committee on a pass-fail basis.

2. **Reduced Credit Hours.** The Chair of the Faculty Advisory Committee shall have discretion, for good cause, to permit an editor to register for less than the number of credit hours stated in paragraphs (1) and (2) of this section.

L. Eligibility and Application Process

1. **Eligibility.** In order to be selected as a Board Member, an applicant must (1) be a Staff Writer who has successfully completed the Staff Writer duties defined in ARTICLE VIII, Part C; (2) be in good academic standing; (3) possess a good record as a Staff Writer (which is determined by the Faculty Advisory Committee); and (4) be able to commit at least three hours a week to *The Scholar* Mission Statement in *The Scholar* office during regular business hours. See Appendix A. Publication is not a requirement for selection as a Board Member.

2. **Application Process.** The “new” Editorial Board shall be selected by the current Editorial Board Members, subject to approval by the faculty. The process will include an application and an interview. The interview shall be conducted by the current Editorial Board.

3. **Selection Process.**

a. **Submission of Application.** All interested Staff Writers must complete an application prepared by the Editorial Board. The deadline for the application will

be established by the Editorial Board in consultation with the Chair of the Faculty Advisory Committee and will be set so as to allow sufficient time for faculty consultation, Editorial Board deliberation, and final approval by the faculty so that the “new” Editors may attend the National Conference of Law Reviews Annual Meeting.

b. **Confidentiality.** All private student information relating to an applicant shall be kept confidential.

c. **Opportunity for Faculty Comment.** Within three (3) business days after the application deadline, the Editorial Board shall furnish to each full-time Faculty member a list of all Board applicants along with their relevant credentials, which shall include assurance of good academic standing, participation in *The Scholar*, their understanding of *The Scholar* writing process, and work and life experiences. Faculty members may submit comments about applicants to the current Editorial Board directly or through the Faculty Advisory Committee.

d. **Recommendation of a Slate.** The Board shall consider faculty comments and other information and shall recommend a well-qualified slate of editors for approval by the faculty.

e. **Approval by the Faculty.** The recommended slate of editors shall be submitted to the faculty for approval. If the faculty fails to approve a recommended member of new Editorial Board, the current Editorial Board must submit a substitute nomination for that position and secure approval of the new nominee.

M. Transition Period

1. **Time Period.** After Editorial Board Member selection in the Spring semester, there shall be at least a three week period of transition when both the out-going Board and the incoming Board are active. During this period of transition, the out-going Board will be charged with instructing the in-coming Board as to the general operation of *The Scholar* and each incoming board member’s respective duties, as defined in Article VI and any internal rules adopted pursuant to Article XIII.

2. **Board Meetings.** Board Meetings will be attended by both groups, and the incoming Board will be required to fulfill some tasks before the summer months with supervision from the current Board.

3. **Voting Power.** During the transition period, the out-going Board will retain its voting power. However, the new Board and the Faculty Advisors will have sole voting power on selection for the next year’s Staff Writers.

4. **Prompt Exit.** At the end of the Spring Semester, the out-going Board shall relinquish all power over to the in-coming Board, immediately return any office keys to the proper personnel, and promptly remove all personal belongings. In addition, the outgoing Board must leave the office at any time the in-coming Board wishes to conduct a meeting privately.

N. Removal of a Board Member

An Editorial Board Member may be removed by failing to fulfill his or her duties defined in these bylaws or by internal rules adopted pursuant to Article XIII.

1. **Initial Meeting with Faculty Advisor.** If removal of an Editorial Board Member becomes necessary, a quorum of the Board Members shall meet with the Faculty Advisors. Before the Board votes on the removal, the Board Member in question shall be given a one week prior notice.
2. **Faculty Advisor's Decision.** Faculty Advisors shall have the final vote on any removal decisions.
3. **Appeal.** Once notified of the Faculty Advisors' decision, the right of appeal by the Board Member in question is to the full faculty of St. Mary's University School of Law.

O. Vacancy

In the event of a vacancy, the position shall be filled by a member chosen by the Editor in Chief with the approval of the Faculty Advisors. The position may be left vacant with approval from the Faculty Advisors.

ARTICLE VIII

Staff Writers

A. Composition

The Scholar shall be composed of a writing team that will consist of 2nd and 3rd year law students in good academic standing, as determined by St. Mary's University School of Law Student Handbook. Each Staff Writer must be dedicated to publishing a scholarly piece on a legal issue relevant to the purpose of *The Scholar*. Relevant issues include legal concerns touching the lives of all traditionally disenfranchised groups, including racial, ethnic, religious, disability, age, gender and sexual orientation minorities. To promote close working and editorial relationships, the team shall be composed of no more than eight (8) Staff Writers per Editorial Board Member.

Persons who have previously participated in *The Scholar* as a Staff Writer or Editorial Board Member shall not be allowed to re-apply for the position of Staff Writer for a second year. Accordingly, any individual previously removed from *The Scholar* due to academic penalty or disciplinary action by the Faculty Advisors or the administration shall not be allowed to re-apply for the position of Staff Writer.

2nd, 3rd and 4th year law night-students are eligible for selection as a Staff Writer. These night-student Staff Writers are required to participate in the same manner and adhere to the same duties as full-time student Staff Writers, as outlined in the bylaws. *See* Article VII-C. The night-students are also subject to the same application and disciplinary procedures as described for full-time Staff Writers. *See* Article VII-B, E. Staff Writer meetings will be held at times and locations, which are reasonable for night-student Staff Writer attendance.

B. Application Process

1. **Application Requirements.** A person interested in becoming a Staff Writer must complete an application process. The applicant must complete and/or provide (1) an application form, (2) a resume, (3) an interview with members of the Editorial Board, (4) a letter of intent, (5) a writing sample, labeled in such a way as to keep the identity of the writer anonymous, and (6) a cite-checking exercise, completed anonymously. Staff

Writer applications shall be received and reviewed by the in-coming Editorial Board, and the in-coming Editorial Board shall conduct the interview process.

2. **Factors to Consider.** The selection of Staff Writers shall be determined by weighing a number of factors. The application form, resume, interview and letter of intent should be used to determine the applicant's responsibility, dedication, interest and availability. Involvement with *The Scholar* will be a time-intensive experience. Accordingly, applicants should be advised that becoming a member of *The Scholar* writing team may require them to limit their involvement in extra-curricular activities which create substantial time commitments. Due to the time-intensive experience, a night student's availability to participate may be used as a determining factor in the selection process. The applicant's writing ability should be considered by measuring the strength of the writing sample, which shall be scored and evaluated anonymously. Each writing sample shall be scored by at least three in-coming Editorial Board Members. The applicant's letter of intent is an indispensable criteria for selection, and should be reviewed carefully by the in-coming Editorial Board Members in determining the applicant's interest in minority issues.

3. **Temporary Applicant File.** A file shall be created for each applicant. One week following the issuance of invitations to applicants to be Staff Writers for the coming year, the Managing Editor shall discard the file.

4. **Voting.** Voting on the selection of the Staff Writers shall be conducted at an Editorial Board meeting with a yes or no vote on each application.

C. Duties

1. **Comment.** Staff Writers will be required to participate in and contribute to *The Scholar's* discovery, drafting and writing process by writing a comment of at least 6000 words, exclusive of footnotes, on an issue relevant to the purpose of *The Scholar*. To comply with the graduating writing requirement, the comment should be at least 50 pages, inclusive of footnotes, and made up of at least 25 pages of text. As part of writing process, Staff Writers will be required to meet various deadlines and page requirements with regard to the different stages of writing a scholarly piece.

2. **Cite Checking.** In addition to other duties, Staff Writers must complete their assigned cite-checking projects within the deadlines determined by the Editorial Board. Cite-checking assignments will be supervised by the Articles Editor and Comment Editor, as stated in ARTICLE VI.

3. **Class Attendance, Writing and Editing Process.** An individual's failure to attend regular classes and/or participate in the writing and editing process may call for the removal of him or her from *The Scholar's* writing team. An individual Staff Writer may not be absent from more than three (3) class sessions. In addition, Staff Writers are expected to be on time to class, as three (3) tardies equate to one (1) absence.

D. Academic Credit for Staff Writers

1. **Fall Semester: Scholar Class.** Each Staff Writer shall be required to register for *The Scholar Class* for two (2) credit hours during the fall semester. Credits will be awarded on a pass-fail basis by the faculty member assigned to teach *The Scholar Class* based on the Staff Writer's participation in *The Scholar Class* and performance of the duties of a Staff Writer. See ARTICLE VIII, Part D. *The Scholar Class* will address: the nature of legal scholarship and its role in the law; the role of student-edited law reviews and

student-written comments; the process of identifying and researching a topic; rhetorical elements (including audience, context, and voice); pre-writing analysis; writing a first draft; revising earlier work; working with an editor (and the role of editor); authorities and footnotes; getting published (before and after graduation); and other kinds of legal writing. *The Scholar* Class should be rigorous, and the professor teaching the course should normally assign a published text (e.g., Fajans & Falk, *Scholarly Writing for Students* (2d ed. 2000) (Thomson-West Publishers) or similar materials). Editors may be required to participate in *Scholar* Classes as part of their duties.

2. **Spring Semester: Scholar Class.** Each Staff Writer shall be required to register for two (2) credit hours during the spring semester. Credit will be awarded on a pass-fail basis by the Chair of the Faculty Advisory Committee based on the Staff Writer's performance of the duties of a Staff Writer. *See* ARTICLE VIII-D.

3. **Night-Students.** Each night-student Staff Writer shall be required to register for two (2) credit hours each Fall and Spring semester. Credit will be awarded on a pass-fail basis by the Chair of the Faculty Advisory Committee based on the Staff Writer's performance of the duties of the Staff Writer. *See* Article VIII-D.

E. Withdrawal or Removal and Disciplinary Procedures

1. **In General.** A Staff Writer may withdraw from the course pursuant to St. Mary's University School of Law Student Handbook. A withdrawal by a Staff Writer, however, should only be sought after a discussion with a member of the Editor Board and the Faculty Advisors. A letter of resignation shall be submitted to the Editorial Board indicating the circumstances necessitating withdrawal before the Staff Writer withdraws from the course.

2. **Re-application.** An individual who withdraws from *The Scholar's* writing team may subsequently re-apply to be a Staff Writer by participating in the application process detailed above. No individual who has withdrawn from *The Scholar's* writing team may submit an application to be a member of the Editorial Board.

3. **Removal.** A Staff Writer may be removed from *The Scholar's* writing team for his or her failure to participate in the discovery, drafting and writing process. This may include regular class attendance, completion of required cite-checking hours, consistently failing to meet scheduled deadlines, plagiarism and disrespect of others involved with the process. Any such transgression shall be reported to the Editorial Board who shall present a report to the Faculty Advisors for consideration. Removal from *The Scholar's* writing team shall be determined by the Faculty Advisory Committee, as a whole. The need for any successive disciplinary action shall be determined by the Faculty Advisors and pursued in accordance with St. Mary's University Law School Code of Student Conduct and the procedures set out by the administration.

ARTICLE IX Business Manager

At the discretion of St. Mary's University School of Law, *The Scholar* may employ a Business Manager to assist the Editorial Board and Staff Writers in fulfilling the purpose of *The Scholar*. The Editorial Board, or its individual members, however, has no authority to employ anyone on behalf of *The Scholar*.

ARTICLE X

Faculty Advisors

A. Composition

Faculty Advisors shall be appointed by the Dean of St. Mary's University School of Law.

B. Duties

The Advisors shall have an active role in *The Scholar*. They shall advise the Editorial Board through the class component of *The Scholar*, helping select topics and speakers for each class.

They shall assist in the selection process of the Staff Writers and the Editorial Board. The Chair of the Faculty Committee shall determine and issue grades for Staff Writers and Board Members.

C. Rights.

Upon request, a Faculty Advisor shall be issued a written statement of the minutes and resolutions passed at each Board Meeting. A Combined Minutes and Resolutions Adopted statement is sufficient to satisfy the Faculty Advisor's request.

ARTICLE XI

Board of Advisors

The Board of Advisors consists of members from the community who support the advancement of *The Scholar*. The Editorial Board and Faculty Advisors may recommend candidates to the Dean for appointment. The Dean appoints qualified persons to *The Scholar* Board of Advisors.

ARTICLE XII

Grievances

Grievances, if at all conducive to conversation, shall first be handled between the individuals involved in the grievance. If it is not conducive to conversation, then the person with the grievance should bring it to the attention of any Editorial Board Member, who shall place it on the next Board meeting agenda. If the problem is not addressed and handled satisfactorily within ten (10) days from the Board meeting in which it was discussed, the person shall take their complaint to a Faculty Advisor for mediation.

ARTICLE XIII

Internal Rules

A. Procedure.

1. **Proposal.** At any time, any member may propose that the Editorial Board adopt an internal rule.
2. **Majority Vote.** After a proposal for an internal rule has been made, the Editorial Board may promptly vote without the necessity of a formal Board Meeting.
3. **Formal Resolution.** Upon adoption of the internal rule, the Editor in Chief shall, as part of the minutes and resolutions of the next Board Meeting, see to it that the internal

rule is formally recognized as a resolution, and publish that resolution in a manner sufficient to give all members reasonable notice of the rule.

B. No Implicit Sunset Provisions.

All internal rules are effective until they are repealed by a majority vote of the Editorial Board.

ARTICLE XIV
Amendments

Amendments to these by-laws may be adopted at any regular business meeting of *The Scholar* Board by a three-fourths vote of the Board, provided the proposed by-law change has been posted on *The Scholar* bulletin board one week prior to such meeting. Any amendment to these by-laws is subject to approval by the voting faculty of St. Mary's University School of Law.

ARTICLE XV
Ratification and Adoption

These by-laws shall be adopted when ratified by three-fourths of the Board members, Faculty Advisors, and a majority of the faculty approval.

Appendix A

MISSION STATEMENT

The Scholar: St. Mary's Law Review on Minority Issues seeks to speak on behalf of all minorities by reaching out to the larger community. Our purpose is to speak to all of the members of our society about minority issues: to inform them, to share with them, to educate them, and to grow with them. The goal of *The Scholar* is to give all minorities a "voice," something longed for throughout our daily lives.

In today's climate, where affirmative action is seen as an unnecessary evil, and discrimination is viewed as a problem of the past since resolved, this journal wishes to extend and further the discourse of issues that touch upon race, ethnicity, class, gender, and sexual identity, as well as the countless other labels applied to individuals and groups in our society.

Our primary goal is to educate ourselves, and in the process, offer some different perspectives not often allowed or sought after in our society. *The Scholar* members will strive diligently and honestly to produce articles that will offer insights into the daily struggles of minorities today.

We hope and anticipate that the articles published in *The Scholar* will be building blocks with which to build an understanding of the issues that face all of us today. Our hope is that these building blocks will form bridges: bridges to bring together all the members in our society, bridges to connect all the groups that comprise our community, bridges to access self-discovery and an understanding of the 'other.'

We wish to add to the existing discourse on the role of law and hegemony in the lives and identities of minorities.

We hope that the work of this journal will be transformative; that it will educate, inform, and enlighten those who participate. We wish to create an environment that will allow everyone to learn, to teach, to share, to work together, and to contribute to the legal and educational communities.

Finally, we offer this journal as a sign for hope for a promising future and for a better understanding of all of the members within our society.

PASSED AND APPROVED ON APRIL 1, 2008.
ALL SECTIONS EFFECTIVE AS OF APRIL 1, 2008.